

ORIGINAL APPLICATION NO. 263 OF 2006

[Jijaba Eknath Patte Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 19.09.2016.

ORAL ORDER:

Shri Anand P. Chawre – learned Advocate for the applicant (**absent**). Shri N.U. Yadav – learned Presenting Officer for the respondents, present.

2. By the order of this Tribunal dated 21st June, 2016 in M.A. No. 291/2014 this O.A. was restored and it was ordered that it will be heard on its own merits and it was kept for final hearing after four weeks and it came up for hearing on 20.7.2016, when none was present for the applicant. However, on that date it was ordered that this matter be posted before the Division Bench as and when it is available and accordingly this matter is placed today for final hearing. However, today also none appears for the applicant.

3. Hence, this matter be kept for dismissal on Friday i.e. on 23.09.2016.

MEMBER (J)

VICE CHAIRMAN (A)

19.09.2016-HDD

ORIGINAL APPLICATION NO. 607 OF 2013

[Bhagwat M. Jamadar Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 19.09.2016.

ORAL ORDER:

Heard Shri Avinash Deshmukh – learned Advocate for the applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time till 22.09.2016. Time granted as prayed for.
3. This matter be kept along with O.A. Nos. 74 & 78 both of 2015.

MEMBER (J)

VICE CHAIRMAN (A)

19.09.2016-HDD

ORIGINAL APPLICATION NO. 622 OF 2002

[R.B. Virulkar Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 19.09.2016.

ORAL ORDER:

Heard Shri S.D. Dhongde – learned Advocate for the applicant and Mrs. Priya B. Bharaswadkar – learned Presenting Officer for the respondents.

2. In view of the order passed by the Hon'ble Chairman dated 24.6.2016 in M.A.No. 257/2013 in this O.A., this O.A. may be heard along with O.A. No. 124/2003, on the next date.

3. S.O. to 10th November, 2016.

MEMBER (J)

VICE CHAIRMAN (A)

19.09.2016-HDD

ORIGINAL APPLICATION NO. 930 OF 2001

[Vishnu R. Mahadik Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 19.09.2016.

ORAL ORDER:

Heard Shri A.S. Bayas – learned Advocate for the applicant, Shri N.U. Yadav – learned Presenting Officer for the respondent Nos. 1 & 2 and Shri Vivek Bhavthankar – learned Advocate for respondent Nos. 3 & 4.

2. At the request of learned Advocate for the applicant, S.O. to 10th November, 2016.

MEMBER (J)

VICE CHAIRMAN (A)

19.09.2016-HDD

ORIGINAL APPLICATION NO. 933 OF 2001

[Baban N. Rajgire Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 19.09.2016.

ORAL ORDER:

Heard Shri A.S. Bayas – learned Advocate for the applicant, Shri N.U. Yadav – learned Presenting Officer for the respondent Nos. 1 & 2 and Shri Vivek Bhavthankar – learned Advocate for respondent Nos. 3 & 4.

2. At the request of learned Advocate for the applicant, S.O. to 10th November, 2016.

MEMBER (J)

VICE CHAIRMAN (A)

19.09.2016-HDD

ORIGINAL APPLICATION NO. 934 OF 2001

[Shankar C. Horsil Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 19.09.2016.

ORAL ORDER:

Heard Shri A.S. Bayas – learned Advocate for the applicant, Shri M.P. Gude – learned Presenting Officer for the respondent Nos. 1 & 2 and Shri Vivek Bhavthankar – learned Advocate for respondent Nos. 3 & 4.

2. At the request of learned Advocate for the applicant, S.O. to 10th November, 2016.

MEMBER (J)

VICE CHAIRMAN (A)

19.09.2016-HDD

ORIGINAL APPLICATION NO. 587 OF 2011

[V.D.Gade & Ors. Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 19.09.2016.

ORAL ORDER:

Heard Shri A.S. Bayas – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 10th November, 2016.

MEMBER (J)

VICE CHAIRMAN (A)

19.09.2016-HDD

ORIGINAL APPLICATION NO. 215/2016

(Dattatraya R. Parde Vs. State of Mah. & Ors.)

CORAM: HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 19.09.2016.

ORAL ORDER

Shri U.M. Mhaske, learned Advocate holding for Shri S.B. Ghatol Patil, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. S.O. to 21.10.2016. Interim relief to continue till further order.

19.09.2016-KPB(SB)

MEMBER (J)

O.A.Nos.320/2010, 326/2016, 327/2016 AND 666/2016

(B.A.Habib & Ors. V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice-Chairman (A)
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 19-09-2016

ORAL ORDER:-

Shri A.S.Deshpande learned Advocate for the applicants in O.A.Nos.320/2010 & 326/2016 is **absent**.

Heard Shri A.S.Deshmukh & Shri R.P.Bhumkar learned Advocates for the applicants in O.A.Nos.327/2016 and 666/2010, respectively, and Shri I.S.Thorat learned Presenting Officer for respondents in all the matters.

2. O.A.Nos.320/2010 and 326/2016 were to be heard along with O.A.Nos.327/2016 and 666/2010. However, learned Advocate Shri A.S.Deshpande representing applicants in another O.As. is unable to appear today due to personal difficulty. Hence, O.A.Nos.320/2010 and 326/2016 are detached and rest are heard on merits today.

3. Arguments of the parties are heard. O.A.Nos.327/2016 and 666/2010 are reserved for order.

MEMBER (J)

VICE CHAIRMAN

O.A.Nos.279/2011 with O.A.No.626/2011

(K.P.Padole & Ors. V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice-Chairman (A)
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 19-09-2016

ORAL ORDER:-

Shri K.G.Salunke learned Advocate for applicants in O.A.No.279/2011 is **absent**. Smt. Deepali Deshpande learned Presenting Officer for respondents is present.

Heard Shri A.S.Deshmukh learned Advocate for applicants in O.A.No.626/2011 and Shri S.K.Shirse learned Presenting Officer for respondents.

2. O.A.Nos.279/2011 and 626/2011 were to be heard together. However, learned Advocate Shri K.G.Salunke representing applicants in O.A.No.279/2011 is unable to appear today due to personal difficulty. Hence, this O.A. is detached and O.A.No.626/2011 is heard on merits today.

3. Arguments of the parties are heard. O.A.Nos.626/2011 is reserved for order.

MEMBER (J)

VICE CHAIRMAN

YUK oral order 19-09-2016

M.A.No.266/16 IN C.P.St.No.1252/16 IN O.A.No.229/09

(Syed Azam V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice-Chairman (A)
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 19-09-2016

ORAL ORDER:-

Heard Shri Asif Ali learned Advocate holding for Smt. A.N.Ansari learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.

2. Today, learned P.O. placed on record a copy of communication dated 16th September, 2016 from the Joint Director, Accounts and Treasuries regarding our order in O.A.No.229/2009 dated 14-03-2016 being challenged before the Hon'ble High Court.

3. As the matter is pending before the Hon'ble High Court learned P.O. prayed that no further action in the contempt application filed by the applicant may be taken at this stage. Matter is accordingly fixed for further hearing on 14-10-2016.

4. S.O.14-10-2016.

MEMBER (J)

VICE CHAIRMAN

YUK oral order 19-09-2016

ORIGINAL APPLICATION NO. 130 OF 2011

{Shri Sanjay S. Wable Vs. State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
A N D
Hon'ble Shri J. D. Kulkarni, Member (J)**

DATE :- 19.09.2016

Oral Order :-

1. Heard Shri M.K. Deshpande, learned Advocate for the applicant and Smt. Priya Bharaswadkar, learned Presenting Officer for the respondents.

2. This original application has been filed for challenging the order of removal from service in respect of the applicant dated 29.6.2006. The applicant did not file any statutory appeal in time for the reasons he has mentioned in the O.A. The applicant, however, filed a representation before the respondent no. 1 – the State of Maharashtra through Additional Chief Secretary, Home Department, Mantralaya, Mumbai and respondent no. 3 - the Special Director General, State Reserve Police Force, Nagpur. He was informed by the res. No. 3 by letter dated 20.4.2009 that his representation dated 18.5.2007 is pending before the Government for taking appropriate decision. The applicant has also filed M.A. no. 195/2010 in O.A. no. 876/2009 before the principal seat of this Tribunal at Mumbai. Thereafter, the said O.A. has been transferred to Aurangabad Bench and Aurangabad Bench renumbered it as O.A. no. 130/2011. By passing the order dated 20.12.2010 the Principal Seat of this Tribunal at Mumbai had allowed the said M.A. and the delay caused in filing the O.A. was condoned. It is mentioned in the said order passed by Principal Seat in the M.A. that as 'appeal'

//2//

(probably that may be a representation) is still pending for consideration and that was the main ground on which delay in filing O.A. was condoned.

3. It appears that no separate affidavit in reply has been filed on behalf of res. No. 1 in the O.A. and the representation of the applicant dated 18.5.2007 is still pending before the res. No. 1.

4. In view of above position, the O.A. stands disposed of with a direction to res. No. 1 to take a decision on the representation of the applicant dated 18.5.2007 in respect of order of dismissal from service passed against him. The said exercise shall be completed by the respondents within a period of 3 months from passing of this order. There shall be no order as to costs.

5. It is made clear that, we are not expressing any view regarding the merits of this case.

MEMBER (J)

VICE CHAIRMAN (A)

ARJ 19.09.2016 (D.B.)

MA 216/2013 IN OA 717/2012

{Smt. Jayashree R. Sonkavade Vs. State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
A N D
Hon'ble Shri J. D. Kulkarni, Member (J)**

DATE :- 19.09.2016

Oral Order :-

1. None appears for the applicant. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, is present.

2. As the applicant and his learned Counsel are absent, place this matter on board for dismissal on 23.9.2016.

MEMBER (J)

VICE CHAIRMAN (A)

ARJ 19.09.2016 (D.B.)

MA 361/2014 IN OA ST. 996/2014

{Shri Jaysingh S. Meher Vs. State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
A N D
Hon'ble Shri J. D. Kulkarni, Member (J)**

DATE :- 19.09.2016

Oral Order :-

1. Heard Smt. Ashwini Kale, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant and learned C.P.O. for the respondents, S.O. to 23.9.2016.

MEMBER (J)

VICE CHAIRMAN (A)

ARJ 19.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 634 OF 2011

{Shri Prakash D. Bharambe Vs. State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
A N D
Hon'ble Shri J. D. Kulkarni, Member (J)**

DATE :- 19.09.2016

Oral Order :-

1. Heard Shri J.B. Choudhary, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. It appears from the copy of the noting of the office of the Commissioner of Dairy Development, produced by the applicant that, at least the res. no. 3 was of the prima-facie opinion that there was some injustice caused to the applicant. In such case, in normal course, it is presumed that the report is already submitted to res. no. 2 in Mantralaya, however, it is not known as to what action is taken by the res. no. 2 on the report submitted by res. no. 3.

3. In this O.A. the affidavit in reply is filed by some junior Officer viz. the In-charge Dairy Development Officer, Aurangabad, who may not be in the know of developments in this matter.

4. Hence, it is necessary to have affidavit in reply by some officer from the Dairy Development Department, Mantralaya, Mumbai. In the said reply it shall also be mentioned whether any decision is taken by the res. no. 2 on the report submitted by the res. no. 3. The learned P.O. seeks 4 weeks time for filing affidavit in reply of the Officer

//2//

from the Dairy Development Department. Time as prayed for is granted.

5. S.O. after 4 weeks.

6. Steno copy allowed for the use of learned Presenting Officer.

MEMBER (J)

VICE CHAIRMAN (A)

ARJ 19.09.2016 (D.B.)

ORIGINAL APPLICATION NOS. 677, 683 & 688 ALL OF 2011

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
A N D
Hon'ble Shri J. D. Kulkarni, Member (J)**

DATE :- 19.09.2016

Oral Order :-

1. Heard Shri J.B. Choudhary, learned Advocate for the applicants in all these 3 matters and Smt. Priya R. Bharaswadkar & Shri S.K. Shirse, learned Presenting Officers for the respective respondents in these 3 matters.

2. It appears from the record that, in one of the O.A. i. e. O.A. no. 677/2011 the interim relief of allowing the applicant therein to call for interview was granted. In O.A. no. 683/2011 though the interim relief was granted on 5.10.2011, but before that the process of conducting interview was over and hence the applicant therein was not called for interview. In O.A. no. 688/2011 similar position was there and said applicant was not interviewed.

3. The applicants in all these 3 O.As. are seeking final relief that they may be allowed to appear for interview by the M.P.S.C. and that relief was already granted to them, though in 2 cases it was not implemented. No other relief is prayed by the applicants. These O.As. have become infructuous.

4. Accordingly, all the three O.As. stand disposed of. There shall be no order as to costs.

MEMBER (J)
ARJ 19.09.2016 (D.B.)

VICE CHAIRMAN (A)