

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

MA ST.NO.1874/16 WITH MA 187/15 IN OA 565/15.
(PRWagh Vs. State of Mah.&Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

(This matter is placed before Single Bench due
to non-availability of Division Bench)

DATE:11.11.2016.

ORAL ORDER

1. Heard Shri SD Dhongde, learned Advocate for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant says that fresh memo tendered by the Applicant which is at MA St.No.1874/2016 is to be substituted to the memo of M.A.No.187/2015 because substitution was already allowed by this Tribunal.

3. It is seen that applicant did not state on presentation form that the memo thereby presented was for substitution. Though this is a fact, Registry was expected to examine record and entertain a doubt as to how 2nd application for same prayers came to be filed. Registry has wrongly marked MA St.No.1874/16 instead of substitution.

4. M.A.St.No.1874/2016 be struck of and the said memo be substituted in place of memo of application in MA No.187/2015.

5. Heard on merits of MA 187/2015.

6. In view that the delay in filing of O.A. is properly and satisfactorily explained by the applicant. Delay caused in filing of O.A. is condoned.

7. No costs.

CHAIRMAN.

11.11.2016-ATP(c)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.565/15.
(PRWagh Vs. State of Mah.&Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

(This matter is placed before Single Bench due
to non-availability of Division Bench)

DATE:11.11.2016.

ORAL ORDER

1. Heard Shri SD Dhongde, learned Advocate for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.
2. Issue notice to all the respondents, returnable on 04-01-2017.
3. Applicant is authorized and directed to serve on all respondents notice of O.A. authenticated by Registry, along with complete paper book of O.A. stating that this Tribunal may take the case for final disposal at this stage and a separate notice for final disposal not be issued.
4. Authorization for service of notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
5. The service of notice may be done by the applicant by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry as far as possible before the due date.
6. Affidavit of service be filed one week before due date.

7. Learned P.O. is directed to communicate this order.
8. Affidavit in reply be filed before due date.
9. Respondents are put to notice that no further adjournment would be granted.
10. Steno copy and Hamdast is allowed to both parties.
11. S.O. to 04.01.2017.

CHAIRMAN.

11.11.2016-ATP(c)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.**

ORIGINAL APPLICATION NO.846/2009

(Dr. RS Kurundkar Vs. State of Mah.&Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

(This matter is placed before Single Bench due
to non-availability of Division Bench)

DATE:11.11.2016.

ORAL ORDER

None present for the applicant. Smt RS Deshmukh, learned
Presenting Officer for the Respondents.

2. Be listed as and when Division Bench is available.

CHAIRMAN.

11.11.2016-ATP(c)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.135/2010
(SHKumthekar Vs. State of Mah.&Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

(This matter is placed before Single Bench due
tonon-availability of Division Bench)

DATE:11.11.2016.

ORAL ORDER

None present for the applicant. Smt SK Ghate - Deshmukh,
learned Presenting Officer for the Respondents no.1 to 4. Shri AS
Deshmukh, leaned Advocate for the Respondents no.5 & 6 has
filed leave note.

2. Be listed as and when Division Bench is available.

CHAIRMAN.

11.11.2016-ATP(c)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

MA No. 425/2016 IN OA St. No.1930/16.

(SL Jadhav&Ors.Vs. State of Mah.&Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

(This matter is placed before Single Bench due
to non-availability of Division Bench)

DATE:11.11.2016.

ORAL ORDER

1. Heard Shri SD Dhongde, learned Advocate for the applicants and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.
2. For the reasons contained in the application, M.A. for leave to sue jointly is allowed, subject to payment of court fee stamps, if already not paid.
3. M.A. stands disposed of accordingly.
4. No costs.

CHAIRMAN.

11.11.2016-ATP(c)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.**

OA St. No.1930/16.

(SL Jadhav&Ors.Vs. State of Mah.&Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

(This matter is placed before Single Bench due
to non-availability of Division Bench)

DATE:11.11.2016.

ORAL ORDER

1. Heard Shri SD Dhongde, learned Advocate for the applicants and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant prays for leave to substitute memo of O.A. Leave granted. He undertakes to comply within one week.

3. S.O. to 21.11.2016.

CHAIRMAN.

11.11.2016-ATP(c)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

MA ST.NO.1875/16 WITH MA 104/16 IN OA 563/15.

(B.P. Sonar Vs. State of Mah.&Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

(This matter is placed before Single Bench due
to non-availability of Division Bench)

DATE:11.11.2016.

ORAL ORDER

1. Heard Shri SD Dhongde, learned Advocate for the applicant and Shri VR Bhumkar, learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant says that fresh memo tendered by the Applicant which is at MA St.No.1875/2016 is to be substituted to the memo of M.A.No.104/2015 because substitution was already allowed by this Tribunal.

3. It is seen that applicant did not state on presentation form that the memo thereby presented was for substitution. Though this is a fact, Registry was expected to examine record and entertain a doubt as to how 2nd application for same prayers came to be filed. Registry has wrongly marked MA St.No.1875/16 instead of substitution.

4. M.A.St.No.1875/2016 be struck of and the said memo be substituted in place of memo of application in MA No.104/2015.

5. Heard on merits of MA 104/2015.

6. In view that the delay in filing of O.A. is properly and satisfactorily explained by the applicant. Delay caused in filing of O.A. is condoned.

7. No costs.

CHAIRMAN.

11.11.2016-ATP(c)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.563/15.
(B.P. Sonar Vs. State of Mah.&Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

(This matter is placed before Single Bench due
to non-availability of Division Bench)

DATE:11.11.2016.

ORAL ORDER

1. Heard Shri SD Dhongde, learned Advocate for the applicant and Shri VR Bhumkar, learned Presenting Officer for the Respondents.
2. Issue notice to all the respondents, returnable on 04-01-2017.
3. Applicant is authorized and directed to serve on all respondents notice of O.A. authenticated by Registry, along with complete paper book of O.A. stating that this Tribunal may take the case for final disposal at this stage and a separate notice for final disposal not be issued.
4. Authorization for service of notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
5. The service of notice may be done by the applicant by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry as far as possible before the due date.
6. Affidavit of service be filed one week before due date.

7. Learned P.O. is directed to communicate this order.
8. Affidavit in reply be filed before due date.
9. Respondents are put to notice that no further adjournment would be granted.
10. Steno copy and Hamdast is allowed to both parties.
11. S.O. to 04.01.2017.

CHAIRMAN.

11.11.2016-ATP(c)

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

**M.A. No. 409/2016 in O.A. St. No. 1662/2016
[Mohan Y. Sanap Vs. The State of Mah. & Ors.]**

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 11.11.2016.

ORAL ORDER

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in M.A., returnable on 21.12.2016.

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 M.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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M.A. No. 409/2016
in O.A. St. 1662/2016

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. Steno copy and Hamdast is allowed to both parties.

8. S.O. to 21.12.2016.

Member (J)

Kpb/11.11.2016 – KPB(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI
BENCH AT AURANGABAD**

M.A.273/2016 IN O.A.397/2016

[Parshuram S. Bramhne & Ors. Vs. The State of Mah. & Ors.]

M.A.274/2016 IN O.A.393/2016

[Arun Pandit Patil Vs. The State of Mah. & Ors.]

M.A.275/2016 IN O.A.398/2016

[Madhukar A. Patil & Ors. Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri Justice A.H. Joshi, Chairman

DATE : 11.11. 2016.

COMMON ORAL ORDER:

1. Heard Smt. Kalpalata Patil Bharaswadkar, learned Advocate holding for Shri Sudhir Patil – learned Advocate for the Applicants and Shri D.R. Patil – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants has filed affidavit in rejoinder in O.A. Nos. 397, 393 & 398 all of 2016 and the same are taken on record and the copies thereof have been served on the learned Presenting Officer.

3. Learned Advocate for the applicant states that though the order was passed on 13.10.2016 and the Joint Director of Agriculture, Nashik was directed to file affidavit. The affidavit answering the queries as ordered on 13.10.2016 is not filed by the Joint Director of Agriculture, Nashik..

4. Learned Presenting Officer was called to explain as to reasons if any towards failure of the officer concerned to file affidavit. Learned Presenting Officer states as follows :-

- (i) Copy of the order dated 13.10.2016 was given to the respondents' representative viz. Shri K.C. Tayde, Administrative Officer of the office of Divisional Joint Director of Agriculture, Nashik, by hand delivery.
- (ii) He did not receive instructions from the Divisional Joint Director of Agriculture, Nashik for preparing affidavit.
- (iii) The respondents' representative through whom the order was communicated is present today.

5. The learned Presenting Officer was asked to state as to whether officers through whom the order was communicated are present and if they are, what are their names. Learned Presenting Officer states in reply that today following two officers from the office of Divisional Joint Director of Agriculture, Nashik are present: -

(1) Shri K.C. Tayde, Administrative Officer in the office of Divisional Joint Director of Agriculture, Nashik;
and

(2) Shri S.A. Kulkarni, Clerk in the office of Divisional Joint Director of Agriculture, Nashik;

6. Shri K.C. Tayde, Administrative Officer was called to state reasons due to which affidavit is not filed by the Joint Director of Agriculture, Nashik, and he states as under: -

that Divisional Joint Director of Agriculture did not understand the exact compliance required to be done

furtherance to the order passed by this Tribunal on 13.10.2016.

7. The learned Presenting Officer is directed to furnish the name of the Divisional Joint Director of Agriculture, Nashik. He furnished the name as follows: -

Shri K.P. Mote

8. Shri K.P. Mote, Divisional Joint Director of Agriculture, Nashik is directed to show cause as to why he should not be saddled with costs, to be paid by him personally, for his failure to file affidavit in compliance of the order passed by this Tribunal on 13.10.2016.

9. Shri K.P. Mote is also directed that, unless he is excused in law from filing reply, affidavit in furtherance of the order dated 13.10.2016 be filed on the next date, on or before 21.11.2016.

10. Parties are free to file pursis signed by all the Advocates appearing in the matter to the effect that they are ready for final hearing of the case in the week commencing on 13th December, 2016. If pursis is filed, it be brought to the notice of Chairman forthwith.

11. It is made clear that, if such pursis is filed let the group of OAs be come up for hearing on 13th December, 2016.

12. For the present, adjourned to 21.11.2016.

13. Learned Presenting Officer is directed to communicate this order to Shri K.P. Mote.

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14. Steno copy and hamdust is allowed to both the parties.

CHAIRMAN

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**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 388 OF 2016
[B.K. Rahane Vs. The State of Mah. & Ors.]**

WITH

**ORIGINAL APPLICATION NO. 389 OF 2016
[N.L. Aher Vs. The State of Mah. & Ors.]**

WITH

**ORIGINAL APPLICATION NO. 390 OF 2016
[S.K. Wakachaure Vs. The State of Mah. & Ors.]**

WITH

**ORIGINAL APPLICATION NO. 391 OF 2016
[H.M. Patil Vs. The State of Mah. & Ors.]**

WITH

**ORIGINAL APPLICATION NO. 392 OF 2016
[S.B. Bagul Vs. The State of Mah. & Ors.]**

WITH

**M.A.NO. 302/16 IN M.A. 207/16 IN M.A. 381/16 IN O.A. NO.
370/16**

[S.P. Deore Vs. The State of Mah. & Ors.]

WITH

**M.A. 303/2016 IN M.A.208/2016 IN O.A. 371/2016
[R.V. Pawar Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri Justice A.H. Joshi, Chairman

DATE : 11.11. 2016.

COMMON ORAL ORDER:

Heard Shri Sham Patil, learned Advocate holding for Shri V.B. Wagh – learned Advocate for the Applicants in all these cases, Shri M.S. Mahajan – learned Chief Presenting Officer for the respondent Nos. 1 to 3 and Smt. Kalpalata Patil Bharaswadkar, learned Advocate for respondent No. 4.

2. At the request of learned Advocate for the applicants, S.O. to 21st November, 2016.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 368 OF 2016
[G.S. Bawiskar Vs. The State of Mah. & Ors.]**

WITH

**ORIGINAL APPLICATION NO. 369 OF 2016
[S.S. Ishi Vs. The State of Mah. & Ors.]**

WITH

**ORIGINAL APPLICATION NO. 400 OF 2016
[C.L. Wani & Ors. Vs. The State of Mah. & Ors.]**

WITH

**ORIGINAL APPLICATION NO. 490 OF 2016
[S.D. Dusane Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri Justice A.H. Joshi, Chairman

DATE : 11.11. 2016.

COMMON ORAL ORDER:

Heard Smt. Kalpalata Patil Bharaswadkar, learned Advocate holding for Shri Sudhir Patil – learned Advocate for the Applicants in all these cases and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. The learned Advocate for the applicants has filed affidavit in rejoinder and the same are taken on record and the copies thereof have been served upon the learned Chief Presenting Officer for the respondents.

3. At the request and by consent of both the parties, S.O. to 21st November, 2016.

CHAIRMAN

19.11.2016-HDD(SB).doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI
BENCH AT AURANGABAD**

**O.A.NO. 361/2016 WITH M.A. NO. 277/2016
[P.N. Deore Vs. The State of Mah. & Ors.]**

WITH

**M.A. 370/2016 WITH M.A. 180/2016 IN O.A. 32/2016
[D.B. Bhoi & Ors. Vs. The State of Mah. & Ors.]**

WITH

**M.A.371/2016 WITH M.A. 179/2016 IN O.A. 835/2015
[S.O. Jadhav & Ors. Vs. The State of Mah. & Ors.]**

WITH

**M.A.372/2016 WITH M.A. 181/2016 IN O.A. 67/2016
[J.N. Shirsath Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri Justice A.H. Joshi, Chairman

DATE : 11.11. 2016.

COMMON ORAL ORDER:

Heard Smt. Kalpalata Patil Bharaswadkar, learned Advocate holding for Shri Sudhir Patil – learned Advocate for the Applicants in all these cases and Shri D.R. Patil – learned Presenting Officer for the respondents. Shri A.S. Deshmukh – learned Advocate for respondent Nos. 4 & 5 in O.A. No. 67/2016 has filed leave note.

2. The learned Advocate for the applicants has filed affidavit in rejoinder and the same are taken on record and the copies thereof have been served upon the learned Presenting Officer for the respondents.

3. The learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 in M.A. Nos. 370 to 372 of 2016 and the same are taken on record and copies thereof have been served upon the learned Advocate for the applicants.

4. S.O. to 21st November, 2016.

CHAIRMAN