

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

W.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>29/7/16</u></p> <p>FORAM:</p> <p>Member Shri. RAJIV AGARWAL (Vice - Chairman)</p> <p>Member Shri B. B. MALIK (Member)</p> <p>APPEARANCE:</p> <p>Shri <u>S.S. Dere</u> Advocate for the Applicant</p> <p>Shri <u>Archana B.K.</u> P.O. for the Respondents</p> <p><u>O.A. is admitted.</u></p> <p><u>1.8.16</u></p> <p><u>FOB</u> <u>@</u></p>	<p><u>29.07.2016</u></p> <p><u>O.A No 607/2016</u></p> <p>Shri S.M Taru ... Applicant Vs. The State of Maharashtra & Ors... Respondents</p> <p>Heard Shri S.S Dere learned advocate for the applicant and Ms Archana B.K., learned Presenting Officer for the Respondents.</p> <p>Affidavit in reply has been filed. Learned Advocate Shri Dere states that he does not wish to file rejoinder.</p> <p>Original Application is admitted. Place for final hearing on 1.8.2016, first on Board.</p> <p>Sd/- (Rajiv Agarwal) Vice-Chairman</p> <p>Akn</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

W.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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28.07.2016

O.A No 813/2015

Shri V.M.Pharande & Ors ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri M.D Lonkar, learned advocate for the applicants and Mrs Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

Learned P.O files affidavit in replv. Learned Advocate Shri Lonkar states that he does not wish to file rejoinder.

O.A is admitted. Place for final hearing on 11.8.2016.

DATE: 28/7/16

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

APPEARANCE:
Shri. M.D. Lonkar

Advocate for the Applicant
Mrs. K.S. Gaikwad

Presenting Officer for the Respondents
Presented by P.No. 149

O.A. is admitted
Place for final hearing
is fixed on 11/8/16

*FH
Sd/-*

Akn

Sd/-
(Rajiv Agarwal)
Vice-Chairman

**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>28/7/16</u></p> <p>CORAM: Hon'ble Shri. RAHV AGARWAL (Vice-Chairman) Hon'ble Shri. H. M. LOK (Member)</p> <p>APPEARANCE: A.V. Bandiwadekar Advocate for the Applicant Archana B.K. Presenting Officer for the Respondents</p> <p><u>4/8/16</u></p>	<p>28.07.2016</p> <p>O.A No 647/2016</p> <p>Shri K.W Haral ... Applicant Vs. The State of Maharashtra & Ors... Respondents</p> <p>Heard Shri A.V Bandiwadekar, learned advocate for the applicants and Ms Archana B.K. learned Presenting Officer the Respondents.</p> <p>Learned Advocate Shri Bandiwadekar stated that the Applicant has given his constructive option by not exercising any option to remain with the Energy Department. However, by the impugned order, the Applicant has been transferred to P.W.D against his option. He has therefore, filed this O.A challenging the said order of his transfer.</p> <p>Learned Advocate Shri Bandiwadekar further stated that delay in taking any decision is causing prejudice to the Applicant and the post from which he was transferred his still vacant and therefore interim relief of staying the transfer order may be granted.</p> <p>Learned P.O opposed grant of any interim relief at this stage because the Applicant has been relieved long back. She stated that affidavit in reply will be filed within one week.</p> <p>Last chance is given to the Respondents to file affidavit in reply on the next date. If no reply is filed on the next date, the prayer for interim relief will be considered. Further, time to file affidavit of service is extended by one week.</p> <p>S.O to 4.8.2016.</p> <p>Sd/- (Rajiv Agarwal) Vice-Chairman</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
<p>DATE: <u>28/7/16</u></p> <p>BY: _____</p> <p>For the Shri. RAJIV AGARWAL (Vice - Chairman)</p> <p>For the Shri. B. MALIK (Member)</p> <p>APPEARANCE:</p> <p>For the Applicant <u>A.V. Bandiwadekar</u></p> <p>For the Respondents <u>K.S. Gaikwad</u></p> <p>For the P.O. for the Respondents <u>S.O. to 25/8/16.</u></p>	<p><u>28.07.2016</u> <u>O.A No 781/2016</u></p> <p>Smt M.R Ghate ... Applicant Vs. The State of Maharashtra & Ors... Respondents</p> <ol style="list-style-type: none"> 1. Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Mrs Kranti S. Gaikwad, learned Presenting Officer for the Respondents. 2. Issue notice before admission made returnable on 25.8.2016. 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 25.8.2016. Learned P.O waives service of notice. <p style="text-align: right;">Sd/- (Rajiv Agarwal) Vice Chairman</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
<p><u>DATE: 28/7/16</u></p> <p><u>CORAM:</u> Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) Hon'ble Shri. B. M. Patil (Member)</p> <p><u>APPEARANCE:</u> Shri/Smt. <u>A.V. Bandiwadekar</u> Akn Advocate for the Applicant Shri/Smt. <u>K.S. Gaikwad</u> C.O.P.O. for the Respondents Reply filed by A. No. 1, COA 669/16 Rejoinder filed by Applicant. O.A. is admitted. Adj. TO 6.0. to 4/8/16.</p> <p style="text-align: right;"><i>FK</i></p>	<p><u>28.07.2016</u></p> <p><u>O.A No 667, 668 & 669/2016</u></p> <p>Shri V.D Sul & Ors ... Applicants Vs. The State of Maharashtra & Ors... Respondents</p> <p>Heard Shri A.V Bandiwadekar, learned advocate for the applicants and Mrs Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>Learned Advocate Shri Bandiwadekar filed affidavit in rejoinder.</p> <p>O.A is admitted. Respondents are at liberty to file sur-rejoinder, if need be.</p> <p>Place for final hearing on 4.8.2016.</p> <p style="text-align: right;">Sd/- (Rajiv Agarwal) Vice-Chairman</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
<p>DATE: <u>28/7/16</u></p> <p>CORAM: Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman) Hon'ble Shri. B. M. L. K. (Member)</p> <p>APPEARANCE: Shri/Smt. <u>M. D. Lonkar</u> Advocate for the Applicant Shri/Smt. <u>S. T. Chandratre</u> S.P.O./P.O. for the Respondents Spl. Counsel</p> <p>Adj. To <u>S.O. to 11/8/16.</u></p> <p><i>[Signature]</i></p>	<p>28.07.2016</p> <p><u>O.A Nos 509, 510, 542 & 543/2016</u></p> <p>Shri N.P Udmale & Ors ... Applicants Vs. The State of Maharashtra & Ors... Respondents</p> <p>Heard Shri M.D Lonkar, learned advocate for the applicants and Shri C.T. Chandratre, learned Special Counsel the Respondents.</p> <p>Learned Advocate Shri Chandratre stated that he is also appearing for Respondent no. 3 in O.A 542/2016. He sought leave of this Tribunal to discharge him from that case. Leave granted.</p> <p>Learned Special Counsel Shri Chandratre seeks two weeks' time to study the matter and decide whether to file sur-rejoinder.</p> <p>S.O to 11.8.2016.</p> <p>Akn</p> <p>Sd/- (Rajiv Agarwal) Vice-Chairman</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
<p>DATE: <u>28/7/16</u></p> <p>CORAM:</p> <p>Hon'ble Shri. RAJIV AGARWAL (Vice - Chairman)</p> <p>Hon'ble Shri. B. MALIK (Member)</p> <p>APPEARANCE:</p> <p>Shri/Adv. <u>M.D. Lonkar</u> Advocate for the Applicant</p> <p>Shri/Adv. <u>Archana B.K.</u> C.P.O. for the Respondents</p> <p><u>S.O. to 11/8/16.</u></p> <p>Att. To:</p>	<p>28.07.2016 <u>O.A No 517/2016</u></p> <p>Shri B.S Suryawanshi ... Applicant Vs. The State of Maharashtra & Ors... Respondents</p> <p>Heard Shri M.D Lonkar, learned advocate for the applicants and Ms Archana B.K. learned Presenting Officer the Respondents.</p> <p>On instructions from Smita Dighe, Junior Administrative Officer, learned P.O states that the proposal to pay provisional pension to the Applicant on regular basis has already been submitted to the Accountant General on 25.7.2016. Also the proposal to pay provisional pension from August 2015 to January, 2016 has been submitted to the Treasury office at Mumbai, which is likely to be sanctioned within a period of two weeks.</p> <p>Learned Advocate Shri Lonkar stated that other dues like leave encashment, GIS etc has also not been paid. Respondents are directed to file affidavit clarifying the position what dues are being paid to the Applicant and the other dues, the reason why they are not being paid or cannot be paid to him.</p> <p>S.O to 11.8.2106.</p> <p align="right">Sd/- (Rajiv Agarkar) Vice-Chairman</p> <p>Akn</p>

28.07.2016

O.A No 763/2016

Shri A.L Nikam ... Applicant

Vs.

The State of Maharashtra & Ors... Respondents

1. Heard Shri A.V Bandiwadekar, learned advocate for the applicant and Ms Archana B.K learned Presenting Officer for the Respondents.
2. The Applicant is challenging his transfer from the office of Assistant Director of Town Planning, Nasik to Assistant Director of Town Planning, Special Unit, Malegaon, by order dated 31.5.2016. Learned Advocate Shri Bandiwadekar stated that Applicant is Group-C employee and is entitled to a tenure of six years before he could be transferred. However, the Applicant has been transferred after completion of 3 years at Nasik. He was not due for transfer, no special case is made and no approval from the immediately next higher authority has been obtained. The matter was also not placed before the Civil Services Board. Learned Advocate Shri Bandiwadekar also stated that the order states that it a local transfer the Applicant will not be eligible to get T.A, D.A, joining time and pay advance. Learned Advocate Shri Bandiwadekar stated that transfer from Nasik to Malegaon cannot be called local arrangement and Applicant will be entitled to get all benefits which are given to Government servants on transfer.
3. Learned P.O states that she has no instructions in the matter and seek time.
4. Learned Advocate Shri Bandiwadekar prayed for interim relief by staying the transfer order. Considering the fact that order was issued on 31.5.2016 almost two months back, interim relief at this stage cannot be considered. However, the Applicant has apprehension that

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

Tribunal's orders

the post vacated by him will be filled by promotion and in that case any relief finally granted to him will become infructuous. Learned Advocate Shri Bandiwadekar stated that the post at Nasik may be ordered to be kept vacant till the disposal of this O.A.

5. Considering the above facts, I am inclined to grant interim relief that the post which was occupied by the Applicant will not be filled up till the disposal of this O.A.

6. Issue notice before admission made returnable on 11.8.2016.

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

8. 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.

9. 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.

10. 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.

11. S.O 11.8.2016. Hamdast.

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Akn

DATE: 28/7/16

CORAM:

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

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

APPEARANCE:

Shri A. U. Bandiwadekar

Advocate for the Applicant

Shri. Smt. : Anshana B.K.

CATRO. for the Respondents

S.O. to 11/8/16.

Hamdast.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No: _____ of 20 _____ DISTRICT _____

Advocate

versus

The State of Maharashtra and others

(Presenting Officer).....

Office Notes, Office Memoranda of Coram, appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders O.A.456/2016
<p>DATE: <u>28/7/16</u></p> <p><u>R.B. Malik</u>]</p> <p><u>G.A. Bandiwadker</u></p> <p><u>K.B. Bhise</u></p> <p>namit.</p> <p>As to <u>18/8/16</u></p> <p><i>[Signature]</i></p>	<p>Shri S.D. Gaikwad ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Shri G.A. Bandiwadker, learned Advocate for the Applicants and K.B. Bhise, the learned Presenting Officer for Respondents.</p> <p>The relevant Affidavits filed. Admitted up for arguments on 18th August, 2016.</p> <p>Sd/-</p> <p>(R.B. Malik) Member (I) 28.07.2016</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____

DISTRICT _____

(Advocate)

versus

The State of Maharashtra and others

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders O.A.453 to 455/2016</p>
<p><u>453/16</u></p> <p><u>R.B. Malik</u> (Member)</p> <p>— <u>G.A. Bandiwadker</u></p> <p>— <u>K.B. Bhise</u></p> <p>Hdm 17.</p> <p><u>18/8/16</u></p> <p><i>BTE</i></p>	<p>Shri D.D. Shivthare & Ors. ... Applicants Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Shri G.A. Bandiwadker, learned Advocate for the Applicants and K.B. Bhise, the learned Presenting Officer for Respondents.</p> <p>The relevant Affidavits filed. Admitted up for arguments on 18th August, 2016.</p> <p>Sd/-</p> <p>(R.B. Malik) Member (A) 28.07.2016</p> <p>(skw)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____

DISTRICT _____

(Advocate)

versus

The State of Maharashtra and others

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p>DATE: <u>28/7/16</u></p> <p><u>R.B. Malik</u> (Chairman)</p> <p><u>K.K. Jagdale</u> (Member) A</p> <p><u>K.B. Bhix</u></p> <p>Admit. Liberty to mention granted.</p> <p><i>BTE</i></p>	<p><u>O.A.42/2016</u></p> <p>Shri A.R. Bhai ... Applicant Vs. The State of Mah. & ors. ... Respondents</p> <p>Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri K.B. Bhix the learned Presenting Officer of Respondents.</p> <p>Heard. Admit. Liberty to mention granted.</p> <p>Sd/- (R.B. Malik) Member (A) 28.07.2016</p> <p>(skw)</p>

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

Tribunal's orders

O.A.782/2016

Shri S.P. Kamble ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

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

Issue notice returnable on 18.08.2016.

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 hearing duly authenticated by Registrar 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 questions such as limitation and alternative remedy are kept open.

The service may be done by hand delivery / speed post / courier and acknowledgement obtained and produced along with affidavit of compliance in the Registry within four days. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 18th August, 2016. The learned P.O. do waive service.

Sd/-
(R.B. Maik) Member (A)
28.07.2016

(skw)

DATE: 28/7/16

Signature: R.B. Maik
(Member A)

Signature: K.K. Jagdale

Signature: H.K. Rajpurohit
Respondent's

A.G. To: 18/8/16

BTE

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

Tribunal's orders

O.A.743/2016

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

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

Issue notice returnable on 11.08.2016.

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 hearing duly authenticated by Registrar 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 Administration Tribunal (Procedure) Rules, 1988 and questions such as limitation and curative remedy are kept open.

The service may be done by hand delivery / speed post / courier and acknowledgement obtained and produced along with affidavit of compliance in the Registry within four days. Applicant is directed to meet the Registrar for compliance and notice.

S.O. to 11th August, 2016. The Registrar P.O. do waive service.

DATE: 28/7/16
CORAM:
..... (Chairman)
R.B. Malik (Member) *
.....
M.D. Lonkar
.....
K.B. Bhise
.....
Adj. To: 11/8/16

HTE

Sd/-
(R.B. Malik)
Member
28.07.2016

(skw)

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

Tribunal's orders

O.A.757/2016

Shri N.P. Pawar ... Applicant
Vs.
The State of Mah. & ors. ... Respondents

Heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Shri K.B. the learned Presenting Officer for the Respondents.

Issue notice returnable on 11.08.2016.

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 hearing duly authenticated by Registrar 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 Administration Tribunal (Procedure) Rules, 1988 and questions such as limitation and admissibility of remedy are kept open.

The service may be done by hand delivery / speed post / courier and acknowledgement obtained and produced along with affidavit of compliance in the Registry within four days. Applicant is directed to file affidavit of compliance and notice.

S.O. to 11th August, 2016. The learned P.O. do waive service.

Sd/-
(R.B. Malik)
Member (A)
28.07.2016

(skw)

DATE: 28/7/16

(Chairman)
R.B. Malik
(Member A)

M.D. Lonkar

K.B. Bhix

Adj. Dy. 11/8/16

BE

DATE: 28/7/16

(Chairman)
M.D. Lonkar
(Member A)

K.B.

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

Tribunal's orders

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 Shri K.B. Dhike, the learned Presenting Officer for Respondents.

Issue notice returnable on 18.08.2016.

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 hearing duly authenticated by Registrar 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 Administration Tribunal (Procedure) Rules, 1988 and all questions such as limitation and alternative remedy are kept open.

The service may be done by hand delivery / speed post / courier and acknowledgement obtained and produced along with affidavit of compliance in the Registry within four days. Applicant is directed to file Affidavit of compliance and notice.

S.O. to 18th August, 2016. The learned P.O. do waive service.

Sd/-
(R.B. Malik)
Member (J)
28.07.2016

DATE: 28/7/16
By: R.B. Malik (Member)
By: Punam Mahajan
By: K.B. Dhike

Adj. To: 18/8/16
ATE

(skv)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

(Advocate

versus

The State of Maharashtra and others

(Presenting Officer.....

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders <u>C.A.37/2016 in O.A.629/2015</u>
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Shri C.R. Rajput ... Applicant
Vs.
The State of Mah. & ors. ..Respondents

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

Heard. It appears that the CA has worked itself out. The learned Advocate Shri Jagdale informs that the proposal of the fixation of Applicant's seniority in the cadre of Tahsildar has now been forwarded to Government on 23rd June, 2016. The statement is merely recorded and the CA is disposed of with no order as to costs.

Sd/-
 (R.B. Mank)
 Member (J)
 28.07.2016

(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 Registrár's orders	Tribunal's orders
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28.7.2016

O.A No 229 & 269/2001

Shri D.P Rajput & Ors ... Applicants
Vs.
The State of Maharashtra & Ors... Respondents

Heard Shri A.V Bandiwadekar and Shri M.D Lonkar, learned advocate for the Applicants in O.A no 229 & 269/2001 and Shri K.B Bhise, learned Presenting Officer for the Respondents.

These two old O.As have remained pending because of a pending Writ Petition no. 903/2001 before the Hon. High Court. However, it now appears that the said Writ Petition was carried directly to the Hon'ble High Court and not from any order made by this Tribunal. Therefore, whatever issues arise for determination in these O.As in fact have not been decided earlier by this Tribunal.

We direct that these two O.As shall be heard positively on the next date and both the sides must come prepared for advancing arguments and not excuses.

S.O to 25.8.2016, first on Board.

DATE: 28/7/16

CORAM:

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

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

APPEARANCE:

Shri A.V. Bandiwadekar
and M.D. Lonkar
Advocates for the Applicant

Shri K.B. Bhise

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

Sd/- J.B.K.
28.7.16
(R.B. Malik)
Member (J)

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Akn

S.O. to 25/8/16.

FOB
[Signature]

Advocate

versus

The State of Maharashtra and others

..... respondent.....

(Presenting Officer.....)

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

Tribunal's orders

M.A.75/2016 in O.A.172/2016

Shri D.S. Katke ... Applicant
Vs.

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

This is an application for condonation of delay.

I have perused the record and heard Shri Shrikant Patil holding for Shri M.B. Kolpe, the learned Advocate for the Applicant, Shri A. Chougule, the learned Presenting Officer for the Respondents 1 to 4, and Shri G. Bandiwadekar, the learned Advocate for Respondent No.7. None is present. Respondents 5 & 6.

The point is as to whether on the arrival sufficiency of cause, this MA survives and the finding thereon is in the affirmative for the following reasons.

Reasons : The post for which the Applicant has been vying is that of Technician. He came to know, going by the recitals of his MA that the Respondent had been appointed on December, 2014, and thereafter, in as much as he should have been armed with facts to make out a good case in the OA, he took recourse to the information under the Right to Information Act. The material was collected and the matter was brought before this Tribunal. But in view of the delay, the present application was moved. The delay is according to the Applicant, on one hand while according to the contesting Respondent it is delayed by ages. Now, in my opinion, the case is made out for condonation of delay, this is not the matter where the quantum of the delay should be an inhibiting factor. Though Mr. Chougule, the learned P.O. for the Respondents 1 to 4 and Shri Bandiwadekar, the learned Advocate for the Respondent No.7 assailed the Applicant for indolence, I find from Annexure :

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

Tribunal's orders

1' (Page 6 of the paper book) which is a reply from Respondent No.5 that the Applicant had moved under the RTI on 10th December, 2014 itself. That aspect of the matter will have to be studied in the context of the fact that whatever be the quantum, the delay is not so exorbitant as to reflect a State which could be called contumacious and negligent sleeping over the right. At the end of the day, the harp has to be on serving the cause of justice rather than sacrificing a good cause on the altar of procedure. Now, some negligence has to be there without which the delay would not be caused but the delay itself cannot be cited as a cause for not condoning it. When the issue is as to whether a case for condonation is constituted, I hold that the delay herein needs to be condoned.

The MA is allowed. The delay is condoned. The Office and the Applicant are directed to process the OA in order to get it placed before the Bench for further progress in the matter. No order as to costs.

28/7/16

R.B. Malik - J

M.B. Kolpe

K.S. Gaikwad
itoh.

Dr. R. S. ...
Adv. A. V. Bardi Wadekar

R. S. ...

order passed in Tribunal's
order column.

MA is allowed.

skw

Sd/-
28.7.16
(R.B. Malik)
Member (J)
28.07.2016

(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
O.A.766/2016

Shri S.N. Tapre ... Applicant
Vs.
The State of Mah. & ors. ..Respondents

Heard Shri S.D. Khati, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

The learned P.O. seeks some time to file Affidavit-in-reply and prays that no interim order be made till such time ~~and~~ he is able to place his Affidavit-in-reply. Now, the Applicant came to be appointed on 16.6.2000. His Caste Validity Certificate has failed before the concerned Scrutiny Committee, but he seeks to rely on the Judgment of the Full Bench of the Hon'ble the Chief Justice in **Arun Vs. State of Maharashtra, 2015 (1) MLJ 457**. Now, even as the learned P.O. is entitled to make a request for some time to file the Affidavit-in-reply, in my opinion, there being arguable points involved, the Applicant cannot be left entirely unprotected. I, therefore, direct that even as enquiry, if any, may commence if considered necessary and that is not my direction but no coercive measures would be taken against the Applicant till the date next to the filing of the reply.

Issue notice returnable on 25.08.2016.

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

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

Tribunal's orders

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 all
questions such as limitation and alternative
remedy are kept open.

The service may be done by hand delivery
/ speed post / courier and acknowledgement
obtained and produced along with affidavit of
compliance in the Registry within four weeks.
Applicant is directed to file Affidavit
compliance and notice.

S.O. to 25th August, 2016. The return
P.O. do waive service. Hamdast.

DATE: 28/7/16

BY:

Mr. R.B. Malik (Chairman)

Member (Member) A J

S.D. Khare

K.B. Bhisikar

Clerk / P.S. for the Respondent's

order passed in Tribunal's order

Adj. To column

S.O. to 25/8/16. Hamdast

SKW

Sd/-
(R.B. Malik)
Member (J)
28.07.2016

(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.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p style="text-align: center;">Tribunal's orders O.A. 765/2016</p>
	<p>Shri Y.N. Patkar ... Applicant Vs. The State of Mah. & ors. .. Respondents</p> <p>Heard Shri S.D. Khati, the learned Advocate for the Applicant and Shri K.B. Bhise, the learned Presenting Officer for the Respondents.</p> <p>I have heard the rival submissions in so far as the interim relief is concerned. It appears that the Applicant's Caste Validity Certificate has been rejected on 9th June, 2016 by the Caste Scrutiny Committee, till then the Applicant was protected by an order of the Hon'ble High Court which protection was to hold good for four weeks after the said decision. Now, he seeks directions <i>inter-alia</i> and in effect to continue, the said protection. In view of the Judgment of the Full Bench of the Hon'ble the Chief Justice in Arun Vs. State of Maharashtra, 2015 (1) MLJ 457. There is an arguable case, and therefore, I define as Status Quo, the factual position that the Applicant continues to work with a protection and this Status Quo shall be continue till further orders.</p> <p>Issue notice returnable on 25.08.2016.</p> <p>Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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>

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Appearance, Tribunal's orders or
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Tribunal's orders

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S.O. to 25th August, 2016. The return
P.O. do waive service. Hamdast

DATE: 28/7/16

Chairman (Chairman)
R.B. Malik (Member) A J

S.D. Khale

K.B. Bhalje

order passed in Tribunal's

Adj. To order column

S.O. to 25/8/16. Hamdast

ME

Sd/-

(R.B. Malik)
Member (J)
28.07.2016

(skw)