

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**ORIGINAL APPLICATION NO.536 OF 2017****R.M. Manale & Ors.****...Applicants.****Versus****The State of Maharashtra & Ors.****..Respondents.**

Smt. Punam Mahajan, learned Advocate for the Applicants

Shri K.B. Bhise, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal, Vice-Chairman

DATE : 18.07.2017.

O R D E R

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicants and Shri K.B. Bhise, learned Presenting Officer for the Respondents.
2. In this O.A. by order dated 20.06.2017 the Respondents were given time to make a statement about the policy of the Government regarding the application of reservation to the post which are not included in the cadre strength of a particular cadre.
3. Learned Advocate for the Applicants states that in internal meeting held under the Chairmanship of Secretary (Services), G.A.D on 27.06.2017 it was decided that for the post outside cadre strength, reservation cannot be applied as per the extant Government instructions. However, inspite of these instructions being there, attempt was made to apply reservation to the posts outside the cadre, which would have deprived the present applicants the opportunity of being promoted.
4. Though sufficient time was given to the Respondents to make statement in this regard on the same pretext or other the matter is being delayed so that the validity of the select list for the current will expire and process will have to be started again.

5. Learned P.O. for the Respondents stated that file was referred to the Law and Judiciary Department and the advice of learned Advocate General is sought in the matter.
6. As more than sufficient time has been granted to the Respondents to firm up their stand in this regard, no further time can be granted.
7. Respondents may file their affidavit in this issue on the next date when the matter may be heard finally.
8. S.O. to 20.07.2017.
9. Steno copy and Hamdast is allowed.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

2

**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>18/7/17</u></p> <p>BY: <u>Shri. RAHVAGARWAL</u> (Vice-Chairman)</p> <p>BY: <u>Shri B. B. MALIK (Member)</u></p> <p>APPEARANCE: <u>J.N. Kamble</u> Advocate for the Applicant</p> <p><u>N.K. Rajpurohit</u> C.P.O. for the Respondents 1 to 4.</p> <p><u>None</u> for Respondent No. 5.</p> <p><u>O.A. is admitted.</u></p> <p><u>Rejoinder filed by Applicant.</u></p> <p><u>S.O. to 9/8/17</u></p> <p><u>FH</u></p>	<p align="center"><u>O.A. No.362 of 2017</u></p> <p>Smt. S.D. Pawale ... Applicant</p> <p align="center">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri J.N. Kamble, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents 1 to 4. None for the Respondent No.5</p> <p>The Affidavit-in-Rejoinder is taken on record. The Original Application is admitted and appointed for final hearing on 09.08.2017.</p> <p>Sur-Rejoinder, if any, must be filed on that date and not thereafter.</p> <p>S.O. to 09.08.2017.</p> <p align="right">Sd/-</p> <p align="right"><u>(R.B. Malik)</u> Member (J) 18.07.2017</p> <p align="right"><u>18.7.17</u></p> <p 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
<p><u>DATE:</u> 18/7/17</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u> Shri/Smt. G. A. Bandiwadkar Advocate for the Applicant Shri/Smt. K.S. Gaikwad C/O P.O. for the Respondents Rejoinder filed by Applicant. Adj. To. _____ O.A. is admitted. S.O. to 7/8/17</p> <p style="text-align: right;">FH @</p>	<p style="text-align: center;"><u>O.A. No.335 of 2017</u></p> <p>Smt. S.R. Toraskar ... Applicant</p> <p style="text-align: center;">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri G.A. Bandiwadkar, the learned Advocate for the Applicant and Smt. Kranti Gaikwad, the learned P.O. for the Respondents.</p> <p>The learned Advocate informs that the Affidavit-in-Rejoinder ^{will be filed} during the course of the day. On this statement, the Original Application is admitted and appointed for final hearing on 07.08.2017.</p> <p style="text-align: right;">Sd/- _____ (R.B. Malik) 18.7.17 Member (J) 18.07.2017</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.242 of 2017

In

O.A. No.451 of 2017

Dr. Sanjay D. Wathore ... Applicant

V/s.

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

Heard Shri G. Sadavarte, the learned Advocate for the Applicant and Ms N.G. Gohad, the learned P.O. for the Respondents.

Issue notice returnable on 26.07.2017.

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 26.07.2017. Learned P.O. do waive service.

Sd/-

(R.B. Malik) 18.7.17
Member (J)
18.07.2017

(vsm)

DATE: 18/7/17

CONAM:

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

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

APPEARANCE:

Shri. G. Sadavarte

Advocate for the Applicant

Ms. N.G. Gohad

P.O. for the Respondents

S.O. to 26/7/17

**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>18/7/17</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>A.V. Bandiwadekar</u> Advocate for the Applicant</p> <p>Shri/Smt. K.S. Gaikwad C.A.O./P.O. for the Respondents <u>to 325</u> <u>None Recd R.No. 224.</u> <u>S.O. to 2/8/17.</u> <u>Hamdast</u></p> <p style="text-align: right;">PH <u>[Signature]</u></p>	<p style="text-align: center;"><u>O.A. No.221 of 2017</u></p> <p>Shri S.P.Joseph ... Applicant</p> <p style="text-align: center;">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant, Smt. Kranti Gaikwad, the learned P.O. for the Respondents. And the learned Advocate for the Respondent No.1</p> <p>Heard the objections of Shri A.V. Bandiwadekar for any adjournment. Request is made for grant of adjournment for one month because that much time will be required for getting affidavit. This is a Part-Heard matter and I make it clear that I shall hear this matter in its conclusion on 02.08.2017.</p> <p>The learned Advocate for the Respondent No.1 shall make sure that he duly files his Vakalatnama for newly added respondent.</p> <p>S.O. to 02.08.2017. <u>Hamdast</u></p> <p style="text-align: right;">Sd/- <u>[Signature]</u> (R.B. Malik) <u>18.7.17</u> Member (J) 18.07.2017</p> <p>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
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O.A. No.230 of 2016

Shri G.R. Khopkar ... Applicant

V/s.

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

Heard Shri J.N. Kamble, the learned Advocate for the Applicant and Smt. Archana B.K., the learned P.O. for the Respondents.

Learned Advocate for the Applicant states that he shall file Affidavit-in-Rejoinder during the course of the day. On this statement, the Original Application is admitted and appointed for final hearing on 01.08.2017.

Sur-Rejoinder, if any, must be filed on that date and not thereafter.

S.O. to 01.08.2017.

8/8/17.

Sd/-

(R.B. Malik) 18.7.17
Member (J)
18.07.2017

DATE: 18/8/17

CORAM:

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

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

APPEARANCE:

Shri. J. N. Kamble

Advocate for the Applicant

Smt. Archana B.K.

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

Rejoinder filed by Applicant.

Ad. to Applicant.

O.A. is admitted.

S.O. to 8/8/17.

FH
[Signature]

vsm

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./B.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>18/7/17</u></p> <p>CORAM:</p> <p>Hon'ble Smt. RAJIV AGARWAL (Vice-Chairman)</p> <p>Hon'ble Smt. R. B. MALIK (Member) ✓</p> <p>APPEARANCE:</p> <p>Smt. G.A. Bandiwadkar Advocate for the Applicant</p> <p>Smt. K.S. Gaikwad Advocate for the Respondents</p> <p>Rejoinder filed by Applicant.</p> <p>O.A. is admitted.</p> <p>S.O. to 7/8/17.</p> <p>FH [Signature]</p>	<p style="text-align: center;"><u>O.A. No.109 of 2017</u></p> <p>Smt. U.S. Salunkhe ... Applicant</p> <p>V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri G.A. Bandiwadkar, the learned Advocate for the Applicant and Smt. Kranti Gaikwad, the learned P.O. for the Respondents.</p> <p>The learned Advocate informs that the Affidavit-in-Rejoinder ^{shall be filed} during the course of the day. On this statement, the Original Application is admitted and appointed for final hearing on 07.08.2017.</p> <p style="text-align: right;">Sd/- [Signature]</p> <p style="text-align: right;">(R.B. Malik) 18.7.17 Member (J) 18.07.2017</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: 18/7/17</p> <p>CORAM: Hon'ble Shri. RAJIVACARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member) †</p> <p>APPEARANCE: Shri. Ms. S. P. Manchekar Advocate for the Applicant Shri. Smt. K. S. Gaikwad C.P.O. for the Respondents</p> <p>Adj. To: S.O. to 25/7/17</p>	<p style="text-align: center;"><u>O.A. No.654 of 2017</u></p> <p>Shri Dipak N. Lad ... Applicant</p> <p style="text-align: center;">V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Ms. Swati Manchekar, the learned Advocate for the Applicant and Smt. Kranti Gaikwad, the learned P.O. for the Respondents.</p> <p>Issue notice returnable on 25.07.2017.</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 25.07.2017. Learned P.O. do waive service.</p> <p style="text-align: right;">Sd/- 18.7.17 (R.B. Malik) Member (J) 18.07.2017</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: 18/7/2017</p> <p>CORAM:</p> <p>Vice-Chair Justice Shri A. H. Joshi (Chairman)</p> <p>Hon'ble Shri M. K. Ramakrishnaiah (Member)</p> <p>APPEARANCE:</p> <p>Sd/- B.A. Bandiwadker</p> <p>Advocate for the Applicant</p> <p>Shri/Smt: K.B. Bhise</p> <p>C.O./P.O. for the Respondent/s</p> <p>Adj. To: 8/8/2017</p> <p style="text-align: right;">BTE</p>	<p>Date : 18.07.2017.</p> <p>O.A.No.449 of 2017</p> <p>V.S. Waigankar & Ors.Applicants.</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ..Respondents.</p> <p>1. Heard Shri B.A. Bandiwadkar, learned Advocate for the Applicants and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicants files affidavit-in-rejoinder to the affidavit-in-rely filed by Respondent No.1, M.P.S.C.</p> <p>3. Learned Advocate states that issue involved in the interpretation of the G.R. issued by the G.A.D. increasing the age for direct recruitment in various posts in the Government, how that G.R. will be applied to the cadre of Police Sub Inspector is the question, and in that context it will be necessary that the affidavit-in-reply are filed by Respondents No.3 and 4.</p> <p>4. Learned P.O. for the Respondents undertakes that the affidavits of Respondents No.3 and 4 will be filed within three weeks.</p> <p>5. S.O. to 08.08.2017.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(Rajiv Agarwal)</p> <p style="text-align: right;">Vice-Chairman</p> <p>prk</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>DATE:</u> 18/7/2017</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rajiv Agarwal (Member) A</p> <p><u>APPEARANCE:</u> Shri/Smt. K.R. Jagdale Advocate for the Applicant Shri/Smt. K.B. Bhise C.O./P.O. for the Respondent/s</p> <p>Adj. To 8/8/2017</p> <p align="right">B.T.E</p>	<p>Date : 18.07.2017.</p> <p align="center">O.A.No.384 of 2017</p> <p>G.A. AgaleApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ..Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. At the request of learned P.O., by way of last chance, three weeks time is granted to file reply.</p> <p>3. S.O. to 08.08.2017.</p> <p align="right">Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p>prk</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>DATE:</u> 18/7/2017</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramesh Kumar (Member) A</p> <p><u>APPEARANCE:</u> Shri/Smt. V.P. Potbhare Advocate for the Applicant Shri/Smt. H.G. Gohad C.P.O / P.O. for the Respondent/s</p> <p>Adj. To. 25/7/2017</p> <p style="text-align: right;"><i>prk</i></p>	<p>Date : 18.07.2017.</p> <p>O.A.No.288 of 2017</p> <p>B.S. BadeApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ..Respondents.</p> <p>1. Heard Shri V.P. Potbhare, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Though on the last occasion four weeks time was granted to file affidavit-in-reply, no reply is forthcoming, nor is any representative from the is present from the office of Respondents.</p> <p>3. At the request of learned P.O. one week time is granted to file reply.</p> <p>4. S.O. to 25.07.2017.</p> <p style="text-align: right;">Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p>prk</p>

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

Date : 18.07.2017.

O.A.No.640 of 2017

R.V. Deshmukh & Ors.Applicants.

Versus

The State of Maharashtra & Ors. .Respondents.

1. Heard Ms. S.P. Manchekar, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Learned P.O. states that though notices was given but nobody has come to instruct him.

3. Matter is therefore kept for further hearing on day after tomorrow.

4. S.O. to 20.07.2017.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE: 18/7/2017

CORAM

H. Joshi (Chairman)
Rajiv Agarwal (Vice-Chairman)
S. Ankumar (Member)

S.P. Manchekar

Archana B.K.

Adj. to 20/7/2017

B.K.

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**ORIGINAL APPLICATION NO.655 OF 2017****M.B. Patil****....Applicant.****Versus****The State of Maharashtra & Ors.****..Respondents.**

Smt. Punam Mahajan, learned Advocate for the Applicant

Shri N.K. Rajpurohit, learned C.P.O. for the Respondents.

CORAM : Shri Rajiv Agarwal, Vice-Chairman

DATE : 18.07.2017.

O R D E R

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.
2. The issue is regarding initiation of departmental enquiry against the applicant for taking quasi judiciary matter.
3. Learned Advocate argued that Hon'ble Supreme Court in case of **Zunjarrao Bhikaji Nagarkar V. Union of India, (1991) 7 Supreme Court Cases 409** has held that the departmental enquiry cannot be initiated against the quasi judiciary authority merely on the charge of passing wrong decision, there has to be something more than that.
4. In the present case the departmental enquiry against the Applicant has been ordered merely on the ground that he passed the wrong order and there is on other charge regarding extraneous consideration or anything else.
5. Hon'ble Supreme Court has held that such wrong order can be corrected in appeal or further proceedings like review or revision and the charge sheet in such case was quashed by Hon'ble Supreme Court.

6. Learned C.P.O. for the Respondents argued that Hon'ble Supreme court in the matter of **Teresinha Fernandes v. Antonio Elizabeth Piedade Aquiles Barreto and other 2003 AIR SCW 2920** has held that the Tribunal should not get into the issue of correction of otherwise of the charges in the departmental enquiry. He further stated that the Applicant has already filed the representation against the ^{institution} instructions of D.E. before the Respondent No.2 which is still pending. Therefore, learned C.P.O. sought time to make a statement regarding decision on the representation made by the Applicant.

7. The issue regarding interim relief is kept open. The matter is adjourned to 20.07.2017 to enable learned C.P.O. for the Respondents to make a statement regarding pending representation of the Applicant against the charge sheet.

8. S.O. to 20.07.2017.

9. Steno copy and Hamdast is allowed.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**ORIGINAL APPLICATION NO.657 OF 2017****M.P. Lohar****....Applicant.****Versus****The State of Maharashtra & Ors.****.....Respondents.**

Shri M.D. Lonkar, the learned Advocate for the Applicant.

Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.

CORAM : Shri Rajiv Agarwal, Vice-Chairman

DATE : 18.07.2017.

ORDER

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.
2. Learned Advocate for the Applicant states that Applicant is sent to an organization called Maharashtra State Security Corporation on deputation. The Chairman of the State Corporation is the Additional Chief Secretary (Home). As per Rule 14 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 if the gazetted Government officer is sent on deputation, the disciplinary action has to be initiated against him by the borrowing organization.
3. The borrowing organization is also competent to impose minor penalty upon such an officer. However, if the major penalty is to be imposed the Government servant has to be repatriated to the parent department.
4. Learned Advocate contended that the Corporation is competent to start the preliminary enquiry. In fact the preliminary enquiry has already been initiated as can be seen from letter dated 06.05.2017 sent by the Managing, Director of the Corporation to the Director General of Police wherein in paragraph 3, it is clearly mentioned that internal enquiry is being conducted by the Corporation against the applicant for

the same alleged misconduct. However, in violation of the aforesaid rule the Director General of Police has initiated the preliminary enquiry by order dated 07.06.2017.

5. Learned Advocate for the Applicant prayed that the said preliminary enquiry being against the provisions of the rules mentioned hereinabove needs to be stayed. Applicant is willing and ready to face any enquiry as per rules, if it is conducted by the Security Corporation.

6. Learned C.P.O. states that the interim relief sought by the Applicant is premature. It is not clear whether the Security Corporation has actually started preliminary enquiry against the Applicant. He seeks time to ascertain the facts.

7. On going through the material on record and the relevant provision of the rules, it appears that the Applicant is a gazetted police officer who has been sent on deputation to the Maharashtra State Security Corporation. As per Rule 14 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979, it appears that the preliminary enquiry against an officer on deputation has to be initiated by the borrowing organization. In the present case it appears that a preliminary enquiry is being conducted against the applicant by the Corporation as can be seen from the memorandum dated 22.05.2017 issued by them to the applicant.

8. In addition to this another preliminary enquiry has been ordered by the Director General of Police by order dated 07.06.2017. Prima facie, the order of Director General of Police appears to be in violation of Rule 14 of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 and interim relief of stay to the aforesaid order is granted till next date.

9. At the request of learned C.P.O. issue notice returnable after two weeks.

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

Rh

11. 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.

12. 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.

13. 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.

14. S.O. 01.08.2017.

15. Steno copy and Hamdast is allowed to both the parties.

Sd/-
(Rajiv Agarwal)
Vice-Chairman



prk

(G.C.P.) J 2260(B) (50,000—2-2015)

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

Date : 18.07.2017.

O.A.No.150 of 2017 with M.A.No.229 of 2017

V.M. Salokhe

....Applicant.

Versus

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

1. Heard Shri R.M. Kolge, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. Rejoinder is kept on record. Written apology of the Respondents is taken on record.

3. S.O. to 20.07.2017.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE: 18/7/2017

CORAM:

Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Rajesh Kumar (Member) A

APPEARANCE:

Shri/Smt. R.M. Kolge

Advocate for the Applicant

Shri/Smt. Archana B.K.

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

Adj. To: 20/7/2017.

BK

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

Tribunal's orders

Date : 18.07.2017.

O.A.No.92 of 2017

Dr. M.S. BhadkeApplicant.

Versus

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

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.

2. Learned P.O. on instructions from Smt. V.M. Bharose, Deputy Secretary, Public Health Department states that Shri Vijay S. Singh, Secretary, P.H.D. is retired and Shri Pradeep Vyas has joined as Principal Secretary, P.H.D.

3. Now reply of Shri Pradeep Vyas, Principal Secretary, P.H.D as per paragraph 8 of the order dated 27.06.2017 should come before us on day after tomorrow.

4. S.O. to 20.07.2017.

5. Steno copy and Hamdast is allowed.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE: 18/7/2017

CORAM:

Hon'ble Justice Shri. A. H. Joshi (Chairman)
Hon'ble Smt. Rajiv Agarwal (Vice-Chairman)
Hon'ble Smt. M. Ramchandra Kumar (Member)

APPEARANCE:

Shri/Smt. : Punam Mahajan

Advocate for the Applicant

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

Adj. To. 20/7/2017

steno copy & Hamdast
is allowed to Ld. P.O.

MTK

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

Tribunal's orders

Date : 18.07.2017.

O.A.No.656 of 2017

R.V. Kendre

....Applicant.

Versus

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

1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Issue notice returnable after four weeks.

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

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

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. to 16.08.2017.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

prk

DATE: 18/7/2017

CORAM:

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

APPEARANCE:

Sd/- B.A. Bandiwadekar

Advocate for the Applicant

Sd/- K.S. Gaikwad
C.P.O./P.O. for the Respondent/s

Adj. To: 16/8/2017.

**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>18/7/2017</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri <u>Rajiv Agarwal</u> (Member)</p> <p>APPEARANCE: Shri/Smt.: <u>B.A. Bandiwadker</u> Advocate for the Applicant Shri/Smt.: <u>K.B. Bhise</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To: <u>16/8/2017</u></p> <p style="text-align: right;"><i>prk</i></p>	<p>Date : 18.07.2017.</p> <p>O.A.No.380 of 2017</p> <p>S.P. BalekundriApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors...Respondents.</p> <p>1. Heard Shri B.A. Bandiwadkar, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents states that appeal of the applicant has been registered and is kept for hearing on 24.07.2017.</p> <p>3. Matter may be kept for further hearing after four weeks.</p> <p>4. S.O. to 16.08.2017.</p> <p style="text-align: right;">Sd/- <u>l</u> (Rajiv Agarwal) Vice-Chairman</p> <p>prk</p>

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

Tribunal's orders
Date : 18.07.2017.

O.A.No.660 of 2017

N.M. Gite

....Applicant.

Versus

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

1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.
2. Issue notice returnable after four weeks.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
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. Learned P.O. states that the matter pertains to Municipal Corporation of Thane and this Tribunal has no jurisdiction. This issue of jurisdiction is kept open.
8. S.O. to 16.08.2017.

DATE: 18/7/2017

CORAM:

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

APPEARANCE:

Shri/Smt. B.A. Bandiwadekar

Advocate for the Applicant

Shri/Smt. K.B. Bhise
C.P.O./P.O. for the Respondent/s

Adj. To 16/8/2017.

B.A. Gite

Sd/-

(Rajiv Agarwal)
Vice-Chairman

**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>18/7/2017</u></p> <p>CORAM:</p> <p>Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>Hon'ble Shri <u>Rajiv Agarwal</u> (Member) A</p> <p>APPEARANCE:</p> <p>Shri/Smt. <u>B.A. Bandiwadker</u></p> <p>Advocate for the Applicant</p> <p>Shri/Smt. <u>K.B. Bhise</u></p> <p>C.P.O./P.O. for the Respondent/s</p> <p>Adj. To. <u>25/7/2017</u></p> <p style="text-align: right;"><i>B.A.</i></p>	<p>Date : 18.07.2017.</p> <p>O.A.No.889 of 2016</p> <p>Dr. A. NajmuddinApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ..Respondents.</p> <p>1. Heard Shri B.A. Bandiwadkar, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. seeks one week time to make a statement as ordered by this Tribunal on 27.06.2017.</p> <p>3. S.O. to 25.07.2017.</p> <p style="text-align: right;">(Sd/-)</p> <p style="text-align: right;">(Rajiv Agarwal)</p> <p style="text-align: right;">Vice-Chairman</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>18/7/2017</u></p> <p>CORAM:</p> <p>Hon'ble Justice Shri A. M. Joshi (Chairman)</p> <p>Hon'ble Shri M. Rajiv Agarwal (Vc)</p> <p>Hon'ble Shri M. Rameshkumar (Member)</p> <p>APPEARANCE:</p> <p>Shri/Smt. <u>S.S. Dere</u></p> <p>Advocate for the Applicant</p> <p>Shri/Smt. <u>K.S. Gaikwad</u></p> <p>C.P.O./P.O. for the Respondent/s</p> <p>Adj. To. <u>16/8/2017</u></p> <p style="text-align: right;"><i>Bte</i></p>	<p>Date : 18.07.2017.</p> <p>O.A.No.305 of 2017</p> <p>S.C. PaithankarApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ..Respondents.</p> <p>1. Heard Shri S.S. Dere, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. At the request of learned P.O. for the Respondents four weeks time <i>granted</i>.</p> <p>3. S.O. to 16.08.2017.</p> <p style="text-align: right;">Sd/- <i>l</i></p> <p style="text-align: right;">(Rajiv Agarwal) Vice-Chairman</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 18/7/2017</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramashankar (Member)-A</p> <p><u>APPEARANCE:</u> Shri/Smt. K.R. Jagdale Advocate for the Applicant Shri/Smt. Archana B.K. C.P.O./P.O. for the Respondent/s</p> <p>Adj. To. 1/8/2017</p> <p><i>prk</i></p>	<p>Date : 18.07.2017.</p> <p>O.A.No.159 of 2017</p> <p>S.S. ManeApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ..Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. states that he will file affidavit-in-reply within a week and he also states that he has received instructions that the Respondent No.1 does not wish to file any affidavit-in-reply.</p> <p>3. S.O. to after two weeks i.e. 01.08.2017.</p> <p>Sd/- <i>e</i> (Rajiv Agarwal) Vice-Chairman</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE</u> : 18/7/2017</p> <p><u>CORAM</u> :</p> <p>Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member)</p> <p><u>APPEARANCE</u> :</p> <p>Shri/Smt. : M.D. Lonkar Advocate for the Applicant</p> <p>Shri/Smt. : K.B. Bhise C.P.O./P.O. for the Respondent/s</p> <p>Adj. To : 24/7/2017</p> <p align="right">B.K.</p>	<p align="center">Date : 18.07.2017.</p> <p align="center">O.A.No.465 of 2017</p> <p>G.R. KarpeApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ..Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri K.B. Bhise, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant states that as per liberty granted by the Tribunal to amend the O.A. learned Advocate will carry out the amendment, today. A copy of the amended O.A. will be served upon the Respondents.</p> <p>3. Matter is already kept for further hearing on 24.07.2017.</p> <p align="right">Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

IN

Original Application No. _____ of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 18/7/2017</p> <p><u>CORAM:</u> Hon'ble Justice, Shri A. H. Joshi (Chairman) Hon'ble Shri <u>Rajiv Agarwal</u> (Member)</p> <p><u>APPEARANCE:</u> Shri/Smt. <u>B.A. Bandiwadker</u> Advocate for the Applicant Shri/Smt. <u>K.B. Bhise</u> C.P.O / P.Q. for the Respondent/s</p> <p>Adj. To.....1/8/2017.....</p> <p style="text-align: right;"><i>[Signature]</i></p>	<p>Date : 18.07.2017.</p> <p style="text-align: center;">O.A.No.104 of 2017</p> <p>S.W. Devrukhkar & Ors.Applicants.</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ..Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri B.A. Bandiwadkar, learned Advocate for the Applicants and Shri K.B. Bhise, learned Presenting Officer for the Respondents. 2. At the request of learned P.O. for the respondents two weeks time is granted. 3. S.O. to 01.08.2017. <p style="text-align: right;">Sd/- <i>[Signature]</i> (Rajiv Agarwal) Vice-Chairman</p> <p>prk</p>