

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATION NO.39 OF 2017**

Shri Kiran A. Jadhav & Ors. ..Applicants
Versus
The State of Maharashtra & Ors. ..Respondents

Shri G.A. Bandiwadekar – Advocate for the Applicants
Shri N.K. Rajpurohit – Chief Presenting Officer for Respondent No.1
Smt. Punam Mahajan – Advocate for Respondents No.2 to 7

CORAM : Shri Justice A.H. Joshi, Chairman
DATE : 28th April, 2017

ORDER

1. This OA is mentioned before me in Chamber in the afternoon session after Division Bench sitting was over.
2. The matter is taken up for hearing in Chamber at 5.00 p.m.
3. Heard Smt. Punam Mahajan, learned Advocate for Respondents No.2 to 7, Shri G.A. Bandiwadekar, learned Advocate for the Applicants and Shri N.K. Rajpurohit, learned Chief Presenting Officer for Respondent No.1.
4. Learned Advocate for respondent no.2 has urged for urgent hearing on following submissions:



- (i) The respondent no.2 is due to retire on 30.4.2017.
- (ii) In the event after retirement of respondent no.2 promotion order is issued, respondent no.2 may be eligible to get pecuniary consequences. However, the benefit of having adorned promotional post would be perpetually denied if applicant is not actually promoted before she retires.

5. Smt. Punam Mahajan, Ld. Advocate has made fact related submissions as follows:

- (a) The meeting of Departmental Promotion Committee was held today and respondent no.2's name has been cleared for promotion.
- (b) The position of respondent no.2 in the provisional common seniority list is at Sr. No.326 while senior most amongst applicants namely Shri S.F. Mokashi is at Sr. No.445.

6. Based on factual submissions, Smt. Punam Mahajan, learned Advocate for respondents no.2 to 7 has urged that respondent no.1 be granted liberty to issue promotion order thereby promoting respondents no.2 Smt. Leena Vivek Dhuru to the post of Under Secretary.

7. Shri N.K. Rajpurohit, Ld. CPO confirms the position that DPC is held and respondent no.2 is found to be eligible, and states that the Government may consider to issue order of promotion if the restraint put by the Tribunal is removed.

8. Shri G.A. Bandiwadekar, Ld. Advocate for the Applicant raised very serious and strong objection to the manner adopted by the respondent no.2 in mentioning the matter and has jotted down his submissions in the shape of points and tendered those, which read as follows:

- (i) The respondent no.2 is batch of 2008 and till yesterday seniority list is said to be finalized only up to 2006 which is



not even published so as to enable us to offer our comments thereon.

- (ii) That all arguments now advanced today were in fact advanced yesterday before Division Bench and after considering this only that order came to be passed yesterday.
- (iii) That in fact petitioners though appointed in 2009, they are of batch 2004 when advertisement is issued in 2005 but the selection process took long time to complete. Thus, petitioners are claiming seniority over respondent no.2.
- (iv) The quota of direct recruits is encroached upon by promotee Section Officer like respondent no.2 and therefore unless the petitioners are promoted the question of private respondents being promoted does not arise.
- (v) That with such a short notice and in the absence of senior advocate being not heard, that no order as sought by respondent no.2 be granted and that too without any MA being filed setting out therein extreme urgency and seeking modification of yesterday's order.
- (vi) Any such order as sought by private respondents if passed at 5.00 p.m. today or thereafter the same could amount to modification and review of order passed by Division Bench yesterday and therefore proper application is must from respondent no.2 and copy thereof being served upon all the concerned well in advance. That only thereafter such a request of respondent no.2 can be heard by Division Bench.
- (vii) No irreparable loss is going to be caused to the respondents if not actually promoted for 1 day, since she will get all the consequential retirement benefits after retirement.
- (viii) That all what is stated by way of objection is based on learned advocate could remember as per his memory and without any opportunity of referring to brief.

9. The crux of the matter is whether the claim of the applicants in OA that the promotees have eaten away the quota meant for direct recruits could be demonstrated by showing category wise different list of persons finding place in different categories i.e. direct recruits and promotees.



Admittedly separate as well as integrated seniority lists are not so far finalized.

10. From what is shown by the respondent no.2 it appears that respondent no.2 is placing reliance on integrated provisional seniority list and the sequence and rank number of applicants on one hand and respondent no.2 on the other hand which is not disputed.

11. However, the claim of the applicants in OA that quota system is violated, as it prima facie appears, has not been, is not refuted by evidence whatsoever.

12. In the foregoing background it, prima facie, appears that right of respondent no.2 for promotion based on quota for promotee category is not yet adjudicated. Hence it would be unsafe to give any green signal to the promotion of the respondent no.2.

13. Hence, this Tribunal declines to pass orders in terms of prayer made by the respondent no.2 through note which is submitted today and taken up for hearing.

14. The case to come up on due date.

Sd/-

(A.H. Joshi, J.)
Chairman
28.4.2017

Dictation taken by: S.G. Jawalkar.

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE:</u> 28/4/17</p> <p><u>CORAM:</u> Hon'ble Justice Shri A.H. Joshi (Chairman) Hon'ble Shri M. Rameshkumar (Member) A</p> <p><u>APPEARANCE:</u> Shri/Smt. K.R. Jagdale Advocate for the Applicant Shri/Smt. Archana B.K. C.P.O / P.G. for the Respondent/s</p> <p>Adj. To. 3/5/17.</p> <p style="text-align: right;">B.T.</p>	<p><u>28.04.2017</u></p> <p><u>C.A 01/2017 in O.A No 591/2015</u></p> <p>Shri B.R Sangle Applicant Vs. The State of Maharashtra & Ors... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri K.R Jagdale, learned advocate for the applicant and Ms Archana B.K, learned Presenting Officer for the Respondents. 2. Respondent no. 3 is called to show cause as to why independent contempt action should not be initiated against him in view of allegations contained in paragraphs 13 to 16 of the affidavit filed by the Applicant on 24.4.2017. 3. Learned Presenting Officer is directed to verify whether Respondent no. 3 would personally remain present, on P.Os communication or notice be sent through officer of Tribunal. Hearing was adjourned for enabling learned P.O to take instructions. 4. Thereafter, case was again called out. 5. Learned P.O states that she has taken instructions and that the officer, Respondent No. 3 shall remain present on 3.5.2017. 6. In view of statement of Learned Presenting Officer it is not necessary to issue notice and we can wait for his appearance. 7. S.O to 3.5.2017. <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Rajiv Agarwal) (A.H Joshi, W.P.O) Vice-Chairman Chairman</p> <p>Akn [P.T.O.]</p>

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
<p>DATE: <u>28/4/17</u></p> <p>CORAM:</p> <p>Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p>Hon'ble Shri M. Rajesh Kumar (Member) A</p> <p>APPEARANCE:</p> <p>Shri/Smt. <u>B. D. Deshmukh</u></p> <p>Advocate for the Applicant</p> <p>Shri/Smt. <u>N. G. Gohad</u></p> <p>C.P.O./P.O. for the Respondent/s</p> <p>Adj. To <u>M.A. is disposed of</u></p> <p><i>MP</i> <i>BC</i></p>	<p>Date : 28.04.2017.</p> <p>M.A.No.183 of 2017 in O.A.No.392 of 2016</p> <p>D.D. KambleApplicant.</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B. Deshmukh, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.</p> <p>2. Shri B. Deshmukh, the learned Advocate for the Applicant states that it is necessary to amend the O.A. for effective adjudication of case and in the interest of Justice.</p> <p>3. Hence, M.A. for leave to amend is granted.</p> <p>4. M.A. is disposed.</p> <p>Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p>Sd/- (A.H. JOSHI J.) Chairman</p> <p>prk</p>

O.A.No.392 of 2016

D.D. Kamble

....Applicant.

Versus

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Shri B. Deshmukh, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Issue fresh notice to the amended O.A. returnable on 20.06.2017.

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. S.O. to 20.06.2017.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Sd/-

(A.H. Joshi)
Chairman

DATE: 28/4/17

CORAM:

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

Hon'ble Shri M. Rajiv Agarwal (Member)

APPEARANCE:

Shri/Cst. B. Deshmukh

Advocate for the Applicant

Shri/Smt. N.G. Gohad

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

Adj. To: 20/6/2017.

BHE

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

Tribunal's orders

M.A. No.142 of 2017

In

O.A. No.267 of 2017

Shri R.P. Pagar

... Applicant

V/s.

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

None for the Applicant. Heard Ms N.G. Gohad, the learned P.O. for the Respondents.

Issue notice returnable on 16.06.2017.

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 16.06.2017. Learned P.O. do waive service.

DATE: 28/4/17

CORAM:

~~Hon'ble Shri. RAJY. CHAVAN~~
(Vice-Chief Justice)

Hon'ble Shri R. B. MALIK (Member) ✓

APPEARANCE:

~~Shri/Smt. None for the Applicant~~

~~Advocate for the Applicant~~
Shri/Smt. Ms. N.G. Gohad

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

Adj. To: S.O. to 16/6/17

Sd/-

(R.B. Malik)
Member (J)
28.04.2017

28.4.17

**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
<p>DATE: <u>28/4/17</u></p> <p>CORAM:</p> <p>Hon'ble Shri. RAJIV AGARWAL (Vice Chairman)</p> <p>Hon'ble Shri R. B. MALIK (Member) J</p> <p>APPEARANCE:</p> <p>Shri. <u>J. N. Kamble</u></p> <p>Advocate for the Applicant</p> <p>Shri. Smt. Ms. S. Suryawanshi</p> <p>C.P.O./P.O. for the Respondents J</p> <p>Adj. To <u>O.A. is admitted.</u></p> <p><u>S.O. to 14/6/17.</u></p> <p>FH <i>[Signature]</i></p>	<p><u>O.A. No.778 of 2016</u></p> <p>Shri R.D. Kamble ... Applicant</p> <p>V/s.</p> <p>The State of Mah. & ors. ... Respondents</p> <p>Heard Shri J. N. Kamble, the learned Advocate for the Applicant and Ms Suryawanshi, the learned P.O. for the Respondents.</p> <p>The Affidavit-in-Rejoinder is taken on record. The Original Application is admitted and appointed for final hearing on 14.06.2017.</p> <p>Sur-Rejoinder, if any, must be filed on the next date and not thereafter.</p> <p>Sd/-</p> <p>(R.B. Malik) <u>28.4.17</u> Member (J) 28.04.2017</p> <p>(vsm)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

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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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O.A.1037/2016

Mr. P.D. Pramanik ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Applicant in person and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

The learned PO is being instructed by Mr. S.N. Ghige, Section Officer, Home Department.

The learned PO submits a copy of the order of 25th April, 2017 issued by the State. The same is taken on record. The Applicant, however, submits that the order just referred to, does not take care of all his claims, for example, he denies the arrears. Therefore, the OA stands adjourned for Affidavit-in-reply of the Respondents, but it is recorded that the order of 25th April, 2017 has been made a part of this OA.

S.O. to 16th June, 2017.

DATE: 28/4/17

CORAM:

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

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

APPEARANCE:

Shri/Smt. Applicant in person.

Advocate for the Applicant

Shri/Smt. Ms. S. Suryawanshi

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

Adj. To S.O. to 16/6/17.

Sd/-

(R.B. Malik) 28.4.17
Member (J)
28.04.2017

(skw)

**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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O.A. No.974 of 2016
with
O.A.No.23 of 2017
with
O.A. No.24 of 2017

Shri S.N. Salunkhe & Ors. ... Applicants

V/s.

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

Heard Shri Naik holding for Shri U.R. Mankapure, the learned Advocate for the Applicants and Ms N.G. Gohad, the learned P.O. for the Respondents.

The learned Advocate for the Applicant seeks short adjournment to consider the impleadment of Police Patils, if they have been appointed in these three OAs.

The request is granted and the matter is adjourned to 19.06.2017.

DATE: 28/4/17

CORAM:

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

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

APPEARANCE:

Shri/Smt. Naik holding
for U.R. Mankapure
Advocate for the Applicant

~~Shri/Smt. Ms N.G. Gohad~~
C.P.O./P.O. for the Respondents

Adj. To S.O. to 19/6/17

[Signature]

Sd/-

(R.B. Malik)
Member (J)
28.04.2017

28.4.17

(vsm)

**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
<p><u>DATE:</u> 28/4/17</p> <p><u>CORAM:</u> Hon'ble Shri. RAHVAGARWAL (Vice-Chairman) Hon'ble Shri R. B. MALIK (Member)</p> <p><u>APPEARANCE:</u> Smt. Archana B.K. P.O. Advocate for the Applicant Shri Smt. M.D. Lonkar C.A.O./P.O. for the Respondents Adv. Adj. to R.A. is disposed of.</p> <p style="text-align: right;"><i>[Signature]</i></p>	<p style="text-align: center;"><u>R.A. No.09 of 2017</u> in <u>O.A. No.945 of 2016</u></p> <p style="text-align: center;">The State of Mah. & ors. ... Applicants (Ori. Respondents)</p> <p style="text-align: center;">V/s.</p> <p style="text-align: center;">Shri G. M. Madake ... Respondent (Ori. Applicant)</p> <p>Heard Smt Archana B.K. holding for Smt. Kranti Gaikwad, the learned P.O. for the Review Applicants (Ori. Respts.) and the Respondent (Ori. Applicant) with Shri M.D. Lonkar, the learned Advocate is present.</p> <p>The learned Advocate submits on record what can be described as precipice. It is taken on record. It is treated as an undertaking and since the Applicant has voluntarily given up the claim for interest, nothing survives in this R.A. and same is disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/- (R.B. Malik) Member (J) 28.04.2017</p> <p style="text-align: right;">k 28.4.17</p> <p>(vsm)</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>28/4/17</u></p> <p>CORAM: Hon'ble Shri. RAHV AGARWAL (Vice - Chairman) Hon'ble Shri R. B. MALIK (Member)</p> <p>APPEARANCE: Shri/Smt. <u>C. B. Nikte</u> Advocate for the Applicant. <u>S. Suryawanshi</u> Shri/Smt. <u>N. K. Rajpurohit</u> C.P.O./P.O. for the Respondents</p> <p>Adj. To: <u>S.O. to 5/6/17</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p style="text-align: center;"><u>O.A. No.360 of 2017</u></p> <p>Shri Suhas Bhosale ... Applicant V/s. The State of Mah. & ors. ... Respondents</p> <p>Heard Shri C.B. Nikte, the learned Advocate for the Applicant and Ms S. Suryawanshi, the learned P.O. for Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.</p> <p>The learned P.O. is being instructed by Shri Vasant Tambe, ACP, Pune. I have perused the record and proceedings in the light of the most persuasive submissions of the learned Advocate seeking urgent relief. It will not be proper on my part to make any detailed observation in this particular order today but this much must be mentioned that this is not a matter where interim relief can be granted today and the Respondents will have to be given opportunity to file reply and it will be thereafter that the future course of action could be worked out.</p> <p>Issue notice returnable on 05.06.2017.</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 05.06.2017. Learned P.O. do waive service.</p> <p style="text-align: right;">Sd/- (R.B. Malik) <u>28.4.17</u> Member (J) 28.04.2017</p> <p style="text-align: right;"><i>[Signature]</i></p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

I N

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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O.A.208/2017

**Mr. K.R. Avhad ... Applicant
Vs.
The State of Mah. & ors. ... Respondents**

Heard Mr. J.N. Kamble, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

The matter comes up before me for consideration of interim order. It appears that the pensionary benefits have been stopped. The directions are sought for releasing the same with interest and interim relief is sought for the payment of provisional pension. This matter has appeared on a number of occasions after 15.3.2017. It appeared thereafter on 29.3.2017, 13.4.2017 and 27.4.2017 and on each date of hearing, Mr. Kamble, the learned Advocate for the Applicant kept on renewing his prayer for interim orders. Now, the learned PO has placed on record a communication of today (i.e.28.4.2017) from the Respondent No.3 to the Accountant General. It is in Marathi. It makes a request for sanctioning the provisional pension. Nobody is present on behalf of the Office of the 3rd Respondent and that apparently could be because of the fact that at A'nagar, there is a local holiday today. But the fact remains that the OA for interim relief has not come for the first time today. I keep open the option to impose cost of Rs.10,000/- on the 3rd Respondent. He shall personally remain present on the next date of hearing, but regardless of whatever may have happened, the interim relief is granted and the Respondent No.3 is directed to pay to and continue to pay till further orders, the provisional pension to the Applicant. Compliance within four weeks from today. Hamdast.

DATE: 28/4/17

CORAM:

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

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

APPEARANCE:

Shri/Smt. J.N. Kamble

Advocate for the Applicant

Shri/Smt. Ms. S. Suryawanshi

C.P.O./P.O. for the Respondents
order passed in the
Tribunal's column.

S.O. to 7/6/17

Hamdast.

[Signature]

Sd/-

(R.B. Malik)
Member (J)
28.04.2017

28.04.17

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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<p>DATE: 28/4/17</p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Justice Rajiv Agarwal (Member) APPEARANCE: Shri Smt. Purnam Mahajan Advocate for Applicant Gohad for Shri Smt. N.K. Rajpurohit C.P.O./P.O. for the Respondent/s A.V. Bandiwadekar for 4 to 6 Adj. To: 2/5/17</p> <p>(with O.A. 1099/16)</p>	<p>Date : 28.04.2017</p> <p>O.A.No.916 of 2016 with O.A.No.1099 of 2016</p> <p>M.B. Patil & Ors. (O.A.No.916 of 2016) J.S. Phad & Ors. (O.A.No.1099 of 2016)Applicants Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. P. Mahajan, the learned Advocate for the Applicants in O.A.No.916 of 2016, Shri M.D. Lonkar, the learned Advocate for the Applicants in O.A.No.1099 of 2016, Ms. N.G. Gohad, the learned Presenting Officer holding for Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents and Shri A.V. Bandiwadekar, the learned Advocate for the Respondent Nos.4 to 6 in both the O.As.</p> <p>2. At the request of the learned P.O. for the Respondents, adjourned to 02.05.2017.</p> <p>Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p>Sd/- (A.H. Joshi, J.) Chairman</p> <p>sb</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Date : 28.04.2017

C.A.No.30 of 2017 in O.A.No.864 of 2015

A.V. LankeApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Smt. P. Mahajan, the learned Advocate for the Applicant and Smt. Archana B.K., the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents Smt. Archana B.K. states as follows:-

- (a) The Government decision whereby regularizing and continuing Applicant's service is taken.
- (b) Further steps for releasing pensionary benefits will be taken punctually.

3. In view of the statement of learned P.O., adjourned to 03.05.2017.

DATE: 28/4/17
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri M. Rajiv Agarwal (Member)
APPEARANCE:
Shri/Stat. PULAM RAJESH
Advocate for Applicant
Smt./Stat. Archana B.K.
C.P.O./P.O. for the Respondent/s
Adj. To: 31/5/17

2

Sd/-
(Rajiv Agarwal)
Vice-Chairman

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

sba

PARAD CONTINUATION SHEET NO.

Office Status, Office of the State of Gujarat
Appointments, Promotions, Orders in
Disciplinary and Regulatory matters

Tribunal's orders

Date : 28.04.2017

C.A.No.38 of 2015 in O.A.No.909 of 2013

R.K. MohiteApplicant

Versus

The State of Maharashtra & Ors.Respondents.

1. None for the Applicant. Heard Ms. N.G. Gohad, the learned Presenting Officer holding for Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents states on instructions received from Shri Santosh Deshmukh, Under Secretary, Medical Education and Drugs Department as follows:-

- (a) The Contemnor No.1 has gone to Delhi for some work and Contemnor No.2 has gone to Nagpur to attend the cases before the Hon'ble High Court.
- (b) Therefore one week's time may be granted.

3. S.O. to 2.05.2017 to see whether Respondents come forward and tender apology.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

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

sba

DATE: 28/4/17

CORAM:

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

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

Rajiv Agarwal (Vice)

APPEARANCE:

Shri/Smt. none for the Applicant

Advocate for Respondents

Shri/Smt. N.G. Gohad for K.S. Gaikwad
C.P.O./P.O. for the Respondents

Adj. To: 28/4/17

order passed in
Tribunal Column.

So on 28/4/17.

**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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28.04.2017

O.A No 1196/2016

Shri R.V Sonkamble ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

1. Heard Shri R.G Panchal, learned advocate for the applicant and Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

2. At the request of learned advocate for the Applicant, the matter is adjourned to 12.6.2017.

DATE: 28/4/17

CORAM:
Hon'ble Justice S.A. H. Joshi (Chairman)
Hon'ble Justice Rajiv Agarwal (Member)

APPEAR:
Shri/Smt R.G. Panchal
Advocate for Applicant
Shri/Smt S. Suryavanshi
C.P.O./P.O. for the Respondent/s

Adj. To: Head
Adj to 146/17

Sd/- Rajiv Agarwal Vice-Chairman

Sd/- A.H Joshi Chairman

Alm

**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>28/4/17</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri M. Ramachandran (Member) A <i>Rajiv Agarwal (file)</i></p> <p>APPEARANCE Shri/Smt. : <u>Punam Mahajan</u> Advocate for the Applicant Shri/Smt. : <u>N. G. Golead</u> C.P.O./P.O. for the Respondent/s</p> <p>Adj. To: <u>15/6/17</u></p> <p style="text-align: right;"><i>l</i></p>	<p><u>28.04.2017</u></p> <p><u>O.A No 161/2017</u></p> <p>Shri D.B Kamble ... Applicant Vs. The State of Maharashtra & Ors... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents.</p> <p>2. Learned Presenting Officer prays for two weeks' time to file affidavit in reply. Though two weeks' time is prayed for, we grant longer time with order that no further adjournment will be granted.</p> <p>3. S.O to 15.6.2017.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Rajiv Agarwal) (A.H Joshi, J.) Vice-Chairman Chairman</p> <p>Akn</p> <p style="text-align: right;">3</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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28.04.2017

O.A No 362/2016

Shri B.R Patil ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

DATE: 28/4/17
CORAM:
Hon'ble Justice Shri A. H. Joshi (Chairman)
Hon'ble Shri ~~M. Ramashankar~~ (Member)
Rajiv Agarwal (Vice)
APPEARANCE:
Shri/Smt: None for the Applicant
Advocate: None for the Applicant
Shri/Smt: Archana B.K.
C.P.O / P.O for the Respondent/s
Date: 10/7/17

1. None for the applicant. Heard Ms Archana B.K. learned Presenting Officer for the Respondents.
2. Learned Presenting Officer prays for time on the ground that office brief is not traceable.
3. Hence adjourned to 10.7.2017.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Sd/-
(A.H Joshi, J.)
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
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28.04.2017

O.A No 77/2017

Shri B.V Kubde ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri R.M Kolge, learned advocate for the applicant and Ms Savita Suryavanshi, learned Presenting Officer for the Respondents.

2. It appears that the Applicant has not taken hand delivery of notice for service. If applicant applies, issue fresh notice returnable on 27.7.2017.

3. If no steps are taken within one seek, Original Application shall stand dismissed without further reference

4. S.O to 27.7.2017.

DATE: 28/4/17

CORAM:

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

Hon'ble Justice ~~Shri R. M. Kolge~~ (Member) A
Rajiv Aggarwal (V/C)

APPEARANCE:

Shri/Smt. R. M. Kolge

Advocate for the Applicant

Shri/Smt. Savita Suryavanshi
C.P.O / P.O. for the Respondent/s

Adj. To: 27/7/17
order passed in
Tribunal Column
S.O to 27/7/17.

Sd/-

(Rajiv Aggarwal)
Vice-Chairman

Sd/-

(A.H Joshi, J)
Chairman

Akn

(Presenting Officer.....)

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

Tribunal's orders

28.04.2017**O.A No 69/2017**Shri D.N Chinchani ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

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

2. Shri Manukumar Shrivastav, Principal Secretary, Revenue Department, Mantralaya, Mumbai, is personally present and states that he will look into the matter personally and take suitable stance in the case

3. Adjourned to 20.6.2017.

4. It is hoped that in view of the fact that case is adjourned at the request of the Government, the Departmental Enquiry will not be pressed, nor will the Applicant will be entitled to get benefit of adjournment.

DATE: 28/4/17

CORAM:

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

Hon'ble Shri N. K. Rajpurohit (Member A)
Rajiv Agarwal (P.C.)

APPEARANCE:

Shri/Smt. M. D. Lonkar

Advocate for the Applicant

Shri/Smt. N. K. Rajpurohit


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

Adj. To: Head.

order passed in
Tribunal Column -
5.10.2016/17.




Sd/-



(Rajiv Agarwal)
Vice-Chairman

Sd/-



(A.H Joshi, J.)
Chairman

IN

FARAD CONTINUATION SHEET NO.Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

O.A.No.313 of 2017**Smt G.P. Rathod****... Applicant****V/s.****The State of Mah. & ors.****... Respondents**

Heard Shri B.A. Bandiwadekar, the learned Advocate for the Applicant and Ms N.G. Gohad, the learned P.O. holding for Shri N.K. Rajpurohit, the learned C.P.O. for the Respondents.

The matter is called out again at 12.05 pm. It was kept back at the request of Ms Savita Suryawanshi, the learned P.O. holding for the learned C.P.O.

It is not necessary to set out the details of the fact herein. I have perused my order of 19.04.2017. As and by way of interim relief, I direct the Respondent to consider the prayer in paragraph 10(a) of the Applicant on or before 03.05.2017 and the O.A. be placed on board on 04.05.2017. Hamdast.

Sd/-

(R.B. Malik)
Member (J)
28.04.2017

(vsm)

DATE: 28/4/17

CORAM:

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

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

APPEARANCE:

Shri/Smt. B.A. BandiwadekarAdvocate for the Applicant. N.G. GohadShri/Smt. N.K. Rajpurohit

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

Adj. To

S.O. to 4/5/17.

Hamdast.

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
<p>DATE: <u>28/4/17</u></p> <p>CORAM: Hon'ble Justice Shri A. H. Joshi (Chairman) Hon'ble Shri Rameshkumar (Member) A <u>Rajiv Agarwal (S.C.)</u></p> <p>APPEARANCE: Shri <u>S.S. Dere</u> Advocate for Applicant Shri <u>S. Suryawanshi</u> C.P.O./D.O. for the Respondent/s <u>1 to 3</u> <u>K.R. Jagdale for Res 4 in</u></p> <p>Adj. To: _____ <u>(O.A. 315/16)</u> <u>Shri N.P. Dalvi, SPL.</u> <u>Counsel for mpsc is</u> <u>absent.</u> <u>Heard</u> <u>order passed in</u> <u>Tribunal column</u> <u>5070 7/6/17.</u></p> <p>with <u>O.A. 25/16</u> <u>O.A. 426/16</u></p>	<p>Date : 28.04.2017</p> <p>O.A.No.315 of 2016 with O.A.No.425 of 2016 with O.A.No.426 of 2016</p> <p>S.J. Waychal (O.A.No.315 of 2016) A.S. Bhosale (O.A.No.425 of 2016) G.T. Deokar (O.A.No.426 of 2016)Applicants Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri S.S. Dere, the learned Advocate for the Applicant, Ms. S. Suryawanshi, the learned Presenting Officer for the Respondent Nos.1 to 3 and Shri K.R. Jagdale, the learned Advocate for the Respondent No.4 in O.A.No.315 of 2016. Shri N.P. Dalvi, the learned Special Counsel for M.P.S.C. is absent. 2. Learned Advocate for the Applicant shri S.S. Dere prays for leave to amend by substituting entire paper book of the O.A. for incorporating the necessary averments and adding additional documents. 3. Leave as prayed for is granted. 4. After the receipt of amendment, it will be decided whether the affidavit already filed be struck off or case be proceeded on that basis. 5. Learned Advocate for the Applicant should keep ready entire paper book to be substituted on the next date. 6. S.O. to 07.06.2017. <p>Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p>Sd/- (A.H. Joshi, J) Chairman</p>

Date : 28.04.2017

O.A.No.345 of 2017

S.H. Mane
Versus

....Applicant

The State of Maharashtra & Ors.

.....Respondents.

1. Heard Smt. P. Mahajan, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

2. Issue notice returnable on 20.06.2017.

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.

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. Promotion, if any, effected shall be subject to outcome of the O.A.

8. We further direct that while filling vacancy Applicant's representation dated 1.12.2016 should be decided.

9. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.

10. S.O. to 20.06.2017.

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Sd/-
(A.H. Joshi)
Chairman

sba

DATE : 28/4/17

CORAM :

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

Hon'ble Shri Rajiv Agarwal (Member)

APPEARANCE :

Shri/Smt : P. Mahajan

Advocate for Applicant

Shri/Smt : N.G. Gohad

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

Adj. To : 20/6/17

order passed by
Tribunal Column
Issue notice
returnable on
20/6/17.
Steno copy and
Hamdast is allowed

**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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Date : 28.04.2017

O.A.No.251 of 2017 with M.A.No.129 of 2017

S.N. Naik & Ors.Applicants
Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Shri U.V. Bhosale, the learned Advocate for the Applicants and Ms. Archana B.K., the learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents is directed to secure instructions to make statement as to when the Applicant's representations annexed to the O.A. would be decided.

3. Statement be made on the next date.

4. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the Respondents.

5. S.O. to 13.07.2017.

Sd/-
(Rajiv Aggarwal)
Vice-Chairman

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

sba

DATE : 28/4/17

CORAM:

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

Hon'ble Shri Rajiv Aggarwal (Member) (JLC)

APPEARANCE:
Shri/Smt U.V. Bhosale

Advocate for Applicant

Shri/Smt. Archana B.K.
C.P.O./P.O. for the Respondent/s

Adj. To: 13/7/17

Heard
order passed in
Tribunal Column
steno copy and
Hamdast is allowed

S.O. 13/7/17

(with n.p. 129/12)

**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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28.04.2017

O.A No 1132/2016

Shri A.M. Atram ... Applicants
Vs.
The State of Maharashtra & Ors... Respondents

1. None for the Applicant. Heard Ms Archana B.K. learned Presenting Officer for the Respondents.

2. In view of leave note of learned Advocate for the Applicant adjourned to 20.7.2017 with liberty to circulate the case before due date, if there be any urgency.

DATE: 28/4/17

CORAM:

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

Hon'ble Justice: ~~Shri A. H. Joshi (Member)~~

APPEARANCE:

Shri/Sd/- None for the Applicant

Advocate for the Respondent

Shri/Sd/- Archana B.K.

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

Adj. To: 20/7/17

2

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

Sd/-

(A.H Joshi,)
Chairman

**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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28.04.2017

O.A No 1172/2016

Shri S.M Govande ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri S.B Deshpande, learned advocate for the applicant and Ms Neelima Gohad, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer states that a corrigendum to charge sheet is issued and its copy would be served on the Applicant and his Advocate.

3. Learned Advocate for the Applicant states that he will take suitable stance after receipt of copy.

4. Adjourned to 3.7.2017.

DATE: 28/4/17

CORAM:

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

Hon'ble Shri ~~Rajiv Aggarwal~~ (Member) Rajiv Aggarwal (JIC)

APPEARANCE:

Shri/Adv. S.B. Deshpande

Advocate for the Applicant:

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

Adj. To..... 3/7/17

Sd/-

(Rajiv Aggarwal)
Vice-Chairman

Sd/-

(A.H Joshi, J)
Chairman

Akn