

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.1111 OF 2018

A.G. KambleApplicant.

Versus

The State of Maharashtra & Ors.Respondents.

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

Ms. N.G. Gohad, the learned P.O. for the Respondents.

CORAM : Justice Shri A.H. Joshi, Chairman
Shri P.N. Dixit, Member(A)

DATE : 18.12.2018.

PER : Justice Shri A.H. Joshi, Chairman

ORDER

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for Respondents.
2. Issue notice before admission returnable on 12.02.2019.
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. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
8. Learned P.O. Ms. N.G. Gohad for the Respondents is directed to take instructions as to the time frame within which applicant's appeal would be decided.
9. Making of the statement will not be necessary, if decision is taken before next date.
10. Applicant would be free to submit the representation in the form of reminder enclosing thereof copy of appeal memorandum and all other relevant documents within 15 days from today.
11. Hamdast and steno copy is allowed.
12. Learned P.O. is directed to communicate this order to the Respondents.
13. S.O. to 12.02.2019.

Sd/-
(P.N. Dixit)
Member(A)

Sd/-
(A.H. JOSHI)
Chairman

prk

**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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Date : 18.12.2018.

O.A.No.651 of 2018

R.V. SomaneApplicant.

Versus

The State of Maharashtra & Ors. Respondents.

1. Heard Ms. R.V. Somane, Applicant in person and Ms. S.P. Manchekar, the learned Chief Presenting Officer for Respondents.

2. Learned C.P.O, Ms. S.P. Manchekar, for the Respondents states that Respondent No.3 and candidate next in merit have declined to join despite selection.

3. Party in person prays for leave to delete Respondent No.3 from the array of Respondents.

4. Prayer for leave to delete Respondent No.3 namely, Shri Sanjay M. Khadse is granted.

5. By consent, adjourned to 03.01.2019.

Sd/-
(A.H. Joshi, Chairman

prk

DATE: 18/12/2018

CORAM:

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

Hon'ble Shri M. Ramesh Kumar (Member A)

APPEARANCE:

By Ms. R.V. Somane App.

in person Advocate for the Applicant

By Shri S.P. Manchekar

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

Adj. To Shri Khadse

APPLI

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.1006 OF 2018
(Subject : Departmental Enquiry)

Dr. R.V. Deshpande)
Residing at 601, Sharad Rajani,)
CHS, C.A. Road, Ashok Nagar,)
Kandivali East, Mumbai 400 101)Applicant.

Versus

1) The State of Maharashtra,)
Public Health Department (ESIS))
Mantralaya, Mumbai.)
2) Commissioner, (ESIS),)
6th floor, Panchdeep Bhavan,)
Lower Parel, Mumbai.)Respondents.

Shri N.P. Dalvi, the learned Advocate for the Applicant.
Ms. S.P. Manchekar, the learned C.P.O. for the Respondents.

CORAM : Justice Shri A.H. Joshi, Chairman
Shri P.N. Dixit, Member(A)

DATE : 18.12.2018.

PER : Justice Shri A.H. Joshi, Chairman

J U D G M E N T

1. Heard Shri N.P. Dalvi, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for Respondents.

2. Applicant has approached this Tribunal challenging memorandum dated 04.07.2016. Texts whereof reads as follows:--

"डॉ. आर. व्ही. देशपांडे, तत्कालीन वैद्यकीय प्रशासन अधिकारी यांचेविरुद्ध विभागीय चौकशी प्रकरणी, प्रादेशिक विभागीय चौकशी अधिकारी, कोकण विभाग यांची "चौकशी अधिकारी" म्हणून नियुक्ती करण्यात आली आहे. त्यास अनुसरून, डॉ. देशपांडे यांचेविरुद्धच्या विभागीय चौकशीबाबत, प्रादेशिक विभागीय चौकशी अधिकारी, कोकण विभाग यांनी चौकशी अहवाल शासनास सादर केला आहे. अपचारी डॉ. आर. व्ही. देशपांडे यांचे अभिवेदन विचारता घेतल्यानंतर, चौकशी अधिकारी यांनी दोषारोप बाब क्रमांक २ अंशत : सिध्द होतो व रु. १,२९,६७९/- + रु. २,७३,९४०/- = रु. ४,०३,६१९/- इतक्या आर्थिक नुकसानीस डॉ. आर. व्ही. देशपांडे हे जबाबदार ठरतात असा निष्कर्ष चौकशी अधिकारी यांनी काढला असून याच्याशी शासन सहमत आहे. यास्तव, अपचारी डॉ. आ. व्ही. देशपांडे यांच्या उपदानातून शासन नुकसानीची रक्कत रु. ४,०३,६१९/- वसूल करण्यात यावी

तसेच त्यांच्या निवृत्तीवेतनातून दरमहा रु.१५००/- इतकी रक्कत कायमस्वरूपी वसूल करण्याचा निर्णय शासनाने घेतला आहे.

२. महाराष्ट्र नागरी सेवा (निवृत्तीवेतन) नियम, १९८२ मधील नियम, २७ नुसार, डॉ. आर. व्ही. देशपांडे यांना दुसरी कारणे दाखवा नोटीस येत आहे की, आपल्या विरुद्धच्या दोषारोप बाब क्रमांक २अंशतः सिध्द होत असल्याने, आपल्या उपदानातून शासन नुकसानीची रु.४,०३,६११ /- इतकी रक्कम तसंच निवृत्तीवेतन दरमहा रु.१५००/- इतकी रक्कम कायमस्वरूपी कपात का करण्यात येऊ नये, याबाबत आपण आपल्या बचावाचे लेखी निवेदन हे जापण मिळाल्यापासून १० दिवसांत शिस्तभंग विषयक प्राधिका-याकडे सादर करावे”

(Quoted from page 47, Exhibit – E of the paper book of O.A.)

3. Serious emphasis is given by learned Advocate for the Applicants and texts which is underlined for emphasis and is quoted in the paragraph hereinbefore.
4. Learned C.P.O. was called to furnish for perusal copy of documents and noting preceded in the memorandum dated 04.07.2016.
5. Learned C.P.O. has produced the same for perusal.
6. Texts of office note reveals that punishments has been proposed and orders for issue of show cause notice was solicited. However, memorandum discloses as if “decision” is not taken and the fact that a decision is taken, is not supported by record.
7. Though various points are raised and few amongst those may be contentious, we need not go into the merit of those points, it shall suffice to quash the impugned memorandum subject limited to the extent of expression of the “decision” (निर्णय शासनाने घेतला आहे) and we order accordingly. Government shall be free to act furtherance to the noting dated 02.07.2016 proposing to issue show cause.
8. Applicant shall be free to furnish fresh application, and it is hoped that all questions which are to be raised by the applicant would be decided on its own merit. All arguments and points are kept open.
9. In view of the foregoing Original Application is disposed of.

Sd/-

(P.N. Dixit)
Member(A)

Sd/-

(A.H. Joshi, J.)
Chairman

prk

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 : 18.12.2018.</p> <p>O.A.No.443 of 2014</p> <p>H.R. JadhavApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri H.R. Jadhav, Applicant in person and Ms. S. Suryawanshi, the learned Presenting Officer for Respondents.</p> <p>2. By consent, list O.A.No.443/2014 for final disposal on 19.12.2018.</p> <p style="text-align: right;">Sd/- (A.H. Joshi) Chairman</p> <p>prk</p>

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>18/12/2018</u></p> <p>CORAM:</p> <p>Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>Hon'ble Justice <u>P. N. Dixit</u> (Member) A</p> <p>ms. Ankita Nishad holding for Adv. A.A. Desai for the App.</p> <p><u>K.S. Gaikwad</u>..... C.F.O. /</p> <p>Adj. To <u>19/12/2018</u>.....</p> <p style="text-align: right;"><i>[Signature]</i></p>	<p style="text-align: center;"><u>O.As. No.296 & 297 of 2018</u></p> <p>Dr. K.S. Ubale ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Ankita Nishad, learned Advocate holding for Shri A.A. Desai, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant refers to the impugned order at page 60 in OA No.296 of 2018 wherein it is stated that J.J. Hospital has stated that candidate (applicant) is having 30% deficiency. In the other OA No.297 of 2018 the impugned order is at page 78. In both the cases the respondent no.2 – MPSC have based their observations on the findings from J.J. Hospital. While filing reply necessary supporting documents also may be made available. Ld. PO mentions that reply will be filed tomorrow.</p> <p>3. S.O. to 19.12.2018.</p> <p style="text-align: right;"><i>[Signature]</i> Sd/- (P.N. Dixit) Member (A) 18.12.2018</p> <p>(sgj)</p>