

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

Tribunal's orders

Date : 22.06.2016.

O.A.No.311 of 2012 with O.A.No.258 of 2014 with
O.A.No.607 of 2015 with O.A.No.189 of 2016 with
O.A.No.299 of 2016

R.S. Malkar & Ors (O.A.311/2012)
V.D. Mankar & Ors.(O.A.258/2014)
S.Y. Jagushte & Ors. (O.A.607/2015)
M.G. Rane & Ors. (O.A.189/2016)
S.S. Jadhav (O.A.299/2016) Applicants.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicants and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. In O.A.No.311/12, O.A.No.258/14, O.A.No.607/2015 and O.A.No.189/2016 pleadings are complete. However, in the same group in O.A.No.299/2016 affidavit-in-reply is not been filed though sufficient opportunity was given. The said O.A. proceeds without affidavit-in-reply and this group of matters is adjourned for arguments making it clear however, that on the next date just before the matter is taken up for hearing if reply is tendered in O.A.No.299/2016 it will be taken on record, but no adjournment will be given for that purpose. Hamdast.

3. S.O. to 11.07.2016.

DATE: 22/6/16

CORAM:

Hon'ble Justice S. H. Joshi (Chairman)

Hon'ble Shri R. B. Malik (Member) A-9

APPEARANCES:

Shri B.A. Bandiwadekar

Advocate for the Applicant

Shri N.G. Gohad

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

Adj. To: 11/7/16

PRK

Sd/-
22.6.16

(R.B. Malik)
Member(J)

prk

Office Notes, Office Memoranda of Coram, — Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 22/6/16</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) Hon'ble Shri. N. K. RAJPUROHIT (Member)</p> <p><u>APPEARANCE:</u> Shri/Smt. A. S. Deshpande Advocate for the Applicant Shri/Smt. N. K. Rajpurohit C.F.O./P.O. for the Respondents</p> <p><u>Adj. To:</u> S.O. to 20/7/16.</p> <p><i>[Signature]</i></p>	<p><u>22.06.2016</u></p> <p><u>O.A No. 575/2016</u></p> <p>Shri J.A Shirode ... Applicant Vs. The State of Maharashtra & Ors... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri A.S Deshpande, learned advocate for the applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents. 2. Issue notice before admission made returnable on 20.7.2016. 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued. 4. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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. S.O 20.7.2016. Learned P.O waives service of notice. <p style="text-align: right;">Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p>Akn</p>

(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
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Date : 22.06.2016.

O.A.No.534 of 2016

P.R. Ingle

.... Applicant.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri C.T. Chandratre, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents No.1 to 3 and Ms. Ashwini Reddy, learned Advocate for Respondent No.4.

2. Learned P.O. Ms. N.G. Gohad for Respondent Nos.1 to 3 and Ms. Ashwini Reddy, learned Advocate for Respondent No.4 filed their respective affidavits-in-reply. The same are taken on record.

3. Learned Advocate Shri C.T. Chandratre informs that applicant does not want to file rejoinder.

4. Admit. Liberty to mention.

DATE: 22/6/16

CORAM:

~~Mr. Justice H. J. Jaisankar (Chairman)~~
 Mr. Justice R. B. Malik (Member) A

APPEARANCE:

Shri C.T. Chandratre

Advocate for the Applicant

Shri H.G. Gohad
 C.P.O./P.O. for the Respondent/s

Adj. to Admit Liberty to mention.

BT

Sd/- ME
22.6.16
 (R.B. Malik)
 Member(J)

prk

(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

Date : 22.06.2016.

O.A.No.538 of 2016

Dr. V.D. Kamathewad

.... Applicant.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Learned P.O. Ms. N.G. Gohad undertakes to file affidavit-in-reply during the course of day today.

3. Upon that statement the O.A. stands adjourned for rejoinder, if any to 29.06.2016.

DATE: 22/6/16

CORAM:

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

Hon'ble Shri R.B. Malik (Member) A J

APPEARANCE:

Shri A.V. Bandiwadekar

Ms. N.G. Gohad

Ms. N.G. Gohad

Ms. N.G. Gohad

A.O. To 29/6/16 for rejoinder.

prk

(R.B. Malik) Member(J)

Sd/- 22.6.16

.....)

versus

of Maharashtra and others

..... Respondent/s

.....)

Tribunal's orders

Date : 22.06.2016.

O.A.No.412 of 2016

S.S. Kamble

.... Applicant.


Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri Chahel P.A. Singh, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents. Applicant present in person.

2. I have perused the order dated 01.12.2015 (page 14 of the paper book) i.e. order passed by the Government and I am unable to fathom as to why the said order has not been complied with till date.

3. I have heard learned C.P.O. Shri N.K. Rajpurohit. Learned C.P.O. confirms that he had personal talk with the Director, Health, but still compliance has not been made. I make it clear that the compliance be made latest by 24.06.2016 failing which some compulsive order may have to be made on 24.06.2016. Adjourned to 24.06.2016. Hamdast.

 Sd/- 22.06.16

(R.B. Malik)
Member(J)

prk

**ADMINISTRATIVE TRIBUNAL
MUMBAI**

20

DISTRICT

..... Applicant/s

.....)

versus

of Maharashtra and others

..... Respondent/s

.....)

Tribunal's orders

Date : 22.06.2016.

O.A.No.329 of 2014

S.B. More

.... Applicant.


Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.

2. Learned Advocate Shri K.R. Jagdale makes a statement that Applicant does not want to file affidavit-in-rejoinder.

3. Admit. Liberty to mention.


(R.B. Malik)
Member(J)

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.....)

versus

e of Maharashtra and others

..... Respondent/s

.....)

Tribunal's orders

Date : 22.06.2016.**O.A.No.159 of 2016****N.S. Thosar****.... Applicant.****Versus****The State of Maharashtra & Ors.Respondents.**

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

2. Affidavits-in-rejoinder are taken on record. Admit. Liberty to mention.

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

22-06-16

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.....)

versus

of Maharashtra and others

.....)

Tribunal's orders

Date : 22.06.2016.

O.A.No.1051 of 2015

S.G. Kumbhare & Ors.

.... Applicants.

Versus

The State of Maharashtra & Ors. Respondents.

1. Heard Shri V.P. Potbhare, the learned Advocate with Shri A.S. Deshpande, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

2. Affidavit-in-reply of Respondent No.3 is taken on record. Affidavit-in-rejoinder to the reply of Respondent No.2 is taken on record.

3. Admit. Hearing rival submissions, ^ufixed date is being given which is 21.07.2016 before the Division Bench- 2.


(R.B. Malik)
Member(J)

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

Tribunal's orders

Date : 22.06.2016.

O.A.No.203 of 2016 with O.A.No.223 of 2016 with O.A.No.224 of 2016 with O.A.No.225 of 2016

P.R. Hanpude & Ors (O.A.203/2016)
A.S. Yadav (O.A.223/2016)
M.V. Pawar (O.A.224/2016)
S.S. Jadhav (O.A.225/2016) Applicants.

Versus

The State of Maharashtra & Ors.Respondents.

- 1. Heard Shri A.J. Chougule, the learned Presenting Officer for the Respondents.
- 2. Applicant and learned Advocate are absent. As a matter of fact they were not present even on the last two dates.
- 3. Learned P.O. Shri A.J. Chougule submits that Hon'ble Bombay High Court of its Nagpur Bench in W.P.No.1011/2016 dated 13, 15, 16/04/2016. was pleased to dismiss the Writ Petitions and a prayer was made on behalf of the Writ Petitioners, in effect for stay which met with strong opposition on behalf of the Government. It was submitted to the Hon'ble High Court that the selection procedure was already delayed in view of some interim order made earlier and it was also submitted that recruitment of Junior Engineers was required to be made on priority. Hon'ble High Court was pleased to observe that :

*"Considering the fact that the irrigation projects are required to be completed on priority, we reject the prayer made on behalf of the petitioner.
Order accordingly."*

- 4. In the above background learned P.O. submits that I should make it clear that there is no impediment in the way of the respondents to go ahead with the advertisement and the process of selection. In fact by my earlier order of 26.02.2016, I did not grant any interim relief to the applicant and none is in force and now that Hon'ble High Court has been pleased to make observations above quoted, it is quite clear that there cannot be any other directions from this Tribunal and the directions of the Hon'ble High Court must be complied with. Hamdast.
- 5. Adjourned to 27.07.2016.

DATE: 22/6/16
 CORAM:
 Hon'ble Justice Shri A. H. Joshi (Chairman)
 Hon'ble Mr. R.B. Malik (Member) A J
 APPEARANCE:
 State: None for the app.
 Advocate for the applicant
 Shri: A.J. Chougule
 C.P.C / E.O. for the respondent/s
 Adj. To: 27/7/16. Hamdast.

prk

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

16

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

Tribunal's orders

M.A.236/2016 in O.A.261/2015

Shri S.R. Panke ... Applicant
V/s.
The State of Mah. & ors. ... Respondents

This is an application for amendment to the OA seeking thereby inclusion of certain prayers in the prayer clause as per the Schedule 'A' to this MA.

We have perused the record and proceedings and heard Shri M.V. Thorat, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned P.O. for the Respondents.

The time to file Affidavit-in-reply was sought, but regard being had to the facts such as they are, we decline to protract this MA any further. We have heard the learned P.O. strongly opposing this MA.

It is indisputable really that no new facts are sought to be impleaded. The facts are already there on record and the prayer clause in the manner of speaking by some lapse or otherwise has remained incomplete which is the lacuna sought to be supplied hereby. Therefore, in the interest of justice, the application is allowed. The amendment as per the Schedule 'A' hereto be carried on or before 27th June, 2016. The learned Advocate Shri Thorat and the learned P.O. Smt. Gaikwad inform that even post amendment, no additional submissions will be necessary. It is, therefore, directed that after the amendment is carried as hereby directed, the OA shall stand adjourned for final orders to 12th July, 2016.

Sd/-

(R.B. Malik)
Member (J)
22.06.2016

(skw)

Sd/-

(Rajiv Agarwal)
Vice-Chairman
22.06.2016

DATE: 22/6/16

CORAM:

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

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

APPEARANCE:

Shri/Smt. M.V. Thorat

Advocate for the Applicant

Shri/Smt. : K.S. Gaikwad

CAO P.O. for the Respondents

M.A. is Allowed.

Adj. To

O.A. Adj. to 12/7/16.

for final orders.

[Signature]

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

Tribunal's orders

22.06.2016

O.A No 586/2016

Dr S.S Chappalwar ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents.

This matter was for admission yesterday. However, the representative from the office of the Respondent informed through learned P.O that the Applicant has been disqualified for being admitted to Post Graduate Diploma Course in Gynecology, as D.E was pending against him and some other Medical Officer has been nominated. The issue regarding whether the concerned person who has been nominated in place of the Applicant was to be made as party was under consideration of the Applicant. As the Applicant did not have copy of the order one day's time was sought. Copy of the order has now been made available to the Applicant.

From the noting of the office file that though the Applicant was selected against the post reserved for S.T candidate, now a candidate from S.C category has been nominated in his place. Learned Advocate Shri Bandiwadekar placed on record copy of G.R dated 5.12.1994 which provides that if a post is reserved for a particular backward reserved category and a suitable candidate from that category is not available, the post is required to be kept vacant for five recruitment years. This G.R is regarding reservation in educational institution is not very clear.

Respondents are directed to file urgent affidavit in reply explaining the legal position in this regard tomorrow, failing which the Applicant's request for interim relief will be considered.

S.O to 23.6.2016. Hamdast.

DATE: 22/6/16

CORAM:

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

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

APPEARANCE:

Shri/Smt. A.V. Bandiwadekar

Advocate for the Applicant

Shri/Smt. Ms. N. G. Gohad

C.O.P.O. for the Respondents

S.O. to 23/6/16.

Hamdast.

Sd/-

(Rajiv Agarwal)
Vice Chairman