

FARAD CONTINUATION SHEET No.

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|---|
| | <p data-bbox="716 517 971 551">Date : 28.08.2019.</p> <p data-bbox="964 589 1247 622">O.A.No. 475 of 2019</p> <p data-bbox="716 656 1393 689">D. T. LawateApplicant</p> <p data-bbox="716 734 813 768">Versus</p> <p data-bbox="716 819 1419 853">The State of Maharashtra & Ors. ...Respondents.</p> <ol data-bbox="716 902 1490 1402" style="list-style-type: none">1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.2. Learned Counsel for the Applicant submits that Affidavit-in-Rejoinder will be filed during the course of the day. Statement is accepted. It be taken on record.3. The matter is adjourned for hearing at the stage of admission.4. S.O. to 23.09.2019. <p data-bbox="1187 1442 1256 1498" style="text-align: right;">^ Sd/-</p> <p data-bbox="1110 1552 1321 1630" style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p data-bbox="716 1630 760 1664">vsm</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./O.A. No.

of 20

T.N.

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

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

Date : 28.08.2019.

O.A.No.204 of 2019

M. P. Wavikar

...Applicant

Versus

The State of Manarashtra & Ors. ...Respondents

1 Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Smt. Kranti Gaikwad holding for Shri. A. J. Chougule, learned Presenting Officer for the Respondents.

2 Learned Counsel for the Applicant seeks to withdraw the O.A. in view of the order passed by the Election Commission of India dated 14.08.2019, which is marked as letter 'X' for identification.

3 In view of above, allowed to withdraw the O.A.

4 Original Application is accordingly disposed of with no order as to costs.

Sd/-

(A.P. Kurnekar)
Member(I)

VS I

Date : 28.08.2019.

O.A.No.777 of 2019

B. K. VaneApplicant
Versus
The State of Maharashtra & Ors.Respondents.

1. Heard: Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Krant. Gaikwad holding for Smt.Archana B. K., learned Presenting Officer for the Respondents.

2. In the present O.A., the Applicant has challenged the transfer order dated 29.06.2019. Even before filing of this O.A., earlier also, the Applicant was transferred by order dated 27.03.2019 and order date 11.03.2019. Those orders were challenged in O.A.No.379/2019. However during pendency of O.A.No.379/2019, the Respondents have withdrawn/cancelled the transfer order. Accordingly, O.A.No.379/2019 was disposed of on 03.05.2019 then again the Applicant is transferred by order dated 29.06.2019.

3. Today, learned P.O. has tendered a copy of order passed by the respondent No.1 wherein it is stated that the order dated 29.06.2019 is cancelled on administrative ground with liberty to pass fresh order in accordance to law.

4. As such, the Respondents are passing orders in ignorance of law and realizing the mistake, they withdrew the orders. The same thing is happened twice. The Respondents ought to have taken care to follow due procedure of law while passing the orders, but it is not so and thereby the Applicant is required to approach this Tribunal time and again.

5. In view of above, learned Counsel for the Applicant pressed for imposing cost upon the Respondents.

6. It is not clear as to whether the order dated 28.08.2019 tendered today in the Tribunal is implemented by reposting the Applicant at his previous place. It is, therefore, necessary first to ensure about implementation of the order of cancellation dated 23.08.2019.

7. Hamdast is granted.

8. S.O. to 04.09.2019.

Sd/-

(A.P. Kurnekar)
Member(J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

B.A./R.A./C.A. No. _____ of 20__

IN

Original Application No. _____ of 20__

FARAD CONTINUATION SHEET No.

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

tribunal's orders

Date : 28.08.2019.

O.A.No. 527 of 2019

S. H. BhagatApplicant

Versus

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

1. Heard. Sri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. Today, learned Counsel for the Applicant has filed Affidavit-in Rejoinder. It is taken on record.

3. The matter is adjourned for hearing at the stage of admission.

4. S.O. to 03.09.2019 with connected O.A.575/2019.

Sd/-

(A.P. Kurnekar)
Member(j)

VSR:-

Date : 28.08.2019.

O.A.No.845 of 2019

R. B. Parab & Ors.Applicants

versus

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

1. Heard Shri M. D. Lonkar, learned Counselor for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the Respondents.

2. Issue notice before admission returnable on 25.09.2019.

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

4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 22 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 25.09.2019.

Sd/-

(A.P. Kurnekar)
Member(J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

MA/RA/C.A. No. _____ of 20____

IN

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

| Office Notes, Office Memoranda of Coram, Appearances, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|--|---|
| | <p>Date : 28.08.2019.</p> <p>M. A. No.460 of 2019 in O.A.No.845 of 2019</p> <p>R. B. Parab & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1 Heard Shri M. D. Lonkar, learned Counsel for the Applicant and Ms N. G. Gohad, learned Presenting Officer for the respondents.</p> <p>2 This is an application for leave to sue jointly.</p> <p>3 Considering the cause of action pursued by the Applicants is common, concurrent and usual, the case is not required to be decided separately.</p> <p>4 In this view of the matter, the present Misc. Application is allowed, subject to Applicants paying requisite Court Fees, if not already paid.</p> <p>5 M.A.No.460/2019 is allowed.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurnekar) Member(J)</p> |

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 2019

IN

Original Application No. _____ of 2019

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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| | <p>Date : 28.08.2019.</p> <p>O.A.No.697 of 2019</p> <p>V. G. SuryawanshiApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors.Respondents</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. for the Respondents has filed reply on behalf of the respondent Nos.1 to 3. It is taken on record.</p> <p>3. Two weeks time is granted for filing Rejoinder.</p> <p>4. S.O. to 11.08.2019.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurnekar) Member(J)</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 |
|---|---|
| | <p align="center"><u>O.A. No.338 of 2018</u></p> <p>Dr. A.B. Band ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri D.B. Khaire, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. I.d. Advocate for the applicant submits that this is OA as per amended prayer for quashing GR dated 26.11.2018. He, therefore, submits that it becomes a matter of Division Bench.</p> <p>3. Registrar is directed to examine the matter and place the same before Hon'ble Chairman for orders.</p> <p align="right">Sd/- (P.N. Dixit) Vice-Chairman (A) 28.8.2019</p> <p>(sgj)</p> |

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

Tribunal's orders

O.A. No.253 of 2018

S.V. Kasare ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

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

2. Applicant as well as Ld. Advocate for the applicant submits that applicant should be given promotion from the post of Shimpi occupied by the applicant at present. Ld. PO refers to the affidavit filed by respondent no.1 to 3. Relevant portion of the affidavit reads as under:

"4. With reference to contents of para 3, I say and submit that the order dated 11.4.2016 in OA No.76 of 2015 and Contempt Petition No.26/2017 are matter of record. The claim of the applicant for promotion on the post of Vastrapal is baseless and not considerable for the reasons as follows:

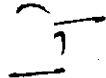
(i) The pay scale of the post of Shimpi Class III and the pay scale of the post of Vastrapal are same as Rs.5200-20200, Grade Pay-1900. There is no promotion channel for Shimpi Class III to the post of Vastrapal.

(ii) The recruitment rules of the post of Shimpi and the post of Vastrapal are totally different. Hence, change of the designation also not admissible in this case."
(Quoted from page 63 of OA)

3. Ld. PO submits that the applicant cannot be given promotion from the post of Shimpi which is isolated post.

4. I have perused the rules enclosed along with the affidavit which indicates that the post of Shimpi is an isolated post and no further promotion is admissible.

5. OA is therefore, devoid of any merit and hence dismissed. No order as to costs.

Sd/- 
(P.N. Dixit)
Vice-Chairman (A)
28.8.2019

(sgj)

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

Tribunal's orders

Date : 28.08.2019

M.A.No.389 of 2019 in O.A.No.81 of 2017 with
O.A.No.81 of 2017

R.V. Koli Applicant
Versus
The State of Maharashtra & Ors. Respondents

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant, Shri D.B. Khaire, learned Special Counsel for Respondents No.2 & 3 and Ms. S.P. Manchekar, learned C.P.O. holding for Mnt. Archana B.K, learned P.O. for the Respondent No.1.
2. Learned Advocate Shri A.V. Bandiwadekar for the Applicant has file M.A.No.389 of 2019 for amendment in O.A.
3. Learned C.P.O. Ms. S.P. Manchekar and learned Special Counsel Shri D.B. Khaire have no objection for the proposed amendment to the O.A. subject to issue of limitation.
4. Learned Advocate Shri A.V. Bandiwadekar mentions that he will carry out the amendment within one week and serve it to the concerned.
5. Learned Special Counsel Shri D.B. Khaire is directed to file his reply within four weeks after amendment.
6. In view of the same, M.A.No.389 of 2019 is allowed and O.A.No.81 of 2017 is adjourned to 01.10.2019.

Sd/-

(A.P. Kurhakar)
Member(J)

prk

Sd/-

(P.N. Dixit)
Vice-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 |
|---|---|
| | <p>Date : 28.08.2019</p> <p>R.A.No.27 of 2015 in O.A.No.651 of 2012</p> <p>V.P. Pawar Applicant Versus The State of Maharashtra & Ors. Respondents</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned P.O. holding for Ms. S.P. Manchekar, learned C.P.O. for the Respondents.</p> <p>2. At the request of learned Advocate Shri A.V. Bandiwadekar for the Applicant, adjourned to 13.09.2019. In any circumstances, no further extensions would be considered.</p> <p style="text-align: center;">Sd/- (A.P. Kurhekar) Member(J)</p> <p style="text-align: center;">Sd/- (P.N. Dixit) Vice-Chairman</p> <p>prk</p> |

| Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders | Tribunal's orders |
|---|--|
| | <p>Date : 28.08.2019</p> <p>O.A.No.764 of 2019</p> <p>A.S. Nayakwadi & Ors. Applicants Versus The State of Maharashtra & Ors. Respondents</p> <p>1. Heard Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned C.P.O. for the Respondents.</p> <p>2. Today during hearing Shri Uttam K. Kamble, Assistant Desk Officer, from the office of Respondent No.2, M.P.S.C. is present.</p> <p>3. He submits that number of candidates who were recommended for the post have not been sent as per proportion of 1:3 as required as per general instructions which are as under :-</p> <p style="text-align: center;">“२.२.८ खेळाडूसाठीच्या आरक्षणकरिता पात्र असल्याचा पुरावा :-</p> <p style="text-align: center;">२.२.८.४ ज्या प्रकरणी निवड प्रक्रियेत मुलाखती घेतल्या जात नाहीत, अशा प्रकरणी अंतिम शिफारशी करण्यापूर्वी उपलब्ध पदसंख्येच्या साधारणपणे तिप्पट एवढ्या उमेदवारांच्या मूळ प्रमाणपत्रांची तपासणी करण्यात येईल. त्यावेळी खेळाडूचा दावा करण्या-या उमेदवारांनी त्यांना मूळ प्रमाणपत्रांच्या तपासणीसाठी आमंत्रित केल्यानंतर प्रमाणपत्रांच्या तपासणीकरीता येण्यापूर्वी त्यांची पात्र खेळाडू असल्याबाबतची प्रमाणपत्रे, संचालक, क्रीडी, व युवक, महाराष्ट्र राज्य, पुणे अथवा सक्षम प्राधिकारी यांच्याकडून प्रमाणित करून घ्यावीत.”</p> <p>4. Secretary of M.P.S.C. is therefore directed to remain present to explain the procedure that has been followed or otherwise in making the necessary recommendations for the post of Sportsmen in this particular advertisement. He should remain present on 29.08.2019.</p> <p>5. Steno copy and Hamdast is allowed.</p> <p>6. Adjourned to 29.08.2019.</p> <p style="text-align: center;">Sd/- (A.P. Kurhekar) Member(J)</p> <p style="text-align: center;">Sd/- (P.N. Dixit) Vice-Chairman</p> <p>prk</p> |