

Rev.A.09/16 in O.A.736/15

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri A.C. Dharmadhikar, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri C. Dasgupta, Id. counsel holding for Shri B.D. Pandit, Id. counsel for R-4.

S.O. 13-02-2017.

Member (J).

dnk.

Rev.A.07/16 in O.A.243/15

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri N.R. Saboo, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 3 and Shri D.A. Sonwane, Id. counsel for R-4.

The applicant by this application seeks the review of the order dated 27-4-2016 made on the O.A. 243/2015. Even as I commence dictation of the order the learned counsel for applicant Shri N.R. Saboo seeks liberty to withdraw this review with permission to adopt appropriate proceedings before the appropriate forum. The said liberty is accordingly granted and the review application is disposed of with no order as to costs.

Member (J).

dnk.

O.A.No. 827/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri Bharat Kulkarni, Id. counsel
for the applicant and Shri A.M.
Khadatkar, Id. P.O. for the
respondents.

S.O. 01-03-2017.

Member (J).

dnk.

O.A.No. 805/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri S.Khandekar, Id. counsel
for the applicant and Shri S.A. Deo, Id.
CPO for the respondents.

S.O. 08-03-2017.

Member (J).

dnk.

O.A.No. 776/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri M.R. Khan, Id. counsel for
the applicant and Shri S.A. Deo, Id.
CPO for the respondents.

At the request of Id. CPO, **S.O.**
1-3-2017 for filing reply.

Member (J).

dnk.

O.A.No. 736/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri M.R. Khan, Id. counsel for
the applicant and Shri S.A. Deo, Id.
CPO for the respondents.

At the request of Id. CPO, **S.O.**
1-3-2017 for filing reply.

Member (J).

dnk.

O.A.No. 733/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri S.P. Palshikar, Id. counsel
for the applicant and Shri A.M.
Ghogre, Id. PO for the respondents.

At the request of Id. PO,
**S.O. 27-2-2017 for filing reply by
way of last chance.**

Member (J).

dnk.

O.A.No. 728/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri N.D. Thombre, Id. counsel
for the applicant and Shri S.A. Sainis,
Id. P.O. for the respondents.

The learned P.O. seeks further
adjournment to file affidavit-in-reply.
Time is granted by way of last chance.

S.O. 27-2-2017.

Put up along with other similar
matters.

Member (J).

dnk.

O.A.No. 677/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri N.D. Thombre, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-2&3. It is taken on record.

S.O. 27-2-2017.

Put up along with other similar matters.

Member (J).

dnk.

O.A.No. 578/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri N.D. Thombre, Id. counsel
for the applicant and Shri S.A. Sainis,
Id. P.O. for the respondents.

S.O. 27-2-2017.

Put up along with other similar
matters.

Member (J).

dnk.

O.A.No. 613/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri G.G. Bade, Id. counsel for
the applicant and Shri S.A. Sainis, Id.
P.O. for the respondents.

S.O. 27-2-2017.

Put up along with other similar
matters.

Member (J).

dnk.

O.A.No. 729/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri N.D. Thombre, Id. counsel
for the applicant and Shri S.A. Sainis,
Id. P.O. for the respondents.

S.O. 27-2-2017.

Put up along with other similar
matters.

Member (J).

dnk.

O.A.Nos. 850 & 851 of 2010

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Heard Shri Ganesh Iyer, Id. counsel holding for Shri S. Ghate, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

Closed for orders.

Member (J).

dnk.

O.A.No. 624/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri Bharat Kulkarni, Id. counsel for the applicant, Smt. M.A. Barabde, Id. P.O. for R-1,2 & 4 and Shri K.D. Deshpande, Id. counsel for R-3.

The learned P.O. informs that R/1 adopts affidavit-in-reply filed by R-2 to 4. The O.A. is admitted and adjourned for final hearing.

S.O. 13-2-2017.

Member (J).

dnk.

O.A.No. 617/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri S.M. Khan, Id. counsel for
the applicant and Shri P.N. Warjurkar,
Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**
8-3-2017 for filing reply.

Member (J).

dnk.

O.A.No. 540/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri C.A. Joshi, Id. counsel for
the applicant and Smt. M.A. Barabde,
Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**
1-3-2017 for filing reply.

Member (J).

dnk.

O.A.No. 484/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri R.M. Mardikar, Id. counsel
for the applicant and Shri V.A.
Kulkarni, Id. P.O. for the respondents.

Ld. P.O. files affidavit-in-reply
on behalf of R/2. It is taken on record.

**S.O. 15-2-2017 for filing
Rejoinder.**

Member (J).

dnk.

O.A.No. 444/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri S.P. Palshikar, Id. counsel
for the applicant and Shri S.A. Sainis,
Id. P.O. for the respondents.

Ld. P.O. files affidavit-in-reply
on behalf of R/2. It is taken on record.

**S.O. 15-2-2017 for filing
Rejoinder.**

Member (J).

dnk.

O.A.No. 376/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri R.V. Shiralkar, Id. counsel
for the applicant and Shri P.N.
Warjurkar, Id. P.O. for the
respondents.

At the request of Id. P.O., **S.O.**
1-3-2017 for filing reply.

Member (J).

dnk.

O.A.No. 27/2017

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri P.P. Khaparde, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1. Await service of R-2&3.

The learned counsel for the applicant seeks further time to file affidavit of service of R-2&3. At his request, **S.O. 23-2-2017.**

Member (J).

dnk.

O.A.No. 363/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri S.M. Khan, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondent nos. 1 to 3. Await service of R-4.

Learned counsel for the applicant submits that the respondents have been served. He undertakes to file affidavit of service on behalf of R-4 during the course of day.

The O.A. stands adjourned to **23-2-2017.**

Member (J).

dnk.

Rev.A.St.1887/16 in O.A.492/15

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

C.A.470/16 -

Shri P.V. Thakre, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

Adjourned for consideration of the tenability of application for condonation of delay.

S.O. 10-2-2017.

Member (J).

dnk.

O.A.No. 787/2014

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

C.A.22/2017 -

None for the applicant. Smt. S.V. Kolhe, Id. P.O. for the respondents.

The applicant and his Advocate are absent. Although, the applicant is not present but so far as the amendment herein sought is concerned, the facts have been pleaded and only a prayer clause has to be added. In my opinion it is not necessary to protract this C.A., it is allowed. The amendment as herein sought be effected within two weeks from today. The C.A. is allowed in this term with no order as to costs.

The learned P.O. tendered the separate affidavits-in-reply on behalf of R-5&6. The same are taken on record. **S.O. 27-2-2017.**

Member (J).

O.A.67/2017

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

The matter is not on board, taken on board today as mentioned by Shri S. Dwivedi, Id. counsel for the applicant. Shri A.M. Ghogre, Id. P.O. for R-1&2 is present. None for R-3.

Heard the learned counsel for the applicant. The applicant is allowed to correct the address of R-3 and serve it to the corrected address. The C.A. is accordingly allowed. The application shall be registered for record and comply the same within two days.

S.O. 15-2-2017.

Member (J).

dnk.

O.A.186/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri Bharat Kulkarni, Id. counsel
for the applicant and Shri M.I. Khan,
Id. P.O. for the respondents.

S.O. 15-2-2017.

Member (J).

dnk.

O.A.228/2016

**Coram : Hon. Shri R.B. Malik,
Member (J).**

Dated : 08.02.2017.

Shri N.R. Saboo, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1&2 and Shri A.Y. Kapgate, Id. counsel for R-3.

S.O. 20-02-2017.

Member (J).

dnk.

O.A. No.810/2016.

Coram: R.B. Malik, Member(J)

Dated : 8th February 2017.

Shri N.D. Thombre, learned counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the Respts. 1 to 3. Shri H. Chawhan, Id. counsel for R/4.

Adjourned for filing affidavit-in-reply.

S.O. 2/3/2017.

Member

(J)

Skt.

O.A. No.700/2016.

Coram: R.B. Malik, Member(J)

Dated : 8th February 2017.

Shri R.V. Shiralkar, Adv.
holding for Shri A.C.
Dharmadhikari, learned counsel for
the applicant and Smt. S.V. Kolhe,
Id. P.O. for the Respts.

S.O. 20/2/2017.

Member

(J)

Skt.

O.A. No.699/2016.

Coram: R.B. Malik, Member(J)

Dated : 8th February 2017.

Applicant and Advocate
absent. Shri M.I. Khan, Id. P.O. for
the Respts.

S.O. 9/3/2017.

Member

(J)

Skt.

O.A. No.661/2016.

Coram: R.B. Malik, Member(J)

Dated : 8th February 2017.

Shri G.K. Bhusari, learned counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the Respts. 1 and 2. None for R/3.

S.O. 8/3/2017 by way of last chance.

Member

(J)

Skt.

O.A. No.819/2014.

Coram: R.B. Malik, Member(J)

Dated : 8th February 2017.

C.A. No.402/2016

Shri D.M. Kakani, learned counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the Respts. 1. None for R/2 to 5.

At the request of Id. counsel for the applicant, S.O. 14/3/2017.

Member

(J)

Skt.

O.A. No.459/2016.

Coram: R.B. Malik, Member(J)

Dated : 8th February 2017.

Shri S.N. Gaikwad, learned counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the Respts.

The Id. P.O. seeks an adjournment for filing reply. Last chance was already given . However one more chance is being given .

Having heard the arguments at bar, in my view the applicant cannot be left with the limited relief. I, therefore direct that whatever happens in this matter, all concerned be informed that it will be subject to the ultimate outcome of this O.A.

S.O. 8/3/2017.

Member

(J)

Skt.

O.A. No.123/2016.

Coram: R.B. Malik, Member(J)

Dated : 8th February 2017.

Applicant and Advocate
absent. Shri M.I. Khan, Id. P.O. for
the Respts.

Adjourned at the request of
the Id. P.O. for filing affidavit-in-
reply.

S.O. 7/3/2017.

Member

(J)

Skt.

O.A. No.733/2015.

Coram: R.B. Malik, Member(J)

Dated : 8th February 2017.

Shri Deepak Khandait,
Advocate holding for Shri S.A.
Marathe, learned counsel for the
applicant and Shri V.K. Kulkarni,
Id. P.O. for the Respts.

The Id. counsel for the
applicant informs that he does not
want to file rejoinder.

The O.A. is admitted and
liberty to mention before the D.B.
is granted.

Ld. P.O. waives notice for the
respondents.

Member

(J)

Skt.

O.A. No.710/2016.

Coram: R.B. Malik, Member(J)

Dated : 8th February 2017.

Shri B.A. Bhendarkar,
Advocate holding for Shri Kothari,
learned counsel for the applicant
and Shri H.K. Pande, Id. P.O. for
the Respts. Adjourned for filing
affidavit-in-reply.

S.O. 9/3/2017.

Member

(J)

Skt.

O.A. No.247/2016.

Coram: R.B. Malik, Member(J)

Dated : 8th February 2017.

Shri Rahul Wasnik, Advocate holding for Shri I.S. Choudhary, learned counsel for the applicant and Shri S. Khadatkar, Id. P.O. for the Respts. 1 to 3.

Respondent No. 4 and 5 apparently are not served although orders were made by the Then Learned M (J) for service by hand delivery presumably because the parties are the resident of Gondia only. Now whatever mode the applicant want to adopt he may, but make sure that the service is completed by the next date.

S.O. 23/2/2017, on which date, R/1 to 3 shall file their affidavit-in-reply also.

Member

(J)

Skt.

O.A. No.813/2016.

Coram: R.B. Malik, Member(J)

Dated : 8th February 2017.

Shri S.V. Shiralkar, Adv. holding for Shri A.C. Dharmadhikari, learned counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the Respts.

S.O. 20/2/2017.

Member

(J)

Skt.

O.A. No.88/2012.

Coram: R.B. Malik, Member(J)

Dated : 8th February 2017.

Shri J.L. Bhoot, learned counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the Respts.

AT the request of the Id. counsel for the applicant, S.O. 10/2/2017.

Member

(J)

Skt.

MAHARASHTRA
ADMINISTRATIVE TRIBUNAL

NAGPUR
BENCH NAGPUR

ORIGINAL APPLICATION
NOS. 160, 166 and 167/2016.

Mr. Vinayak Janardhan Mate,

Aged about 47 years,

R/o East Samarth Nagar,

Lakhani (M.S.)

----- Applicant.

Versus

The State of Maharashtra,
Through its Additional Chief
Secretary,
Home Department ,

Mantralaya, Mumbai

2. The Commissioner of State
Excise,

Maharashtra State, Mumbai.

3. The Joint Commissioner(
Administration)

State Excise,

Maharashtra State, Mumbai.

4. The Superintendent State
Excise,

Bhandara. -----
- Respondents.

ORIGINAL APPLICATION NO.
166/2016.

Mr. S Vinayak Janardhan Mate,
Aged about 39 years,
R/o 39, Kirti Nagar,
Navin Nandanvan Layout,
Nagpur. -----
Applicant.

Versus

The State of Maharashtra,
Through its Additional Chief
Secretary,
Home Department ,
Mantralaya, Mumbai

2. The Commissioner of State
Excise,
Maharashtra State, Mumbai.

3. The Joint Commissioner(Administration)

State Excise,

Maharashtra State, Mumbai.

4. The Superintendent State Excise,

Nagpur -----

Respondents.

ORIGINAL APPLICATION NO.
167/2016.

Mr. Shailendra Harishchand Dube,

Aged about 34 years,

R/o Near Jaipuriya Hospital,

Civil Lines,

Gondia(M.S.) -----

----- Applicant.

Versus

The State of Maharashtra,
Through its Additional Chief
Secretary,
Home Department ,
Mantralaya, Mumbai

2. The Commissioner of State
Excise,

Maharashtra State, Mumbai.

3. The Joint Commissioner(
Administration)

State Excise,

Maharashtra State, Mumbai.

4. The Superintendent State
Excise,

Gondia. -----

---- Respondents.

1. Shri S.C. Deshmukh,
Advocate for the applicants.

2. S/Shri A.M. Ghogare and V.A. Kulkarni, Presenting Officers for the Respondents.
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CORAM : R.B. Malik : Member (J)

DATE : 8th February, 2017

ORDER

These three O.As. ate brought by Constables-cum-Drivers in the State Excise Department in effect seeking the relief of quashing and setting aside of the order impugned herein above at Annexure-A-1, dtd. 2/3/2016 whereby an earlier order of 11/6/2014 was in effect

cancelled. The net result thereof was that the applicants would be re-posted as Driver-cum-Constable.

2. I have perused the record and proceedings of these three O.As. and heard Shri S.C. Deshmukh, Id. counsel for the applicants and S/Shri A.M. Ghogare and V.A. Kulkarni, Id. P.Os. for the respondents.

3. The facts herein and the principles involved are such that these three O.As. are exactly similar in every respect to the O.A. No.360/2016 (Mr. Prakash Shantaram Misale -vs- the Commissioner of State Excise) and one other O.A. These two O.As.

came to be decided by a common judgment on 4/1/2017 by the Single Bench in the Principal Bench at Mumbai which spoke through me. I have in those matters considered each and every aspect of the matter and I must repeat that the present applicants are exactly similarly placed as those applicants and therefore even the elementary principles of law of precedents the conclusions in that judgment will be the conclusions herein. The Id. P.O. further submits that as per the observations in that judgment the respondents can now give an opportunity of being heard to the applicants. Para 9 of my order referred above may be perused

and I do not think it is either necessary or proper for me to accept such a request now.

4. With the above observations, the orders herein impugned stand hereby quashed and set aside. By an interim order the applicants are already posted as Constables, State Excise and it is directed that they shall continue to be so posted and in that sense the interim order earlier granted is hereby confirmed. The O.As. are allowed in these terms with no order as to costs.

(R.B. Malik)

Member (J)

Skt.