

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**MISC. APPLICATION NO.546 OF 2016**

**IN**

**ORIGINAL APPLICATION No.1194 of 2016**

**District : MUMBAI**

Shri Ajay Ramesh Revankar, )  
 Age 23, Occupation : Nil, )  
 Add :- Ratansing Chal, Ambika Nagar, )  
 Majaswadi, Jogeshwari (E), Mumbai 60. )      ...Applicant

Versus

The Commandant, State Reserve Police )  
 Force, Gat No.08, Mumbai. )      .....Respondent

Shri C.T. Chandratre, Advocate for Applicant.

Ms S. Suryawanshi holding for Shri K.B. Bhise, Presenting Officer for Respondents.

CORAM : SHRI R.B. MALIK (MEMBER-JUDICIAL)

DATE : 15.03.2017

**ORDER**

1. This is an application for condonation of delay in bringing the Original Application. The Original Application itself is in effect to be taken on compassionate ground.
2. Perusal of the record and proceedings in the light of submission at the bar would make it clear that according to the Applicant the demand for this or that document was piecemeal. He is 6<sup>th</sup> standard passed Scheduled Caste candidate uninitiated into the rough and tumble of the official dome. Though the learned P.O. strongly contested this application, I am in agreement with Shri Chandratre, the learned Advocate for the Applicant who relied on the G.A.D. G.R. dated 05.02.2010 to highlight the fact that there is an onus on the Government also to enlighten the dependent of the deceased with regard to the various steps that are needed to be

taken and, therefore, it comes ill from the Respondents to just oppose for the sake of opposition, when there is no material to show discharge of their own obligation cast by the G.R. just referred to. I am satisfied that sufficient cause is shown for condonation of delay.

3. Delay is hereby condoned. The Applicant and the office of this Tribunal are directed to process the matter further, so as to get the Original Application listed before an appropriate bench for consideration.

4. Misc. Application is allowed in these terms with no order as to costs.

5. The reply to the Original Application has been filed. The Original Application now stands adjourned for rejoinder to 06.04.2017.

Sd/-

(R.B. Malik)  
Member (J)  
15.03.2017

15-03-17

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION No.214 of 2016**  
**(Caveat No.05/2017)**

**District : SANGLI**

Shri Jahur Ahmed Tajuddin Pirjade )  
R/at. 2131/B, Sanglives, Mujawar Galli, )  
Miraj, District Sangli 416410. )..... Applicant

Versus

1. State of Maharashtra, through )  
Chief Secretary, Mantralaya, )  
Mumbai 32. )
2. The Secretary, Water Resources Dept. )  
And C.A.D.A., State of Maharashtra, )  
Mantralaya, Mumbai 32. )
3. Chief Engineer (Water Resources), )  
Water Resources Department, )  
Sinchan Bhavan, Mangalwar Peth, )  
Barne Road, Pune -411 011. )
4. The Superintendent Engineer, )  
Sangli irrigation Circle, )  
Warnail, Vishrambaug, Dist. Sangli )
5. The Executive Engineer, Sangli )  
Irrigation Division, Warnali, )  
Vishrambaug, Dist. Sangli. )
6. The Sub-Division Officer, Irrigation )  
Sub-Division Miraj, Near Miraj )  
Railway Station, Dist. Sangli. ).....Respondents

Smt. Punam Mahajan, Advocate for Applicant.  
Shri N.K. Rajpurohit, Chief Presenting Officer for Respondents.  
Caveat by Shri N.K. Rajpurohit, C.P.O.

CORAM : SHRI R.B. MALIK (MEMBER-JUDICIAL)

DATE : 15.03.2017

**ORDER**

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.
2. Smt. Punam Mahajan, the learned Advocate for the Applicant has argued the matter for some time for interim relief. The Original Application relates to the matter of suspension of the Applicant pending contemplated D.E.
3. After hearing the learned Advocate for some time, I am of the opinion that though the matter ~~is~~ requires urgent consideration, still one week time needs to be granted to ~~reply~~ <sup>to</sup> come, so as to ~~brought~~ <sup>bring</sup> the picture of rival case. The Original Application stands adjourned for reply and consideration of interim relief to 24.03.2017. The copy of the said affidavit be furnished at least one day in advance to the other side.
4. Issue notice returnable on 24.03.2017.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
6. 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.
7. 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.
8. 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 four weeks. Applicant is directed to file Affidavit of compliance and notice.
9. S.O. to 24.03.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik)  
Member (J)  
15.03.2017

15.03.17

**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: <u>15/3/17</u></p> <p>CORAM:</p> <p><del>Hon'ble Shri. RAHV AGARWAL</del> (Vice-Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member) ✓</p> <p>APPEARANCE:</p> <p>Shri <u>A.V. Bandiwadkar</u> Advocate for the Applicant</p> <p>Shri <u>Ms. S. Suryawanshi</u> C.A.O./P.O. for the Respondents</p> <p>Adj. T. <u>O.A. is admitted</u> <u>S.O to 30/3/17.</u></p> <p><i>FH</i> <i>[Signature]</i> (vsm)</p>	<p style="text-align: center;"><b><u>O.A. No.1116 of 2016</u></b></p> <p><b>Smt. U.S. Salunke</b> ... Applicant</p> <p style="text-align: center;"><b>V/s.</b></p> <p><b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>Heard Shri A.V. Bandiwadkar, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned P.O. for the Respondents.</p> <p>Request for grant of further time to file Affidavit-in-Reply is rejected because last chance was already granted. It is made clear, however, that if on the next date the reply is tendered it will be taken on record but no adjournment shall be given for that purpose.</p> <p>Original Application is admitted and appointed for final hearing on 30.03.2017.</p> <p style="text-align: right;">Sd/- (R.B. Malik) 15 Member (J) 15.03.2017</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**

**O.A. No.09 of 2017**

**Shri A. B. Patil** ... Applicant

V/s.

**The State of Mah. & ors.** ... Respondents

Heard Smt. Punam Mahajan, the learned Advocate for the Applicant, Shri N.K. Rajpurohit, the learned C.P.O. for the Respondent Nos. 1 to 3 and Shri A.V. Bandiwadekar, the learned Advocate for the Respondent No.4.

Shri N.K. Rajpurohit, the learned C.P.O. and Shri A.V. Bandiwadekar, the learned Advocate undertakes to file affidavits in reply and sur-rejoinders during the course of the day. Upon that statement, Original Application is admitted and appointed for final hearing on 27.03.2017.

S.O. to 27.03.2017.

Sd/-

(R.B. Malik)  
Member (J)  
15.03.2017

DATE: 15/3/17

CORAM:

Hon'ble Shri. RAJYAGARWAL  
(Vice-Chairman)

Hon'ble Shri R. B. MALIK (Member) ✓

APPEARANCE:

Shri Smt. Punam Mahajan

Advocate for the Applicant

Shri N.K. Rajpurohit

C.P.O. for the Respondents No. 1 to 3.

Shri A.V. Bandiwadekar

for R. No. 4.

Adj. To

Reply filed by R. No. 3 & 4.

Sur-rejoinder filed

by R. No. 4.

O.A. is admitted.

S.O. to 27/3/17

(vsm)

F4

Patil

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

MA/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**

**O.A. No.1134 of 2016**

**Shri B.R. Nalawade & Ors. ... Applicants**

**V/s.**

**The State of Mah. & ors. ... Respondents**

Heard Shri S.S. Dere, the learned Advocate for the Applicants and Ms S. Suryawanshi, the learned P.O. for the Respondents.

Shri S.S. Dere, the learned Advocate states that the Applicants do not want to file Affidavit-in-Rejoinder.

Original Application is admitted and appointed for final hearing on 07.04.2017.

DATE: 15/3/17

CORAM:

~~Hon. Mr. Shri. RAJIV AGARWAL  
(Vice-Chairman)~~

Hon. Mr. Shri R. B. MALIK (Member) J

APPEARANCE:

Shri S.S. Dere

Advocate for the Applicant

Shri /Smt. Ms. S. Suryawanshi

~~C.P.O./P.O. for the Respondents~~

(vsm)

Sd/-

(R.B. Malik)

Member (J)

15.03.2017

Adj. To: O.A. is admitted.

S.O. to 7/4/17.

*FH  
@/17*

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT  
..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 15/3/17</p> <p><u>FORAM:</u></p> <p>Chairman: Shri. H. Joshi (Chairman)</p> <p>Member: Rajiv Agarwal (Member) A</p> <p><u>APPEARANCE:</u></p> <p>Shri/Smt. Punam Mahajan</p> <p>Advocate for the Applicant</p> <p>Shri/Smt. K.B. Bhise</p> <p>C.P.O./P.O. for the Respondents</p> <p>Adj. To: 11/4/17</p> <p style="text-align: right;">B.E.</p>	<p style="text-align: center;"><b>15.03.2017</b></p> <p style="text-align: center;"><b><u>O.A No 92/2017</u></b></p> <p>Dr M.S Bhadke ... Applicant</p> <p style="text-align: center;">Vs.</p> <p>Shri R.M Shaikh ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the Ori Applicant and Shri K.B Bhise, learned Presenting Officer for the Respondents.</p> <p>2. Issue notice before admission made returnable on 11.4.2017.</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 Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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. S.O 11.4.2017.</p> <p style="text-align: right;">Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p>Akn</p>



# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_  
..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>15/3/17</u></p> <p>CORAM:</p> <p>Hon'ble Mr. <u>H. Joshi (Chairman)</u></p> <p>Hon'ble Mr. <u>Rajiv Agarwal / Meshkumar (Member) A</u> cv/c</p> <p>APPEARANCE:</p> <p>Shri/Smt. <u>A.J. Chougule P.O.</u></p> <p>Advocate for the Applicant <u>Coag. R &amp; B</u></p> <p>Shri/Smt. <u>M.D. Lonkar Adv.</u></p> <p>C.P.O. for the Respondent/s <u>Coag. Appal</u></p> <p>Adj. To: <u>12/4/17</u></p> <p style="text-align: right;"><i>BT</i></p>	<p><u>15.03.2017</u></p> <p><u>M.A 68/2017 in O.A No 1053/2015</u></p> <p>Commissioner, Cooperation ... Applicant Vs. Shri R.M Shaikh ... Respondents</p> <p>1. Heard Shri A.J Chougule, learned Presenting Officer for the Applicants (Ori. Respondents) and Shri M.D Lonkar, learned advocate for the Respondent (Ori Applicant).</p> <p>2. Issue notice before admission made returnable on 12.4.2017.</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 Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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. S.O 12.4.2017.</p> <p style="text-align: right;">Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p>Akn</p>

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_ Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders <b>15.03.2017</b>
<p><b>DATE:</b> <u>15/3/17</u></p> <p><b>COPIES:</b></p> <p>Hon'ble Justice <u>Shri Arvind Joshi (Chairman)</u> <u>Rajiv Agastwal (V/C)</u></p> <p>Hon'ble <u>Shri M. Kameshkumar (Member)</u></p> <p><b>APPEARANCE:</b></p> <p><u>Shri M.V. Thorat</u></p> <p>Advocate for the Applicant</p> <p><u>Shri Archana B.K.</u></p> <p>C.P.O./R.O. for the Respondent/s</p> <p>Adj. To <u>12/4/17.</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p style="text-align: center;"><b><u>O.A No 207/2017</u></b></p> <p>Shri Arvind J. More ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri M.V Thorat, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.</p> <p>2. Issue notice before admission made returnable on 12.4.2017.</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 Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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. S.O 12.4.2017.</p> <p style="text-align: right;">Sd/- <i>[Signature]</i> (Rajiv Agastwal) Vice-Chairman</p> <p>Akn</p>

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_ Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>15/3/17</u></p> <p><b>CORAM:</b> Hon'ble Justice <u>Shri A. H. Joshi (Chairman)</u> Hon'ble <u>Shri M. Ramchandra Kumar (Member)</u></p> <p><b>APPEARANCE:</b> <u>Shri/Smt. M.V. Thorat</u> Advocate for the Applicant <u>Shri/Smt. Archana B.K.</u> C.P.O / P.O. for the Respondent/s</p> <p><b>Adj. To:</b> <u>M.A. is allowed.</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p><b>15.03.2017</b></p> <p><b><u>M.A 110/2017 in O.A No 207/2017</u></b></p> <p>Shri Arvind J. More ... Applicant Vs. The State of Maharashtra &amp; Ors... Respondents</p> <p>Heard Shri M.V Thorat, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.</p> <p>All the three Applicants are seeking similar relief that they have not been included in the select list of Police Constable pursuant to the advertisement issued on 1.5.2014 by the Commandant, SRPF Group-VIII, Mumbai. As Applicants are seeking similar relief against the same Respondents, Misc Application to sue jointly is allowed, subject to payment of court fees, if not already paid.</p> <p style="text-align: right;">Sd/- (<u>Rajiv Agarwal</u>) Vice-Chairman</p> <p>Akn</p>

## IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT \_\_\_\_\_ Applicant/s

(Advocate .....

*versus*

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

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

Tribunal's orders

15.03.2017

O.A No 190/2017

Shri Michel Luis Bramhane ..... Applicant  
Vs.  
The State of Maharashtra & Ors ... Respondents

1. Heard Shri J.N Kamble, learned advocate for the applicant and Shri N.K Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 12.4.2017.

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

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

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.

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.

7. S.O 12.4.2017.

Sd/-

(Rajiv Agarwal)  
Vice-Chairman

Akn

DATE: 15/3/17

CORAM:

Hon. the Justice Shri A. H. Joshi (Chairman)

Hon. the Justice Rajiv Agarwal (Member)

APPEARANCE:

Shri/Smt. J. H. Kamble

Advocate for the Applicant

Shri/Smt. N.K. Rajpurohit

C.P.O./P.O. for the Respondent/s

Adj. To. 12/4/17

*B.K.*

# IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_ DISTRICT  
..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)


Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<b>15.03.2017</b>
	<b>O.A No 165/2017</b>
	Shri S.B Patil ..... Applicant Vs. Shri R.M Shaikh ..... Respondents
	<ol style="list-style-type: none"> <li>1. Heard Smt Punam Mahajan, learned advocate for the Ori Applicant and Ms. Savita Suryavanshi, learned Presenting Officer for the Respondents.</li> <li>2. Learned Advocate Smt Mahajan stated that in the meeting held on 8.10.2014 the DPC found the Applicant fit for promotion to the post of Deputy Superintendent of Jail, Group-B from open category. Learned Advocate Smt Mahajan stated that there are 9 posts which are to be filled by promotion and 7 posts are from open category and Applicant is fully eligible to be promoted on one of the posts. Though orders have been issued in respect of other persons on 15.2.2016 and 30.1.2017, the Applicant's order have not yet been issued. She, therefore, prayed that the Respondents be directed to clarify as to why the Applicant has not yet been promoted. The Respondents should file affidavit in reply covering this issue within two weeks.</li> <li>3. Issue notice before admission made returnable on 31.3.2017.</li> <li>4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</li> <li>5. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.</li> <li>6. 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.</li> </ol>

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

Tribunal's orders

7. 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.

8. S.O 31.3.2017.

Sd/-   
(Rajiv Agarwal)  
Vice-Chairman

Akn

DATE: 15/3/17

CORAM:

Hon'ble Mr. Shri A. H. Joshi (Chairman)  
Hon'ble Mr. Rajiv Agarwal (Vice-Chairman)  
Hon'ble Mr. ..... (Member) A

APPEARANCE:

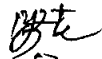
Shri/Smt. .... P. Mehajin .....

Advocate for the Respondent/s

Shri/Smt. .... A. J. Chougale .....

P.O / P.O. for the Respondent/s

Adj To: 31/3/17 .....



✓

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

ORIGINAL APPLICATION 219 OF 2017

DISTRICT : MUMBAI

Shri Sadanand V. Thakurdesai )...**Applicant**

**Versus**

The State of Maharashtra & Ors )...**Respondents**

Shri Rahul G. Walia, learned advocate for the Applicant.

Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

**CORAM : Shri Rajiv Agarwal (Vice-Chairman)**

**DATE : 15.03.2017**

**ORDER**

1. Heard Shri Rahul G. Walia, learned advocate for the Applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents. As undertaken by learned Advocate Shri Walia, this Original Application is being heard treating Shri S.V Thakurdesai as the Applicant. Learned Advocate Shri Walia may take action to delete other Applicants from this Original Application.

2. Learned Advocate Shri Walia vehemently argued that the Respondent no. 3 has conducted the D.E against the Applicant personally though he himself is the Disciplinary Authority. As he has a legal background and he is conducting enquiry personally in all fairness he should allow the Applicant to engage Defence Assistant/Legal Practitioner. Though on two occasions request was made to Respondent no. 3 to allow applicant to allow to engage Defence Assistant/Legal Practitioner, the said requests were

24

rejected. Without giving any opportunity to the Applicant, the Disciplinary Authority has concluded the enquiry and a show cause notice has been issued on 1.3.2017 asking the Applicant to submit his say on the said enquiry report. Learned Advocate for the Applicant also relied on the judgment of the Rajasthan High Court in Deoki Nandan Kulshreshtha Vs. State of Rajasthan & Anr, 1985, SLN UC 103, wherein it has been held that if in a Departmental Enquiry a Government employee is denied opportunity to appoint a Defence Assistant, this will vitiate proceedings of the D.E. He, strongly urged that the show cause notice dated 1.3.2017 as well as the conclusion of the Respondent no. 3 in the D.E held against the Applicant also dated 1.3.2017 may be stayed.

3. Learned Presenting Officer stated that this Original Application is premature as no final order has yet been passed in the D.E. The rules do not prohibit Disciplinary Authority from conducting enquiry himself. It is optional for him to hold enquiry himself or to appoint an Enquiry Officer. In the present case, the Disciplinary Authority has thought it fit to conduct the enquiry himself. The reason why the request of the Applicant for appointment of Defence Assistant was not considered is also explained in the enquiry report. She, therefore, stated that no interim relief may be granted before the Respondents are given opportunity to file a detailed reply.

4. No doubt, the issues raised by the learned Advocate Shri Walia are important and will be considered at the time of final hearing, however, I am inclined to agree with the submission made by the learned Presenting Officer that no final order has been passed in the D.E and all issues raised in the O.A will be duly considered finally. No interim relief is granted at this stage.



However, liberty is granted to the Applicant in case if any order is passed during the pendency of this Original Application, he may mention it before the concerned Bench. Needless to say that any order passed by the Respondents will be subject to the outcome of this Original Application.

5. Issue notice before admission made returnable on 29.3.2017.

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

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

8. 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.

9. 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.

10. S.O 29.3.2017.

Sd/-  
(Rajiv Agarwal)  
Vice-Chairman

**Place : Mumbai**

**Date : 15.03.2017**

**Dictation taken by : A.K. Nair.**

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

Tribunal's orders

O.A. No.208 of 2017

Shri K.R. Avhad ... Applicant

V/s.

The State of Mah. & ors. ... Respondents

Heard Shri J.N. Kamble, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned P.O. for the Respondents.

Issue notice returnable on 29.03.2017.

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

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.

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.

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 four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 29.03.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik)  
Member (J)  
15.03.2017

(vsm)

DATE: 15/3/17

CORAM:

Hon'ble Shri. RAJIV AGARWAL

(Vice Chairman)

Hon'ble Shri B. B. MALIK (Member)

APPEARANCE:

Shri/Smt. J. N. Kamble

Advocate for the Applicant

Shri/Smt. Ms. S. Suryawanshi

P.O. for the Respondents

Adj. To S.O. to 29/3/17

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

Tribunal's orders

**O.A. No.212 of 2017**

**Shri V.S. Deshpande ... Applicant**

**V/s.**

**The State of Mah. & ors. ... Respondents**

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned P.O. for the Respondents.

Issue notice returnable on 30.03.2017.

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

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.

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.

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 four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 30.03.2017. Learned P.O. do waive service.

Sd/-  
(R.B. Malik)  
Member (J)  
15.03.2017

(vsm)

DATE: 15/3/17

CORAM:

~~Hon'ble Shri. RAJIV AGARWAL~~  
(Vice Chairman)

Hon'ble Shri E. B. MALIK (Member) ✓

APPEARANCES:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. A.J. Chougule

C.P.O./P.O. for the Respondents

Adj. To S.O. to 30/3/17

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

Tribunal's orders

O.A. No.213 of 2017

Smt A.S. Gitay ... Applicant

V/s.

The State of Mah. & ors. ... Respondents

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned P.O. for the Respondents.

Issue notice returnable on 30.03.2017.

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

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.

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.

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 four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 30.03.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik)  
Member (J)  
15.03.2017

(vsm)

DATE: 15/3/17

CORAM:

Hon'ble Shri. RAJIV AGARWAL  
(Vice-Chairman)

Hon'ble Shri R. B. MALIK (Member)

APPEARANCES:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. K.B. Bhise

C.P.O./P.O. for the Respondents

Adj. To. S.O. to 30/3/17

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

Tribunal's orders

**O.A. No.220 of 2017**

**Shri S.S. Hingmire ... Applicant**

**V/s.**

**The State of Mah. & ors. ... Respondents**

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Smt. Kranti Gaikwad, the learned P.O. for the Respondents.

Issue notice returnable on 30.03.2017.

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

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.

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.

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 four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 30.03.2017. Learned P.O. do waive service.

DATE: 15/3/17

CORAM:

~~Hon'ble Shri. RAJIV AGARWAL~~  
(Vice-Chairman)

Hon'ble Shri B. B. MALIK (Member) ✓

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

C.P.O./P.O. for the Respondents

Adj. To: S.O. to 30/3/17.

Sd/-

(R.B. Malik)  
Member (J)  
15.03.2017

**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><u>DATE:</u> 15/3/17</p> <p><u>CORAM:</u>  <del>Hon'ble Shri. RAJIV AGARWAL</del>  (Vice-Chairman)  Hon'ble Shri R. B. MALIK (Member) J</p> <p><u>APPEARANCES:</u>  Shri/Smt. C.T. Chandratre  Advocate for the Applicant  <del>Shri/Smt. Ms. N.G. Gohad</del>  P.O. for the Respondents</p> <p>Adj. To: 5/4/17</p> <p><i>(Signature)</i></p>	<p style="text-align: center;"><u>O.A. No.122 of 2017</u></p> <p><b>Shri S.H. Sarawanakar ... Applicant</b></p> <p style="text-align: center;">V/s.</p> <p><b>The State of Mah. &amp; ors. ... Respondents</b></p> <p>Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Shri K.B. Bhise holding for Ms N.G. Gohad, the learned P.O. for the Respondents.</p> <p>On request of the learned P.O. adjourned for reply.</p> <p>S.O. to 05.04.2017.</p> <p style="text-align: right;">Sd/- <i>(Signature)</i>  (R.B. Malik)  Member (J)  15.03.2017</p> <p>(vsm)</p>

2

(G.O.P. J 2200(B) (50,000 - 2-2015)

(Spl. MAT-F-2 E.

**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><u>DATE: 15/3/17</u></p> <p><u>CORAM:</u>  <del>Hon'ble Shri. RAJIV AGARWAL</del>  (Vice-Chairman)  Hon'ble Shri R. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u>  <del>Shri/Smt. Applicant and</del>  <del>Advocate for the Applicant</del>  <del>Shri/Smt. K.S. Gaikwad</del>  C.P.O./P.O. for the Respondents</p> <p><del>Adj. To</del> <u>S.O. to 5/4/17</u></p> <p style="text-align: right;">FH  </p>	<p style="text-align: center;"><u>O.A. No.278 of 2016</u></p> <p><b>Shri A.A. More ... Applicant</b></p> <p style="text-align: center;"><b>V/s.</b></p> <p><b>The State of Mah. &amp; ors. ... Respondents</b></p> <p>Applicant and Advocate absent. Heard Ms S. Suryawanshi holding for Smt. Kranti Gaikwad, the learned P.O. for the Respondents.</p> <p>See the order dated 27.02.2017, the Original Application is adjourned for hearing failing which for dismissal to 05.04.2017.</p> <p style="text-align: right;">Sd/- <u>17</u>  (R.B. Malik)  Member (J)  15.03.2017</p> <p>(vsm)</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	<b>Tribunal's orders</b>
---	--------------------------

**O.A. No.702 of 2017**

**Shri A.R. Naik ... Applicant**

**V/s.**

**The State of Mah. & ors. ... Respondents**

Heard Shri S.S. Dere, the learned Advocate for the Applicant and Ms S. Suryawanshi holding for Smt. Kranti Gaikwad, the learned P.O. for the Respondents.

Original Application is admitted and appointed for final hearing on 29.03.2017.

DATE: 15/3/17

CORAM:

~~Hon'ble Shri. RAJIV AGARWAL  
(Vice-Chairman)~~

Hon'ble Shri R. B. MALIK (Member) J

APPEARANCE:

Shri/Smt. S.S. Dere

Advocate for the Applicant

Shri/Smt. Ms. S. Suryawanshi

~~C.P.O./P.O. for the Respondents holding for R.S. Gaikwad~~

~~P.O. O.A. is admitted.~~

~~Adj. To S.O. to 29/3/17.~~

Sd/- 15.3.17

(R.B. Malik)  
Member (J)  
15.03.2017



2

(G.C.P.) J 2260(B) (50,000-2-2015)

[Spl.- MAT-F-2 E.

**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
---	-------------------

**O.A. No.966 of 2016**

**Shri S. V. Pol ... Applicant**

**V/s.**

**The State of Mah. & ors. ... Respondents**

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned P.O. holding for Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.

Original Application is admitted and appointed for final hearing on 30.03.2017.

DATE: 15/3/17

CORAM:

~~Hon'ble Shri. RAJIV AGARWAL~~  
(Vice-Chairman)

Hon'ble Shri R. B. MALIK (Member) ✓

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. Ms. S. Suryawanshi (vsm)

~~C.P.O./P.O. for the Respondents~~  
holding for Shri N.K. Rajpurohit.

Adj. To. O.A. is admitted.

S.O. to 30/3/17.

Rejoinder filed by Applicant.

Sd/-

3-17

(R.B. Malik)  
Member (J)  
15.03.2017

**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	<b>Tribunal's orders</b>
---	--------------------------

**O.A. No.974 of 2016**  
**with**  
**O.A.23 & 24/2017**

**Shri S.N. Salunkhe & Ors. ... Applicants**

**V/s.**

**The State of Mah. & ors. ... Respondents**

Heard Shri Rajesh Naik holding for Shri U.R. Mankapure, the learned Advocate for the Applicants and Smt. Archana B.K., the learned P.O. for the Respondents.

Affidavit-in-Reply in O.A. No.974/2016 has been filed but the Affidavit-in-Reply in Original Application Nos.23/2017 and 24/2017 have not been filed.

Last chance granted to the learned P.O. to file Affidavits in O.A. Nos.23 & 24/2017.

S.O. to 22.03.2017.

**DATE:** 15/3/17

**CORAM:**

~~Shri. RATN AGARWAL~~

~~(Chairman)~~

Non-Member: R.B. MALIK (Member)

~~ALM~~

Shri Rajesh Naik holding

for U.R. Mankapure

Advocate for the Applicant

Smt. Archana B.K.

P.O. for the Respondents

~~Adj. To~~ S.O. to 22/3/17

.....

*[Signature]*

(vsm)

Sd/-

(R.B. Malik)

Member (J)

15/3/17  
15.03.2017