

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.745 of 2017

U. T. Sarode)Applicant

Versus

The State of Maharashtra & Others).....Respondents

Shri V. P. Potbhare, Advocate for Applicant

Smt. Archana B. K., Presenting Officer for the Respondents

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

DATE : 22.01.2019

ORDER

1. Heard Shri V. P. Potbhare, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.

2. In this Original Application, the applicant has prayed for directions to Respondent Nos.1 and 2 to release his pensionary benefits which seem to have been withheld by the Respondents though the Applicant had retired on 30.11.2012.

3. Perusal of the record reveals the following facts:-

a) The charge sheet under D.E. was issued to the Applicant on 15.07.2005 (Exb. 'B', Page Nos.34 to 51 of the Paper Book).

b) Enquiry Officer submitted his report to Respondent on 15.03.2008 (Page No.115 of P.B.).

c) For the 1st time, the reply was called from the Applicant on the enquiry report by Respondent No.1 on 05.02.2013 (Exb. 'J', Page No.114 of P.B.).

- d) The Applicant submitted his reply to the Government on 01.03.2013 (Exb. 'K', Page No.185 of P.B.)
- e) The Respondent No.1 issued show cause notice on 28.07.2015, whereby informing why punishment of deduction of 30% pension for eight years should not be imposed (Exb. 'M', Page No.216 of P.B.).
- f) The Applicant submitted his reply on 17.10.2016 (Exb. 'N', Page Nos.220 to 226 P.B.).
- g) In the meantime, the applicant was discharged from the Criminal Case on 06.04.2011.

4. Onward 17.10.2016, nothing has been communicated to the Applicant and, therefore, he has approached this Tribunal for releasing retirement benefits.

5. The dates of issuance of Charge sheet and subsequent events in pursuance thereto as produced in above exhibits that no timely action has been taken though the Applicant stands retired on 30.11.2012, it rather reflects laxity and callousness on the part of concerned authorities.

6. It is rather surprising and astonishing that there is no follow-up of the matter by the Respondents, particularly the Respondent No.1 about the final decision in D.E. though the Applicant had submitted the reply on 17.10.2016. Till date no final decision in D.E. is taken.

7. In view of the above, it is necessary for Respondent No.1 to explain the delay and why the matter is lingering for years together, which is in contravention of the various Government ~~Orders~~^{Circulars}, whereby the directions were given to complete the D.E. within six months. In

this behalf, the reference be made to Circular of G.A.D. dated 30.10.2010, which mandates that in case of retired employee, D.E. should be completed within one year. It further provides that where delay is without any reason then D.E. should be taken against the concerned person responsible for the delay. Again by Circular dated 21.2.2015, it has been reiterated that in case the D.E. was initiated against the employee due for retirement then priority should be given to it and care should be taken that D.E. is completed within six months. However, facts reveal disobedience of these instructions. This needs to be viewed seriously, as pensionary benefits are withheld from 2012 and there is gross delay in processing the matter at every stage.

8. In view of above, the Respondent No.1 is directed to file Affidavit explaining steps taken by the department from time to time and also to explain reasons for the delay and also about the action taken, if any, against the concerned person for non compliance of the instructions given in the aforesaid Circulars. If no action is taken for the delay as contemplated in Circulars quoted above, then it should also be explained, why no such action is taken against the concerned person responsible for the delay.

9. Hamdast and steno copy is allowed.

10. Affidavit be filed on 29.01.2019

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s

(Advocate.....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's Orders	Tribunal's orders
	<p>Date : 22.01.2019.</p> <p>M. A. No.613 of 2018 in O.A.No.1051 of 2018</p> <p>S. T. MoreApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri M.B. Kadam holding for Shri S. S. Dere, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents has filed Affidavit-in-Reply on behalf of the Respondent No.3. It is taken on record.</p> <p>3. Matter is adjourned for hearing.</p> <p>4. S.O.to 06.02.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 22.01.2019.</p> <p>O.A.No.745 of 2018</p> <p>N. R. GalkwadApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri V. V. Joshi, learned Advocate for the Applicant and Ms S. Suryanwashi, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents has filed Reply on behalf of the Respondent No.3. The same reply is adopted on behalf of the Respondent Nos.1, 2 and 4 also. It is taken on record.</p> <p>3. The matter is adjourned for hearing at the stage of admission with connected matter Nos.O.A.255/2018, 745/2018, 746/2018, 747/2018 and 886/2018.</p> <p>4. S.O. to 05.02.2019.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(I)</p> <p>vsm</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI
ORIGINAL APPLICATION NO.499 OF 2017

Shri P.Y. BhurkeApplicant.
Versus
The State of Maharashtra & Ors. ...Respondents.

Shri A.V. Bandiwadekar, the learned Advocate for the Applicant.
Ms. S.P. Manchekar, the learned C.P.O. for the Respondents.

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

DATE : 22.01.2019.

PER : Justice Shri A.H. Joshi, Chairman

ORDER

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for Respondents.
2. This case was heard for some time. It has, prima facie, appeared to this Tribunal that the reasons assigned in the affidavit-in-reply for refusing to consider the applicant's request for retraction from the decision of voluntary retirement is being opposed by pressing the ground which is in the nature of "privilege", based on rules and judgment of Hon'ble Supreme Court.
3. This Tribunal expected the M.P.S.C. to re-examine the issue impartially and in unbiased manner.
4. Learned Presenting Officer had prayed for time to examine and to report the outcome.
5. Today learned C.P.O. Ms. S.P. Manchekar for the Respondents states as follows:-

M.P.S.C. has examined the matter dispassionately and finds itself difficult to go back from the decision which is impugned, in view of the judgment of Hon'ble Supreme Court in case of Civil Appeal No.4611 of 2008, Director General ESIC & Anr. Vs Puroshottam Malani, in particular paragraph 10 thereof.



Learned C.P.O Ms. S.P. Manchekar for the Respondents has also tendered the aforesaid judgment for perusal.

6. We have perused the judgment referred to in foregoing paragraph. It is seen that the authorities have read paragraph 10 of the aforesaid judgment in total disjuncture to paragraph 9.

7. The approach of M.P.S.C in reading and relying on para 10 of judgment in an incoherent manner is unreasonable and as if the authorities were hurt because applicant did not accept their advice of not opting for voluntary retirement, they wish to adhere to their decision.

8. We wish to give the authorities opportunity to be truly dispassionate and unbiased and if they wish to adhere to the decision, they are put to notice that in the event after hearing both sides, this Tribunal decides to allow the O.A, the decision would follow appropriate and costs of chastising quantum for which Respondents are hereby put to caution.

9. Hamdast and steno copy is allowed to learned C.P.O. Learned C.P.O. is directed to communicate this order to the Respondents.

10. S.O. to 11.02.2019.

Sd/-

(P.N. Dixit)
Member(A)

akn



Sd/-

(A.H. Joshi, J)
Chairman

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.1074 of 2018

DISTRICT : SATARA

Shri Dnyaneshwar S.Beloshe,)
Working as Driver, Tahsil Office, Jawali,)
Dist. Satara and R/at. And Post Kelghar,)
Tal. Jawali, Dist. Satara.)Applicant

Versus

1. The Government of Maharashtra,)
Through the Secretary, Revenue &)
Forest Dept., Mantralaya, Mumbai.)
2. Divisional Commissioner, Pune Division,))
Dist. Pune.)
3. Collector, District : Satara.) Respondents

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

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

DATE : 22.01.2019

ORDER

1. Heard Shri M. D. Lonkar, 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 transfer order dated 19.11.2018 whereby the earlier transfer order dated 11.09.2018 has been cancelled.
3. This Tribunal by order dated 07.12.2018 granted interim relief in favour of the Applicant as prima-facie it was found to be the case of mid-term and mid-tenure transfer without approval of Higher Competent Authority as required u/s 4(4)(ii) and 4(5) of the ROT Act, 2005. Thereafter, the matter was adjourned for filing Affidavit-in-Reply.

4. Today, the learned P.O. for the Respondents tendered letter dated 21.01.2019 issued by the office of Collector, Satara whereby the order dated 19.11.2018 has been cancelled by the Respondent No.3 at their own. As such, the transfer order in question itself has been now withdrawn by the Respondent No.3 and the Applicant has been allowed to continue at Tahasil Office, Jawali, Dist. Satara.

5. Therefore, now no cause of action survives and the application can be disposed of.

6. I must make it clear about the letter dated 21.01.2019 tendered by the learned P.O. today, that seems to be in the form of order wherein it is mentioned as below :-

“मा. महाराष्ट्र प्रशासकीय न्यायाधिकरण, मुंबई यांनी मुळ अर्ज क्रं.१०७४/२०१८ मध्ये दि.०७/१२/२०१८ आणि दि.१८/०१/२०१९ रोजी लेखी आणि तोंडी देणेत आलेल्या आदेशानुसार या कार्यालयाकडील क्रं.मह/आस्था/१/कावि/१८७२/२०१८ दि.१९/११/२०१८ रोजीचा आदेश रद्द करणेत येत आहे.”

6. This Tribunal has granted interim relief on 07.12.2018 with specific reasoning. Therefore, the reference made by the Collector in the above quoted order that the Tribunal has also given oral order is totally unwarranted and it should not have been mentioned so in the order. The concerned authority should take note of it.

7. In view of above, Original Application is disposed of.

8. No order as to costs.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.890 OF 2017

U. P. Ugale

)Applicant

Versus

The State of Maharashtra & Ors.

)Respondents

Shri A. V. Bandiwadekar, Advocate for Applicant

Ms S. Suryawanshi, Presenting Officer for the Respondents

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

DATE : 22.01.2019

ORDER

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Ms S.Suryawanshi, learned Presenting Officer for the Respondents.

2. In pursuance of the order passed by this Tribunal dated 08.01.2019, today, the learned P.O. has filed Affidavit of Shri Suresh Valu Jadhav, Deputy Superintendent of Police, Nashik Rural, Nashik.

3. As per the order passed by this Tribunal on 08.01.2019, learned P.O. was directed to file Affidavit about reply to Paragraph 2.5 of the application. Following averments were made in reply:-

“The Applicant had filed the O.A. within limitation.”

4. However, during the course of hearing, the point of limitation was raised by the learned P.O. At that point, learned Advocate for the Applicant intervened and pointed out that the Respondent had admitted in their reply that O.A. is within limitation. It is on this background, it was directed to file reply of the concerned person who has sworn the Affidavit-in-Reply filed earlier on record.

5. Now, today, the learned P.O. has filed Affidavit of Shri Suresh Jadhav stating that Shri Dilip Pagare, Deputy Superintendent who has filed Affidavit-in-Reply containing admission on the point of limitation stands retired on 30.04.2018. In Affidavit-in-Reply, today, deponent Shri Suresh Jadhav tendered unconditional apology for inadvertent mistake in Affidavit-in-Reply.
6. Shri A. V. Bandiwadekar, learned Advocate for the Applicant objected for taking reply on record on the ground that Affidavit is not of the same person. As the concerned person Shri Dilip Pagare stands retired, this Affidavit has been filed by the Successor who is present before the Court.
7. In view of the unconditional apology tendered in Affidavit, I do not think it necessary to take the matter further. Affidavit is taken on record.
8. At this stage, learned Advocate for the Applicant requested for time.
9. Matter is adjourned for hearing.
10. S.O. to 07.02.2019.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.15 of 2019

DISTRICT : PUNE

Shri Chandrakant S. Gaikwad,)
R/o. Flat No.43, Niko Garden, Tulip Building,)
Viman Nagar, Pune 411 014.)Applicant

Versus

1. The State of Maharashtra , through the)
Secretary, Agriculture, Animal)
Husbandary & Dairy Development Dept.)
Mantralaya, Mumbai 400 032.)
2. The Commissioner of Agriculture, M.S.)
3rd floor, Central Building, Pune 411001.)
3. Dist. Superintendent Agriculture Officer,)
At P. Tal. & Dist. Ratnagiri.)
4. Accountant General (A & E)-I, M.S.)
01, Maharshi Karve Road, Mum 400020.).....Respondents

Shri C. T. Chandratre, Advocate for Applicant

Shri S. D. Dole, Presenting Officer for the Respondents

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

DATE : 22.01.2019

ORDER

1. Heard Shri C. T. Chandratre, learned Advocate for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.
2. In the present case, the Applicant who stands retired on 31.05.2015 is seeking directions to the Respondents to release his pensionary benefits.

3. This is the second round of litigation. Earlier, he had filed O.A.No.551/2016 which has been disposed of on 31.08.2016, wherein directions were given to complete the Departmental Enquiry within six months and to release the pensionary benefits.
4. Despite the order passed in O.A.No.551/2016, retiral benefits are not released. On the last date, Shri Gitte, Administrative Officer was present and he had made a statement that D.E. referred in O.A.No.551/2016 has been closed but the applicant is found involved in another incident while working at Ratnagiri and, therefore, another D.E. is contemplated.
5. Today, Shri Gitte is absent. He had sent Shri H. Shelar, Administrative Officer with para-wise remarks.
6. Learned P.O. for the Respondents on the basis of para-wise remarks contends that another D.E. is contemplated and, therefore, he needs time to file reply.
7. It is really astonishing and deplorable to note that though the Applicant is retired in 2015, still retiral benefits are not released. The department is not taking timely action in respect of second D.E. and lethargy is obvious. Whether the second D.E. is permissible in view of the retirement of the Applicant in 2015 is also a question involved in the present matter for which at present, there is no answer from the learned P.O. Be that as it may, as the Applicant is retired in 2015, the application needs to be disposed of expeditiously.

8. One week's time is lastly granted to Respondents to file reply.
No further time will be granted.

9. Hamdast and steno copy is allowed.

10. S.O. to 30.01.2019.

Sd/-

W~

(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 : 22.01.2019.</p> <p>O.A.No.1030 with 1031 with 1032 with 1033 with 1034 with 1049 with 1050 of 2017</p> <p>D. S. Patil and OthersApplicants Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S. S. Prabhune , learned Advocate for the Applicants and Smt. Kranti Gaikwad and Smt. Archana B. K., learned Presenting Officers for the Respondents. 2. In these Original Applications as per order passed by this Tribunal on 07.12.2018, the Respondent No.4 has been impleaded as he has been appointed as Police Patil during the pendency of this Original Applications. Consequently the amendment has been done. Therefore, it is necessary to issue notice to newly impleaded Respondent No.4. 3. Learned Advocate for the Applicant is also directed to supply the copy of amended application to the respondents. 4. Issue notice before admission to Respondent No.4 returnable on 20.02.2019. 5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 6. 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. 7. 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. 8. 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. 9. 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. 10. S.O. to 20.02.2019. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate.....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 22.01.2019.</p> <p>O.A.No.761 of 2018</p> <p>M. G. KadamApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. Jaiswar holding for Shri R. G. Panchal, learned Advocate for the Applicant and Shri A. J. Chougule holding for Ms N. G. Gohad , learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. for the Respondents has filed Affidavit-in-Reply on behalf of the Respondent No.2 and the same is being adopted on behalf of Respondent No.1 also. It is taken on record.</p> <p>3. Matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 14.02.2019.</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
	<p>Date : 22.01.2019.</p> <p>M. A. No.20 of 2019 in O.A.No.54 of 2019</p> <p>G. A. TilekarApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none">1. Heard Shri V. V. Joshi, learned Advocate for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.2. Issue notice before admission returnable on 20.02.2019.3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.8. S.O. to 20.02.2019. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(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
	<p>Date : 22.01.2019.</p> <p>M. A. No.15 of 2019 in O.A.No.1159 of 2017</p> <p>S. R. PatilApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. S. Suryawanshi, learned Advocate for the Applicant and Ms S. Suryawanshi, learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 20.02.2019. 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued. 4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing. 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open. 6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice. 7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record. 8. S.O. to 20.02.2019. <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

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

Tribunal's orders

Date : 22.01.2019.

O.A.No.58 of 2019

R.C. IndulkarApplicant.
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri S.K. More, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for Respondents.

2. Issue notice before admission returnable on 12.03.2019.

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 12.03.2019.

Sd/-

(P.N) Dixit
Member(A)

Sd/-

(A.H. Joshi)
Chairman

prk

DATE : 22/1/2019

CORAM :

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

Hon'ble Shri M. Ramakrishnaiah (Member) A

APPEARANCE :

Shri S. K. More, Advocate for the Applicant.

Advocate for the Respondent

Shri/Smt. K. S. Gaikwad

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

Adj. To : Issue notice before
admission returnable on
12/3/2019.

BT

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 22.01.2019.
<p><u>DATE</u> : 22/1/19</p> <p><u>CORAM</u> :</p> <p>Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri A. P. Dixit (Member) A</p> <p><u>APPEARANCE</u> :</p> <p>Shri/Smt. : K.R. Jagdale & H. Adv. Ld. Advocate for the Applicant Shri/Smt. : S.P. Manchekar C.P.O./ P.O. for the Respondent/s</p> <p>Adj. To : 12/2/2019.</p> <p style="text-align: right;">12/2/19 prk</p>	<p>O.A.No.585 of 2018 with O.A.No.591 of 2018 with O.A.No.592 of 2018 with O.A.No.593 of 2018 with O.A.No.600 of 2018 with O.A.No.601 of 2018 with O.A.No.618 of 2018</p> <p>A.N. Sawale (O.A.585/2018) M.D. Andhale (O.A.591/2018) A.S. Bhagat (O.A.592/2018) C.S. Nikam (O.A.593/2018) J.B. Saiunkhe (O.A.600/2018) M. Pujari (O.A.601/2018) S. Shinde (O.A.618/2018)Applicants.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, the learned Advocate holding for Shri Talekar & Ors., the learned Advocate for the Applicants, Ms. S.P. Manchekar, the learned Chief Presenting Officer for Respondents and Shri N.P. Dalvi, the learned Advocate for the Respondent (M.P.S.C).</p> <p>2. Learned Advocate Shri N.P. Dalvi for the Respondent (M.P.S.C) on instructions from Shri Urade Deepak Sopan, Under Secretary, M.P.S.C. states as follows :-</p> <p>The Judgment rendered by Hon'ble High Court in Writ Petition No.92 of 2019 confirming the order passed by this Tribunal in O.A.No.694/2018 may be carried out before the Hon'ble Supreme Court, and in this view of the matter time may be granted.</p> <p>3. In view of the pray of learned Advocate Shri N.P. Dalvi for the M.P.S.C. hearing is adjourned to 12.02.2019.</p> <p style="text-align: center;">Sd/- (P.N.)Dixit Member(A)</p> <p style="text-align: right;">Sd/- (A.H. Joshi, J.) Chairman</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: <u>22/1/2019</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. P. N. Dixit (Member) A</p> <p>APPEARANCE: Shri/Smt. : <u>K.R. Jagdale holding</u> <u>Shri Talekar & Ors.</u> Advocate for the Applicant Shri/Smt. : <u>K.S. Gaikwad</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To <u>5/2/2019</u></p> <p style="text-align: right;"><i>prk</i></p>	<p>Date : 22.01.2019.</p> <p style="text-align: center;">O.A.No.934 of 2018</p> <p>S.R. Choudhary & Ors.Applicants. Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, the learned Advocate holding for Shri Talekar & Ors., the learned Advocate for the Applicants, Smt. K.S. Gaikwad, the learned Presenting Officer for Respondents and Shri N.P. Dalvi, the learned Advocate for the Respondent No.4 (M.P.S.C).</p> <p>2. Learned Advocate Shri N.P. Dalvi for the Respondent (M.P.S.C) prays for a week's time for filing affidavit-in-reply.</p> <p>3. Though a week's time is prayed we grant two week's time and adjourn the hearing to 05.02.2019 for final hearing.</p> <p style="text-align: center;">Sd/- Sd/- (P.N. Dixit) (M.N. JOSHI, J.) Member(A) Chairman</p> <p style="text-align: center;">prk</p>

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

Tribunal's orders

Date : 22.01.2019.

O.A.No.1186 of 2017 with O.A.No.165 of 2018

S.D. Kumbhare & Ors. (O.A.1186/2017)

S.N. Vyaohare (O.A.165/2018)

....Applicants.

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri R.G. Panchal, the learned Advocate with Shri S.N. Biradar, the learned for the Applicants, Ms. S.P. Manchekar, the learned Chief Presenting Officer for Respondents and Shri S.S. Dere, the learned Advocate for the Respondents No.4 to 13.

2. It is seen that during hearing of present O.A. yesterday as well as today, nobody from the office of M.P.S.C. is present nor their lawyer is present.

3. Conduct of M.P.S.C. amounts to negligence and creating an obstacle in the process of administration of justice. Therefore, Secretary, M.P.S.C. is called to show cause as to why he should not be saddled to pay costs, personally, towards the lapse of M.P.S.C.. He shall show cause today at 3.00 p.m.

4. Steno copy and Hamdast is allowed to learned C.P.O.. Learned C.P.O. is directed to communicate this order to the Respondents.

5. Today at 3.00 p.m.

Sd/-

(P.N. Dixit)
Member(A)

Sd/-

(A.H. JOSHI, J.)
Chairman

prk.

DATE: 22/1/2019

CORAM:

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

Mem'ble Shri P.N. Dixit (Member) A

APPEARANCE:

Shri Smt. R.G. Panchal & Co. Ld. Adv.
with Shri S.H. Biradar
Advocate for the Applicant

Shri/Smt. S.P. Manchekar
C.P.O./P.O. for the Respondent/s

Adv. S.S. Dere for K.No. 4 to 13.

Adj. To: Today at 3.00 p.m.

WJ
Q. K.

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

Tribunal's orders

Date : 22.01.2019.

O.A.No.1186 of 2017 with O.A.No.165 of 2018

S.D. Kumbhare & Ors. (O.A.1186/2017)

S.N. Vyachare (O.A.165/2018)

....Applicants.

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri R.G. Panchal, the learned Advocate with Shri S.N. Biradar, the learned for the Applicants, Ms. S.P. Manchekar, the learned Chief Presenting Officer for Respondents and Shri S.S. Dere, the learned Advocate for the Respondents No.4 to 13.

2. It is seen that during hearing of present O.A. yesterday as well as today, nobody from the office of M.P.S.C. is present nor their lawyer is present.

3. Conduct of M.P.S.C. amounts to negligence and creating an obstacle in the process of administration of justice. Therefore, Secretary, M.P.S.C. is called to show cause as to why he should not be saddled to pay costs, personally, towards the lapse of M.P.S.C.. He shall show cause today at 3.00 p.m.

4. Steno copy and Hamdast is allowed to learned C.P.O.. Learned C.P.O. is directed to communicate this order to the Respondents.

5. Today at 3.00 p.m.

Sd/-

(P.N. Dixit)
Member(A)

prk.

Sd/-

(A.H. Joshi, J)
Chairman

DATE: 22/1/2019

CORAM:

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

Hon'ble Shri P.N. Dixit (Member) A

APPEARANCE:

Shri Smt. R.G. Panchal, the Ld. Adv.
with Shri S.N. Biradar
Advocate for the Applicant

Shri/Smt. S.P. Manchekar
C.P.O./ P.O. for the Respondent/s

Adv. S.S. Dere for R.No. 4 to 13.

Adj. To: Today at 3.00 p.m.

prk

**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:</u> 22/1/19</p> <p><u>CORAM:</u> Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri P.N. Dixit (Member) A</p> <p><u>APPEARANCE:</u> Smt. Punam Mahajan, The Advocate for the Applicant is absent (leave) Smt. S.P. Manchekar, The ld. C.P.O. Adj. to for the R.O.s</p> <p>O.A. is disposed as withdrawn. M.A. does not survive</p> <p style="text-align: right;">M/e</p>	<p>Date : 22.01.2019.</p> <p>O.A.No.436 of 2018 with M.A.No.523 of 2018 (Subject : Promotion)</p> <p>C.R. Jadhav & Ors.Applicants. Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. S.P. Manchekar, the learned Chief Presenting Officer for Respondents.</p> <p>2. Smt. Punam Mahajan, the learned Advocate for the Applicants is absent. Leave application is on record.</p> <p>3. Clerk of learned Advocate Smt. Punam Mahajan has tendered letter received from the Applicants requesting for withdrawing of O.A.. It is taken on record.</p> <p>4. O.A. is disposed as withdrawn. M.A. does not survive.</p> <p style="text-align: center;">Sd/- (P.N. Dixit) Member(A)</p> <p style="text-align: center;">Sd/- (A.H. Joshi) Chairman</p> <p>prk</p>

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

Tribunal's orders
Date : 22.01.2019.

O.A.No.886 of 2017

S.H. SakharwadeApplicant.
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.V. Bandiwadkar, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for Respondents.
2. Learned Advocate Shri A.V. Bandiwadkar for the Applicant prays for leave to amend.
3. Leave to amend is granted.
4. Fresh notice in view of amendment is returnable on 05.03.2019.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
6. 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.
7. 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.
8. 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.
9. 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.
10. S.O. to 05.03.2019.

DATE: 22/1/2019

CORAM:

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

APPEARANCE:

Shri/Smt. A.V. Bandiwadkar

Advocate for the Applicant

Shri/Smt. S.P. Manchekar
C.P.O / P.O. for the Respondent/s

Adj. To Leave to amend is
granted

S.O. to 05/3/2019

[Signature]

Sd/-

(P.N. Dixit)
Member(A)

Sd/-

(A.H. Joshi, (C))
Chairman

**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: <u>22/1/2019</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Justice <u>P.N. Dixit</u> (Member) A</p> <p>APPEARANCE: Shri <u>K.R. Jagdale</u> Adv. <u>Archana B.K.</u> Shri/Smt. <u>Archana B.K.</u> C.P.O./Present for respondent/s</p> <p>Adj. To: <u>Leave to amend as prayed for is granted.</u> <u>At 3.00 p.m.</u></p> <p align="right"><u>prk</u></p>	<p align="center">Date : 22.01.2019.</p> <p align="center">O.A.No.1122 of 2018</p> <p>R.N. ChavanApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for Respondents.</p> <p>2. Learned Advocate Shri K.R. Jagdale for the Applicant prays for leave to amend.</p> <p>3. Leave to amend as prayed for is granted. Amendment be carried forward forthwith.</p> <p>4. At 3.00 p.m.</p> <p align="center">Sd/- (P.N. Dixit) Member(A)</p> <p align="right">Sd/- (A.H. Joshi, J.) Chairman</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 : 22/1/2019</p> <p>CORAM Honble Justice Shri A. H. Joshi (Chairman) Honble Shri P. N. Dixit, (M) (A)</p> <p>APPEARANCE: Shri/Smt. S. S. Dere Advocate for the Applicant</p> <p>Shri/Smt. A. J. Chougule C.P.O./R.O. for the Respondents</p> <p>Adj./S.O. to 14/02/2019</p>	<p>Date : 22.01.2019.</p> <p>O.A.No.33 of 2019</p> <p>V.S. BorkarApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S.S. Dere, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for Respondents. 2. Learned Advocate Shri S.S. Dere for the Applicant prays for leave to amend by way of substitution of O.A. and undertakes to do it within two weeks. 3. Leave as prayed for is granted. 4. S.O. to 14.02.2019. <p>Sd/- (P.N. Dixit) Member(A)</p> <p>Sd/- (A.H. Joshi) Chairman</p> <p>prk</p>

Date : 22.01.2019.

O.A.No.65 of 2019

D. M. Jadhav

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri M. R. Mhamane, learned Advocate for the Applicant and Shri S. D. Dole, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 01.02.2019
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 01.02.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm