

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.689/2017
(Babasaheb Navnath Andhale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri R.D.Khadap learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant states that corrective steps have been taken by the respondents and appointment order dated 06-05-2019 has been issued.

3. Applicant shall join the post and submit report in that regard on the next date.

4. S.O. to 16-05-2019.

CHAIRMAN

YUK ORAL ORDERS 09-05-2019 AHJ

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.79/2019
(Prakash Fulaji Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 03-06-2019.

CHAIRMAN

YUK ORAL ORDERS 09-05-2019 AHJ

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.26/2019
(Vinod Sitaram Muley V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN
DATE : 09.05.2019
ORAL ORDER :

Heard Shri M.B.Bharaswadkar learned Advocate
for the applicant and Shri M.S.Mahajan learned Chief
Presenting Officer for the respondents.

2. At the request of learned Chief Presenting Officer,
S.O. to 16-05-2019.

CHAIRMAN

YUK ORAL ORDERS 09-05-2019 AHJ

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.209/2014
(Shaikh Abdul Khaja Miyan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri S.G.Kulkarni learned Advocate holding for Shri Ajay Deshpande learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Typed copy of Memo of O.A. is filed by the learned Advocate for the applicant. It is taken on record.

3. O.A. be listed for hearing on 03-06-2019.

CHAIRMAN

YUK ORAL ORDERS 09-05-2019 AHJ

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.369/2019
(Sachin Nagnath Jagtap V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri S.B.Jadhav learned Advocate for the applicant, Shri M.S.Mahajan learned Chief Presenting Officer for the respondents and Shri S.V.Deshmukh learned Advocate for the applicant

2. Issue notice to the respondents, returnable on 17-06-2019.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 17.06.2019.

9. Steno copy and hamdast allowed for the use of both the sides.

CHAIRMAN

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.247/2017
(Dr. Mohammad Fazalul Haq V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri Asif Ali learned Advocate holding for Smt. A.N.Ansari learned Advocate for the applicant, Shri N.U.Yadav learned Presenting Officer for the respondent nos.1 to 4, 6 & 8 and S.V.Deshmukh learned Advocate for respondent no.5. None is present for respondent no.7.

2. Learned P.O. has tendered affidavit of Shri Nitin Gadre, Principal Secretary, Finance Department, Mantralaya, Mumbai. It is taken on record.

3. Text contained in the affidavit is as under:

“Therefore, judgment dt. 13.10.2014 in O.A.No.761/2013 in respect of Dr. Shinde, cannot be said to be a judgment in rem. Thus it cannot become binding on the State.”

(Quoted from paper book page 43)

4. This text of the affidavit constitutes open contempt. Hence, this Tribunal has to take suo moto cognizance of criminal contempt.

5. Issue bailable warrant against Shri Nitin Gadre, I.A.S., Principal Secretary, Finance Department for appearance on 16-05-2019 with condition to furnish personal bond and cash security in the form of deposit of cash of Rs.25,000/- from his personal account.

6. At this stage, Shri M.S.Mahajan, learned Chief Presenting Officer prays that this order be kept in abeyance for enabling Shri Nitin Gadre, Principal Secretary, Finance Department to take corrective measures to purge contempt.

7. In view of oral request of learned CPO, order issued of warrant is kept in abeyance till 16-05-2019.

8. Steno copy and hamdust is granted for the use of learned C.P.O.

9. Learned CPO shall be free to communicate this order to the concerned.

10. S.O. to 16-05-2019.

CHAIRMAN

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**O.A.NO.423/2019, 424/2019 & 425/2019
(Dr. Hanumant Dnyanoba Parkhe & Ors.
V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri J.S.Deshmukh learned Advocate for the applicants and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicants prays for leave to amend and substitute memo of O.As.
3. Leave as prayed for is granted.
4. Applicants are at liberty circulate the case after amendment is carried out.

CHAIRMAN

YUK ORAL ORDERS 09-05-2019 AHJ

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.945/2018
(Shaikh Quddus Shaikh Lal V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri S.D.Joshi learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

2. Arguments of both sides are heard at length.

Case is reserved for order.

CHAIRMAN

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION ST. NO.968/2019
(Rajendra Narendra Shelke V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri S.D.Joshi learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 15-07-2019.

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

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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 acknowledgment be obtained and produced along with affidavit of compliance in

the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. Heard both sides on the point of interim relief.

9. It is seen that by order dated 25-04-2019, applicant has been suspended. Suspension order discloses grounds which led to suspension and are incorporated in paragraph 1 and 2. Those are sub-divided for convenience and quoted below:-

“१) संदर्भिय क्र. (२ ते ६) अन्वये दिनांक ०८ मार्च, २०१९ रोजी झालेल्या लातूर जिल्हा परिषद सर्वसाधारण सभेमध्ये श्री. आर.एन. शेळके, कार्यकारी अभियंता (बांध.) जि.प. लातूर यांचे कार्यालयीन कामकाज अत्यंत निराशाजनक असल्याबाबत सभेमध्ये सन्मा. जि.प. सदस्यांनी तीव्र नाराजी व्यक्त केलेली आहेत.

२) तसेच रिट याचिका क्रमांक ८९६३/१८ व ७८६२/१८ मध्ये संबंधितास वारंवार कळवूनसुद्धा विहित मुदतीत शपथपत्र दाखल करावयाची कार्यवाही केली नाही.

३) तसेच त्यांचे कार्यालयातील श्री. मोरे अभिमन्यू कनिष्ठ अभियंता (विद्युत) हे गेल्या एक वर्षापासून अनाधिकृतपणे जि.प. उस्मानाबाद येथे काम करीत असल्याचे त्यांना काहीच ज्ञात नसल्याचे जि.प.सर्वसाधारण सभेमध्ये आढळून आले आहे.

४) त्याचप्रमाणे मा. विभागीय आयुक्त, औरंगाबाद यांचेकडील प्रलंबित प्रकरणाच्या यादीतील अनुक्रमांक (०९) मध्ये श्री. शेळके यांनी मुख्य कार्यकारी अधिकारी यांचेकडे संचिका सादर न करता सदर प्रकरणाचा परस्पर अहवाल सादर केलेला आहे.

५) तसेच मुख्य कार्यकारी अधिकारी यांचेकडे होणाऱ्या दरमहा बैठकीमध्ये अस्थापनाविषयक /विकास कामे प्रलंबित प्रकरणांबाबत वारंवार निर्देश देऊनही प्रकरणे जाणीवपूर्वक प्रलंबित ठेवत असल्याचे

निषन्न झाले आहे. त्याचबरोबर श्री. शळके यांच्या दैनंदिन कामकाजाच्या कार्यपध्दतीवरून त्यांचे कार्यालयातील तसेच अधिनस्त कर्मचाऱ्यांवर योग्य नियंत्रण नसल्याचे दिसून आले असून ते कार्यकारी अभियंता (बांध.) या पदावर सक्षमपणे काम करत नसल्याचे माझे मत झाले आहे.

६) वरील सदंर्भ क्र. (७) अन्वये सभापती, पंचायत समिती, लातूर यांनी विविध कामाच्या देयकावर / मुल्यांकनावर **check measurement** स्वाक्षरी करण्यासाठी आपण गैरमार्गाचा अवलंब करीत असल्याचा पुरावा सादर केलेला आहे. सदरील पुराव्याचे अवलोकन केले असता, सभापती यांनी केलेल्या आरोपात तथ्य असल्याचे सकृतदर्शनी दिसून येत असून सदरील बाब ही गंभीर स्वरूपाची आहे.”

10. Learned Advocate for the applicant has pointed out that, prima facie, none of the facts which are attributed against the applicant which are alleged to constitute misconduct could attract penalty even if those imputations are proved.

11. It prima facie appears that the applicant's contention is well founded, since the conduct does not relate to matter of misconduct falling in the nature of lack of integrity, misappropriate etc. and prima facie said conduct may be minor dereliction from duty.

12. It also appears that applicant has invited disappointment or wrath of the superiors, and hence, the applicant is suspended.

13. Hence, on what has revealed, prima facie, the applicant has made out a case for grant of interim relief.

14. Hence, ad-interim relief by way of stay to the suspension is granted in favour of the applicant with notice to the respondents as to why interim relief should not be made absolute till final disposal of the O.A.

15. S.O. to 15.07.2019.

16. Steno copy and hamdast allowed for the use of both the sides.

CHAIRMAN

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**C.A.NO.17 OF 2019 IN O.A.NO.735/2017
(Ms. Rita P. Metrewar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri A.B. Jagtap, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Issue notice of show cause to contemnor Nos.1 and 2 to show cause as to why they should not be personally saddled with costs of Rs.25,000/- each towards failure to respond to the Advocate's notice of intention to lodge a case for contempt if order of Tribunal is not complied.

3. Show cause be replied on or before 16.05.2019.

4. Learned C.P.O. for the Respondents is directed to communicate this order to the Respondents.

5. Steno copy and hamdast is allowed.

6. S.O. to 16.05.2019.

CHAIRMAN

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.813/2017
(Shri Nagesh M. Phad V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri Vivek Bhavthankar, learned Advocate for the Applicant, Shri N.U. Yadav, learned Presenting Officer for the Respondent Nos.1 to 3 and Shri Vijay B. Patil, learned Advocate for the Respondent No.4.

2. Learned Advocate for the Respondent No.4 argues that:-

Applicant ought to have possessed eligibility on the date of application, which he did not possess.

3. Learned Advocate for the Respondent No.4 is called to show the requirement relied upon by him, on the basis of rules/contents of advertisement.

4. Learned Advocate for the Respondent No.4 prays for time to address.

5. Learned P.O. for the Respondent Nos.1 to 3 states that Smt. Sadhana M. Tayade, Joint Director of Health Services (Non-communicable Disease), Mumbai is present. He also prays for time for taking corrective measures/show any adverse rule.

6. S.O. to 11.06.2019.

7. Steno copy and Hamdast is allowed.

CHAIRMAN

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.440/2018
(Shri Shivaji D. Sirsat V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondent Nos.1 to 3. Shri C.S. Jagtap, Respondent No.4 is **absent**.

2. Learned Advocate for the Applicant prays for leave to amend the O.A. by substitution, furnish additional documents, index and synopsis.

3. Leave for substitution as prayed is granted.

4. Learned Advocate for the Applicant undertakes to carry out amendment within four weeks.

5. Issue fresh notice to the Respondents after amendment is carried out, returnable on 15.07.2019.

6. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

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

8. 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.

9. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

10. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

11. Affidavit of Respondents already on record is struck off.

12. Steno copy and Hamdast is allowed.

13. S.O. to 15.07.2019.

CHAIRMAN

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.343/2019
(Smt. Sangita P. Darekar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri A.S. Deshpande, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. for the Respondents has tendered affidavit of Smt. Valsa Nair Singh, Principal Secretary (State Excise). Explanation and apology tendered by the Principal Secretary is accepted. Show cause of cost is recalled.

3. Learned C.P.O. for the Respondents states that record as called is brought.

4. Copy of record be produced and be supplied to Applicant.

5. S.O. to 06.06.2019.

CHAIRMAN

SAS ORAL ORDER 09-05-2019

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.419/2019
(Shri Bhimrao G. Wahvale V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri Dhananjay Mane, learned Advocate holding for Shri Nilkanth R. Pawade, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Issue notice to the Respondents returnable on 08.07.2019.

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

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. Steno copy and Hamdast is allowed.

9. S.O. to 08.07.2019.

CHAIRMAN

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.415/2019
(Shri Rajendra S. Jagdale V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Issue notice to the Respondents returnable on 08.07.2019.

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

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. Steno copy and Hamdast is allowed.

9. S.O. to 08.07.2019.

CHAIRMAN

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.403/2019
(Shri Rajabhau L. Bansode V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri H.A. Joshi, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Issue notice to the Respondents returnable on 06.06.2019.

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

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. Applicant shall be free to join on transferred post and if Applicant succeeds, position of Applicant can be restored.

9. Steno copy and Hamdast is allowed.

10. S.O. to 06.06.2019.

CHAIRMAN

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.152/2018
(Shri Sarjerao K. Sabhadinde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the Applicant, S.O. to 21.06.2019.

CHAIRMAN

SAS ORAL ORDER 09-05-2019

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.406/2018
(Shri Arun S. Gosavi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the Applicant, S.O. to 21.06.2019.

CHAIRMAN

SAS ORAL ORDER 09-05-2019

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.400/2019
(Shri Krishna G. Jadhav V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Issue notice to the Respondents returnable on 28.06.2019.

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

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. Steno copy and Hamdast is allowed.

9. S.O. to 28.06.2019.

CHAIRMAN

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION ST.NO.963/2019
(Shri Ranjeet S. Savale (Dhangar) V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Issue notice to the Respondents returnable on 28.06.2019.

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

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. Steno copy and Hamdast is allowed.

9. S.O. to 28.06.2019.

CHAIRMAN

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION ST.NO.426/2019
(Shri Kondbarao N. Birgad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Issue notice to the Respondents returnable on 28.06.2019.

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

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. Steno copy and Hamdast is allowed.

9. S.O. to 28.06.2019.

CHAIRMAN

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.230/2019
(Dr. Rekha G. Gaikwad V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri Shamsudar B. Patil, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondent Nos.1 & 2. Shri S.K. Kadam, learned Advocate for the Respondent No.3 is **absent**.

2. Heard on the point of interim relief.

3. Applicant had applied in furtherance to the advertisement which is at page no.17 of paper book.

4. Applicant has shown that the conditions prescribed in the recruitment rules concur with the conditions prescribed in the advertisement which are as follows:-

“ ४.४ शैक्षणिक अर्हता:- Candidate must possess:

*4.4.1 Possess the **M.B.B.S.** Degree of a statutory University or any other qualification specified in the First or Second to the Indian Medical Council Act. 1956;*

*4.4.2 Possess a **post-graduate in any of clinical subjects or in Preventive and Social Medicine** as specified in the First or Second Schedule to the Indian Medical Council Act, 1956 or any other qualification recognized as equivalent by the Medical Council of India: **AND THEREAFTER**”*

(Quoted from page no.17 of the O.A.)

5. Applicant's candidature has been declined by assigning the reasons as flashed on the official website that the Applicant does not possess the qualification/eligibility as prescribed in the recruitment rules/advertisement i.e. absence of degree in Clinical subject.

6. Nature of duties of the post of Director, Health Services when considered, those are predominantly administrative in the nature as is apparent from page no.20 and 21.

7. In the service of administration of health affairs, clinical knowledge, expertise and experience is of great importance. However, considering the nature of duties, predominantly the expertise needed will have to be regarding administrative ability. All the expertise the Applicant has is of para-clinical which cannot be said to be irrelevant.

8. The Applicant has placed reliance on the interim order passed in the Writ Petition No.10734/2010. The said Writ Petition relates to the post of Civil Surgeon and the point involved therein is more or less similar.

9. In the aforesaid premises, impugned rejection, prima-facie appears to be based on statutory rules and validity whereof is under challenge.

10. Hence, this Tribunal considers it necessary in the interest of justice to grant interim relief in favour of the applicant by way of direction to M.P.S.C. to accept

his application form and also to hold Applicant's interview in the forthcoming interview session and consider the candidature of the Applicant in accordance with rules.

11. The clock cannot be reversed and if relief is not granted, applicant would suffer irreparable loss and interest of plurality of individuals would get affected.

12. Hence, balance of convenience for grant of relief is in favour of the applicant.

13. Hence, the interim relief in terms of prayer clause XII (a) is granted which reads as follows:

"XII) (a) Pending hearing and final disposal of this Original Application, this Hon'ble Tribunal may kindly direct respondent No.2 to accept the application form of the applicant for the post of Director of Health Services, Maharashtra Medical and Health Services, Group-A and allow the applicant to participate in the recruitment of the Director of Health Services, Maharashtra Medical and Health Services, Group-A."

(Quoted from paper book page 14 of O.A.)

14. S.O. to 15.07.2019.

15. Steno copy and Hamdast is allowed.

CHAIRMAN

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.121/2019
(Shri Haribhau K. Gosavi V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. for the Respondents is directed to secure instructions on the point as to whether there exists any legal impediment in conducting meeting of Review Committee to review Applicant's suspension within 15 days from today.

3. S.O. to 16.05.2019.

4. Steno copy and Hamdast is allowed.

CHAIRMAN

SAS ORAL ORDER 09-05-2019

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.395/2019
(Shri Ramdas E. Misal V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 09.05.2019

ORAL ORDER :

Heard Shri D.R. Irale Patil, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Learned P.O., Shri N.U. Yadav states on instructions received from Smt. Shubhangi Seth, Joint Secretary, Finance Department as follows:-

- (a) Applicant's appeal is received in the office of His Excellency the Governor.
- (b) It is learnt from Hon'ble Excellency the Governor's office that Applicant's appeal would be allotted to some Hon'ble Minister, within two days.
- (c) For reporting the action taken a week's time be granted.

3. Learned P.O for the Respondents prays to grant time for reporting out comes.

4. Time as prayed for is grated.

5. S.O. to 16.05.2019.

6. Steno copy and Hamdast is allowed.

CHAIRMAN