

(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: <u>27/9/16</u></p> <p>CORAM:</p> <p>Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)</p> <p>Hon'ble Shri. K.B. BHISE (Member)</p> <p>APPEARANCE:</p> <p>Shri/Smt. Punam Mahajan Advocate for the Applicant</p> <p>Shri/Smt. <u>K.B. Bhise</u> C.P.O./R.G. for the Respondents</p> <p>Adj. To: <u>S.O. to 6/10/16</u></p> <p><i>[Signature]</i></p>	<p><u>27.09.2016</u></p> <p><u>O.A No 692/2016</u></p> <p>Shri P.B Kore Applicant Vs. The State of Maharashtra & Ors... Respondents</p> <p>Heard Smt Punam Mahajan, learned advocate for the applicant and Shri K.B Bhise, learned Presenting Officer for the Respondents.</p> <p>Learned Advocate Mrs Mahajan states that the Applicant was permitted to amend the O.A. She, however, could not amend the O.A and she is seeking enlargement of time till today.</p> <p>Mrs Mahajan stated that she will amend the O.A today itself. The copy of amended O.A is already been served on the Respondents.</p> <p>Learned P.O states that he will file reply to the amended O.A within one week.</p> <p>S.O to 6.10.2016.</p> <p style="text-align: right;">Sd/- <i>[Signature]</i> (Rajiv Agarwal) Vice-Chairman</p> <p style="text-align: center;">Akn</p> <p style="text-align: right;">(P.T.O.)</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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27.09.2016

O.A No 870/2016

Shri S.S Dalvi ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri M.D Lonkar, learned advocate for the applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

Affidavit in reply has been filed by Addl. D.G.P. Original Application is admitted.

Place for final hearing on 3.10.2016.

DATE: 27/9/16

CORAM:

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

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

APPEARANCE:

Shri/Smt. M.D. Lonkar

Advocate for the Applicant

Shri/Smt. N.K. Rajpurohit

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

~~Reply filed by P. No. 3.~~

Adj. To 3/10/16.

~~with O.A. as admitted.~~

FH
[Signature]

Akn

Sd/-

(Rajiv Agarwal)
Vice-Chairman

[Handwritten mark]

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

Tribunal's orders

M.A.85/2016 in O.A.198/2016

Shri C.S. Vyavahare ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

This is an application for condonation of delay in bringing the OA which in turn seeks appointment on compassionate ground.

I have perused the record and proceedings of this MA as well as the OA. I find that by the communication of 19.4.2014, the Applicant was conveyed virtually the rejection of his claim for his name being included in the waiting list. Then, there ensued the correspondence and in one of the correspondence of 17.4.2014, the Directorate of Medical Education sought guidance from the Government with regard to the eligibility of the Applicant in the context of the pay scale which his mother was having in the context of entitlement of the Applicant for being considered for compassionate appointment. Thereafter also, the correspondence went on. In addition thereto, the Applicant has relied on the Medical Certificate from Parag Clinic, Solapur which shows that he has been suffering from lumbar-pain from 1.8.2014 to 31.1.2016. The present OA was lodged along with this MA on 22nd February, 2016. Now, even as the learned P.O. Ms. Suryawanshi has very strongly opposed the application for condonation of delay, citing *inter-alia* the proposition that the Applicant has failed to account for day to day delay. I find that much water has flown down the bridge since the days, this doctrine was in vogue. In that connection, I may only refer to the Judgment of the Hon'ble Supreme Court in **Collector, Land Acquisition, Anant Nag Vs. Katiji, AIR 1987 SC 1353**. Further, it seems that the Applicant was engaged in correspondence and he was suffering health problem and in that context, although the delay is there, but it is not of such a magnitude as to bracket the Applicant as a person with contumacious conduct. If there is a tussle between the logical conclusion of the OA after contest and the technical disposal, I am so minded on the present facts as to hold it in favour of condonation of delay. The Application is, therefore, allowed. The delay is condoned. The Applicant and the Office of this Tribunal shall now take steps to process the OA further, so as to get it listed before the appropriate Bench for disposal according to law. No order as to costs.

DATE: 27/9/16

BY:

(Chairman)

R.B. Malik

BY:

B.A. Bandiwadekar

BY:

S. Suryawanshi

Presenting Officer for Respondents

order passed in Tribunal's order
column.

MA is allowed.

BTE

Sd/-

(R.B. Malik)

Member (J)

27.09.2016

27/9/16

(skw)

**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.A.930/2016

Smt. Geeta J. Rajput ... Applicant

Vs.

The State of Mah. & ors. ... Respondents

Heard Smt. Punam mahajan, the learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

Issue notice returnable on 25.10.2016.

Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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 25th October, 2016.

Sd/-

(R.B. Malik)

Member (J)

27.09.2016

9.16

(skw)

DATE: 27/9/16

CORAM:

Hon'ble Justice (Chairman)

Hon'ble Justice (Member) R.B. Malik

Punam Mahajan

Advocate for the Applicant

Shri A.J. Chougule

C.P. for the Respondents

Adj. To 25/10/16

skw

**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: <u>27/9/16</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member)-A</p> <p>APPEARANCE: Shri/Smt. : <u>B.A. Bandiwadker</u> Advocate of Applicant Shri/Smt. : <u>S. Suryawanshi</u> C.P.O / P.O. for the Respondent/s</p> <p>Adj. To..... <u>4/10/16</u></p> <p style="text-align: right;"><i>B.Te</i></p>	<p><u>M.A.322/2016 in O.A.842/2016</u></p> <p>Shri A.B. Pagare ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Shri B.A. Bandiwadkar, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.</p> <p>The learned P.O. seeks another date for Affidavit-in-reply. See the order of 30th August, 2016. The MA is now set down for arguments making it clear that, if the reply is tendered just before the arguments commenced, it will be taken on record but no adjournment shall be given for that purpose.</p> <p>S.O. to 4th October, 2016.</p> <p style="text-align: right;">Sd/- <u>9.16</u> (R.B. Malik) Member (J) 27.09.2016</p> <p>(skw)</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
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O.A.759/2016

Shri G.A. Kadam ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

The request for further time to file the Affidavit-in-reply is rejected. It is, however, made clear that on the next date, the matter appears before the Bench, if the Affidavit-in-reply is tendered, it will be taken on record but no adjournment shall be given for that purpose.

In this view of the matter, the OA is admitted and it be placed before the appropriate Bench on 27th October, 2016.

DATE: 27/9/16

CORAM:

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

Hon'ble Shri M. Rameshkumar (Member)A

APPEARANCE:

Shri/Smt. : Punam Mahajan

Advocate for Applicant

Shri/Smt. : S. Suryawanshi

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

Adj. To: Admit.

Adj. To 27/10/16.

BT

Sd/- 7.9.16

(R.B. Malik)
Member (J)
27.09.2016

(skw)

**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: <u>27/9/16</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Kamathkumar (Member) A-</p> <p>APPEARANCE Shri/Smt. : <u>RS Kavle</u> Advocate for the Applicant Shri/Smt. : <u>A.B. Kololgi</u> C.P.O / P.O. for the Respondent/s Admit. Adj. To: <u>Liberty to mention granted.</u></p>	<p>O.A.576/2016</p> <p>Shri P.B. Dandekar ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Shri R.S. Kavle, the learned Advocate for the Applicant and Smt. A.B. Kololgi, the learned Presenting Officer for the Respondents.</p> <p>Affidavit-in-Rejoinder 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 style="text-align: right;">Sd/- <u>16</u> (R.B. Malik) Member (J) 27.09.2016</p> <p>(skw)</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
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O.A.11/2016

Shri D.N. Kale ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Applicant and Advocate absent. Heard Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

Rejoinder is not filed. Admit.

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.

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.

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.

In as much as the Applicant is absent, a fixed date is given for hearing, failing which for dismissal before the appropriate Bench.

Adjourned to 27th October, 2016 before the appropriate Bench.

Sd/-
~~(R.B. Malik)~~ 21.9.16
Member (J)
27.09.2016

(skw)

DATE: 29/9/16

BY:

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

Hon'ble Shri M. Kameshkumar (Member) A

APPEARANCE:

Shri/Smt. None for the appl.

Advocate for the Applicant

Shri/Smt. A.J. Chougule

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

Admit.

Adj. To. Liberty to mention granted.

BTK

**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
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O.A.1045/2015

Shri R.L. Bali ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant, Shri A.J. Chougule, the learned Presenting Officer for the Respondents 1, 2 & 4 and Shri Sachin Kadam holding for Shri Pandit, learned Advocate for Respondent No.3.

The Affidavit-in-reply of Respondent No.1 is not filed. OA proceeds without the reply of Respondent No.1. It is now adjourned for Rejoinder to the Affidavits already filed.

S.O. to 19th October, 2016.

Sd/- 9.16

(R.B. Malik)
Member (J)
27.09.2016

(skw)

27/9/16
Hon'ble Justice Shri A. H. Janhi (Chairman)
Hon'ble Shri M. B. Malik (Member)

APPEARANCE

Shri/Smt.: M.D. Lonkar

Advocate for the Applicant

Shri: A.J. Chougule

C.P.N. for the Respondents

Adv. Sachin Kadam holding 1, 2 & 4.

Adv. To. for Shri Pandit Adv. K.

R. No 3.

S.O. to 19/10/16

B.E.

4

**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 of directions and Registrar's orders	Tribunal's orders
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M.A.370/2016 in O.A.392/2016

Shri D.D. Kamble ... Applicant
V/s.
The State of Mah. & ors. ... Respondents

Heard Shri B. Deshmukh, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned P.O. for the Respondents.

This MA seeks amendment to the OA in accordance with the schedule hereto annexed.

We have perused the record and proceedings and heard the rival submissions. The proposed amendment, in our opinion, tries to amplify the plea already raised and there is no inconsistency with the OA such as it stands and the Respondents undoubtedly have an opportunity to file an Additional Affidavit-in-reply. Therefore, without much ado, the application for amendment is allowed and the amendment be carried out within two weeks. A consolidated copy of the OA after amendment be filed and the copy be furnished to the learned P.O. for Additional Affidavit-in-reply.

S.O. to 14th October, 2016.

Sd/-

(R.B. Malik)
Member (J)
27.09.2016

Sd/-

(Rajiv Agarwal)
Vice-Chairman
27.09.2016

DATE: 27/9/16

CORAM:

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

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

APPEARANCE:

Shri/Smt. B. Deshmukh

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

P.O./T.O. for the Respondents

M.A. is allowed.

O.A. Adj. to 14/10/16.

O.A. Adj. to 14/10/16.

(skw)

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

Tribunal's orders

27.09.2016

O.A No 944/2016

Shri S.N Deshmukh ... Applicant
Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the applicant and Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents 1 & 2. Shri A.V Bandiwadekar, learned advocate states that he has been instructed to appear on behalf of Respondent no. 3. He, therefore, sought time to file a short reply regarding interim relief sought by the Applicant.

2. Issue notice before admission made returnable on 29.9.2016.

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 29.9.2016. Learned P.O may supply copies of the file notings as well as proceedings of the Civil Services Board to the Applicant and Respondent no. 3.

DATE: 27/9/16

CORAM:

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

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

APPEARANCE:

Shri/Smt. M.D. Lonkar

Advocate for the Applicant

Shri/Smt. K.S. Gaikwad

C.P.O./P.O. for the Respondents No. 122.

A.V. Bandiwadekar

Doc. No. 3 CV.P. Filed.

Adj. To

S.O. to 29/9/16.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. 939 of 20 16

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: <u>27/9/16</u></p> <p>CORAM: Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman) Hon'ble Shri. T. K. MALIK (Member)</p> <p>APPEARANCE: Shri/ Smt. Punam Mahajan Advocate for the Applicant Shri/ Smt. <u>N.K. Rajpurohit</u> C.P.O./P.O. for the Respondents</p> <p>Adj. To <u>S.O to 18/10/16.</u> <u>Hamdast</u></p>	<p>27.09.2016</p> <p><u>O.A No 939/2016</u></p> <p>Shri Sunil P. Kalgutkar ... Applicant Vs. The State of Maharashtra & Ors... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicant and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.</p> <p>2. Issue notice before admission made returnable on 18.10.2016.</p> <p>3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>7. S.O 18.10.2016. Hamdast.</p> <p style="text-align: right;">Sd/- (Rajiv Agarwal) P.T.O.</p>

4

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

Tribunal's orders

M.A.372/2016 in O.A.323/2014

**Mah. Govt. Polytechnic Teachers
Asso. ... Applicants**

V/s.

The State of Mah. & ors. ... Respondents

Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Smt. A.B. Kololgi, the learned P.O. for the Respondents.

This is an application whereby the Applicants seek impleadment of two persons by name to the OA as well as to the MA seeking permission to sue jointly.

We have heard the rival submissions. Mrs. Kololgi, the learned P.O. initially wanted time to file Affidavit-in-reply and we indicated that we were disinclined to grant her request. She was heard on merit of this application. According to her, even as the Applicant can bring a fresh OA, but this application cannot be allowed because according to her, the OA suffers from incurable illegality. It is not necessary for us to make any detailed comment or observation, but assuming this amendment application seeks to remove, the possibility of any technical objection, we do not think, it is going to cause any prejudice much less irretrievable to the Respondents because they can meet with these allegations by way of either an Affidavit-in-reply or additional Affidavit-in-reply which will always be there and further, if a fresh OA can be brought, we fail to understand as to how any prejudice is going to be caused, if this OA is allowed to be amended. The Application for Sue Jointly is allowed, subject to payment of Court Fees, if not already paid. The amendment as herein prayed be carried within one week from today. A consolidated copy of the OA after amendment be filed and the copy be furnished to the learned P.O. and MA to conform with OA in every respect.

DATE: 27/9/16

CORAM:
Hon'ble Shri. RAJIV AGARWAL
(Vice-Chairman)
Hon'ble Shri. R. B. MALIK (Member)

APPEARANCE:
Shri/Smt. A.V. Bandiwadekar
Advocate for the Applicant
Shri/Smt. Arshana B.K.
C.P.O./P.O. for the Respondents

Adj. To: M.A. is Allowed.
O.A. Adj. + O. 4/10/16.
(Signature)

Sd/-
(R.B. Malik)
Member (J)
27.09.2016

(skw)

Sd/-
(Rajiv Agarwal)
Vice-Chairman
27.09.2016