

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**MISC APPLICATION NO.404 OF 2016  
IN  
ORIGINAL APPLICATION NO. 979 OF 2016**

**DISTRICT :Nashik**

Rahul Valmik Ahire, )  
M.P. Pawar Gali, Malegaon Camp, )  
Tal: Malegaon, District: Nashik. )...**Applicant**

**VERSUS**

1. The State of Maharashtra, )  
Through the Secretary, Revenue )  
and Forest Department, )  
Mantralaya Annexe, Mumbai - 400 032)
2. State of Maharashtra, )  
Through the Secretary, General )  
Administration Department, )  
Mantralaya Annexe, )  
Mumbai - 400 032. )
3. The District Collector, Nashik, )  
Office of District Collector, )  
Near Old C.B.S., )  
Nashik - 422 002. ) ....**Respondents**

Shri Vinamra Kopariha with Raturaj Pawar, the learned Advocate for the Applicant.

Ms. S. Suryawanshi, learned Presenting Officer for the Respondents.

RR

**CORAM** : **Shri Rajiv Agarwal, Vice-Chairman**

**DATE** : **20.02.2017**

**ORDER**

1. Heard Shri Vinamra Kopariha with Shri Raturaj Pawar, learned Advocate for the Applicant and Ms. S. Suryawanshi, learned Presenting Officer for the Respondents.
2. This Misc. Application has been filed seeking condonation of delay of 48 days in filing the Original Application.
3. Learned Counsel for the Applicant argued that the Applicant's father died while in service on 25.6.2000 and his mother applied for compassionate appointment on 6.7.2000. The Applicant on 24.11.2005, made an application that he may be included in the list of candidates eligible for compassionate appointment. By letter dated 22.7.2015, the request of the Applicant was rejected. The Applicant submitted application for reconsideration, which was rejected on 31.7.2015. Learned Counsel for the Applicant argued that in such cases, Hon'ble Supreme Court has held that the Courts should not adopt a pedantic approach, but consider the issue to apply the law in a meaningful manner which sub-serves the ends of justice. He relied on the judgment of Hon'ble S.C. in the matter of **Collector, Land Acquisition,**

**Anantang and another Vs. Katiji & Others : (1987) 2 SCC 107.**

4. Learned Presenting Officer (P.O.) argued on behalf of the Respondents that the delay is actually 90 days and the Applicant had not given any explanation for this delay. Learned P.O. argued that the M.A. is without merit and liable to be dismissed.
5. It is seen that the Applicant claims that there is delay of 48 days in filing the O.A. while according to the Respondents, delay is of 90 days. Hon'ble S.C. in the aforementioned case has held that in such cases, Courts should adopt a liberal approach. Cause of substantial justice deserves to be preferred, if the delay is not deliberate. In the present case, there is no deliberate delay or culpable negligence and the delay is required to be condoned taking a justice oriented approach.
6. Having regard to the aforementioned facts and circumstance of the case, delay in filing O.A.No.979 of 2016 is condoned and this M.A. is allowed with no order as to costs.

  
**(RAJIV AGARWAL)**  
**(VICE-CHAIRMAN)**

Date : 20.02.2017

Place : Mumbai

Dictation taken by : SBA

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IN

**FARAD CONTINUATION SHEET NO.**

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

Tribunal's orders

**20.02.2017**

**O.A No 1080/2016**

Dr Y.G Jagtap ..... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Smt K.S Gaikwad learned Presenting Officer for the Respondents.

It appears that the copy of the Original Application served on Respondent no. 7 has only six Respondents listed and Respondent no. 7 is not listed. Learned P.O stated that as a result the Respondent no. 7 did not find it necessary to file affidavit in reply. She, therefore, prayed that the order dated 30.1.2017, imposing cost on Respondent no. 7 may be recalled.

Copy of the notice served on the Respondent no. 7 is placed before me for my perusal. The contention of the learned P.O appears to be correct. Though notice sent by this Tribunal does have name of Respondent no. 7, it is not clear whether the copy of the O.A, which is placed before this Tribunal was actually served on the Respondent no. 7.

Considering these facts, order dated 30.1.2017 in so far as cost of Rs. 1000/- was imposed on Respondent no. 7 is recalled.

Learned Advocate Shri Bandiwadekar handed over copy of the O.A to the representative of Respondent no. 7 Shri S.V Dhumal, Assistant Section Officer, Public Health Department, Mantralaya, Mumbai, who is present in the Tribunal.

*RB*

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

Learned ~~Advocate~~ <sup>Tribunal's orders</sup> Shri Bandiwadekar has placed a copy of notice received by the Applicant dated 9.2.2017 from Respondent no. 1, asking him to show cause as to why action under M.C.S (Discipline & Appeal) Rules, 1979 should not be taken against him for making allegation apparently against him in the O.A. This prima facie appears to be interfering in the administration of justice.

Taking suo moto notice of this conduct of Respondent no. 1, show cause notice may be issued to him asking him to show cause why action under Contempt of Courts Act and relevant provisions of the Administrative Tribunals Act should not be initiated against him.

Respondent no. 1 is directed to file his reply within four weeks.

S.O to 20.3.2016.

DATE: 20/2/17

CORAM:

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

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

APPEARANCE:

Shri/Smt. : A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. : K.S. Geikewad

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

Adj. To : S.O. to 20/3/17.



Akn

Sd/-

(Rajiv Agarwal)  
Vice-Chairman

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(G.C.P.) J 2260(B) (50,000-2-2015)

[Spl.- MAT-F-2 E.


**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

IN

Original Application No. of 20

**FARAD CONTINUATION SHEET NO.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>20/2/17</u></p> <p><b>CORAM:</b> Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) <del>Hon'ble Shri R. B. MALIK (Member)</del></p> <p><b>APPEARANCE:</b> Shri/Smt. <u>K. R. Jagdale</u> Advocate for the Applicant Shri/Smt. <u>K. S. Gaikwad</u> C.P.O./R.O. for the Respondents</p> <p><u>S.O. to 6/3/17.</u> Adj. To..... Hamdast: </p>	<p><b><u>20.02.2017</u></b></p> <p><b><u>O.A Nos 1027 &amp; 1028/2016</u></b></p> <p>Shri V.B Kulkarni &amp; ors ... Applicants Vs. The State of Maharashtra &amp; Ors... Respondents</p> <p>Heard Shri K.R Jagdale, learned advocate for the applicants and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>On 3.2.2017 this Tribunal has directed the Respondent to file affidavit in reply to the amended Original Application. However, no reply is forthcoming. The Applicants' claim is that they are being victimized by transferring them to places like Gadchiroli and Buldhana from Kolhapur, though enquiry has been started against them on concocted charges. I am unable to apprehend the reasons for not filing affidavit in reply in such a simple matter.</p> <p>Cost of Rs. 2500/- is imposed on Respondent no. 2 in each of the Original Application, which should be deposited in the Registry of this Tribunal by Government cheque before the next date.</p> <p>S.O to 6.3.2017. Hamdast.</p> <p>Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><b>DATE:</b> <u>20/2/17</u></p> <p><b>CORAM:</b>            Hon'ble Shri. RAJIV AGARWAL            (Vice - Chairman)            Hon'ble Shri R. B. MALIK (Member)</p> <p><b>APPEARANCE:</b>            Shri/Smt. <u>M.A. Parab, holding</u>  <u>for P.S. Pathak</u>            Advocate for the Applicant            Shri/Smt. <u>N.K. Rajpurohit</u>            C.P.O./P.O. for the Respondents  <u>Rejoinder filed by</u>  <u>Applicant</u>  <u>O.A. is admitted.</u>  <u>S.O. to 6/3/17.</u></p> <p style="text-align: right;"><i>FH</i></p>	<p><b>20.02.2017</b></p> <p><b><u>O.A No 843/2016</u></b></p> <p>Shri B.Y Ghuge ... Applicant            Vs.            The State of Maharashtra &amp; Ors... Respondents</p> <p>Heard Shri M.A Parab, holding for Shri P.S Pathak, learned advocate for the applicant and Shri N.K Rajpurohit, learned Chief Presenting Officer for the Respondents.</p> <p>Affidavit in rejoinder is filed by the Applicant. Original Application is admitted. Respondents are at liberty to file sur-rejoinder if need be.</p> <p>Place for final hearing on 6.3.2017.</p> <p style="text-align: right;">Sd/-            (Rajiv Agarwal)            Vice-Chairman</p> <p>Akn</p>

(G.C.P.) J 2260(B) (50,000—2-2015)

[Spl.- MAT-F-2 E.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
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M.A./R.A./C.A. No. of 20

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**20.02.2017**

**O.A Nos 1094/2016**

Shri G.V Naik ... Applicant -  
Vs.  
The State of Maharashtra & Ors... Respondents

Heard Shri M.D Lonkar, learned advocate for the applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

Affidavit in reply has been filed. Shri Lonkar, learned advocate for the Applicant states that he does not wish to file rejoinder.

O.A is admitted. Place for final hearing on 14.3.2017.

**DATE:** 20/2/17

**CORAM:**

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

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

**APPEARANCE:**

Shri/Smt. M.D. Lonkar

Advocate for the Applicant

Shri/Smt. N.K. Rajpurohit

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

O.A. is admitted.

Adj. To... 14/3/17

FH  
*[Signature]*

Sd/-

(Rajiv Agarwal)  
Vice-Chairman

Akn