

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION 226 OF 2017**

DISTRICT : MUMBAI

Miss Priyanka V. Pethe

)...**Applicant**

Versus

The State of Maharashtra & Others

)...**Respondents**

Shri A.V Bandiwadekar, learned advocate for the Applicant.

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

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 16.03.2017

ORDER

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.
2. The Applicant in this Original Application is working as a Staff Nurse in ESIS Hospital as a bonded candidate. Her bond period is coming to an end on 7.4.2017 and she is apprehending that her services may be terminated. Learned Advocate Shri Bandiwadekar stated that in O.A no 189/2016 while passing interim order in a similar case of a Staff Nurse working as a bonded candidate in ESIS Hospital, by interim order dated 14.3.2016, this Tribunal has examined all the aspects in great detail. Though the Respondents are claiming that the process of selection of Staff Nurse is going on since 2014, today on

RH

instructions from Shri Anand D. Jadhav, Administrative Officer, ESIS, Mumbai, learned Presenting Officer admitted that there are around 400 vacancies in ESIS Hospital in the State and recruitment process is still on. Though the exact number of bonded candidates available in the next year is not forthcoming, it is clear that after new bonded candidates are appointed, large number of vacancies will still remain.

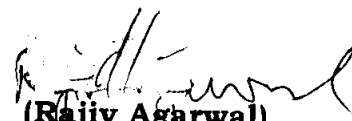
3. In view thereof, interim relief as granted by order dated 15.12.2016 in O.A no 1169/2016 in terms of para 8 is granted in the present cae. Para 8 is reproduced below:-

"8. I am, therefore, so inclined as to hold that I must exercise my powers of granting mandatory relief at interlocutory stage the net result whereof would be to place the present applicants exactly at par with the applicants of O.As no 311 of 2012 and 258 of 2014. It is however made clear that this interim order will be exactly in the same terms in which the applicants were given appointments for 364 days with all those terms and conditions and they will inter alia not be allowed to claim on the strength of this order along what could be described as permanent appointment. All these terms and conditions will be read as a part of this order. They shall however be allowed to compete for the regular posts. However, in the event a candidate is selected and appointed on regular basis, these applicants will have to vacate their posts but it is also made clear that even then if other posts are lying vacant, then merely by reason of this order the applicants will not necessarily be refused appointment in the same capacity. With this abundant clarification and till further orders the interim relief is granted till 11.4.2016. Four weeks time is given to the

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respondents to comply. Hamdast. This O.A be tagged along with O.As no 311 of 2012 and 258 of 2014.”

4. Issue notice before admission made returnable on 13.4.2017.
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 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.
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 one week. Applicant is directed to file affidavit of compliance and notice.
9. S.O 13.4.2017. Hamdast.


(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 16.03.2017
Dictation taken by : A.K. Nair.

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

16.03.2017

O.A No 227/2017

Smt S.D Dhakpade, ... Applicant
Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer stated that this Tribunal has no jurisdiction to hear this O.A as the Applicant is seeking employment in Zilla Parishad. Learned Advocate Shri Bandiwadekar stated that he is relying on the judgment of Hon. Supreme Court in 1995 AIR SC 1636 R.N.A BRITO Vs. CHIEF EXECUTIVE OFFICER & ORS, wherein Hon. Supreme Court has held that if an employee of a local authority is paid from the Government resources and doing work of Government, he has to be treated as Government employee. This issue will be decided at the time of final hearing.

3. Issue notice before admission made returnable on 13.4.2017.

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

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.

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

Tribunal's orders

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.

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 13.4.2017.

DATE: 16/3/17

CORAM:

Hon'ble Justice Smt. A. H. Joshi (Chairman)
Hon'ble Smt. Rajiv Agarwal (Member) A

APPEARANCE:

Shri/Smt. A.V. Bandiwadkar

Advocate for the Applicant

Shri/Smt. H.G. Gohed

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

Adj. To 13/4/17

MT

Rajiv Agarwal
(Rajiv Agarwal)
Vice-Chairman

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**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./N.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
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O.A. No.221 of 2017

Shri S.P. Joseph ... Applicant

V/s.

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

Heard Shri B.A. 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.

The learned P.O. prays for the matter ^{to be} kept back because the learned C.P.O. may take some time to appear. State of my board does not permit the ~~say~~ ^{same} and, therefore, as for today, I direct that till the date next to the filing of the reply, the ~~position~~ ^{possession} of the official accommodation of the Applicant shall not be interfere with. Other aspect of the interim relief is left open and reply must be filed on the next date.

S.O. to 30.03.2017.

Sd/-

(R.B. Malik)
Member (J)
16.03.2017

16.03.17

(vsm)

DATE: 16/03/17

CORAM:

Hon. Mr. Shri. RAHVAGARWAL

(Vice-Chairman)

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

APPEARANCE:

Shri. B.A. Bandiwadekar

Advocate for Applicant

Ms. S. Suryawanshi

P.O. for the Respondents

holding for N.K. Rajpurohit

Adj. To: S.O. to 30.3.17

[Signature]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>16/03/17</u></p> <p>CORAM:</p> <p>Hon'ble Shri. RAHVAGARWAL (Vice-Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member) ✓</p> <p>APPEARANCE:</p> <p>Shri. <u>Smt. R.M. Kolge</u> Advocate for the Applicant</p> <p>Shri. Smt. Ms. S. Suryawanshi C.P.O./P.O. for the Respondents</p> <p>Adj. To: <u>S.O. to 13/4/17</u></p> <p><i>[Signature]</i></p>	<p style="text-align: center;"><u>O.A. No.211 of 2017</u></p> <p>Shri A.B. Nimbalkar ... Applicant V/s. The State of Mah. & ors. ... Respondents</p> <p>Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned P.O. for the Respondents.</p> <p>Issue notice returnable on 13.04.2017.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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>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>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.</p> <p>S.O. to 13.04.2017. Learned P.O. do waive service.</p> <p style="text-align: right;">Sd/- (R.B. Malik) <u>16.03.17</u> Member (J) 16.03.2017</p> <p>(vsm)</p>

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

Tribunal's orders

O.A. No.218 of 2017

Shri U.V. Deshmukh ... Applicant

V/s.

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

Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned P.O. for the Respondents.

Issue notice returnable on 23.03.2017.

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 23.03.2017. Learned P.O. do waive service.

DATE: 16/3/17

CORAM:

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

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

APPEARANCE:

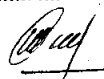
Shri/mt. B.A. Bandiwadekar

Advocate for the Applicant

Shri/mt. Ms. S. Suryawanshi

~~Advocate for the Respondents~~

Adj. to S.O. to 23/3/17



Sd/-

(R.B. Malik) 16.03.17
Member (J)
16.03.2017

**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>DATE: <u>16/3/17</u></p> <p>CORAM: Hon'ble Shri P. H. V. AGARWAL (Vice Chairman) Hon'ble Shri R. B. MALIK (Member)</p> <p>APPEARANCE: sh. Applicant and Advocate absent. sh. Ms. S. Suryawanshi sh. Sujata Tambe for R. No. 6. Adj. to Reply filed by R. No. 6. S.O. to 6/4/17.</p> <p style="text-align: right;"><i>[Signature]</i></p>	<p style="text-align: center;"><u>O.A. No.52 of 2017</u></p> <p>Shri D.C. Rathod & Ors ... Applicants</p> <p style="text-align: center;">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Applicants and Advocate absent. Heard Ms S.Suryawanshi, the learned P.O. for the Respondent Nos.1 to 5 and Smt. Sujata Tambe, the learned Advocate for the Respondent No.6.</p> <p>The learned Advocate Smt Tambe files Vakalatnama for the Respondent No.6 and undertakes to file reply during the course of the day.</p> <p>Original Application stands adjourned for reply of Respondent Nos.1 to 5 and for rejoinder, if any.</p> <p>S.O. to 06.04.2017.</p> <p style="text-align: right;">Sd/- <u>16.03.17</u> (R.B. Malik) Member (J) 16.03.2017</p> <p style="text-align: center;">(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	Tribunal's orders
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O.A. No.31 of 2017

Shri P.B. Chavan ... Applicant

V/s.

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

Heard Shri S.S. Dere, the learned Advocate for the Applicant and Smt. Archana B.K., the learned P.O. for the Respondents.

Affidavit-in-Reply has not been filed despite sufficient opportunity. The Original Application proceeds without Affidavit-in-Reply. In view of the facts involved and in view of the necessity to hear it early, it is made clear that on the next date when the Original Application is called out for hearing, if the reply is filed, it will be taken on record but no adjournment will be given for that purpose.

Original Application is admitted and appointed for final hearing as expedited matter. on 23.03.2017.

DATE: 16/3/17

CORAM:

~~Hon'ble Shri RAJWAGARWAL~~

~~(Vice-Chairman)~~

Hon'ble Shri B. B. MALIK (Member) ↓

APPEARANCE:

For Applicant: S.S. Dere

For Respondents:

~~Smt. Archana B.K.~~

For Respondents

O.A. is admitted
S.O. to 23/3/17

FH
[Signature]

(vsm)

Sd/-

(R.B. Malik)
Member (J)
16.03.2017

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

Tribunal's orders

O.A. No.108 of 2017

Smt. N.M. Nawale ... Applicant

V/s.

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

Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant, Smt. Archana B.K. holding for Shri A.J. Chougale, the learned P.O. for the Respondent Nos.1 to 3 & 5 and Shri Deshmukh with Shri V.P. Potbhare, the learned Advocate for the Respondent No.4.

Issue notice returnable on 13.04.2017.

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 13.04.2017. Learned P.O. do waive service.

Shri Deshmukh, the learned Advocate for Respondent No.4 do waive service. The Applicant to furnish him the copy of the O.A.

Sd/-

(R.B. Malik)

Member (J)

16-3-17
16.03.2017

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./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
<p>DATE: <u>16/3/17</u></p> <p>CORAM:</p> <p>Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)</p> <p>Hon'ble Shri. R. B. MALIK (Member)</p> <p>APPEARANCE:</p> <p>Shri <u>P. S. Pathak</u> Applicant</p> <p>Shri <u>A. J. Chougule</u> P.O. for the Respondents holding for Archana B.K.</p> <p>Adj. To <u>S.O. to 6/4/17.</u></p> <p><i>[Signature]</i></p>	<p style="text-align: center;"><u>O.A. No.193 of 2017</u></p> <p>Shri R.S. Godbole ... Applicant</p> <p style="text-align: center;">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard the Applicant with Shri P.S. Pathak, the learned Advocate for the Applicant and Shri A.J. Chougule holding for Smt. Archana B.K., the learned P.O. for the Respondents.</p> <p>The service made by the Applicant is accepted by the learned P.O. as good service and the Original Application therefore, adjourned for reply to 06.04.2017.</p> <p style="text-align: right;">Sd/- (R.B. Malik) <u>16-3-17</u> Member (J) 16.03.2017</p> <p style="text-align: center;">(vsm)</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>16/3/17</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p>APPEARANCE: Shri/Smt. <u>C. T. Chandratre</u> Advocate for the Applicant Shri/Smt. <u>A. J. Chougule</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To <u>13/4/17</u></p> <p style="text-align: right;"><i>ME</i></p>	<p>16.03.2017 <u>O.A No 215/2017</u></p> <p>Shri Anil R. Patil ... Applicant Vs. The State of Maharashtra & Ors... Respondents</p> <p>1. Heard Shri C.T Chandratre, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Issue notice before admission made returnable on 13.4.2017.</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 13.4.2017.</p> <p style="text-align: right;">Sd/- (Rajiv Agarwal) Vice-Chairman</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>16/3/17</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri <u>Rajiv Agarwal</u> (Member) A</p> <p>APPEARANCE: Shri/Smt: <u>K.R. Jagdale</u> Advocate for the Applicant Shri/Smt: <u>A.J. Chougule</u> C.P.O./ P.O. for the Respondent/s</p> <p>Adj. To: <u>13/4/17</u></p> <p align="right"><i>B.T.</i></p>	<p><u>16.03.2017</u> <u>O.A No 217/2017</u></p> <p>Shri Subhash N. Rane ... Applicant Vs. The State of Maharashtra & Ors... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Issue notice before admission made returnable on 13.4.2017.</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 13.4.2017.</p> <p align="right">Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p align="left">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

16.03.2017

O.A No 223/2017

Shri B.S Bhoys ... Applicant
Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents.
2. Issue notice before admission made returnable on 13.4.2017.
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 13.4.2017.

DATE: 16/3/17

CORAM:
 Hon'ble Justice Shri A. H. Joshi (Chairman)
 Hon'ble Shri M. Rajiv Agarwal (Member) A

APPEARANCE:
 Shri/Smt. A.V. Bandiwadekar
 Advocates for the Applicant
 Shri/Smt. R. G. Gohad
 C.P.O./P.O. for the Respondent/s

Adj. To 13/4/17

B.K.

Sd/-
 (Rajiv Agarwal)
 Vice Chairman (PTO)

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

16.03.2017

O.As No 1086 & 1091/2016

Shri S.B Sumbe & Ors ... Applicants

Vs.

The State of Maharashtra & Ors... Respondents

Heard Shri A.V Bandiwadekar, learned advocate for the applicants and Ms Neelima Gohad, learned Presenting Officer for the Respondents.

In these two Original Applications, affidavit in rejoinder has been filed. Original Applications are admitted.

Place for final hearing on 6.4.2017 when the other group of matters challenging the same selection process are kept.

DATE: 16/3/17

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)

Hon'ble Shri Rajiv Agatwal (Member) A

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. N. G. Gohad

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

Admit.

Adj. To 14/17 for final hearing.

BTE

Sd/-

(Rajiv Agatwal)
Vice-Chairman

Akn

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>16/3/17</u></p> <p>CORAM: Hon'ble Justice S. V. Joshi (Chairman) Hon'ble Justice <u>Rajiv Agarwal</u> (Member)</p> <p>APPEARANCE: Shri/Smt. <u>A.V. Bandiwadkar</u> Advocate for the Applicant Shri/Smt. <u>A.J. Chougule</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To <u>13/4/17</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p>16.03.2017</p> <p style="text-align: center;"><u>O.A No 233/2017</u></p> <p>Dr S.S Bhokare ... Applicant Vs. The State of Maharashtra & Ors... Respondents</p> <p>1. Heard Shri A.V Bandiwadkar, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Issue notice before admission made returnable on 13.4.2017.</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 13.4.2017.</p> <p style="text-align: right;">Sd/- (Rajiv Agarwal) Vice Chairman (PTO)</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

16.03.2017

O.A No 232/2017

Shri L.V Paskanti ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Ms Neelima Gohad, holding for Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

2. Issue notice before admission made returnable on 13.4.2017.

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 13.4.2017.

DATE: 16/3/17

CORAM:

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

APPEARANCE:

Shri/Smt A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt H.G. Gohad
C.P.O./P.O. for the Respondent/s

Adj. To 13/4/17

BTE

Sd/-

(Rajiv Agarwal)

Vice-Chairman IPTO.

**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>16/3/17</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p>APPEARANCE: Shri/Smt. : <u>A.V. Bandiwadekar</u> Advocate for the Applicant Shri/Smt. : <u>Archana B.K.</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To <u>30/3/17.</u></p>	<p>16.03.2017</p> <p><u>O.A No 11/2017</u></p> <p>Shri N.A Sayyed ... Applicant Vs. The State of Maharashtra & Ors... Respondents</p> <p>Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Ms Archana B.K learned Presenting Officer for the Respondents.</p> <p>Learned Advocate Shri Bandiwadekar places on record copy of order issued by the Joint Director of Sports, M.S, Pune dated 28.2.2017 holding that the Applicant was eligible to be appointed from Sports quota in the selection process of recruitment in the year 2009.</p> <p>Learned Advocate Shri Bandiwadekar stated that this is third round of litigation and in the earlier two round this Tribunal has decided about the height of the Applicant which was certified by Medical Board, J.J Group of Hospitals and he was held eligible from Sports quota. Now that there is no impediment in the appointment of the Applicant from the Sports category as a Police Constable and the fact that he has already given a representation to the Respondent no. 1 in this regard, he prayed that Respondent no. 1 may be directed to clarify whether any action is being taken on the representation of the Applicant.</p> <p>Learned Presenting Officer stated that she will make statement and file affidavit on this issue on the next date.</p> <p>Learned Advocate Shri Bandiwadekar requested for extension of time which was granted by this Tribunal to amend the O.A. Time granted to amend the O.A is extended by one week</p> <p>S.O to 30.3.2017.</p> <p style="text-align: right;">Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION 216 OF 2017**

DISTRICT : THANE

Shri Babulal Sandu Vithore)...**Applicant**

Versus

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

Shri C.T Chandratre holding for Smt Punam Mahajan, learned advocate for the Applicant.

Shri A.J Chougule, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

DATE : 16.03.2017

ORDER

1. Heard Shri C.T Chandratre holding for Smt Punam Mahajan, learned advocate for the Applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents

2. This matter was heard at some length yesterday when learned Advocate Smt Punam Mahajan prayed for grant of interim relief. On the request of learned Presenting Officer, it was kept today because he sought adjournment for taking instructions in the matter. Today, learned P.O stated that Government circular dated 2.4.1976 has been superseded and a new Circular dated 8.3.2017 has been issued. It is seen that in the Appendix to the aforesaid Circular, it is clearly mentioned that if a criminal case or D.E is pending against a Government servant, the D.P.C is required to examine the eligibility for promotion of the Government

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employee on the basis of his ACRs as well as on the basis of relevant recruitment rules. If the person is found eligible, the report should be kept in a sealed cover and it should be opened only after conclusion of D.E or criminal case. However, there is another provision that in case such D.E or criminal case is not completed within six months from the date of holding of D.P.C meeting, review is to be taken by the competent authority.

3. Considering the provisions of this G.R, the following interim relief is granted.

The Respondents are directed to hold a review D.P.C to determine whether the Applicant is eligible for promotion and further action as per Circular dated 2.4.1976 or the latest Circular dated 8.3.2017 may be taken as applicable by the competent authority. It may also be kept in mind that the case of the Applicant was considered in the D.P.C meeting held on 2.12.2015 and the review D.P.C will be reckoned from that date and after six months the Applicant was eligible for review of his case in terms of Circular dated 8.3.2017. The Circular dated 8.3.2017 is issued after the applicant's case for promotion was considered by the D.P.C, and he was not found fit. The Applicant's case will have to be reviewed as per G.R dated 2.4.1976. However, even as per Circular dated 8.3.2017, his case has to be reviewed six months after the D.P.C meeting held on 2.12.2015. This process should be done within 10 days from the date of this order.

4. Issue notice before admission made returnable on 27.3.2017.

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

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6. 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.

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 one week. Applicant is directed to file affidavit of compliance and notice.

9. S.O 27.3.2017. Hamdast.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 16.03.2017
Dictation taken by : A.K. Nair.