

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO. 111 of 2019

M.H. Deshmukh
Versus
The State of Maharashtra & Ors.

....Applicant.
.....Respondents.

Shri S.S. Dere, the learned Advocate for the Applicant.
Ms. S.P. Manchekar, the learned Chief Presenting Officer for Respondents.

CORAM : Justice Shri M.T. Joshi, Vice-Chairman
Shri P.N. Dixit, Member(A)

DATE : 21.02.2019

PER : Justice Shri M.T. Joshi, Vice-Chairman

ORDER

1. Heard Shri S.S. Dere, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for Respondents.
2. Issue notice before admission returnable on 06.03.2019.
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. Heard both sides. Learned C.P.O. Ms. S.P. Manchekar for the Respondents submits that she would take instructions from Respondent No.1 as to whether decision regarding equivalence is taken in view of the provisions of Rule 4(a) and 4(b) of Group B (Gazetted) in the Directorate of Forensic Science Laboratories (Recruitment) Rules, 2014. In case no decision is taken whether further decision can be taken for accepting the degree in Bachelor of Computer Application etc. as a equivalent degree and extent the dates, if any, for accepting the applications of such candidates.
9. At the request of learned C.P.O. Ms. S.P. Manchekar for the Respondents adjourned at 06.03.2019.
10. Steno copy and Hamcast is allowed.
11. Learned C.P.O. is directed to communicate this order to the Respondents.

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

Sd/-
(M.T. Joshi, J.)
Vice-Chairman

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION No.159 of 2019

Vikas S. Totawar,

).....

Applicant

Versus

1. State of Maharashtra, through the Addl.Chief)
Secretary, Home Department, Mantralaya,)
Mumbai 400 032.)

2. Dr. Ashwini S. Patil

)...Respondents

Shri A. V. Bandiwadekar, Advocate for the Applicant
Shri A.J. Chougule, Presenting Officer for the Respondent Nos.

CORAM : SHRI A. P. KURHEKAR , MEMBER (J)

DATE : 21.02.2019

ORDER

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. In the present Original application, the challenge is to the impugned transfer order dated 13.02.2019 whereby the Applicant has been transferred from the post of SDPO, Vasai to Deputy Superintendent of Police, Protection of Civil Rights, Thane.
3. Learned Advocate for the Applicant submitted that the present transfer is malafide in view of the success of the Applicant in O.A. No. 518/2018 wherein earlier transfer order dated 08.06.2018 was quashed by the Tribunal. Thus, according to the learned Advocate, the Respondents have again transferred the Applicant out of vengeance. He further pressed for interim relief on the ground of improper constitution of Civil Services Board as well as absence of its publication in the official gazette. However, so far as the publication is concerned, when the record has been produced by the learned P.O. and examined by the learned Advocate for the Applicant, learned Advocate fairly concedes that there is a publication of the constitution of PEB in official Gazette.

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4. However, learned Advocate for the Applicant sought to contend that the recommendations made by the PEB is not legal because of absence of one of the member namely Shri Sanjay Barve, Director General, ACB, Maharashtra State. Though perusal of the record reveals the absence of one member, apparently it has been signed by remaining four members. Therefore, absence of one member in the meeting itself cannot be the ground to invalidate the recommendation made by the PEB.

5. He further submitted that the constitution of PEB is not in accordance to section 22(c)(2) of the Maharashtra Police Act. As per this provision, the PEB shall consist of five members. He has pointed that as per notification dated 12.07.2018, the PEB constitute is of six members. Whereas the recommendations of transfers are made by five members committee amongst which one member was absent.

6. Having gone through the record, I find no such fatal infirmity in the constitution of PEB. Perusal of the file produced by the learned P.O. reveals that the PEB has recommended the transfers of 49 Police personnel amongst which the Applicant was at Sr.No.47. The transfers were made having completed three years tenure, in view of the guidelines issued by the Election Commission of India and on administrative ground. So far as the Applicant is concerned, he along with two other police officials who are at sr.nos.48 and 49 have been transferred in view of alleged mis-conduct by them. In the column of remark, the PEB noted as follows:-

"The Police Establishment Board perused the detailed note put up before the members by the member secretary about the misconduct by the officers. The Board also perused the relevant papers along with the default report. The Board unanimously agreed that continuing the officers in the present post may lead to severe Law and Order problems in the near future and it would be administratively appropriate to transfer the officers from the present post and has decided to recommend the transfer accordingly.

7. The proposal approved by the PEB was accordingly placed before the Hon'ble Chief Minister who sanctioned the proposal. Consequently, the transfer orders have been issued.

8. As such, there is prima-facie, compliance of provision of the Maharashtra Police Act.

9. In view of above, I am not inclined to grant interim relief.
10. Issue notice before admission returnable on 07.03.2019.
11. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
12. 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.
13. 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.
14. 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.
15. 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.
16. S.O. to 07.03.2019.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.146 OF 2019

S.S. Garud)Applicant

Versus

The State of Maharashtra & Ors.)Respondents

Shri K. R. Jagdale, Advocate for Applicant

Shri A. J. Chougule, Presenting Officer for the Respondents

CORAM : SHRI A. P. KURHEKAR, MEMBER (J)

DATE : 21.02.2019

ORDER

1. Heard Shri K. R. Jagdale, learned Advocate for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. The Applicant has challenged the impugned transfer order dated 13.02.2019 whereby he has been transferred from S.D.P.O. Haveli, Pune (Rural) to S.D.P.O., Satara (Rural).

3. The learned Advocate for the Applicant submitted that in earlier round of litigation i.e. O.A.No.956/2009 in similar situation the impugned transfer order in pursuance of the guidelines issued by the Election Commission of India was challenged and the O.A. was allowed on the ground that there is difference between city and rural and it should be treated as separate range. However, the learned P.O. for the Respondents has rightly pointed out that the Applicant is resident of Pune district and the distinction made in O.A. No.956/2009 cannot be applied here, as in the present case, the transfers are made in the light of ensuing Lok Sabha Election. At the time of O.A. No.956/2009, the transfers were effected in view of ensuing Vidhansabha Election. He has further pointed out that presently the Applicant is

W. D. W.

working on executive post i.e. S.D.P.O., Pune (R) whereas at the time of O.A. No.956/2009, the Applicant was working in Control Room i.e. non-executive post.

4. In the present matter, the Applicant has been transferred from S.D.P.O. Haveli, Pune (R) to S.D.P.O. Satara (R). He is admittedly the resident of Pune district and working on executive post. The transfers are effected in view of the guidelines of Election Commission of India that officials should not be continued in home district on executive post during the elections. Therefore, in my considered opinion, the decision rendered in O.A.No.956/2009 is distinguishable and cannot be made applicable to the present situation.

5. In O.A. No.956/2009, there was no proper notification of the constitution of PEB is required under Maharashtra Police Act whereas, in the present matter, it has been notified in the Gazette of Maharashtra for the period from August 30 to September 5, 2018.

6. The impugned transfer order has been proposed by the PEB and the same has been approved by the Hon'ble Chief Minister being the Highest Competent Authority.

7. In view of above, prima-facie there is compliance of the provision of Maharashtra Police Act and the decision rendered in O.A.No.956/2009 is quite distinguishable.

8. For the aforesaid reasons, I am not inclined to grant interim relief.

9. Issue notice before admission returnable on 22.03.2019

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

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. 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.

15. S.O. to 22.03.2019.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

**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>Date : 21.02.2019.</p> <p align="center">O.A.No.1110 of 2018</p> <p>D. K. KedariApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri B. K. Barve & Co. , learned Advocate for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A., the Applicant is seeking directions to release pensionary benefits in terms of Defined Contribution Pension Scheme. He had tendered the resignation to join the Central Government service. He was relieved by the office of the Respondent No.2 on 18.06.2015. However, till date he has not received the benefits under Defined Contribution Pension Scheme under which he made contribution during his service period. Despite, his various representations, the Respondents did not respond. Ultimately, the Applicant has approached this Tribunal.</p> <p>3. In view of above, this O.A. needs to be decided expeditiously as the Applicant ^{is} being deprived ^{of} from his dues for near about three years.</p> <p>4. The Respondent No.2 is, therefore, directed to depute some responsible officer from his office to remain present in the Tribunal with concerned file to know why the dues of the Applicant are withheld.</p> |

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

Tribunal's orders

-2-

5. Issue notice before admission returnable on 22.03.2019

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

7. 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.

8. 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.

9. 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.

10. 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.

11. S.O: to 22.03.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

**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.

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| Office Notes, Office Memorands of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Date : 21.02.2019. Tribunal's orders O.A.No.148 of 2019 |
| | <p>R.M. Pingle & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A., limited relief is sought for direction to Collector, Ratnagir and concerned Respondents to relieve the Applicants from their present posting so as to enable them to join the place they have been transferred in pursuance of the order passed by the Government on 07.09.2018 and 31.10.2018.</p> <p>3. In fact, the same issue had come up before this Tribunal in O.A. No.74, 75 and 76 of 2019 wherein only after passing of the order by the Tribunal, the Applicants were relieved. The present Applicants, however, have not been relieved and, therefore he has constrained to approach this Tribunal for the same relief.</p> <p>4. Learned P.O. for the Respondents submitted that due to staff scarcity, the Applicants could not be relieved. She has tendered a letter dated 20.02.2019 issued by the Deputy Collector, Ratnagiri citing the difficulties of administration on account of scarcity of staff.</p> <p>5. As the Government has already passed the order on 07.09.2018 and 31.10.2018, it needs to be implemented forthwith. It is for the Respondents to take care of his administration by making sufficient staff available at his disposal.</p> <p>6. Two weeks time is granted to Respondents to take necessary steps so as to relieve the Applicants from the present posting.</p> |

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
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| | <p data-bbox="1208 378 1240 400" style="text-align: center;">-2-</p> <p data-bbox="894 488 1560 566">7. Issue notice before admission returnable on 07.03.2019</p> <p data-bbox="894 588 1560 703">8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.</p> <p data-bbox="894 725 1560 913">9. Applicants are 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 data-bbox="894 935 1560 1090">10. 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 data-bbox="894 1112 1560 1311">11. 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. Applicants are directed to file Affidavit of compliance and notice.</p> <p data-bbox="894 1333 1560 1521">12. In case notice is not collected within three 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.</p> <p data-bbox="894 1543 1203 1577">13. S.O. to 07.03.2019.</p> <p data-bbox="1268 1639 1430 1743" style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p data-bbox="927 1760 959 1782">vsm</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

of 20

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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 : 21.02.2019.</p> <p>M. A. No.73 of 2019 in O.A.No.12 of 2019</p> <p>The State of Maharashtra & Ors.Applicants (Ori. Respondents)</p> <p>Versus</p> <p>N. G. Patil ...Respondent (Ori. Applicant)</p> <p>1. Heard Ms S. P. Manchekar, learned Chief Presenting Officer for the Applicants (Ori. Respondents) and Shri K. R. Jagdale, learned Advocate for the Respondent (Ori. Applicant).</p> <p>2. In O.A. No.12/2019, this Tribunal by judgment dated 06.02.2019 set aside the impugned transfer order dated 28.12.2018 with directions to repost the Applicant as DCP, Zone 2, Pimpri – Chinchwad Police Commissionerate, the post she was transferred from within two weeks from the judgment.</p> <p>3. Learned C.P.O. for the Applicants (Ori. Respondents) filed this application seeking extension to the time granted by this Tribunal for reposting of the applicant. She submitted that file is under process and the W.P. will be filed before the Hon'ble High Court which will take some time. She, therefore, earnestly prayed for extension of time.</p> <p>4. Whereas the learned Advocate for the Applicant opposed the application contending that the Applicant is subjected to harassment because of challenge to the transfer order and she is being treated inhumanely. He, therefore, opposed to application for extension of time.</p> |

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

Tribunal's orders
-2-

5. The impugned order dated 28.12.2018 was set aside by this Tribunal on of the ground that though it was mid-term and mid-tenure transfer, there was no compliance of section 22(N) of Maharashtra Police Act. It was neither placed before the PEB nor approved by the highest competent authority. The Commissioner of Police in his own authority has passed the impugned transfer order and, therefore, it was set aside. The contention of the Government that it was internal transfer and, therefore, the Commissioner of Police was empowered to do the same has been turned down by the Tribunal.

6. As observed by the Tribunal, in the judgment of 12/2019, this Tribunal has taken view that internal transfer within the Commissionerate area is the transfers and so many orders have been set aside. However, the State prefers not to challenge the same before the Hon'ble High Court till the decision in *O.A.No.861/2018 (Rajeshkumar Trivedi Vs. State of Maharashtra & Ors.)* decided on 28.11.2018. The W.P. challenging the judgment of O.A.861/2018 is sub judice before the Hon'ble High Court.

7. As the impugned order was obviously in patent violation of Maharashtra Police Act, the same was set aside with directions to repost the Applicant within two weeks that has not been followed. The period of two weeks is over by yesterday.

8. As such, in view of findings recorded by this Tribunal in O.A., I am not inclined to extend the time.

9. In view of above, Misc. Application is rejected.

Sd/-
(A.P. Kurhekar)
Member(J)

vsm

**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 |
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| | <p>Date : 21.02.2019.</p> <p>O.A.No.1055 of 2018</p> <p>V. 5. MoneApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Today, the learned C.P.O. for the Respondents has filed reply on behalf of the Respondent Nos.1 and 2. It is taken on record.</p> <p>3. On request of the learned Advocate for the Applicant, two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 07.03.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>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>Date : 21.02.2019.</p> <p>M.A. No.75 of 2018 in O.A.No.148 of 2019</p> <p>R.M. Pingle & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.2. This is an application for leave to sue jointly.3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.5. M.A. is allowed. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

of 20

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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 : 21.02.2019.</p> <p>O.A.No.114 of 2019</p> <p>R. V. NikamApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.2. Today, the learned P.O. for the Respondents submitted that on receipt of report of the Enquiry Officer, the Disciplinary Authority has proposed to deduct 7% pension for one year and show cause notice dated 21.02.2019 has been issued to the Applicant. She further submitted that on receipt of reply of the Applicant final order will be passed within a month.3. In the present O.A., the directions are sought to release retiral benefits of the Applicant who stands retired in 2016. It seems that because of pendency of D.E., his retiral benefits were withheld. Now, the D.E. is completed and having received of report of the Enquiry Officer, the Disciplinary Authority is in the process of passing final order. The Disciplinary Authority supposed to pass final order on receipt of reply of the delinquent in terms of show cause notice dated 21.02.2019.4. In view of above, the present O.A. can be disposed of with suitable directions.5. The Original Application is disposed of with direction to pass final order in D.E. within 15 days from the date of receipt of reply of the Applicant and to release the retiral benefits and other dues as per his entitlement accordingly, in term of final order that may passed in D.E.6. The provisional pension which seems to be not paid since 01.11.2016 be paid within one month, if not paid. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</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 : 21.02.2019.</p> <p>M. A. No.76 of 2019 in O.A.No.149 of 2019</p> <p>S. S. Suryawanshi & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Advocate for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. This is an application for leave to sue jointly.</p> <p>3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.</p> <p>4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.</p> <p>5. M.A. is allowed.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
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| | <p>Date : 21.02.2019.</p> <p>O. A. No.155 of 2019</p> <p>M. A. AtkarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicants and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.2. Issue notice before admission returnable on 22.03.2019.3. 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. S.O. to 22.03.2019. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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

Tribunal's orders

Date : 21.02.2019.

O. A. No.157 of 2019

P. B. DandkarApplicant

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicants and Shri S. D. Dole, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 22.03.2019.

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. S.O. to 22.03.2019.

Sd/-
(A.P. Kurhekar)
Member(J)

**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 : 21.02.2019.</p> <p>O. A. No.37 of 2019</p> <p>U. S. ChavanApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri C. T. Chandratre, learned Advocate for the Applicant and Smt. Kranti Gaiwad, learned Presenting Officer holding for Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The Applicant also present in person. Learned Advocate for the Applicant submitted that he does not want to prosecute this O.A. and prayed for withdrawal.</p> <p>3. The Applicant who is present before the Tribunal also admits that he wants to withdraw the present O.A..</p> <p>4. As the Applicant does not want to continue with the O.A. and prayed for withdrawal, this Original Application is disposed of being withdrawn.</p> <p>5. No order as to costs.</p> <p>6. Interim relief granted by this Tribunal on 10.01.2019 stands vacated.</p> <p>Sd/- (A.P. Kurhekar) Member(J)</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

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Original Application No.

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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 : 21.02.2019.</p> <p>O.A.No.1085 of 2017</p> <p>D. T. NawleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Today, the learned P.O. for the Respondents has filed Affidavit-in-Reply on behalf of the Respondent Nos.1 to 4. It is taken on record.</p> <p>3. On the request of the learned Advocate for the Applicant, three weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 14.03.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> |

vsr

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|---|
| | <p>Date : 21.02.2019.</p> <p style="text-align: center;">O.A.No.150 of 2019</p> <p>S. A. SatamApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri K. R. Jagdale, learned Advocate for the Applicant. Shri A. J. Chougule, learned Presenting Officer for the Respondents and Shri M. D. Lonkar, the learned Advocate for the Respondent No.2. 2. Issue notice before admission returnable on 28.02.2019. 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 three 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. S.O. to 28.02.2019. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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

Tribunal's orders

Date : 21.02.2019.

O.A.No.149 of 2019

S. S. Suryawanshi & Ors.Applicants
Versus
State of Maharashtra & Ors.Respondents

1. Heard Shri M. D. Lonkar, learned Advocate for the Applicants and Shri A. J. Chougule, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 22.03.2019.
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. S.O. to 22.03.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|--|
| | <p>Date : 21.02.2019.</p> <p style="text-align: center;">O.A.No. 78 of 2019</p> <p>G. P. NaikApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M. D. Lonkar, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. As per order passed by this Tribunal on 23.01.2019 and 07.02.2019, the pension papers of the Applicant were required to be processed immediately to release the pension and other retiral benefits. This Tribunal has passed speaking order and also observed that there is laxity and inaction on part of the Respondent No.3. Despite above position, today, the learned P.O. submitted that for want of judgment of Criminal Case, the pension papers could not be processed.</p> <p>3. As noted in earlier orders, the Applicant stands retired on 31.08.2017 but still regular pensionary benefits are not released.</p> <p>4. Needless to mention that the pension papers requires to be prepared at least before two months before the date of retirement so that after retirement, the pensionary benefits are released forthwith. However, in the present matter, nothing done so far and it is only after filing of the O.A., the department has woke up from slumber.</p> <p>5. As lethargy and inaction on part of the Respondent No.3 is obvious, it is necessary to know the steps taken by the Respondent No.3 date-wise for processing the pension papers and to explain the delay of 18 months for not releasing the pension papers.</p> <p>6. The Respondent No.3 is, therefore, directed to file and Affidavit explaining all the circumstances. Affidavit be filed on 25.02.2019. After filing Affidavit-in-Reply, necessary orders for grant of interest on delayed payment etc. and for action against the concerned person responsible for delay will be passed.</p> <p>7. Hamdast and steno copy is allowed.</p> <p>8. S.O. to 25.02.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p> |

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

Tribunal's orders

Date : 21.02.2019.

O.A.No.132 of 2019

S.S. ZoreApplicant
Versus
The State of Maharashtra & Ors. ...Respondents.

1. Heard Shri A. A. Borhade, learned Advocate for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. Today, the learned C.P.O. for the Respondents has filed reply on behalf of the Respondent No.2. It is taken on record. She further submitted that reply on behalf of the Respondent No.1 is not necessary.
3. In this matter, the Tribunal by order dated 13.02.2019 has granted interim relief in terms of prayed clause (a) and the issue of grant of interim relief as per clause (b) was kept open.
4. Today, the matter is for hearing on interim relief. However, the learned Advocate for the Applicant sought short time to facilitate some amicable arrangement with allottee to whom the quarter in question seems to have been allotted later.
5. At this stage, learned Advocate for the Applicant requested that her client be permitted to occupy the quarter A-26, Bandra Police Colony, Bandra which was allotted to her earlier on the ground that because of this dispute, her son is not able to attend the school. Learned Advocate has also furnished the Undertaking of the Applicant that if the quarter no.A-26, Bandra Police Colony is given to her temporarily she undertakes to hand over the possession of quarter, as and when, directed by the Tribunal.
6. As noted by this Tribunal in the order on 13.02.2019, the Applicant was dispossessed from the quarter no.A-11, Bandra Police Colony high handedly and interim relief was granted not to allot the same till further order. The Applicant seems to be in urgent need of quarter as she has no place for shelter.
7. Learned C.P.O. for the Respondents fairly stated that the State has no objection for allotment of quarter no.A-26 temporarily to the Applicant, in view of the Undertaking submitted by the Applicant today.
8. Undertaking is accepted and marked as letter 'X' for identification and the same is taken on record.
9. In view of above, the Applicant is allowed to occupy the quarter no. A-26, Bandra Police colony temporarily.
10. The matter is adjourned to 25.02.2019 for hearing.

Sd/-
(A.P. Kurhekar)
Member(J)

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>21/2/2019</u></p> <p>CORAM:</p> <p>Hon'ble Justice <u>Shri A. H. Joshi (Chairman)</u> <u>P. N. DIXIT</u> Hon'ble Shri <u>M. Ramesh Kumar (Member) A</u></p> <p>APPEARANCE:</p> <p>Shri/Smt: <u>U. V. Bhosale</u> Advocate for the Applicant</p> <p>Shri/Smt: <u>Miss N. G. Gohad</u> C.P.O./ P.O. for the Respondent/s</p> <p>Adj. To: <u>9/3/2019</u> steno copy and hamdash is granted.</p> <p style="text-align: right;"><i>sgj</i></p> | <p style="text-align: center;"><u>O.A. No.634 of 2018</u></p> <p>U.D. Kharat & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosale, learned Advocate for the Applicants and Miss Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. PO files reply on behalf of respondent no.1 and the same is taken on record. She seeks three-weeks time to seeks instructions from respondents no.2 to 7 to file reply.</p> <p>3. The respondents should particularly clarify para 6.21(c) page 14A of the amended OA in their reply. The respondent no.1 may also clarify the same, as this particular para has not been replied in the present affidavit.</p> <p>4. S.O. to 8.3.2019.</p> <p>5. Steno copy and hamdash is granted.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Member (A) 21.2.2019</p> |