

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

O.A.925/2016**Ms. A.D. Avhad & Ors. ... Applicants****Vs.****The State of Mah. & ors. ... Respondents**

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

This OA was moved for interim relief on 19.09.2016. As a matter of fact, the interim relief aspect of the matter would in the normal circumstances taken the course charted by the orders earlier made by this Tribunal in similar matters. Still time was given to the Respondents to ascertain their position. Today, the learned P.O. seeks at least two months adjournment to file the Affidavit-in-reply even as far as the interim relief is concerned. I do not think, the Applicant could be kept in a set of suspended animation like this for the cause just mentioned, a case for interim relief is made out.

The Applicants are Staff Nurses (bonded) and their term of such an appointment has come to an end in August, 2016 as indicate in the Chart at Pages 50 and 51 of this OA. There is, therefore, an element of consideration of whether mandatory relief at interlocutory stage can be granted. In OA 189/2016, as many as 19 similarly placed Applicants moved for interim relief and the Bench presided over by me, by an order of 14.3.2016 considering their case in extenso by a nine page interim order granted relief. In OA 573/2016 (Smt. Kavita S. Kondwilkar Vs. State of Maharashtra and one another, 23rd June, 2016), I relied basically on Para 8 of the order dated 14th March, 2016 and quoted it fully and granted interim relief in those terms. The order of 14th March, 2016 will show that even that order was based on earlier similar orders made by this Tribunal. Therefore, I shall again reproduce Para 8 above referred to and grant the interim relief in those terms to the present Applicants as well and I make it clear that even if this order in the nature of mandatory relief at interlocutory stage, so be it.

"8. I am, therefore, so inclined as to hold that I must exercise my powers of granting mandatory relief at interlocutory stage the net result whereof would be to place the present applicants exactly at par with the applicants of OAs No.311 of 2012 and 258 of 2014. It is however made clear that this interim order will be exactly in the same terms in which the applicants were given appointments for

[P.T.O.]

364 days with all those terms and conditions and they will inter alia not be allowed to claim on the strength of this order alone what could be described as permanent appointment. All these terms and conditions will be read as a part of this order. They shall however be allowed to compete for the regular posts. However, in the event a candidate is selected and appointed on regular basis, these applicants will have to vacate their posts but it is also made clear that even then if other posts are lying vacant, then merely by reason of this order the applicants will not necessarily be refused appointment in the same capacity. With this abundant clarification and till further orders the interim relief is granted till 11.4.2016. Four weeks time is given to the respondents to comply. Hamdast. This OA be tagged along with OAs No.311 of 2012 and 258 of 2014."

Interim relief is accordingly granted herein.

Issue notice returnable on 20.11.2016.

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

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.

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.

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 four weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 10th November, 2016. Hamdast.

Sd/-

(R.B. Malik)
Member (J)
22.09.2016

(skw)

DATE: 22/9/16

CORAM:

~~Hon'ble Shri. R. H. V. AGARWAL~~

(Vice Chairman)

Hon'ble Shri. B. MALIK (Member)

APPEARANCES:

Shri/Smt. A. V. Bandiwadkar

Advocate for the Applicant

Shri/Smt. A. J. Chougale

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

Adj. To S.O. to 10/11/16.

Hamdast.

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**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><u>DATE: 22/9/16</u></p> <p><u>CORAM:</u> Hon'ble Sri. RAJYAGARWAL (Vice-Chairman) Hon'ble Sri. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u> Sri/Smt. Applicant in person. Advocate for the Applicant Sri/Smt. Savita Suryawanshi C.P.O / P.O. for the Respondents</p> <p>Adj. To: <u>30/9/16</u> for Reply. @skw</p>	<p style="text-align: center;"><u>O.A.482/2016</u></p> <p>Shri K.G. More ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Applicant in person and Smt. S. Suryawanshi, the learned Presenting Officer for the Respondents.</p> <p>There is a written application on behalf of the Applicant dated 26.8.2016 seeking Marathi translation of the reply filed by the Respondents. In fact, such a request was made in writing earlier as well on 12.8.2016. Initially the learned P.O. mentioned that the reply was filed to the OA and not to this application. The discussion at the Bar gives an impression that the issue of the Court language is involved, and therefore, the request of the learned P.O. to file the reply will have to be granted. The OA is adjourned for the reply to that application on 30th September, 2016.</p> <p>S.O. to 30th September, 2016.</p> <p style="text-align: right;">Sd/- (R.B. Malik) Member (J) 22.09.2016 22-9-16</p> <p style="text-align: right;">(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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<p><u>DATE: 22/9/16</u></p> <p><u>CORAM:</u></p> <p>Hon'ble Shri. RAJIV AGARWAL (Vice Chairman)</p> <p>Hon'ble Sri R. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u></p> <p>Smt. Punam Mahajan</p> <p>Advocate for the Applicant. K.S. Gaikwad holding for K.S. Gaikwad</p> <p>Smt. K.S. Gaikwad</p> <p>C.P.O./P.O. for the Respondents</p> <p>Adv. to <u>O.A. is disposed of.</u> (skw)</p> <p><i>[Signature]</i></p>	<p align="center"><u>O.A.827/2016</u></p> <p>Shri V.S. Kokane ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Smt. K.S. Gaikwad holding for Smt. S. Suryawanshi, the learned Presenting Officer for the Respondents.</p> <p>This matter pertains to the Board of the Hon'ble Vice-Chairman who is not sitting today in the Principal Bench. Mentioned by Smt. Mahajan, the learned Advocate for the applicant.</p> <p>Smt. Gaikwad holding for Smt. S. Suryawanshi is present. By consent, this OA is taken up for consideration. Both the sides by consent informs that in view of the order dated 21.9.2016, a copy of which has been taken on record, the impugned order of transfer having been cancelled, the OA is allowed to be withdrawn and is as such disposed of with no order as to costs.</p> <p align="right">Sd/- <i>[Signature]</i> 2.9.16</p> <p align="right">(R.B. Malik) 1/c Member (J) 22.09.2016</p>

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<p><u>DATE:</u> 22/9/16</p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member)</p> <p><u>APPEARANCE:</u> Shri/Smt. K.R. Jagdale Advocate for the Applicant Shri/Smt. A.J. Chougule C.P.O./P.O. for the Respondents Rejoinder filed by Applicant</p> <p>Adv. for O.A. is Admit. Liberty to mention granted.</p>	<p align="center"><u>O.A.413/2016</u></p> <p>Shri S.S. Ayare ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.</p> <p>Rejoinder is taken on record. Admit. Liberty to mention granted.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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.</p> <p>This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988. The questions such as limitation and alternate remedy are kept open.</p> <p>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 four weeks. Applicant is directed to file Affidavit of compliance and notice.</p> <p align="right">Sd/- _____ (R.B. Malik) Member (J) 22.09.2016</p> <p align="right">(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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<p>DATE: 22/9/16</p> <p>CORAM: Hon'ble Shri. RAHVAGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member) J</p> <p>APPEARANCE: Shri/Smt. K.R. Jagdale Advocate for the Applicant Shri/Smt. J. Chogule P.O. for the Respondents holding for K.S. Gaikwad</p> <p>Adj. To: 27/10/16</p> <p><i>(Signature)</i></p>	<p align="center"><u>O.A.238/2016</u></p> <p>Shri M.A. Patil ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri A.J. Chogule holding for Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>Issue notice returnable on 27.10.2016.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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.</p> <p>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>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 four weeks. Applicant is directed to file Affidavit of compliance and notice.</p> <p align="right">S.O. to 27th October, 2016.</p> <p align="right">Sd/- <i>(Signature)</i> (R.B. Malik) Member (J) 22.09.2016</p> <p align="right">[P.T.O.]</p>

(Presenting Officer.....)

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O.A. 920/2016**Shri D.B. Wadile**

... Applicant

Vs.

The State of Mah. & ors.

... Respondents

Heard Smt. Kavita Pawar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

The Applicant was serving as a Clerk in the Nashik Central Jail. He has been placed under suspension by the order dated 31.8.2016 which is Exh. 'B' (Page 14 of the P.B.). In so far as the interim relief is concerned, the Applicant has been broadly aggrieved by the fact that the place of his posting during suspension has been shown as Latur and Smt. Kavita Pawar, the learned Advocate for the Applicant tells me that the Applicant is required to go to Latur from Nashik daily which entails hardship. The learned P.O. submits in the first place that this order is made under Rule 4 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979, and therefore, there is a departmental appeal provided against such an order. As to this submission of the learned P.O, I find that the word, "ordinarily" in Section 20 of the Administrative Tribunals Act exemplifies the fact that there is no total absence of jurisdiction, and therefore, regard being had to the nature of the relief sought as of now, I am disinclined to make a short work of the case of the Applicant on this technical ground. The record shows that by representation of 5.9.2016 (Exh. 'D', Page 17 of the P.B) the Applicant requested for the place of his Head Quarter pending suspension to be shifted back to Nashik. On that, there is no decision so far taken. No doubt, a period of about two weeks have elapsed, but then the relief itself of an urgent nature, ~~It~~ may be decided one way or the other that is a different matter, but the decision has got to be taken because depending thereupon, this Tribunal will

[P.T.O.]

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move further. I, therefore, direct that the Additional Inspector General of Police (Prisons), Pune may decide the representation dated 5.9.2016 hereinabove referred to within two weeks from today and communicate the decision within two working days thereafter to the Applicant. The OA stands adjourned for reply and consideration of interim relief, if necessary to 6th October, 2016.

S.O. to 6th October, 2016. Hamdast.
Steno-copy allowed.

Sd/-

(R.B. Malik)
Member (J)
22.09.2016

(skw)

DATE: 22/9/16

CORAM:

~~Hon'ble Shri. RAHVAGARWAL~~
(Vice-Chairman)
Hon'ble Shri R. B. MALIK (Member) J

APPEARANCE:

Shri/Smt.: Kavita Poojara

Advocate for the Applicant

Shri/Smt. K. B. Bhise

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

Adj. To: S.O. to 6/10/16.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Original Application No. _____ of 20 _____ DISTRICT _____ Applicant/s

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<p>DATE: <u>22/9/16</u></p> <p>CORAM:</p> <p>Hon'ble Shri RAJIVAGARWAL (Vice-Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member) ✓</p> <p>APPEARANCE:</p> <p>Shri/Smt. <u>M.D. Lonkar</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>K.S. Gaikwad</u> C.P.O./P.O. for the Respondents</p> <p>Adj. For <u>S.O. to 3/10/16.</u></p> <p><i>[Signature]</i></p>	<p align="center"><u>O.A.405/2016</u></p> <p>Smt. P.H. Wig ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.</p> <p>Shri Lonkar, the learned Advocate for the Applicant states that the Applicant does not want to file Rejoinder. Admit. Put up for hearing on 3rd October, 2016.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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.</p> <p>This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988. The questions such as limitation and alternate remedy are kept open.</p> <p>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 four weeks. Applicant is directed to file Affidavit of compliance and notice.</p> <p align="center">S.O. to 3rd October, 2016.</p> <p align="right">Sd/- <u>16</u> (R.B. Malik) Member (J) <u>29.09.2016</u></p> <p>(skw)</p> <p align="right">[P.T.O.]</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
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<p><u>DATE: 22/9/16</u></p> <p><u>CORAM:</u></p> <p>Hon'ble Shri. RAJ VAGARWAL (Vice Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member) J</p> <p><u>APPEARANCE:</u></p> <p>Shri/Smt. <u>M. D. Lonkar</u></p> <p>Advocate for the Applicant. <u>R. S. Gaikwad</u> holding for <u>N. K. Rajpurohit</u></p> <p>C.P.O./P.O. for the Respondents <u>A. V. Bandiwadekar</u> Intervenor.</p> <p><u>S.O. to 27/10/16.</u></p> <p><i>[Signature]</i></p>	<p><u>M.A.373/2016 in O.A.901/2016</u></p> <p>Shri D.A. Shirodkar ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Shri M.D. Lonkar, the learned Advocate, Smt. K.S. Gaikwad holding for Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents and Shri A.V. Bandiwadekar, the learned Advocate for Intervenor.</p> <p>Issue notice returnable on 27.10.2016.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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.</p> <p>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>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 four weeks. Applicant is directed to file Affidavit of compliance and notice.</p> <p>S.O. to 27th October, 2016. Mr. Lonkar, the learned Advocate for the Applicant do waive service.</p> <p>Sd/- <u>[Signature]</u></p> <p>(R.B. Malik) <u>[Signature]</u> Member (J) 27.09.2016</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. _____

of 20 _____

DISTRICT _____

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