

(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 : 25.03.2019.</p> <p style="text-align: center;">O.A.No.801 of 2018</p> <p>K. M. GundApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri N. P. Deshpande, learned Advocate for the Applicant, Smt. Archana B. K., learned Presenting Officer for the Respondent Nos.1 to 3 and Shri M. B. Kadam, learned P.O. for the Respondent No.4.</p> <p>2. In the present O.A., the Applicant has challenged the appointment of the Respondent No.4 on the post of Police Patil of village Kusgaon (Bk), Maval, Pune.</p> <p>3. The Respondent No.1, S.D.O. had published the advertisement on 07.06.2017 to fill in the post of Police Patil in village Kusgaon. One of the condition and eligibility was that the candidate should not be holding civil post or member or director of Co-operative Society on the date of publication of advertisement i.e.07.06.2017. In pursuance of the advertisement, the process was undertaken and the Respondent No.4 was appointed as Police Patil of village Kusgaon.</p> <p>4. Shri N.P.Deshpande, learned Advocate for the Applicant has pointed out that the Respondent No.4 was the Chairman of Kusgaon, Vividh Karyakari Seva Sahakari Society on the date of advertisement as seen from notice (Page 15 of Paper-Book) dated 16.06.2017 whereby meeting of the society was conveyed under the signature of Respondent No.4. He, therefore, contends that in view of notice dated 16.06.2017, the Applicant was not eligible for appointment on the post of Police Patil as he was holding the post of Chairman of the Co-operative Society.</p>

Office Notes, Office Memoranda of Coram,
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Tribunal's orders

5. Shri M. B. Kadam, learned Advocate for the Respondent No.4 submitted that the Respondent No.4 had already submitted resignation on 05.06.2017 and, therefore, on the date of advertisement, he was eligible for appointment to the post of Police Patil.

6. Whereas Smt. Archana B. K., learned P.O. submitted that the Applicant has not filed any complaint or representation before the S.O.O. earlier and, therefore, the O.A. is not maintainable. At the same time, she submits that now, the enquiry is being conducted by the S.D.O., Maval, Mulshi in respect of eligibility of the Respondent No.4 in view of the allegations made by the Applicant in present O.A.

7. In view of above, the O.A. can be disposed of with suitable directions as the enquiry is about the eligibility of the Respondent No.4 to the post of Police Patil because of holding the position of Chairman of Vivdh Karyakari Seva Sahakari Society is underway. It would be appropriate that the decision in this behalf is taken by the Respondent No.3 in view of the enquiry which is underway at his level. Hence the following order.

ORDER

- (a) The Original Application is allowed partly.
- (b) The Respondent No.1 is directed to complete the enquiry about eligibility of Respondent No.4 for appointment to the post of Police Patil as referred in paragraph nos.6 and 7 of their reply within one month from today.
- (c) The Applicant as well as the Respondent No.4 are at liberty to file their representation / objection along with necessary documents within one week from today with the Respondent No.1 which shall be considered by the Respondent No.1 in accordance to law.
- (d) On conclusion of the enquiry, the Respondent No.1 shall pass appropriate order about eligibility of the Respondent No.4 to the post of Police Patil.
- (e) No order as to costs.

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

Date : 25.03.2019.

M.A. No.151 of 2019 in O. A. No.279 of 2019

L. B. Ghor & Ors.

....Applicants

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 22.04.2019.
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 22.04.2019.

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

Date : 25.03.2019.

M.A. No.152 of 2019 in O. A. No.279 of 2019


L. B. Ghor & Ors.Applicants

Versus

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

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
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8. S.O. to 22.04.2019.

Sd/-


(A.P. Kurhekar)
Member(J)

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

DATE : 25/3/19.**CORAM :**

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

APPEARANCE:Shri/Smt. K.R. Jagdale

Advocate for the Applicant

Shri/Smt. S.P. Manchekar

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

Adj./S.O. to 25/4/19

Heard
order passed by
Tribunal Column.

25.03.2019**O.A 124/2019**

Shri S.S Solanki ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri K.R Jagdale, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. Learned C.P.O had raised objection as regards territorial jurisdiction. According to learned CPO, applicant is at present serving in the territory of Nagpur Bench of this Tribunal.

3. Learned Advocate for the applicant has pointed out the averment contained in para 5 of the O.A. It transpires and it is not disputed that when the charge sheet was served, applicant was serving in Mumbai and he was given head quarter at Thane.

4. Subsequent transfer of the applicant outside the jurisdiction, carved out for Principal Seat, will not render the O.A to be not maintainable at Principal bench.

5. Hence oral objection raised by learned C.P.O is overruled.

6. Learned C.P.O prays for time for filing affidavit in reply.

7. Time as prayed for is granted. Learned C.P.O is put to caution for every statement and averment should be replied.

8. S.O to 25.4.2019.

Sd/-

(A.H Joshi/J.)
Chairman

Aka

IN

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>25/3/19.</u></p> <p>CORAM : Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>APPEARANCE: Shri/Smt. <u>M.R. Patil with U.V. Bhosale</u> Advocate for the Applicant</p> <p>Shri/Smt. <u>Archana B.K. 12</u> C.P.O./P.O. for the Respondent/s <u>M.D Lonkar for Res 3 to 5</u> Adj./S.O. to <u>add</u> <u>A.V Bandiwadekar, for the Respondent. 12.</u> <u>Shri Rahul Kalgeware</u> <u>PN for the Res 6 to 9.</u> <u>heard</u></p> <p><u>OA is not served though ordered.</u> <u>Hence O.A is dismissed.</u> <u>Hence it is removed from Board.</u></p> <p style="text-align: right;"><u>2</u></p>	<p>25.03.2019</p> <p><u>O.A No 271/2016</u></p> <p>Shri Deepak P. Khade & Ors ... Applicants Vs. The State of Maharashtra & Ors... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri M.R Patil with Shri U.V Bhosale, learned advocate for the applicants, Ms Archana B.K, learned Presenting Officer for the Respondents no 1 & 2, Shri M.D Lonkar, learned advocate for Respondent nos 3 to 5, Shri A.V Bandiwadekar, learned advocate for Respondent no. 12 and Shri Rahul Kalgeware, learned advocate for Respondent nos 6 to 9. 2. O.A is not served though ordered. 3. Hence O.A is automatically dismissed. 4. Hence it is removed from Board. <p style="text-align: right;">Sd/- <u>(A.H Joshi, J.J. Joshi)</u> Chairman</p> <p style="text-align: left;">Akn</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
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25.03.2019

C.A 34/2018 in O.A 517/2018

Shri Y.N More & Ors ... Applicants
Vs.
The State of Maharashtra & Ors... Respondents

1. None for the applicants. Heard Ms Swati Manchekar, learned C.P.O for the Respondents.
2. Place before D.B tomorrow for disposal.

DATE: 25/3/2019

CORAM:

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

Hon'ble Shri M. Kameshkumar (Member), A

APPEARANCE

Shri/Smt. : None for the applicants.

Advocate for the Applicant

Shri/Smt. : Ms. Swati Manchekar

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

Adj. To: place before D.B. tomorrow for disposal.

B.E.

[Signature]
Sd/-

(A.H Joshi, C.)
Chairman

Akn

**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 O.As. No.823 & 824 of 2018
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S.R. Gaikwad
Y.R. Patil ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri L.S. Deshmukh, learned Advocate for the Applicants and Miss S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. Advocate for the applicants mentions that the matter may be placed before Division Bench.

3. Liberty to mention.

Sd/-
(P.N. Dixit)
Member (A)
25.3.2019

(sgj)

DATE: 25/3/2019

CORAM:

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

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

APPEARANCES

Shri/Smt. L.S. Deshmukh

Advocate for the Applicant

Shri/Smt. S.P. Manchekar

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

Adj. To Ld. Advocate for the applicants mentions that the matter may be placed before Division Bench.

Liberty to mention.

[Handwritten signature]

**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.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p align="right">Tribunal's orders Date : 25.03.2019.</p>
	<p align="center">M. A. No.668 of 2018 in O.A.No.1135 of 2018</p> <p>F. B. MullaApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. M. Kolge, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged the punishment imposed upon him by order dated 30.06.2017 and 26.07.2017. There is a delay of 4 months & 15 days, therefore, the Applicant has filed Misc. Application to condone the delay. He contends that delay is neither deliberate nor intentional and, therefore, he prayed to condone the delay and decide the O.A. on merit.</p> <p>3. Learned P.O. for the Respondents submitted that reply is ready and will be filed during the course of the day. On the last date also, the matter was adjourned on the same ground. However, today also reply is not filed.</p> <p>4. For the reasons stated in the M.A., the application for condonation of delay is allowed, so as to decide the O.A. on merit.</p> <p>5. Misc. Application is disposed of with no order as to costs.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p align="left">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
vsm	<p>Date : 25.03.2019.</p> <p>O.A.No.1048 of 2018</p> <p>V. M. OulkarApplicant</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 Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant submitted that the Affidavit-in-Rejoinder is ready and will be filed during the course of the day. It be taken on record.</p> <p>3. As the pleadings are complete, O.A. is admitted.</p> <p>4. S.O. for final hearing on 30.04.2019.</p> <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 : 25.03.2019.

O. A. No.278 of 2019

B.B. Rathod

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
2. Issue notice before admission returnable on 22.04.2019.
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 22.04.2019.

Sd/-

(A.P. Kurhekar)
Member(J)

vsm

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="727 327 932 356">Date : 25.03.2019.</p> <p data-bbox="943 382 1170 411">O. A. No.261 of 2019</p> <p data-bbox="727 437 1284 466">K.B. PansareApplicant</p> <p data-bbox="727 499 800 528">Versus</p> <p data-bbox="727 561 1308 590">The State of Maharashtra & Ors. ...Respondents.</p> <ol data-bbox="727 623 1382 1827" style="list-style-type: none">1. Heard Shri K. R. Jagadale holding for Shri S. S. Dere, learned Advocate for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.2. Issue notice before admission returnable on 22.04.2019.3. 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 22.04.2019. <p data-bbox="1110 1866 1170 1895">Sd/-</p> <p data-bbox="1049 1942 1214 1999">(A.P. Kurhekar) Member(J)</p> <p data-bbox="711 2004 748 2026">vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 25.03.2019.</p> <p style="text-align: center;">O.A.No.1135 of 2018</p> <p>F. B. MullaApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri R. M. Kolge, learned Advocate for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. 2. Issue notice before admission returnable on 22.04.2019. 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 22.04.2019. <p style="text-align: right;">Sd/-</p> <p style="text-align: center;">v (A.P. Kurhekar) Member(J)</p> <p>vsm</p>