

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

**ORIGINAL APPLICATION NO. 499 OF 2018
(Shri Harishchandra G. Lohkare V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

Heard Shri D.K. Borkar, learned Advocate holding for Shri P.D. Suryawanshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 07.08.2018.

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

8. Without filing any detailed affidavit in reply, the concerned respondent No. 2 i.e. the Sub Divisional Officer, Bhoom, Dist. Osmanabad is directed to go through its own order dated 31.03.2018 (Annexure A-7, page no. 41), wherein the competent authority observed that the suspension period has already been sanctioned. In fact, the competent authority is required to take decision regarding the salary, if any to be paid to the employee for the suspension period upon his exoneration from the Departmental Enquiry, acquittal from the criminal case, etc. The respondent No. 2 is directed to take into consideration the relevant rules and regulations in this regard and pass the corrective order in the light of those rules and file the compliance report in this regard on the returnable date.

//3//

O.A. No. 499/2018

9. S.O. 07-08-2018.

10. Steno copy and hamdust is allowed to both the sides.

VICE CHAIRMAN

KPB ORAL ORDER 12-07-2018

FARAD CONTINUATION SHEET

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 503 OF 2018
(Dr. Omprakash S. Kadam V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 20.08.2018.

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

8. As the learned Advocate for the applicant submits that the present applicant was the applicant No. 15 in O.A. No. 633/2014 (page no. 91) and one Dr. Pradeep Dattatrya Manaspure was applicant No. 14, interim direction issued in O.A. No. 701/2017 (Annexure A-12, page no. 116) would also applicable in the present case.

9. In the circumstances, the concerned respondents are directed to take into consideration the earlier decision rendered by this Tribunal. Upon considering the same, if the concerned respondent comes to the conclusion that its action of directing recovery is wrong, then the corrective steps shall be taken. The report of taking such steps shall be filed in this Tribunal on the next date.

10. In view of the above facts, the recovery is hereby stayed until further order.

11. S.O. 20-08-2018.

12. Steno copy and hamdust is allowed to both the sides.

VICE CHAIRMAN

KPB ORAL ORDER 12-07-2018

FARAD CONTINUATION SHEET

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 505 OF 2018
(Shri Suryakant V. Tatode V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

Heard Shri S.A. Wakure, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 21.08.2018.

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

8. S.O. 21-08-2018.

9. Steno copy and hamdust is allowed to both the sides.

VICE CHAIRMAN

KPB ORAL ORDER 12-07-2018

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

**ORIGINAL APPLICATION ST. NO. 1123 OF 2018
(Shri Dnyanoba K. Shingire V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

Heard Shri Vinod Godbharle, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. Waiving the objection regarding limitation.
3. Issue notices to the respondents, returnable on 20.08.2018.
4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
5. 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 the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. 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.

7. 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.

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

9. S.O. 20-08-2018.

10. Steno copy and hamdust is allowed to both the sides.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 406 OF 2017
(Shri Rajendra H. Kankutey V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

Shri M.B. Kolpe, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for respondents, present.

2. Nobody appeared on last date also, as a last chance, S.O. to 30.07.2018.

VICE CHAIRMAN

KPB ORAL ORDER 11-07-2018

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

**ORIGINAL APPLICATION NO. 84 OF 2018
(Shri Bhunesh B. Maske V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

Heard Shri S.A. Wakure, learned Advocate holding for Shri H.V. Patil, learned Advocate for the applicant and Shri B.S. Devkar, learned Presenting Officer for respondent Nos. 1 & 2. Shri V.D. Rakh, learned Advocate for respondent No. 3, **absent.**

2. Learned Advocate for the applicant has filed rejoinder affidavit. Same is taken on record and the copy thereof has been served on the other side.

3. S.O. to 02.08.2018 for hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

KPB ORAL ORDER 12-07-2018

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

**ORIGINAL APPLICATION NO. 377 OF 2018
(Shri Sanjay D. Chavan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

Heard Shri A.M. Nagarkar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri B.S. Devkar, learned Presenting Officer for respondent Nos. 1 and 2.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 and 2. Same is taken on record and the copy thereof has been served on the other side.

3. Shri J.M. Murkute, learned Advocate holding for Shri D.B. Thoke, learned Advocate has filed VAKALATNAMA on behalf of respondent No. 3. Same is taken on record. He seeks time to file affidavit in reply on behalf of respondent No. 3.

4. S.O. to 26.07.2018. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

KPB ORAL ORDER 12-07-2018

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

**ORIGINAL APPLICATION NO. 393 OF 2018
(Shri Sunil K. Lanjewar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

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

2. At the request of learned Chief Presenting Officer for the respondents, S.O. to 28.08.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 12-07-2018

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

**M.A. No. 182/2018 in O.A. St. No. 789/2018
(Shri Chandrakant M. Choudante V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

Shri G.L. Deshpande, learned Advocate for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for respondents, present.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents in M.A. Time granted.

3. S.O. to 27.08.2018.

VICE CHAIRMAN

KPB ORAL ORDER 12-07-2018

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

**M.A. No. 225/18 in M.A. No. 27/16 in O.A. No. 575/17
(Shri Mahadu S. Bangale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

Heard Shri S.K. Mathpati, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. The present Misc. Application has been filed by the applicant for restoration of M.A. No. 27/2016 as well as O.A. No. 575/2017.

3. For the reasons stated in the present Misc. Application No. 225/2018, the same is allowed and disposed of without any order as to costs and M.A. No. 27/2016 as well as O.A. No. 575/2017 are restored to its original file.

VICE CHAIRMAN

KPB ORAL ORDER 12-07-2018

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

**M.A. No. 27/16 in O.A. No. 575/17
(Shri Mahadu S. Bangale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

Heard Shri S.K. Mathpati, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. The present matter be placed for further hearing on 08.08.2018.

VICE CHAIRMAN

KPB ORAL ORDER 12-07-2018

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

**ORIGINAL APPLICATION NO. 926 OF 2017
(Shri Manoj V. Surose V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

Heard Shri Shri A.M. Nagarkar, learned Advocate holding for Shri K.B. Jadhav, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent No. 1. Shri G.N. Patil, learned Advocate for respondent No. 2, **absent**.

2. At the request of learned Advocate for the applicant, S.O. to 25.07.2018.

VICE CHAIRMAN

KPB ORAL ORDER 12-07-2018

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

**ORIGINAL APPLICATION NO. 304 OF 2018
(Shri Sudhakar D. Mangalkar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

Heard Shri A.M. Nagarkar, learned Advocate holding for Shri K.M. Nagarkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 25.07.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 12-07-2018

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

**ORIGINAL APPLICATION NO. 389 OF 2018
(Miss Archana D. Lathkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

Heard Shri A.M. Nagarkar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the service affidavit is filed.

3. At the request of learned Presenting Officer for the respondents, S.O. to 25.07.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 12-07-2018

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

**ORIGINAL APPLICATION NO. 323 OF 2018
(Shri Yoseph C. Garud V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

Heard Shri Prafulla Bodade, learned Advocate holding for Shri J.B. Choudhari, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 26.07.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 12-07-2018

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

**ORIGINAL APPLICATION NO. 189 OF 2017
(Shri Sambhaji K. Mande V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 09.08.2018.

VICE CHAIRMAN

KPB ORAL ORDER 12-07-2018

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

**ORIGINAL APPLICATION NO. 143 OF 2018
(Shri Sopan K. Shelke V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

Heard Shri D.V. Khillare, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 25.07.2018.

VICE CHAIRMAN

KPB ORAL ORDER 12-07-2018

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

**ORIGINAL APPLICATION NO. 356 OF 2018
(Dr. Tushar V. Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

Heard Shri J.M. Murkute, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents.

3. Learned Advocate for the applicant has submitted that the present Original Application can be disposed of with a direction to the respondents to decide the representation of the present applicant dated 01.06.2018 (Annexure A-6, page nos. 55 & 56 collectively).

4. It can be gathered from the record that the present applicant has earlier worked in Rural Hospital, Zari Zamni, Dist. Yavatmal, which is in Tribal area. Despite this fact, at the time of transfer, he was not given choices of posting and therefore, he has filed O.A. No. 771/2012 before the Maharashtra Administrative Tribunal Mumbai, Bench at Nagpur and the same came to be allowed on 04.03.2012 (page no. 41). After this order, the concerned respondent transferred the present applicant to Women Hospital, Nanded

and now by the impugned general transfer he again came to be transferred to the Tribal area at Taloda, Dist. Nandurbar. He has therefore, made the above representation dated 01.06.2018 for consideration of his case. It was submitted that in fact, the post at Nanded is still vacant and the present applicant is again transferred to the Tribal area.

5. On considering all these facts, the present Original Application is disposed of with a direction to the concerned respondent to decide the representation of the present applicant dated 01.06.2018 within a period of three months from the date of this order, in case any suitable employee is available for the post at Taloda, Dist. Nandurbar. In the alternative during the general transfer, his case be considered.

6. Accordingly, the present Original Application is disposed of without any order as to costs.

VICE CHAIRMAN

KPB ORAL ORDER 12-07-2018

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

**ORIGINAL APPLICATION NO. 419 OF 2018 WITH CAVEAT ST. NO. 786/2018
(Shri Rajendra P. Bagade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 12.07.2018.

ORAL ORDER :

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

2. No notices are issued to the respondents.
3. The present applicant was posted to the post of Circle Officer, Kanchanwadi, Aurangabad vide order dated 18.03.2017 by the respondent No. 2 (Annexure A-3, Page No. 24). He is however transferred within a period of 15 months from Kanchanwadi, Aurangabad to Sanjay Gandhi Yojana in Tahsil Office, Sillod as Awwal Karkoon vide order dated 31.05.2018 (Annexure A-5, page No. 26). This transfer is impugned in the present Original Application.
4. In the transfer order, the decision of this Tribunal in O.A. No. 300/2017 dated 04.04.2018 is referred as one of the cause for the said transfer.
5. Submissions from both the sides, as well as, affidavit in reply of respondent No. 2, would show that as per the seniority and/or suitability, the Circle Officer is promoted to the post of Naib

Tahsildar. Therefore, vide G.R. dated 21.11.1995, the Government had taken a policy decision that the Circle Officer within the zone of consideration for the promotion be posted to the post of Awwal Karkoon in Tahasil Office to gain the experience in this regard. It is claimed in paragraph no. 8 of the affidavit in reply that this G.R. has been upheld by this Tribunal by the decision in the O.A. No. 300/2017 as referred supra. Therefore, the Public Service Board-3 had recommended the impugned transfer and therefore, the same cannot be faulted with.

6. Copy of the decision in O.A. No. 300/2017 between **Aurangabad District Talathi Sangh, Aurangabad and The State of Maharashtra** is placed on record at Annexure A-8, page no. 31. The validity of the above referred G.R. was challenged in the said O.A. This Tribunal vide order dated 04.04.2018 in O.A. No. 300/2017 in paragraph No. 13 held that the tenure of two years as provided in the said G.R. of appointment to the post of Awwal Karkoon is impliedly overridden by the statutory tenure laid down in the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short the 'Transfer Act 2005') and to that extent, the G.R. was required to be repealed.

7. Learned Advocate Shri A.S. Deshmukh, for the applicant has submitted that the applicant would be superannuated within a short period and there is no possibility of his promotion to the post of Naib Tahsildar. He is unnecessarily transferred mid-tenure from Aurangabad to Sillod. He further submits that the decision in the O.A. No. 300/2017 is not correctly understood by the respondent No. 2. The decision would show otherwise. It clearly declares that the provisions of the Transfer Act 2005 cannot be eclipsed by any provisions of a G.R. In the present case, the mid-tenure transfer was uncalled for.

8. Upon hearing both the sides, in my view, the decision of the respondent No. 2 of transferring the present applicant mid-tenure is against the provisions of Transfer Act 2005 and therefore, as there are no exceptional circumstances for effecting the transfer, same cannot be upheld.

9. No notice was issued to the respondent No. 4 Mr. L.K. Gadekar, who is posted at the place of present applicant. His separate transfer order at Annexure A-7, page no. 29, would show that he was transferred from the post of Awwal Karoon, Entertainment Tax Branch, Collector Office, Aurangabad to the post of present applicant i.e. Circle Officer Kanchanwadi, Tahsil Office,

Aurangabad. It was stated that no posting is made in place of Mr. L.K. Gadekar in the Entertainment Tax Branch. Therefore, he can be reposted at his earlier post, which is in Aurangabad. Even otherwise, the respondent No. 2 can suitably accommodate Mr. L.K. Gadekar, without disturbing his place (Aurangabad) of posting, as may be deemed fit.

10. In the result, the following order :-

ORDER

(i). The Original Application is allowed without any order as to costs.

(ii). The impugned transfer order dated 31.05.2018 (Annexures A-6 & A-7) issued by the respondent No. 2 is hereby quashed and set aside.

(iii). The respondent No. 2 is hereby directed to take suitable measures for reposting of respondent No. 4 suitably as detailed in above paragraph No. 9.

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 184 OF 2018

[Shri Swamidas V. Chobe Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.07.2018.

ORAL ORDER :

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

2. Learned Chief Presenting Officer has filed a copy of communication between the concerned respondents dated 11th May, 2018. The copy of the same is taken on record and marked as document 'X' for the purpose of identification.

3. The aforesaid communication would show that the under Secretary has granted extension of time to the enquiry officer to submit the enquiry report till 30th September, 2018. It is to be noted that admittedly the departmental enquiry was initiated against the present applicant vide order dated 28.3.2012, Annexure 'A-1', page-16, and the said departmental enquiry is continued.

4. The grievance of the present applicant is that during the pendency of the said departmental enquiry additional charge-sheet supplementing in the said departmental enquiry is issued to him vide Annexure 'A-6', page-79 dated 3.3.2018.

O.A. NO. 184 OF 2018

5. Admitted fact is that the applicant stood retired on superannuation on 31.1.2012. Any additional charge-sheet beyond the period of 4 years from the date of incidence would, therefore, barred by Rule 27 of the Maharashtra Civil Services (Pension) Rules, 1982. In the present O.A., the applicant himself is retired on 31.1.2012 on superannuation and, therefore, naturally the incidence those are quoted in the additional charge-sheet dated 3.3.2018 are beyond the said period.

6. In the circumstances, enquiry into the additional charge-sheet dated 3.3.2018, Annexure 'A-6', page-79, only is hereby stayed till the decision in the present O.A.. The concerned respondents would at liberty to continue in the departmental enquiry as initiated in the year 2012.

7. It appears from the proceedings that the affidavit in reply on behalf of respondent has already been filed on record.

8. It appears that the arguable case is made out. The present O.A. is, therefore, admitted. Learned C.P.O. waives notice for the respondent.

9. The present case be removed from the board and it be placed before the Division Bench for final hearing in due course of time.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 156 OF 2018

[Shri Dnyanoba B. Panchal Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.07.2018.

ORAL ORDER :

1. Heard Shri D.T. Devane, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 20th August, 2018 for filing affidavit in reply.

MEMBER (A)
ORAL ORDERS12.07.2018-HDD

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 619 OF 2017

[Shri Sidheshwar D. Chilgar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.07.2018.

ORAL ORDER :

1. Shri S.P. Salgar, learned Advocate for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents, present.
2. It appears from the proceedings that nobody has appeared on the last date also. On 25.04.2018, the learned Presenting Officer has made a statement that he had received oral instructions that the applicant has selected and even posted. Therefore, the learned Advocate for the applicant sought adjournment to take instructions from the applicant in this regard.
3. However, on the last date i.e. on 6.6.2018 nobody appeared on behalf of the applicant to make statement. Today also neither the applicant nor his Advocate are present.
4. In the circumstances, without going into the merit of the present Original Application, the same is dismissed in default without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS12.07.2018-HDD

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

ORIGINAL APPLICATION NO. 577 OF 2017

[Shri Ramesh G. Chaudhari Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.07.2018.

ORAL ORDER :

1. Heard Shri A.G. Ambetkar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent Nos. 1 & 2 and Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for respondent No. 3.
2. Learned Advocate for the applicant has filed affidavit in rejoinder and the same is taken on record and the copy thereof has been served on the other side.
3. S.O. to 7th August, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS12.07.2018-HDD

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

ORIGINAL APPLICATION NO. 430 OF 2017

[Chous Galeb Ahmed Amodi Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.07.2018.

ORAL ORDER :

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1, 3, 5 & 6 without paying any heed to the earlier order dated 7.3.2018, which would show that though sufficient opportunities were granted to file affidavit in reply, these respondents failed to file reply and, therefore, the case was further adjourned to 11.04.2018 on the condition of payment of costs of Rs. 5,000/- only. Despite this fact, on 11.4.2018 and 6.6.2018, the learned Presenting Officer sought adjournment for filing affidavit in reply without depositing any costs.

3. In the circumstances, right to file affidavit in reply shall stand forfeited in case the reply is not submitted on or before 25th July, 2018 with earlier

costs of Rs. 5,000/- already imposed and additional costs of Rs. 5,000/- now being imposed totaling an amount of Rs. 10,000/- to be deposited by Government cheque.

4. S.O. to 25th July, 2018.

5. Learned Presenting Officer shall act on steno copy.

MEMBER (A)

ORAL ORDERS12.07.2018-HDD

VICE CHAIRMAN

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

C.P.NO. 17/2017 IN O.A.NO. 63/2015

[Shri Saylu P. Nawod Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.07.2018.

ORAL ORDER :

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

2. Learned Presenting Officer has filed a copy of communication dated 9.7.2018 received to him by the respondents and the same is taken on record and marked as document 'X' for the purpose of identification. On the basis of the said communication he submits that the decision of this Tribunal dated 11.4.2016 in the O.A. No. 63/2015 is now proposed to be challenged by way of Writ Petition in the Hon'ble High Court. It is to be noted that the decision was rendered about 14 months back. However, in the interest of justice, as a last chance, S.O. to 20th August, 2018.

3. Learned Presenting Officer to act on steno copy.

MEMBER (A)
ORAL ORDERS12.07.2018-HDD

VICE CHAIRMAN

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

C.P.NO. 11/2017 IN O.A.NO. 918/2010

[Smt. Gayabai G. Pokale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.07.2018.

ORAL ORDER :

1. Shri M.S. Bhosale, learned Advocate for the applicant (**absent**). Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, present.

2. Heard learned Presenting Officer. She submits that on the last date she has failed to state the fact that the decision sought to be implemented by the present C.P., is in fact, set aside by the Hon'ble High Court in Writ Petition No. 10085 of 2016 With Civil Application No. 61 of 2018 on 26.04.2018. The copy of the same is already filed on record. It would show that the order in the O.A. itself is set aside and the O.A., therefore, stands dismissed, which was allowed by the Division Bench of this Tribunal.

3. In that view of the matter, the present contempt petition cannot survive and the same is, therefore, disposed of without any order as to costs.

MEMBER (A)
ORAL ORDERS12.07.2018-HDD

VICE CHAIRMAN

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

M.A. 226/18 IN REV. ST. 1133/18 IN O.A. 456/16

[State of Maharashtra & Ors Vs. Mohd. Imran Khan]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.07.2018.

ORAL ORDER :

1. Heard Shri V.R. Bhumkar, learned Presenting Officer for applicants in M.A. and Shri S.D. Joshi, learned Advocate for the respondent in M.A. / applicant in O.A.
2. At the request of learned Advocate Shri S.D. Joshi for the applicant in O.A., S.O. to 18th July, 2018.

MEMBER (A)
ORAL ORDERS12.07.2018-HDD

VICE CHAIRMAN

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

ORIGINAL APPLICATION ST.NO. 1645 OF 2017

[Smt. Lalita A. Supekar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.07.2018.

ORAL ORDER :

1. Heard Shri S.K. Mathpati, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant points towards page No. 99 the decision of the Single Judge of this Tribunal in Review Petition No. 02/2017 in O.A. No. 695/2015. This decision would show that though this applicant in earlier O.A. No. 695/2015 has prayed that the prayer clause 'D' & 'E' were not pressed by him as the matter was pending before the Hon'ble Supreme Court, this Tribunal did not express any opinion in the final decision, which was delivered regarding other reliefs. He further points out that this Tribunal has observed in that order that the applicant would be always liberty to take legal recourse on the basis of decision that may be taken by the Hon'ble Supreme Court in the pending litigation.

3. Learned Advocate for the applicant adverts attention to the decision of the Hon'ble Supreme Court, a copy of which is placed on record at Annexure 'A-10', page-104, to show that the issue is now decided by the Hon'ble Supreme Court on 11.10.2017. Therefore, the present Original

Application came to be filed for the remaining prayer clauses from the earlier O.A. reference of which is made earlier.

4. In that view of the matter, the present Original Application can very well be registered, as the same would be within limitation in view of the directions in the earlier Review Application. The office of this Tribunal is, therefore, directed to register the present O.A. as per due procedure of law.

5. Upon registration of the present Original Application, issue notices to the respondents, returnable on 21st August, 2018.

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

7. 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.

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 acknowledgement be obtained and produced along with affidavit of compliance in

O.A. ST.NO. 1645 OF 2017

the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

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

11. S.O. to 21st August, 2018.

12. Steno copy and hamdust is allowed to both the sides.

MEMBER (A)

VICE CHAIRMAN

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

M.A.NO. 224/2018 IN O.A.ST.NO. 693/2018

[Shri Nitinchandra K. Mandale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.07.2018.

ORAL ORDER :

1. Heard Shri Hemant Surve, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that he will go through the relevant section of the Administrative Tribunals Act, 1985, regarding the limitation and would fortify the submissions that in fact there is no delay in filing the accompanying Original Application. At his request, S.O. to 20th July, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS12.07.2018-HDD

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

ORIGINAL APPLICATION NO. 481 OF 2018

[Shri Prakash A. Shisode Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.07.2018.

ORAL ORDER :

1. Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that since the applicant was appointed in the year 2008 and the seniority list is published on 30.11.2015 and 31.12.2015, the new Rules of 2016 Annexure 'A-2;', page No. 17 would not be applicable. It appears that the learned Advocate for the applicant has made irrelevant submissions. However, in order to satisfy on the above issue, to have further submission along with the authorities, case law, S.O. to 23rd July, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS12.07.2018-HDD

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

T.A.NO. 01/2018 [W.P.NO. 15249/2017]

[Smt. Chanda R. Hingole Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.07.2018.

ORAL ORDER :

1. Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer submits that he has no instructions on the line of the earlier order dated 9.7.2018.
3. Learned Advocate for the applicant seeks liberty to add affected or to be affected persons by the decision in the present Original Application.
4. Liberty is granted accordingly. The said exercise be carried out within a period of two weeks and thereafter issue notices to the respondents, returnable on 30th August, 2018.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
6. 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.

T.A.NO. 01/2018 [W.P.NO. 15249/2017]

7. 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.

8. 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. Applicants are directed to file Affidavit of compliance and notice.

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

10. S.O. to 30th August, 2018.

11. Steno copy and hamdust is allowed to both the sides.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 13 OF 2015

[Shri Haribhau K. Waghe Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.07.2018.

ORAL ORDER :

1. Heard Shri S.B. Gorde, 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 2nd August, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS12.07.2018-HDD

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

ORIGINAL APPLICATION NO. 284 OF 2016

[Dr. Usha N. Bholane Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 12.07.2018.

ORAL ORDER :

1. Heard Shri K.A. Ingle, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondent Nos. 1 to 4. Shri B.S. Deshmukh, learned Advocate for respondent No. 5 (**absent**).

2. At the request of learned Presenting Officer, S.O. to 17th July, 2018.

MEMBER (A)

ORAL ORDERS12.07.2018-HDD

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

ORIGINAL APPLICATION NO. 882 OF 2016

[Shri Pradeep M. Koushike Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 12.07.2018.

ORAL ORDER :

1. Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. The present case be treated as a part heard. S.O. to 13th July, 2018.

MEMBER (A)

ORAL ORDERS12.07.2018-HDD

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

ORIGINAL APPLICATION NO. 65 OF 2017

[Shri Kundan V. Deshmukh Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 12.07.2018.

ORAL ORDER :

1. Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. S.O. to 13th July, 2018 on the request of learned Advocate for Applicant.

MEMBER (A)

ORAL ORDERS12.07.2018-HDD

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

**M.A. NO. 305/2012 IN O.A. NO. 586/2012
(Bharat M. Bhosale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.7.2018

ORAL ORDER :

Heard Shri Sudhir Patil, learned Advocate for the applicant and Shri B.S. Devkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed rejoinder. It is taken on record and copy thereof has been served upon the learned P.O. for the respondents. With the consent of both the sides, S.O. to 25.7.2018 for hearing of present M.A.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 12-7-2018

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

M.A. ST. NO. 1096/18

WITH

M.A. M.A. ST. 1097/18

IN

O.A. ST. NO. 972/18

(Digamber R. Bhondge V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

AND

ATUL RAJ CHADHA, MEMBER (A)

DATE : 12.7.2018

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. The present M.A. st. 1096/2018 has been filed by the applicant for recalling the order dtd. 25.6.2018 passed by the Tribunal in O.A. st. 972/2018 and for restoration of O.A. to its original file. So also, by filing M.A. st. no. 1097/2018 the applicant has prayed for condonation of 5 years, 6 months and 4 days delay caused in filing the O.A.

3. Before passing the impugned order, both the sides were heard on the ground of objection of limitation raised by the office in the O.A. In fact, said O.A. was rejected by the Tribunal on 25.6.2018 on the ground of limitation. Therefore, the M.A. st. 1096/2018 for restoration of the O.A. is not maintainable, as it was not dismissed in default.

4. Let us consider the prayer to recall the impugned order. The impugned order dtd. 25.6.2018 in O.A. st. 972/2018 would show that the Office has raised objection that the O.A. is barred by limitation. Learned Advocate undertook to satisfy the Tribunal on the point of limitation. This Tribunal on 25.6.2018 heard the learned Advocate for the applicant and the learned C.P.O. and came to the conclusion that the O.A. is barred by limitation and therefore the said O.A. was rejected. There is no error apparent on the face of record and, therefore, the said impugned order cannot be recalled / reviewed.

5. In the circumstances the present M.A. st. 1096/2018 is dismissed. Consequently nothing survives in the M.A. st. no. 1097/2018 filed by the applicant for condonation of delay caused in filing the O.A. and, therefore, the same is also dismissed. There shall be no order as to costs.

MEMBER (A)

ARJ ORAL ORDERS 12-7-2018

VICE CHAIRMAN

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

**O.A. NO. 652/2013
(Ravindra N. Kshirsagar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.7.2018

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate holding for Shri L.M. Kulkarni, learned Advocate for the applicant and Shri B.S. Devkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 13.7.2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 12-7-2018

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

**O.A. NO. 170/2015
(Shital V. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.7.2018

ORAL ORDER :

None appears for the applicant. Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.

2. Learned P.O. submits that, since the applicant could not cross the required benchmark for consideration to the post from the category of V.J. (A) from which he applied, the concerned respondents by interchanging the reservation, selected the res. no. 3, who was from other category of N.T. (B).

3. In view of absence of applicant and his learned Advocate, S.O. to 23.7.2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

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

O.A. NO. 189/2015

(Salim Shah Mohamod Shah V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.7.2018

ORAL ORDER :

Heard Shri K.G. Sonone, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 19.7.2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 12-7-2018

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

**O.A. NO. 250/2015
(Pralhad S. Pande V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.7.2018

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned P.O. S.O. to 25.7.2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 12-7-2018

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

O.A. NO. 592/2017

**(Association of Pharmacy Teachers of India through its Members V/s. State of
Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 12.7.2018

ORAL ORDER :

Heard Shri Amol N. Kakade, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 17.7.2018 for final hearing. This matter be treated as a part heard.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 12-7-2018