

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

Tribunal's orders

O.A. No.941 of 2012

Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. We have perused our order dated 2.12.2015. The Ld. PO submits that the affidavit in accordance therewith is still not ready for being presented to the Tribunal. However, as the matter was debated it came about that the said affidavit will be filed by the Chief Conservator of Forest, Thane. We however, find that the moment of the matter is such that an appropriate affidavit from responsible State functionary in Mantralaya must be filed. We do not want to prejudge but then atleast point is most likely to arise as to how in the first place Time Bound Promotion came to be granted and then how it was withdrawn. That is not all. In fact a large number of employees similarly placed as the applicant have been recipients of the said benefits once or twice. For all these reasons the affidavit of the Chief Conservator of Forest will not really serve the purpose and affidavit of the State Government as mentioned above will be absolutely necessary. Learned Advocate Shri Bandiwadekar sought leave to amend the title of the O.A to make Principal Secretary (Forests) as Respondent no. 3. Leave granted. Learned Advocate Shri Bandiwadekar undertakes to amend the O.A within a week and serve the added respondent. We make it clear that should the Government not file affidavit as just mentioned the Tribunal will be justified in drawing an adverse inference in which case the State may have to take the consequences. S.O. to 17.2.2016. Hamdast.

DATE: 20/1/16

CORAM:

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

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

APPEARANCE:

Shri. A.V. Bandiwadekar

Advocate for the Applicant

Shri. A.J. Chougule

Presenting Officer for the Respondents

Order passed in

the Tribunal's column.

Adj. Po. 17/2/16. Hamdast.

PH.

R.B. Malik

(R.B. Malik)

Member (J)

20.1.2016

(sgj)

Rajiv Agarwal

(Rajiv Agarwal)

Vice-Chairman

20.1.2016

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/292 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 25 JAN 2016

ORIGINAL APPLICATION NOS. 662 to 664 OF 2015.

1. Mr. Khairnar Ajay Pralhad (O.A. No. 662/2015)
 2. Mrs. Charulata P. Chaudhari (O.A. No. 663/2015)
 3. Mrs. Vaishali S. Bhagwat (O.A. No. 664/2015)
- C/o. Shri K.R. Jagdale, Advocate for the Applicants.

....**APPLICANT/S.**

VERSUS

- 1 The State of Maharashtra, Through the Principal Secretary, Water Resources Dept., Mantralaya, Mumbai-32.
- 2 The Director General, MERI, Dindori Road, Nasik.
- 3 The Secretary, Finance Dept., Mantralaya, Mumbai.

...**RESPONDENT/S**

✓ Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 20th day of **January, 2016** has made the following order:-*

APPEARANCE : Shri K.R. Jagdale, Advocate for the Applicants.
Shri A.J. Chougule, P.O. holding for Shri N.K. Rajpurohit,
C.P.O. for the Respondents.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **20.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

Malik
22/1/2016

**Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.**

ADMINISTRATIVE TRIBUNAL
MUMBAI

of 20

of 20

NOTIFICATION SHEET NO.

Tribunal's orders

O.A.662 to 664/2015

Heard Shri K.R. Jagdale, the learned Advocate for the Applicants and Shri A.J. Chougule holding for Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

Mr. Jagdale, the learned Advocate as of now restrict his prayer to prayer clause (b) which is an alternative prayer. After some debate at the Bar, it seems that, that can be granted because even otherwise the representation having been made on 9.7.2015, more than sufficient time has elapsed and added thereto will be the time that now I going to grant which will be still more than adequate. No other substantive issue is being resolved, but liberty is reserved to the Applicant to agitate the same, in the event he remains aggrieved. With that observation, these three OAs are disposed of with the direction to the Respondent No.1 to decide the representation dated 9.7.2015 of the Applicant within a period of two months from today. The decision be communicated to the Applicant within one week thereafter. No order as to costs. Hamdast.

sd/-
(R.B. Malik) 20.01.2016
Member (J)
20.01.2016

(skw)

TRUE COPY

Anand
22/1/2016

Asst. Registrar / Research Officers
Maharashtra Administrative Tribunal

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/288 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.
Date : 25 JAN 2016

ORIGINAL APPLICATION NO. 65 OF 2016.

- 1 Shri Ashok N. Sanap,
R/o. B/203, Lakhani, Palm View, Sector 48, Nerul, Navi Mumbai-703.
.....**APPLICANT/S.**

VERSUS

1. The State of Maharashtra, Through Principal Secretary, Finance Dept.,
Having Office at Mantralaya, Mumbai-32.
.....**RESPONDENT/S.**

✓ Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 20th day of **January, 2016** has made the following order:-*

APPEARANCE : Shri A.V. Bandiwadekar, Advocate for the Applicant.
Shri A.J. Chougule, P.O. for the Respondent.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **20.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

The said application has been admitted and the Tribunal has directed to issue notice for all the Respondents to file their replies. This notice is accordingly issued to you, you should file in duplicate, your duly verified reply along with copies of documents on which you intend to rely on or before within 30 days from the date of receipt of this Notice. The said reply should be typed in double space and book form. You should, also simultaneously serve on the applicant or his Advocate a copy of the said reply along with the copies of the documents on which you intend to reply and file proof of such service in the registry. Also take notice that if you do not file the reply in the stipulated period the Tribunal will decide the case ex-parte.

Take notice that the above application has been fixed for Admission /~~Final Hearing~~ on **17.02.2016** at 11-00 a.m. You should appear for the said hearing in person or through your Advocate, to show cause, why the application should not be admitted.

Take further notice that in case you do not appear in person or through you Advocate, your application is liable to be dismissed for default/the matter will be decided ex-parte.

Please acknowledge receipt of notice positively.
Dated this day of 2016

Arvind
22/1/2016
**Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.**

Encl :
Note

- 1 The Maharashtra Administrative Tribunal will not be able to deal with their correspondence, if they need some information.
- 2 They may seek it through their agents or their Lawyers, if any.
- 3 Their prayer for an early hearing of the case, cannot possibly be ordered on the basis of a letter since there is a provision of filing a Miscellaneous Application for the purpose.
- 4 Certified copy of the Judgment will be issued on the application of the concerned along with requisite copying fees.

5

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

MA/R.A./CA 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> 20/1/16</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. K. Kulkarni (Member)</p> <p><u>APPEARANCE:</u> Shri/Smt.: P. A. Bandiwadekar Advocate for the Applicant Shri/Smt.: P. J. Chougule C.F.O./P.O. for the Respondent/s</p> <p>Adj. To: <u>Heard</u></p> <p>order passed in Tribunal column. So to 17/2/16 Handless</p>	<p align="center"><u>O.A.65/2016</u></p> <p>Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>Shri Chougule, the learned P.O. in opposing the grant of any relief submits that all the proper parties have not been impleaded and in that sense, he mentions the Special Commissioner for Sales Tax as a Party. In the first place, this aspect of the matter can be considered even later on. However, the State of Maharashtra in the Finance Department being a party hereto, it cannot be contended that the OA is totally bad for non-joinder as such.</p> <p>Having heard both the sides as of today, I accept the limited request of the learned Advocate for the Applicant that the Respondents may indicate to the Applicant the fate of his representations dated 9.11.2015 and 27.11.2015 (Exh. 'F' to the OA) within three weeks from today in the light of Para 4.7 of Manual of Departmental Enquiry (Exh. 'I', Page 129 of the P.B.) and communicate the same within one week to the Applicant.</p> <p>Issue notice returnable on 17.02.2016.</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</p>

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

Tribunal's orders

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 17th February, 2016. Hamdast.

scf 20/1/16
(R.B. Malik)
Member (J)
20.01.2016

(skw)

TRUE COPY
Madal
22/1/2016
Asst Registrar / Research Officers
Maharashtra Administrative Tribunal
(Mumbai)

[Sp1/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/287 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 25 JAN 2016

C.A. No. 103/2015 IN O.A. No. 1039/2011.

1 Shri. Rajendra D. Agawane,
R/at. Sr. No. 515, PWD Quarters, E-10, Sadar Bazar, Satara.
.....**APPLICANT/S.**

VERSUS

1. Shri Shisode, Joint Director of Agriculture, Kolhapur, Kolhapur Division,
Having office at Joint Director of Agriculture Bldg., Kolhapur. Kasba Bawda,
Near Gramsevak Training Center, Kolhapur-416013.

...**RESPONDENT/S**

✓ Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s abovenamed has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 20th day of **January, 2016** has made the following order:-*

APPEARANCE : Shri M.D. Lonkar, Advocate for the Applicant.
Smt. K.S. Gaikwad, P.O. for the Respondents.

CORAM : **HON'BLE JUSTICE SHRI A.H. JOSHI, CHAIRMAN.**

DATE : **20.01.2016.**

ORDER : Order Copy Enclosed/Order Copy Over Leaf.

Mailed
25/1/2016
**Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.**

BOMBAY MUNICIPAL CORPORATION
ADMINISTRATIVE TRIBUNAL,
MUMBAI

of 20

of 20

CONTINUATION SHEET NO.

Tribunal's orders

Date : 20.01.2016.

C.A.No.103 of 2015 in O.A.No.1039 of 2011

1. Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the Presenting Officer for the Respondents.
2. Learned P.O. for the Respondents states as follows:-

Order dated 26.3.2015 was passed within the time span ordered by the Tribunal.
3. Since, it was noticed that the order is not speaking one, it has been withdrawn and fresh order has been passed.
4. In view of the compliance, it is not a case of willful contempt.
5. Learned Advocate for the Applicant states as follows:-

He has intrusions to withdraw the application with liberty to file fresh challenge to the order passed by competent authority.
6. Application is disposed as withdrawn with liberty as ~~indicated~~ *indicated*

TRUE COPY

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 275 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date :

**M.A. No. 33/2016 IN O.A. No. 62/2016 &
M.A. No. 35/2016 IN O.A. No. 67/2016 With
O.A. No. 62/16 & O.A. No. 67/16.**

1. Dr. Rohan K. Waychal & 01 Ors., **(M.A. No. 33/16 IN O.A. No. 62/16)**
2. Dr. Mandar M. Patil & 01 Ors., **(M.A. No. 35/16 IN O.A. No. 67/16)**
C/o. Shri A.A. Desai, Advocate for the Applicants.
Add. 204, New Bake House, MCC Lane, Opp. Maharashtra State Bank,
Kalaghoda, Fort, Mumbai-01.

....APPLICANT/S.

VERSUS

- 1 State of Maharashtra, Through its Secretary, Public Health Dept., Mantralaya, Mumbai-32.
- 2 M.P.S.C., through its Chairman, having its office address at M.G.Rd. Fort, Mumbai.

...RESPONDENT/S

✓ Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 20th day of **January, 2016** has made the following order:-*

APPEARANCE : Shri A.A. Desai, Advocate for the Applicant.
Shri N.K. Rajpurohit, C.P.O. for the Respondents.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **20.01.2016.**

ORDER : (M.A. No. 33 & 35/16 IN O.A. No. 62 & 67/16)
Heard Shri A.A. Desai, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

This MA has been filed to sue jointly. As all the Applicants are seeking similar relief, the MA to sue jointly is allowed, subject to payment of Court Fees, if not already paid.

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

O.A. Nos. 62 & 67 OF 2016 :- Order Copy Enclosed / Order Copy Over Leaf.

The said application has been admitted and the Tribunal has directed to issue notice for all the Respondents to file their replies. This notice is accordingly issued to you, you should file in duplicate, your duly verified reply along with copies of documents on which you intend to rely on or before ----- within 30 days from the date of receipt of this Notice. The said reply should be typed in double space and book form. You should, also simultaneously serve on the applicant or his Advocate a copy of the said reply along with the copies of the documents on which you intend to reply and file proof of such service in the registry. Also take notice that if you do not file the reply in the stipulated period the Tribunal will decide the case ex-prate.

Take notice that the above application has been fixed for Admission / ~~Final Hearing~~ on **27.01.2016**. at 11-00 a.m. You should appear for the said hearing in person or through your Advocate, to show cause, why the application should not be admitted.

Take further notice that in case you do not appear in person or through you Advocate, your application is liable to be dismissed for default/the matter will be decided ex-prate.

Please acknowledge receipt of notice positively.

Dated this day of 2016.

Anand
22/1/2016
**Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.**

Encl :
Note

- 1 The Maharashtra Administrative Tribunal will not be able to deal with their correspondence, if they need some information.
- 2 They may seek it through their agents or their Lawyers, if any.
- 3 Their prayer for an early hearing of the case, cannot possibly be ordered on the basis of a letter since there is a provision of filing a Miscellaneous Application for the purpose.
- 4 Certified copy of the Judgment will be issued on the application of the concerned along with requisite copying fees.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

ORIGINAL APPLICATION NO.62 & 67 OF 2016

DISTRICT : SOLAPUR

ORIGINAL APPLICATION NO.62 OF 2016

Dr. Rohan Kamlakar Waychal & Anr.)...Applicants

Versus

1. The State of Maharashtra & Anr.)...Respondents

WITH

ORIGINAL APPLICATION NO. 67 OF 2016

Dr. M.M. Patil & Ors.)...Applicants

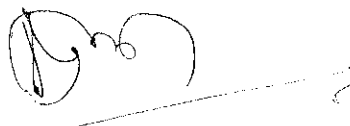
Versus

1. The State of Maharashtra & Anr.)...Respondents

Shri A.A. Desai, Advocate for Applicants.

Shri N.K. Rajpurohit, Presenting Officer for Respondents.

P.C. : R.B. MALIK (MEMBER-JUDICIAL)



DATE : 20.01.2016

ORDER

1. Heard Shri A.A. Desai, the learned Advocate for the Applicants and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.
2. Shri Desai, the learned Advocate for the Applicants seeks urgent relief in both these matters which pertain to the selection process for the appointment to the post of Dental Surgeon which is now under challenge not only in these two OAs, but also in a number of other OAs including OAs 28 & 29 of 2016 and others, dated 12.1.2016. Shri Desai makes a fervent plea to let these Applicants be interviewed either on 28th January, 2016 or on 29th January, 2016 on which the interviews are fixed by the MPSC. He claims absolute applicability of the Rule of **Writ Petition No.2046/2010 (Sachin A. Dawale and 90 others Vs. State of Maharashtra and one another, dated 19.10.2013)** confirmed by the Hon'ble Supreme Court in **Special Leave to Appeal (C) No.39014/2013 (State of Maharashtra and another Vs. Sachin A. Dawale, dated 6.1.2015)** followed by a judgment of another division bench of the Hon'ble Bombay High Court in **Writ Petition No.10145/2014 (Ujwale G. Sadhu and others Vs. State of Maharashtra and one another, dated 27.1.2015)**.

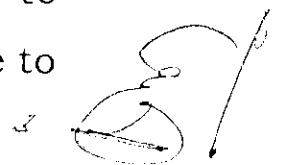
3. The learned CPO Shri N.K. Rajpurohit opposes the application.

4. Now, as far as the issue of interim relief is concerned, Para 7 of my order of 12.1.2016 above referred to, is a complete answer and safe-guard as well to all that Mr. Desai's would say as of today in these matters of urgent relief. By way of caution, the entire Paragraph is herein below reproduced. It be read in this OA as well.

"7. However, it has now become necessary to put a Caveat as far as the future actions, if any, in this regard. One aspect of the matter is that by the orders of this Tribunal, how long can the interview process be stretched by the MPSC. It is undoubtedly true that the convenience of MPSC cannot be the sole governing criteria and it cannot be subordinated to the larger interest of justice. However, at the same time, it will have to be ensured that the said process of interviews does not become an endless one because as alluded to above, there are candidates who answer the requirements set down by MPSC. Even they will have to wait the outcome hereof though they are unconcerned herewith. Mr.



Desai told me that the move of the MPSC to practically oust the degree holders because of the short listing criteria takes some time to trickle down to the Districts and more particularly mofussils and tribal areas, and therefore, as and when the information is received, the concerned persons take steps to seek redressal for their grievance. To a certain extent, this submission holds water, but there has to be a degree even there. Further, with the current technological advance, I do not think that there is total blackout kind of a situation. The educated populace that the Dental Surgeons undoubtedly are, quite surely should move with due dispatch, and therefore, I make it clear that after today, if any, such OA is presented, it will surely be entertained. But at the interim stage, it will only be clarified that if as a result of the final disposal of the OAs, it was found by the Tribunal that there was merit in their OAs, then a direction will be given to the MPSC to make provision for their interviews, even thereafter and at that time, neither the MPSC nor the Government nor even, "successful candidates" would be allowed to advance a plea the net result whereof would be to




force those Applicants who might bring their OAs after today to a state of "*fait accompli*". Therefore, the apprehension expressed by Mr. Desai can surely be effectively addressed because hereby I have neither barred anybody from bringing fresh OAs nor even from asking for an interim relief. Only result is that from now on, the number of candidates to be interviewed would not be added or multiplied. But of course, the Applicants in group of OAs, as of today, will have to be interviewed."

5. It is, therefore, made very clear that in case the Applicants make out a case for success in their OA, they will not be rendered remediless and the Tribunal will be free to direct their interviews to be conducted by the MPSC. In a group of OAs above referred to as well as earlier ones, it was made clear that, that may be in view of the facts, the hearing of this OAs will have to be expedited and that will be decided on an appropriate stage by appropriate Bench.

6. Issue notice returnable on 27th January, 2016.

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

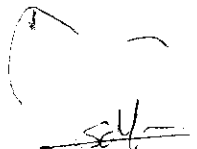


8. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

9. 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.

10. 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.

11. S.O. to 27th January, 2016 along with the group.


(R.B. Malik)
Member-J
20.01.2016

20-1-16

Mumbai


Date : 20.01.2016

Dictation taken by :

S.K. Wamanse.

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TRUE COPY


 22/1/2016

Asst. Registrar / Research Officers
 Maharashtra Administrative Tribunal
 Mumbai

2

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

SLA/R.A./C.A. No.

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET NO.

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

Tribunal's orders

O.A.691/2015

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

Mr. Lonkar, the learned Advocate undertaking that he will file the Affidavit-in-rejoinder on the next date is recorded. The OA is admitted. Liberty to mention granted. It is made clear that in as much as a copy of the rejoinder is furnished to the Respondents already, if they want to file sur-rejoinder, they must file it on the next date and not thereafter.

R.B. Malik

(R.B. Malik)
Member (J)
20.01.2016

20.1.16

Coram - Hon'ble Shri R.B. Malik (M-J)

Shri M.D. Lonkar Adv
for the Applicant
Shri A.J. Chougule PO
for the Respondents

Heard
order passed in
Tribunal column
Admit

2

(skw)

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 282 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : **25 JAN 2016**

M.A. No. 39/2016 IN O.A. No. 387/2015. (A'bad) (D.B.)

1 Shri Dayananad R. Sorate,
W/at. Jailor Group II, Having its office at Central Jail, Harsool Aurangabad,
Tq. & Dist. Aurangabad.

.....**APPLICANT/S.**

VERSUS

1 The State of Maharashtra, Through the Principal Secretary, Home Dept., Mantralaya, Mumbai-32.

2 The Addl. D.G. & I.G. (Prisons), State of Maharashtra having its Office at Addl. D.G. of Prisons, Central Bldg., Pune Office, Pune.

.....**RESPONDENT/S.**

✓ Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 20th day of **January, 2016** has made the following order:-*

APPEARANCE : Shri S.D. Joshi, Advocate for the Applicants.
Smt. K.S. Gaikwad, P.O. for the Respondents.

CORAM : **HON'BLE JUSTICE SHRI A.H. JOSHI, CHAIRMAN.**

DATE : **20.01.2016.**

ORDER : 1. Heard Shri S.D. Joshi, learned Advocate for the Applicants and Smt. Kranti Gaikwad, learned P.O. for the Respondents.

2. In view of the availability of the Division Bench at Aurangabad, there is no propriety of transferring of the case.

3. This Misc. Application remains pending till sitting at the Bench at Aurangabad is over, which is due on 22.02.2016.

Sd/-
(A.H. Joshi, J.)
Chairman.

Mural
21/1/2016

Research Officer,
Maharashtra Administrative Tribunal,

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 align="center"><u>MA No.16/16 in OA No.293/10</u></p> <p>Heard Shri M.R. Patil, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This MA seeks amendment to the OA as per Schedule 'A-1' annexed hereto. Smt. Gaikwad, Ld. PO makes a statement that the respondents dispute the averments made for the proposed amendment but in accordance with law of amendment reserving their right to file an additional affidavit in reply thereto the amendment can be allowed.</p> <p>3. The MA is, therefore, allowed. Amendment as per Schedule 'A-1' be incorporated by a proper amendment to be carried out within two weeks from today. A consolidated OA post amendment be filed and copy be furnished to the Ld. PO.</p> <p>4. OA is now adjourned for additional affidavit in reply to the amended OA to 10.2.2016. No order as to costs.</p>
<p><u>DATE: 20/1/16</u></p> <p><u>COMES:</u> Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u> Shri/Smt. M. R. Patil Advocate for the Applicant Shri/Smt. K. S. Gaikwad C.P.O./P.O. for the Respondents M.A. is allowed. D.A. Adg. to 10/2/16.</p>	<p><i>(Signature)</i> (R.B. Malik) Member (J) 20.1.2016</p> <p><i>(Signature)</i> (Rajiv Agarwal) Vice-Chairman 20.1.2016</p>

[Sp1/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 284 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 25 JAN 2016

M.A. No. 31/2016 IN O.A. No. 448/2015. (A'bad)

- 1 Shri Dnyaneshwar D. Gawhane & 01 Ors.,
C/o. Shri S.K. Chavan, Advocate for the Applicants.
Add. Flat No.5, Plot No.72, Snehal Apt., Vidya nagar, Aurangabad-431009.
.....**APPLICANT/S.**

VERSUS

- 1 The State of Maharashtra, Through Secretary, Revenue Department, Mantralaya, Mumbai-32.
3 The Collector & President of District Selection Committee, Nandurbar, Tq. & Dist. Nandurbar.
2 The State of Maharashtra, Through its Secretary, G.A.D., Mantralaya, Mumbai.
4 The District Selection Committee, Through its Member Secretary Residential Additional Collector, Nandurbar, Dist. Nandurbar.
.....**RESPONDENT/S.**

✓ Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 20th day of January, 2016 has made the following order:-

APPEARANCE : Shri S.K. Chavan, Advocate for the Applicants.
Smt. K.S. Gaikwad, P.O. for the Respondents.

CORAM : **HON'BLE JUSTICE SHRI A.H. JOSHI, CHAIRMAN.**

DATE : **20.01.2016.**

- ORDER : 1. Heard Shri S.K. Chavan, learned Advocate for the Applicants and Smt. Kranti Gaikwad, learned P.O. for the Respondents.
2. In view of the availability of the Division Bench at Aurangabad, adjourned to 31.03.2016.
3. S.O. to 31.03.2016.

Sd/-
(A.H. Joshi, J.)
Chairman.

M. K. Joshi
21/1/2016
Research Officer,
Maharashtra Administrative Tribunal,

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 289 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 25 JAN 2016

ORIGINAL APPLICATION Nos. 829 & 830 OF 2015.

1. Dr. Nandkumar R. Aswar, (O.A. No. 829/2015)
 2. Dr. Sanjaykumar R. More, (O.A. No. 830/2015)
- C/o. Shri. S.D. Joshi, Advocate for the Applicants.
Add. 51, Sarang, HSG, Society, Garkheda, Aurangabad.

....**APPLICANT/S.**

VERSUS

- 1 The State of Maharashtra, (Copy to be served on the C.P.O. in M.A.T., Mumbai Bench.)
- 2 The Secretary, Medical Education & Drugs Dept., Mantralaya, Mumbai-32.
- 3 The Director, Medical Education & Research, Mumbai.
- 4 The Dean, Dr. Shankarrao Chavan Govt. Medical College, Nanded, Dist. Nanded.

...**RESPONDENT/S**

✓ Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 20th day of **January, 2016** has made the following order:-*

APPEARANCE : Shri S.D. Joshi, Advocate for the Applicants.

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

CORAM : **HON'BLE SHRI RAJIV AGARWAL, VICE-CHAIRMAN.**

HON'BLE SHRI R.B. MALIK, MEMBER (J).

DATE : **20.01.2016.**

ORDER : Heard Shri S.D. Joshi, learned Advocate for the Applicants and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. The arguments of Shri S.D. Joshi, Ld. Advocate remained inconclusive. We find that the affidavit in reply has been filed by the Dean of respondent No.4. There is no affidavit filed by the Government. The facts are such that the affidavit of the Government is absolutely imperative for proper and just decision of this OA. As a matter of fact if in spite of this indulgence shown by us if the Government were not to file affidavit of a responsible functionary working in Mantralaya the Tribunal will be not only justified but perhaps in legal duty bound inter alia to draw adverse inference. These part heard OAs are adjourned to 12.2.2016.

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

Sd/-
(Rajiv Agarwal)
Vice-Chairman.

Research Officer,
25/1/2016
Research Officer,
Maharashtra Administrative Tribunal,

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: 20/1/16</u></p> <p><u>SKAN:</u> Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) Hon'ble Shri R. B. MALIK (Member) ✓</p> <p><u>APPEARANCE:</u> Shri. Rohini Mahale Holding for Shri. Atul Deshkar Advocate for the Applicant Shri. A.J. Chougule C.O. for the respondents order passed in the Tribunal's order.</p> <p>S.O. to 12/2/16.</p> <p><i>[Signature]</i></p>	<p><u>20.01.2016</u></p> <p><u>M.A nos 35/2014, 105/2014, 515/2014 & 516/2014 with O.A No 1267/2013</u></p> <p>Heard Ms Rohini Mahale holding for Shri Atul Deshkar, learned advocate for the applicant and Shri A.J Chougule, holding for Ms Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>It seems that there are now four M.As to be decided although as of now we do not think we are getting proper assistance at the bar.</p> <p>Mr Chougule, on instructions from the Offices who are present says that affidavits have been filed there in and no further affidavits either in the M.As or O.As are to be filed. It is, therefore, directed that the M.As will be heard along with the O.A on the next date, for which both sides must come prepared.</p> <p>S.O to 12.2.2016.</p> <p>(R.B. Malik) Member (J)</p> <p>(Rajiv Agarwal) Vice-Chairman</p> <p>Akn</p>

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><u>DATE: 20/1/16</u></p> <p><u>COM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member)</p> <p><u>APPEARANCE:</u> Shri/Smt. M. P. P. Advocate for the Applicant</p> <p>Shri/Smt. K. S. G. C.P.O./P.O. for the Respondents</p> <p>..... (sg)</p> <p>..... M.A. is allowed.</p> <p>D.P. Adv. to 10/2/16.</p>	<p><u>MA No.16/16 in OA No.293/10</u></p> <p>Heard Shri M.R. Patil, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. This MA seeks amendment to the OA as per Schedule 'A-1' annexed hereto. Smt. Gaikwad, Ld. PO makes a statement that the respondents dispute the averments made for the proposed amendment but in accordance with law of amendment reserving their right to file an additional affidavit in reply thereto the amendment can be allowed.</p> <p>3. The MA is, therefore, allowed. Amendment as per Schedule 'A-1' be incorporated by a proper amendment to be carried out within two weeks from today. A consolidated OA post amendment be filed and copy be furnished to the Ld. PO.</p> <p>4. OA is now adjourned for additional affidavit in reply to the amended OA to 10.2.2016. No order as to costs.</p> <p><i>(R.B. Malik)</i> Member (J) 20.1.2016</p> <p><i>Rajiv Agarwal</i> (Rajiv Agarwal) Vice-Chairman 20.1.2016</p>