

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.446 OF 2018

DISTRICT: THANE

Dr. Anil Ananda Mane

.. Applicant

Versus

The State of Maharashtra & Ors.

..Respondents

Shri N.P. Dalvi, the learned Advocate with Smt. Bhavana Punalekar, the learned Advocate for the Applicant.

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

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

DATE : 22.05.2018.

PER : Justice Shri A.H. Joshi, Chairman

ORDER

1. Heard Shri N.P. Dalvi, the learned Advocate with Smt. Bhavana Punalekar, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 02.07.2018.
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. Dr. Pradeep Vyas, Principal Secretary, Public Health Department and Dr. Hrishikesh B. Yashod, Commissioner, Employees State Insurance Scheme are directed to file affidavit-in-reply on the following points :-
- Call for all case papers.
 - Read each page of O.A. and annexures.
 - Form opinion as to whether it is legally open for the authorities to take a view different from operative orders passed in O.A.No.262 of 2015 and M.A.No.578 of 2015.
 - File affidavit as to whether it is legally open for the authorities to act in contravention of the orders passed by this Tribunal.
9. Affidavit-in-reply be filed on or before 18.06.2018. Filing of affidavit shall not be necessary if impugned notice is withdrawn and order passed in O.A.No.262/2015 is obeyed in all respects.
10. In the background that question of law is agitated, let applicant submit reply to show cause, but final order, unless favourable to applicant should not be passed.
11. Steno copy and Hamdast is allowed to learned P.O.. Learned P.O. is directed to communicate this order to the Respondents.
12. S.O. to 02.07.2018.

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

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