

**O.A. No.919 of 2016**

**Shri H.R. Jadhav**

**... Applicant**

**V/s.**

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

Heard Shri R.D. Soni, the learned Advocate for the Applicant and Shri M.D. Lonkar, the learned Special Counsel for the Respondents.

This is a Part-Heard matter. It so happens that the provision of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 are relevant hereto along with the provision of Maharashtra Civil Services (D & A) Rules, 1979. There were allegations of sexual harassment made against the Applicant. There is another O.A.115/2017 (H.R. Jadhav V/s State of Maharashtra & Others), which is pending before the 1<sup>st</sup> Division Bench of this Tribunal on 12.04.2017, in para 8, the 1<sup>st</sup> bench has been placed to formulate the limited question which for the sake of facility needs to be reproduced.

"8. We have called upon the learned Special Counsel to take instructions on the limited question i.e.:-

Whether the State has examined provisions contained in Section 13 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and yet is firm on proceeding with disciplinary proceedings based on the same fact of the matter, for which committee for enquiry in the matter of sexual harassment is already instituted and without waiting for a report of the Statutory Committee."

The stage which ~~is~~ <sup>was</sup> this O.A. am at, does not permit me to employ more expression than strictly necessary, I can mentioned that the essence of the matter which was condensed ~~in~~ <sup>by</sup> the 1<sup>st</sup> bench <sup>is</sup> quoted is relevant in this O.A. as well and, therefore, after some debate at the bar, I direct the Respondents to place by way of an affidavit their reply to the same question and it may be taken that the same question is raised by this bench as well.

Compliance within one week. The Original Application stands adjourned to 26.04.2017 at 3.00 pm.

Sd/-

(R.B. Malik)  
Member (J)  
18/04/17  
18.04.2017

DATE: 18/4/17

CORAM:

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

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

APPEARANCE:

Shri ~~.....~~ R.D. SONI

Advocate for the Applicant

Shri ~~.....~~ M.D. Lonkar

Spl. Counsel for the Respondents

Spl. Counsel

Adj. To 3.00 to 26/4/17

at 3.00 PM.

Reply filed by  
R.No.2.

PH  
[Signature]

**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 Cōram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>18/4/2017</u>  Cōram - Hon. Shri M.T. Joshi Ld. J.  None for the appl.  Shri A.J. Chougule Ld. P.O.  holding for Smt. K.S. Gaikwad  Ld. P.O. for Resps.  Adj. to 25/4/2017.</p> <p style="text-align: right;"><i>14/5</i> <i>SG</i></p>	<p style="text-align: center;"><u>O.A. No.257 of 2016</u></p> <p>Shri S.B. Dube ..Applicant  Vs.  The State of Maharashtra &amp; Ors. ..Respondents</p> <p>None for the Applicant. Heard Shri A.J. Chougule, learned PO holding for Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. PO as Smt. K.S. Gaikwad, Ld. PO is on leave, adjourned to 25.4.2017.</p> <p style="text-align: right;">Sd/-  (M.T. Joshi, J.)  Vice-Chairman  18.4.2017</p> <p>(sg)</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><i>18/4/17</i>  <i>Coram - Hon. Shri M.T. Joshi C/Ch</i>  <i>None for the app.</i>  <i>Shri A.J. Chougule Ld. P.O.</i>  <i>holding for Shri K.B. Bhise</i>  <i>Ld. P.O. for Rsp.</i>  <i>Adj to 25/4/17.</i></p> <p style="text-align: right;"><i>BJT</i> <i>26</i></p>	<p style="text-align: center;"><u>O.A. No.603 of 2015</u></p> <p>Shri S.S. Navle &amp; Ors. ..Applicants  Vs.  The State of Maharashtra &amp; Ors. ..Respondents</p> <p>None for the Applicants. Heard Shri A.J. Chougule, learned PO holding for Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. PO as Shri K.B. Bhise, Ld. PO is suffering from illness, adjourned to 25.4.2017.</p> <p style="text-align: right;">Sd/-  (M.T. Joshi, J.)  Vice-Chairman  18.4.2017</p> <p>(sgj)</p>

**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><u>18/4/2017</u> Coram - Hon. Shri M. T. Joshi (Vice-Chairman)</p> <p>None for the app. Shri A. J. Chougule, Ld. P.O. holding for Miss H. G. Gohad, Ld. P.O. for R. 1 &amp; 2. Adv. C. T. Chandratre Ld. Adv. for R. 3.</p> <p>At the request of Ld. P.O. Miss H. G. Gohad is on leave, adjourned to 26/6/17.</p> <p align="right"><i>[Signature]</i></p>	<p align="center"><u>O.A. No.897 of 2015</u></p> <p>Shri S.M. Sagvekar ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>None for the Applicant. Heard Shri A.J. Chougule, learned PO holding for Miss Neelima Gohad, learned Presenting Officer for Respondents No.1 &amp; 2 and Shri C.T. Chandratre, Learned Advocate for Respondent No.3.</p> <p>2. At the request of Ld. PO as Miss Neelima Gohad, Ld. PO is on leave, adjourned to 26.6.2017.</p> <p align="right">Sd/- (M.T. Joshi, J.) Vice-Chairman 18.4.2017</p> <p>(sgj)</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>18/4/17 Coram - Hon. Shri M.T. Joshi (Vice) None for the appl. Shri A.J. Chougule Ld. P.O. holding for Smt K.S. Gaikwad, Ld. P.O. for Resps. Adj. to 25/4/2017. <i>BT</i></p>	<p><u>O.A. No.306 of 2016</u></p> <p>Shri S.B. Pardeshi ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>None for the Applicant. Heard Shri A.J. Chougule, learned PO holding for Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. PO as Smt. K.S. Gaikwad, Ld. PO is on leave, adjourned to 25.4.2017.</p> <p style="text-align: right;">Sd/-  (M.T. Joshi, J.) Vice-Chairman 18.4.2017</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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**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.As. No.189 & 190 of 2014.

Shri M.V. Kulkarni (OA.189/14)  
 Shri A.R. Jadhav (OA.190/14) ..Applicants  
 Vs.  
 The State of Maharashtra & Ors. ..Respondents

Heard Shri C.T. Chandratre, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the Applicants and Shri A.J. Chougule, learned PO holding for Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. At the request of Ld. PO as Smt. K.S. Gaikwad, Ld. PO is on leave, adjourned to 25.4.2017.

Sd/-

(M.T. Joshi, J.)  
 Vice-Chairman  
 18.4.2017

(sgl)

18/4/2017  
 coram - Hon. shri M.T. Joshi (Vice)  
 Adv. C.T. Chandratre Ld. Adv.  
 holding for smt Punam Mahajan  
 Ld. Adv. for appl.  
 Shri A.J. Chougule Ld.P.O.  
 holding for smt K.S. Gaikwad  
 Ld.P.O. for Rps  
 Adjourned to 25/4/17.

*BE*

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>18/4/17</u></p> <p>CORAM:</p> <p><del>Hon'ble Shri RAHVAGARWAL</del> (Vice-Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member) J</p> <p>APPEARANCE:</p> <p>Shri Smt. <u>Punam Mahajan</u> Advocate for the Applicant</p> <p>Shri Smt. <u>Archana B.K.</u> C.P.O./P.O. for the Respondents</p> <p>Adj. To <u>S.O. to 12/6/17</u></p> <p><i>[Signature]</i></p>	<p style="text-align: center;"><b><u>O.A. No.311 of 2017</u></b></p> <p><b>Shri S.V. Pawar</b> ... Applicant</p> <p style="text-align: center;">V/s.</p> <p><b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. Archana B.K., the learned P.O. for the Respondents.</p> <p>Issue notice returnable on 12.06.2017.</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 12.06.2017. Learned P.O. do waive service.</p> <p style="text-align: right;">Sd/- (R.B. Malik) Member (J) 18.04.2017</p> <p>(vsm)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE: 18/4/17</u></p> <p><u>CORAM:</u></p> <p><del>Hon'ble Shri. RAJ VAGARWAL</del> (Vice-Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member) ✓</p> <p><u>APPEARANCE:</u></p> <p><del>Smt. Punam Mahajan</del> Advocate for the Applicant</p> <p><del>Smt. Archana B.K.</del> P.O. for the Respondents</p> <p><u>S.O. to 12/6/17</u></p> <p><del>Adj. To</del></p>	<p align="center"><b><u>O.A. No.310 of 2017</u></b></p> <p><b>Shri N.D. Holkar</b> ... Applicant</p> <p align="center">V/s.</p> <p><b>The State of Mah. &amp; ors.</b> ... Respondents</p> <p>Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. Archana B.K., the learned P.O. for the Respondents.</p> <p>Issue notice returnable on 12.06.2017.</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 12.06.2017. Learned P.O. do waive service.</p> <p align="right">Sd/- (R.B. Malik) Member (J) 18.04.2017</p> <p align="left">(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.246 of 2017**

**Shri G.K. Akade ... 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.

The learned P.O. seeks time to file Affidavit-in-Reply.

I have heard the arguments for interim relief for some time. Last chance is granted for reply and regardless of whether the reply is filed or not, O.A. shall be heard or even for final disposal on the next date.

S.O. to 25.04.2017.

Sd/-

(R.B. Malik)  
Member (J)  
18.04.2017

DATE: 18/4/17

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. A.J. Chougule

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

Adj. To S.O. to 25/4/17

  
(vsm)

**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> 18/4/17</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>APPEARANCE:</u>  Shri <u>J.S. Deshmukh</u>  Advocate for the Applicant  Shri <u>N.K. Rajpurohit</u>  C.P.O. for the Respondents  O.A. is admitted.  Adj. to S.O. to 20/6/17.  Reply filed by  A.No. 1 to 3. ✓</p>	<p style="text-align: center;"><b><u>O.A. No.952 of 2016</u></b></p> <p><b>Shri Dr. D.B. 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>Heard Shri J.S. Deshmukh, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.</p> <p>Shri J.S. Deshmukh, the learned Advocate for the Applicant does not want to file rejoinder.</p> <p>Original Application is admitted and appointed for final hearing on 20.06.2017.</p> <p style="text-align: right;">Sd/-  (R.B. Malik) 10.1.17  Member (J)  18.04.2017</p> <p style="text-align: right;">(vsm)</p>

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

Tribunal's orders

**R.A. No.08 of 2017  
In  
O.A. No.342 of 2016**

**The State of Mah. & ors. ... Applicants  
(Ori. Respondents)  
V/s.  
Shri P.L. Hotkar ... Respondent  
(Ori. Applicant)**

Heard Shri N.K. Rajpurohit, the learned C.P.O. for the Applicants (Ori. Respondents) and Shri B.A. Bandiwadekar, the learned Advocate for the Respondent (Ori. Applicant).

Issue notice returnable on 25.04.2017.

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 25.04.2017. Learned P.O. do waive service.

Sd/-  
(R.B. Malik)  
Member (J)  
18.04.2017

DATE: 18/4/17  
CORAM:  
~~Hon'ble Shri. RAJIV AGARWAL~~  
(Vice Chairman)  
Hon'ble Shri R. B. MALIK (Member) J  
APPEARANCE:  
Shri/Smt. ~~N.K. Rajpurohit~~  
C.P.O. Advocate for the Applicant  
Shri/Smt. ~~B.A. Bandiwadekar~~  
C.P.O./P.O. for the Respondents  
Adj. To: ~~S.O. to 25/4/17~~

**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><b>DATE:</b> <u>18/4/17</u></p> <p><b>CORAM:</b>  <del>Hon'ble Shri. RAHV AGARWAL</del>  (Vice-Chairman)  Hon'ble Shri R. B. MALIK (Member) ✓</p> <p><b>APPEARANCE:</b>  Shri/Smt. <u>Punam Mahajan</u>  Advocate for the Applicant  Shri/Smt. <u>N.K. Rajpurohit</u>  C.P.O. for the Respondents  <u>Rejoinder filed by</u>  <u>Applicant</u>  <u>O.A. is admitted.</u>  <u>S.O. to 6/6/17.</u></p> <p style="text-align: right;"><i>FH</i></p>	<p style="text-align: center;"><b><u>O.A. No.903 of 2016</u></b></p> <p><b>Smt. S.B. Saste</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 Smt. Punam Mahajan, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.</p> <p>Affidavit-in-Rejoinder is filed. The Original Application is admitted and appointed for final hearing on 06.06.2017.</p> <p style="text-align: right;">Sd/-  (R.B. Malik)  Member (J)  18.04.2017</p> <p style="text-align: right;">7</p> <p style="text-align: center;">(vsm)</p>

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

Tribunal's orders  
**M.A. No.532/2016 in O.A. No.1158/2016**

**Smt. Supriya K. Goraksha & Ors.... Applicants**  
**V/s.**  
**The State of Mah. & ors. ... Respondents**

This Misc. Application is for removing the possible bar of law of limitation as per the relevant provisions of Administrative Tribunal's Act, 1985.

I have perused the record and proceedings and heard Shri A. V. Bandiwadekar, the learned Advocate for the Applicants and Smt. Archana B.K., the learned P.O. for the Respondents.

This Misc. Application is brought by as mentioned as 22 retired Class-III employees of the Government of Maharashtra. The facts falling within the domain of the O.A. will be out of placed. It is suffice to mention that the Applicants invoke the principles of similarly placed persons and parity as it were. In case of some other similarly placed persons, the Hon'ble High Court gave certain directions which in the manner of speaking were in favour of those petitioners. The judgment of the Hon'ble Single Bench was confirmed in the appeal and then in the Hon'ble Supreme Court also. The Applicants herein claiming similarity of situation and parity of reasoning seek the same relief in the O.A. The affidavit-in-reply has been filed to that part of the M.A., wherein some kind of declaration is sought to the effect that it was the case of continuous cause of action in all probability as per the law laid down by the Hon'ble Supreme Court in **Union of India & Others V/s Tarsem Singh (2008) 2 S.C. C.(L & S) 765** to that has been cited. However the cause assigned in the alternative to the sufficiency of cause to condone the delay is an aspect for which no reply has been filed, which plea was taken by way of amendment.

In **M.A. No.283/2016 in O.A. 706/16 (Shri Jayprakash G. Kulkarni V/s. State of Maharashtra & 2 others)**, dated 31.01.2017, in this tribunal, I relied upon the **Tarsem Singh (Supra)** and granted relief to the Applicant in that O.A.. I am quite clearly of the view that the same course of actions needs to be adopted herein and the bar of limitation will have to be held as not to be there. In any case, even if there was such a bar, delay is condoned and the O.A. stands adjourned for Affidavit-in-Reply to 12.06.2017.

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

Sd/-

(R.B. Malik) 17.4.17  
Member (J)  
17.04.2017

DATE: 17/4/17

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. Archana B.K.

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

Adj. In M.A. is allowed

O.A. is Adj. to 12/6/17