

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

R.A./C.A. No.

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

Date : 13.01.2020

M.A.No.26 of 2020 in O.A.No.36 of 2020

Shri Mehul M. Ghadge & Anr.Applicants
Versus
The Commissioner of Police & Ors.Respondents.

1. Heard Shri Bhushan A. Bandiwadekar, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned P.O. for the Respondents.

2. This is an application for leave to sue jointly.

3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.

4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.

5. M.A. is allowed.

Sd/-

(A.P. Kurhekar)
Member(J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI

ORIGINAL APPLICATION NO.36 OF 2020

Shri Mehul M. Ghadge & Anr.

....Applicants

Versus

The Commissioner of Police & Ors.

....Respondents.

Shri Bhushan A. Bandiwadekar, learned Advocate for the Applicants.

Smt. K.S. Gaikwad, learned P.O. for the Respondents.

CORAM : SHRI A.P. KURHEKAR, MEMBER(J)

DATE : 13.01.2020

ORDER

1. Heard Shri Bhushan A. Bandiwadekar, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned P.O. for the Respondents.
2. The Applicant has challenged the impugned communication dated 06.12.2019, whereby they are directed to pay penal charges for the unauthorized occupation of service quarter and also to vacate the same. The Applicants are, therefore, seeking interim relief to continue possession over service quarter.
3. Applicant No.1 is son and Applicant No.2 who is wife of deceased employee namely Shri Milind Ghadge who was in service of Police Department and died in harness on 25.11.2017. During his service, quarter was allowed to him. After his death Applicants continued possession over the quarter. Later the Applicant No.1 was appointed on the post of Police Constable on compassionate appointment ground by order dated 05.11.2019. Applicant was served with impugned notice. On receipt of notice, Applicant No.1 has made an application on 10.01.2020 to continue

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the possession over quarter on the ground that they have no accommodation in Mumbai.

4. Indeed by circular dated 17.10.2013 instructions were issued that, where after the death of the employee if the heir of the deceased is employed in Police Department and has requested for continuation of quarter occupied by the deceased then such quarter should not be taken from their possession.

5. In view of the above, prima facie, the Applicants can continue the possession of the quarter by way of interim relief. Similar relief is granted in connected various other Original Applications and pending before this Tribunal. Therefore, on the ground of parity Applicants are entitled to interim relief.

6. By way of interim relief Respondents are directed not to take coercive action against the Applicants so as dispossess them from service quarter. To this extent only interim relief is granted till next date.

7. Issue notice before admission returnable on 15.01.2020.

8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

9. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

10. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

11. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

12. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

13. S.O. to 15.01.2020.

14. Hamdast is allowed.

Sd/-

(A.P. Kurhekar)
Member(J)

prk

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.01.2020</p> <p style="text-align: center;">O.A.No.292 of 2018 (Subject : P & A of compulsory waiting period)</p> <p>Dr. Gautam Arjun KambleApplicant Versus The Director of Health Services, Mumbai & OrsRespondents.</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned P.O. for the Respondents.</p> <p>2. The present Original Application is filed against the impugned order dated 16.12.2017, whereby the absence period from 01.11.2012 to 30.11.2013 was treated as extra ordinary leave. However, today learned P.O. has filed order dated 06.08.2019 issued by the Government, whereby the said absence period has been treated as duty period for all purposes. The order is taken on record and marked by letter 'X' for identification. Thus grievances of the Applicant stands ^{ADMITTED} restored. Original Application, therefore, deserves to be disposed of.</p> <p>3. In view of the above, Original Application is disposed of with direction to the Respondents to release monetary benefits in terms of order dated 06.08.2019 within a month from today.</p> <p>4. Learned Advocate for the Applicant ought liberty to make representation for interest on delayed payment. Liberty is granted. No order as to costs.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20 _____

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 13.01.2020</p> <p align="center">O.A.No.792 of 2019</p> <p>D.B. Bamane ...Applicant Versus The State of Maharashtra & Ors. ...Respondents</p> <p>1. Heard Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the request of learned Advocate for the Applicant two weeks time is granted for filing rejoinder.</p> <p>3. Adjourned to 27.01.2020.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.596 of 2019</u></p> <p>S.B. Choudhari ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant mentions that in consultation with the applicant he would prepare a chart for the payment received by him along with necessary details supported by Bank statement. He proposes to file the same on 20.1.2020.</p> <p>3. S.O. to 20.1.2020.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 13.1.2020</p> <p>(sgj)</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.1134 of 2017</u></p> <p>M.L. Pendam ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri J.N. Kamble, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO mentions that as per his instructions affidavit filed by respondent no.3 is adopted by respondents no.2 & 4. He proposes to file sur-rejoinder.</p> <p>3. At his request adjourned to 3.2.2020.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 13.1.2020</p> <p>(sgj)</p>


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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No. 727 of 2019</u></p> <p>J.H.K. Inamdar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. Advocate for the applicant adjourned to 27.1.2020 for filing rejoinder.</p> <p style="text-align: right;">Sd/-  (P.N. Dixit) Vice-Chairman (A) 13.1.2020</p> <p>(sgj)</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>M.A. No.586 of 2019 in O.A. No.88 of 2019</u></p> <p>The State of Maharashtra & Ors. ..Applicants Vs. N.N. Waghmare ..Respondent</p> <p>Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO produces a communication dated 8.1.2020. The same is taken on record and marked 'X' for identification. Ld. CPO on instructions from Shri B.R. Gunturkar, Sub Divisional Engineer, Irrigation Project Construction Division, Ratnagiri, submits that necessary entries were made in the service book and the applicant has been communicated the same. Ld. CPO further mentions that the proposal regarding probation of the applicant has been submitted on 31.12.2019. According to the Ld. CPO the respondents would need two months for informing this Tribunal regarding the decision taken.</p> <p>3. At her request adjourned to 30.3.2020. Ld. CPO is directed to inform the respondents accordingly.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 13.1.2020</p> <p>(sg)</p>


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	<p><u>MA.1/19 in OA.2/19, MA.213/19 in OA.402/19, MA.236/19 in OA.433/19, MA.239/19 in OA.436/19 in MA.469/19 in OA.859/19 with MA.471/19 in OA.860/19</u></p> <p>R.S. Bhagwat & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri V.V. Joshi, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO on instructions from Mr. Keni, Desk Officer, Irrigation Department (Labour Establishment), Mantralaya, Mumbai submits that the respondents are considering the case of the applicants actively. He therefore seeks adjournment to 20.1.2020.</p> <p>3. S.O. to 20.1.2020.</p> <p style="text-align: right;">Sd/-  (P.N. Dixit) Vice-Chairman (A) 13.1.2020</p> <p>(sg)</p>

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	<p style="text-align: center;"><u>M.A. No.277 of 2019 in O.A. No.465 of 2019</u></p> <p>S.K. Mukherjee ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri D.B. Khaire, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant mentions that he has obtained necessary documents and he proposes to substitute the MA.</p> <p>3. At his request adjourned to 29.1.2020.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 13.1.2020</p> <p>(sg)</p>


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	<p style="text-align: center;"><u>O.A. No.1199 of 2019</u></p> <p>Y.B. Phad ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule. learned Presenting Officer for the Respondents.</p> <p>2. At the request of L.d. Advocate for the applicant adjourned to 14.1.2020.</p> <p style="text-align: right;">Sd/-  (P.N. Dixit) Vice-Chairman (A) 13.1.2020</p> <p>(sgi)</p>

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	<p style="text-align: center;"><u>O.A. No.1058 of 2019</u></p> <p>S.M. Wankhede ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. At the request of I.d. Advocate for the applicant adjourned to 20.1.2020 for filing additional affidavit.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 13.1.2020</p> <p>(sg)</p>


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	<p style="text-align: center;"><u>O.A. No.1055 of 2019</u></p> <p>M.L. Dudhalkar & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.D. Lonkar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today Ld. CPO files reply on behalf of respondent no.1 & 2 and the same is taken on record. After examining the same, Ld. Advocate for the applicant mentions that respondents are considering the case of the applicants favourably and proposes to appoint a nodal officer.</p> <p>3. The respondents are given a period of four months to examine the matter and come to the conclusion as per rules. The decision taken by the respondents should be communicated to the applicants within 10 days.</p> <p>4. With the above directions, the OA is disposed off.</p> <p style="text-align: right;">Sd/-  (P.N. Dixit) Vice-Chairman (A) 13.1.2020</p> <p>(sgj)</p>


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	<p align="center"><u>O.A. No.990 of 2019</u></p> <p>K.N. Gawade ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.B. Kadam, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO files reply on behalf of respondent no.2 and the same is taken on record.</p> <p>3. Ld. Advocate for the applicant seeks time to file rejoinder.</p> <p>4. At his request adjourned to 3.2.2020. In the meanwhile Ld. PO to find out whether respondent no.1 proposes to file reply.</p> <p align="right">Sd/-  (P.N. Dixit) Vice-Chairman (A) 13.1.2020</p> <p>(sgl)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.988 of 2019</u></p> <p>V.Y. Mokashi ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri V.V. Joshi, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. I.d. PO seeks time to file reply.</p> <p>3. S.O. to 3.2.2020.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 13.1.2020</p> <p>(sgi)</p>

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	<p style="text-align: center;"><u>O.As. No.783 & 802 of 2019</u></p> <p>C.S. Dhanawade D.P. Jagtap ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicants seeks time to file rejoinder.</p> <p>3. S.O. to 27.1.2020.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 13.1.2020</p> <p>(sgj)</p>

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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A.A./C.A. No.

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>O.A. No.525 of 2019</u></p> <p>R.B. Nirmale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today during hearing Ld. PO mentions that applicant and one Dr. Anjali Warke joined at the same time. In case of Dr. Warke this Tribunal allowed the OA No.632/2011 on 12.10.2012. The benefits were extended to her vide communication dated 9.11.2016 (pg.61 of OA).</p> <p>3. Ld. PO seeks adjournment to inform regarding the legal impediment if any in extending the same benefits to the applicant.</p> <p>4. At her request adjourned to 3.2.2020. Hamdast granted.</p> <p style="text-align: right;">Sd/- ↗ (P.N/ Dixit) Vice-Chairman (A) 13.1.2020</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.1174 of 2019</u></p> <p>V.V. Panse ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri V.V. Joshi, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Issue notice returnable on 2.3.2020.</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.</p> <p>5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>6. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.</p> <p>7. In case notice is not collected within seven days and if service report on affidavit is not filed three days before returnable date, OA shall stand dismissed without reference to Tribunal and papers be consigned to record.</p> <p style="text-align: right;">Sd/- (P.N! Dixit) Vice-Chairman (A) 13.1.2020</p> <p>(sgj)</p>

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	<p style="text-align: center;"><u>M.A. No.289 of 2019 in O.A. No.512 of 2019</u></p> <p>G.T. Garud ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri C.T. Chandratre, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. CPO, S.O. to 21.1.2020 for filing reply in MA.</p> <table style="width: 100%;"><tr><td style="text-align: center;">Sd/- ^W (A.P. Kurhekar) Member (J) 13.1.2020</td><td style="text-align: center;">Sd/- (P.N. Dixit) Vice-Chairman (A) 13.1.2020</td></tr></table> <p>(sgj)</p>	Sd/- ^W (A.P. Kurhekar) Member (J) 13.1.2020	Sd/- (P.N. Dixit) Vice-Chairman (A) 13.1.2020
Sd/- ^W (A.P. Kurhekar) Member (J) 13.1.2020	Sd/- (P.N. Dixit) Vice-Chairman (A) 13.1.2020		

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C.A. No.65 of 2019 in O.A. No.13 of 2019

R.N. Joshi ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri R.R. Abhyankar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. Advocate for the applicant mentions that notice have not been issued by name of the contemnor in the present CA. He, therefore, seeks adjournment for completing the same.

3. S.O. to 27.2.2020.

Sd/-

(A.P. Kurhekar)
Member (J)
13.1.2020

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
13.1.2020

(sgj)

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	<p>Date : 13.01.2020</p> <p align="center">O.A.No.914 of 2019</p> <p>G.D. Karad Versus The State of Maharashtra & Ors.</p> <p align="right">...Applicant ...Respondents</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned C.P.O. for the Respondents.</p> <p>2. Learned Advocate for the Applicant has filed rejoinder. It is taken on record.</p> <p>3. The matter is taken up for final hearing at the stage of admission.</p> <p>4. Adjourned to 03.02.2020.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>prk</p>