

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

**ORIGINAL APPLICATION NO. 367 OF 2013  
(Shri Bajirao S. Gore & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018.**

**ORAL ORDER :**

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant on instructions submits that the challenge in the present application to the G.R. No. NCP-2012/ (203/12) MASHI-1 dated 17.04.2013 is restricted to the direction of transfer of employees from Group-D cadre of the Regional offices of the Joint Directors, Higher Education.

3. The impugned Government Resolution dated 16.04.2013 (Exhibit 'J', page nos. 116 to 118) *inter alia* provides for amalgamation of certain divisions of the Divisional Joint Director and preparation of seniority list and transfers of the employees from Group-C and D cadre.

4. Learned Advocate Shri A.S. Deshmukh, for the applicant submits that in fact, the employees from Group-D cadre cannot be transferred without adverting to the provisions of Sub Section (2) of Section 3 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short 'Transfer Act 2005'). The provisions of Section 3 of the Transfer Act 2005 are as under:-

**“3. Tenure of posting.**

***(1) For All India Service Officers and all Group A, B and C State Government Servants or employees, the normal tenure in a post shall be three years: Provided that, when such employee is from the non-secretariat services, in Group C, such employee shall be transferred from the post held, on his completion of two full tenures at that office or department, to another office or Department:***

***Provided further that, when such employee belongs to secretariat services, such employee shall not be continued in the same post for more than three years and shall not be continued in the same Department for more than two consecutive tenures.***

***(2) Employees in Group D shall normally not be subjected to fixed tenure. They shall not be transferred out from the station where they are***

***“serving except on request when a clear vacancy exists at the station where posting is sought, or on mutual transfer, or when a substantiated complaint of serious nature is received against them.”***

5. The impugned G.R. provides for transfer *inter alia* from Group-D cadre. It is trite to say that the Government Resolution cannot overrule legislation or any other subordinate legislation framed thereunder.

6. Learned Presenting Officer however opposed the plea. He has submitted that in order to streamline the functions, the Government was required to issue G.R.

7. Upon hearing of both the sides, it is clear that a G.R. cannot override the provisions of any legislation. In the circumstances, the impugned G.R. dated 17.04.2013 will have to be read, subject to the provisions of the Transfer Act 2005 or any other rules or guidelines issued thereunder from time to time.

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O.A. No. 367/2013

8. With these observations, the Original Application is disposed of without any order as to costs.

**MEMBER (A)**

KPB ORAL ORDER 12-04-2018

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 592 OF 2017**

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

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**AND**

**ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018.**

**ORAL ORDER :**

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

2. At the request of learned Advocate for the  
applicant, S.O. to 26.04.2018.

**MEMBER (A)**

KPB ORAL ORDER 12-04-2018

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 662 OF 2017  
(Shri Rohit Dilip Pandit V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018.**

**ORAL ORDER :**

Shri S.R. Raundale, learned Advocate for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for respondent Nos. 1 & 2 and Shri V.B. Wagh, learned Advocate for respondent No. 3, are present.

2. Learned Advocate for respondent No. 3 submits that he will intimate Shri S.R. Raundale, learned Advocate for the applicant regarding next date.

3. At his request, S.O. to 18.04.2018.

**MEMBER (A)**  
KPB ORAL ORDER 12-04-2018

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 461 OF 2015  
(Shri Vijay L. Tarode V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018.**

**ORAL ORDER :**

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned Chief Presenting Officer points out paragraph no. 3 of the affidavit in reply of the respondent No. 1, page no. 26 relevant page no. 27, which would show that the employees who were working on ad-hoc basis to the post claimed by the present applicant had filed O.A. No. 276/2010 before the Maharashtra Administrative Tribunal, Mumbai bench at Aurangabad and the same has been transferred to Principal Seat at Mumbai. Therein interim relief was granted on 25.04.2014 protecting the services of the said employees. The said affidavit in reply was filed long back by the respondent No. 1 on 14.01.2016.

3. Today, the learned Chief Presenting Officer files on record a copy of final judgment delivered in the said O.A. by the Division Bench on 13.06.2017. The same is accepted and marked as document 'X' for the purposes of identification. It would show that the services of those applicants were regularized.

4. In the circumstances, though vide affidavit in reply the applicants were intimated of filing of the application by the ad-hoc employee long back on 14.01.2016, no steps for impleading any necessary party or join the present applicant as party respondent in the O.A. No. 116/2014 before the Principal Seat at Mumbai was taken. No steps seeking amendment was taken.

5. Learned Advocate for the applicant seeks accommodation to have instructions from the applicant in this regard.

6. At his request, S.O. to 24.04.2018 for making submissions on the above line.



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

**ORIGINAL APPLICATION ST. NO. 523 OF 2018  
(Smt. Meenakshi V. Modiraj V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 12.04.2018.**

**ORAL ORDER :**

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

2. The applicant shall comply with the office objections.

3. After removal of office objections, issue notices to the respondents, returnable on 19.04.2018.

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

question 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. S.O. to 19.04.2018.

9. Steno copy/handast allowed to the both the sides.

**VICE CHAIRMAN**

KPB ORAL ORDER 12-04-2018

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

**ORIGINAL APPLICATION NO. 216 OF 2018  
(Dr. Santosh S.Vidhate V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 12.04.2018.**

**ORAL ORDER :**

Heard Shri M.R. Kulkarni, learned Advocate holding for Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant on instructions submits that the applicant does not want to proceed with the present O.A. and wants to withdraw the same.

3. In view of the submission made by the learned Advocate for the applicant, the O.A. is disposed of as withdrawn with any order as to costs.

**VICE CHAIRMAN**

KPB ORAL ORDER 12-04-2018

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

**ORIGINAL APPLICATION NO. 191 OF 2016**

**(Bhagyashree H. Sopne @ Bhagyashree V. Karwar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 12.04.2018.**

**ORAL ORDER :**

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

2. Learned Presenting Officer submits that the  
appointment order issued to the applicant.

3. In view the above submissions, the Original  
Application is disposed of without any order as to  
costs.

**VICE CHAIRMAN**

KPB ORAL ORDER 12-04-2018

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

**ORIGINAL APPLICATION NO. 827 OF 2017  
(Shri Gorol R. Laxminarayan V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 12.04.2018.**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant on instructions submits that the grievance of the present applicant is now redressed.

3. In the circumstances, the Original Application is disposed of without any order as to costs.

**VICE CHAIRMAN**

KPB ORAL ORDER 12-04-2018

**FARAD CONTINUATION SHEET**

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 187 OF 2018  
(Shri Mukesh K. Gunjal V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 12.04.2018.**

**ORAL ORDER :**

Heard Shri R.D. Khadap, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 20.04.2018.

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 question 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. Learned Advocate for the applicant submits that in view of the transfer order, the applicant has joined the post and thereafter, he has challenged the said order. In the circumstances, the concerned respondents are directed to file affidavit in reply positively. In default, issue of grant of interim relief may be considered.**

8. S.O. to 20.04.2018.

9. Steno copy/hamdast allowed to the both the sides.

**VICE CHAIRMAN**

KPB ORAL ORDER 12-04-2018

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

**ORIGINAL APPLICATION NO. 942 OF 2017  
(Shri Nitin V. Vispute V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 12.04.2018.**

**ORAL ORDER :**

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Today, the learned Advocate for the applicant files on record a copy of communication made by the Director to the Dean of the concerned College dated 08.02.2018 along with the accompanying documents. Same are taken on record and marked as document 'X' collectively for the purposes of identification.

3. In view of the above communication, the learned Advocate for the applicant submits that the Original Application may be disposed of with a direction to the concerned respondents to take further action on the basis of above communication within the time frame.



4. Since the submissions of the learned Advocate for the applicant is reasonable, the Original Application is disposed of with a direction to the concerned respondent to act on the communication dated 08.02.2018 within a period of three months from the date of this order. There shall be no order as to costs.

**VICE CHAIRMAN**

KPB ORAL ORDER 12-04-2018

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

**C.P. 18/2018 IN O.A. 456/2016  
(Mohd. Imran Khan Mohd. Haroon Khan V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE : 12.4.2018**

**ORAL ORDER :**

Heard Smt. Juee Palekar – Parlikar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of Smt. Juee Palekar – Parlikar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant, S.O. to 16.4.2018.

**CHAIRMAN**

ARJ ORAL ORDERS 12-4-2018

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

**C.P. 35/2018 IN O.A. 325/2012  
(Ratan A. Suradakar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE : 12.4.2018**

**ORAL ORDER :**

Heard Smt. Amruta Paranjape - Menezes, learned Advocate holding for Shri P.S. Paranjape, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned P.O. states that order passed by the Tribunal on 20.10.2016 in O.A. no. 325/2012 has been set aside. In view of this statement, Contempt Petition does not survive and is disposed of. There shall be no order as to costs.

**CHAIRMAN**

ARJ ORAL ORDERS 12-4-2018

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

**O.A. NOS. 809, 843 AND 844 ALL OF 2017  
(Ganesh T. Sable & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE : 12.4.2018**

**ORAL ORDER :**

Heard Smt. Amruta Paranjape, learned Advocate for the applicants in all these three matters and S/shri M.S. Mahajan, D.R. Patil & Smt. Deepali S. Deshpande, learned Chief Presenting Officer & Presenting Officers for the respondents in respective matters.

2. Learned Advocate for the applicants prays for adjournment. Hence, S.O. to 3.5.2018

**CHAIRMAN**

ARJ ORAL ORDERS 12-4-2018

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

**C.P. 5/2017 IN O.A. 538/2015  
(Vandana S. Mahajan V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE : 12.4.2018**

**ORAL ORDER :**

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

2. In the midst of hearing, it has transpired that the Officer, who may have committed contempt, is not arrayed as a contemnor and the Officer, who is not concerned in the matter, is arrayed as contemnor. It is also seen that personal notice is not sent to the Secretary, Revenue Department.

3. In view of foregoing situation, learned Advocate for the applicant prays for permission to withdraw the present contempt petition with liberty to file fresh contempt petition by giving fresh personal notice to the Secretary, Revenue Department and in the event the order in

question remains to be un-complied and willful disobedience finds.

4. In view of above, present Contempt Petition is disposed of as withdrawn with liberty as prayed for. There shall be no order as to costs.

**CHAIRMAN**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.87/2018  
(Ramrao K. Thombre V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T.JOSHI, VICE-CHAIRMAN  
AND**

**ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018**

**ORAL ORDER :**

1. Heard Shri S.D.Dhongde learned Advocate holding for Smt. S.A.Dhongde learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.
  
2. Learned Advocate for the applicant submits that during the pendency of the O.A. decision is rendered by the competent authority, and therefore, necessary amendment has become essential. Hence, he prayed for liberty to file M.A. for amendment and to file some documents on record.
  
3. In the circumstances, liberty to file M.A. for amendment with necessary documents is granted.
  
4. S.O. 05-06-2018 for filing M.A.

**MEMBER (A)**

**VICE-CHAIRMAN**

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**  
**ORIGINAL APPLICATION NO.128/2018**  
**(Hausaji Markwad V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T.JOSHI, VICE-CHAIRMAN**

**AND**

**ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018**

**ORAL ORDER :**

1. Heard Shri S.B.Mene learned Advocate holding for Shri A.S.Deshpande learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for the respondents.

2. Learned Advocate Shri S.S.Shinde has appeared and filed Vakalatnama of Shri Vivek Bhavthankar, learned Advocate for respondent no.5. It is taken on record.

3. Learned P.O. as well as learned Advocate for respondent no.5 seek time to file affidavit in reply on behalf of the respondents. Time is granted.

4. S.O. to 05-06-2018.

**MEMBER (A)**

**VICE-CHAIRMAN**

YUK ORAL ORDER 12-04-2018 DB



**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.28/2018  
(Shashank Kamble V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T.JOSHI, VICE-CHAIRMAN  
AND**

**ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018**

**ORAL ORDER :**

1. Heard Shri G.J.Kore learned Advocate for the applicant, Shri M.P.Gude learned Presenting Officer for the respondents and Shri Mahendra Kochar learned Advocate for respondent nos.3 to 5.
2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 and 2. It is taken on record. Copy thereof has been served on the other side.
3. Learned Advocate for respondent nos.3 to 5 seeks time to file affidavit in reply. Time is granted.
4. In view thereof service affidavit is dispensed with.
5. In the circumstances, S.O.07-06-2018 for filing affidavit in reply.

**MEMBER (A)**

**VICE-CHAIRMAN**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.169/2017  
(Sandeep Chavan V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T.JOSHI, VICE-CHAIRMAN**

**AND**

**ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018**

**ORAL ORDER :**

1. Heard Shri P.B.Rakhunde learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for the respondents.
  
2. Learned P.O. seeks time to collect papers of the departmental enquiry and place a copy thereof on record.
  
3. At her request, S.O. to 23<sup>rd</sup> April, 2018 for filing documents on record.

**MEMBER (A)**

**VICE-CHAIRMAN**

YUK ORAL ORDER 12-04-2018 DB

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**  
**ORIGINAL APPLICATION NO.278/2017**  
**(Maharashtra State Vaidyaki Mahavidyalaya & Rugnalaya Karmachari**  
**Sanghatana, Aurangabad V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T.JOSHI, VICE-CHAIRMAN**  
**AND**

**ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018**

**ORAL ORDER :**

1. Heard Shri A.S.Golegaonkar learned Advocate for the applicant is **absent**. Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.
  
2. Since none is present for the applicant, S.O. to 06-06-2018.

**MEMBER (A)**

**VICE-CHAIRMAN**

YUK ORAL ORDER 12-04-2018 DB

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

**ORIGINAL APPLICATION NO. 782 OF 2017**

[Shri Nitin K. Dighule & Ors. Vs. State of Maharashtra & Ors]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
SHRI ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018.**

**ORAL ORDER :**

1. Heard Shri Amol B. Chalak Patil, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The present Original Application was filed for a direction to respondent No. 2 to complete selection process and hold the oral interviews for the post of Peon (Thok-Vetan) in pursuant to the advertisement dated 30.06.2012 and issue appointment orders in favour of the successful applicants.

3. From the common submissions it can be gathered that the advertisement to fill in the various posts was issued on 30<sup>th</sup> June, 2012. Thereafter the written examinations were held on 20<sup>th</sup> September, 2015 and candidates were called for verification of the documents between 23<sup>rd</sup> and 26<sup>th</sup> August, 2016. However, on 2<sup>nd</sup> August, 2016, the Finance Department had taken a general decision that the post of Peon and other posts as detailed therein shall

not be filled in and that work should be carried out by outsourcing. In view of the said fact the selection process itself is cancelled.

4. Learned Advocate for the applicant has placed reliance on the following judgments:

(i) **R.S. MITTAL VS. UNION OF INDIA [1995 SUPP (2) SUPREME COURSE CASES 230]; and**

(ii) **PREM PRAKASH VS. UNION OF INDIA AND OTHERS AND DAL CHAND ANAND VS. UNION OF INDIA AND OTHERS [1984 (SUPP) SUPREME COURSE CASES 687]**

5. In the case of **R.S. Mittal** cited supra, it was observed that once panel of selected candidates is prepared denial of appointment to persons included in the same without any proper reasons is unjustified.

6. In the case of **Prem Prakash** cited supra, it was also held that the candidates who were selected earlier but wrongly denied appointment is unjustified.

7. However, in the present case it is to be noted that the selection process was yet to be completed. Merely written examinations were held. Verification

of the documents was yet to be conducted and select lists was yet to be published, upon verification of the documents and character verification etc.

8. In that view of the matter, the ratio laid down in the above cited judgments would not be applicable in the present Original Application.

9. In the circumstances, the present Original Application is dismissed without any orders as to costs.

10. Liberty to file separate Original Application, if any, other cause of action has arisen later on, is hereby granted.

**MEMBER (A)**

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 203 OF 2018**

[Smt. Savita S. Wandhekar Vs. State of Maharashtra & Ors]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
SHRI ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018.**

**ORAL ORDER :**

1. Heard Shri A.A. Nimbalkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant submits that liberty to file the copy of the relevant rules, which would show as to how the posts reserved in horizontal category are to be filled in. At his request, S.O. to 20<sup>th</sup> April, 2018.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 12.04.2018-HDD

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

**M.A.ST.NO. 269/2018 IN O.A.ST.NO. 270/2018**

[Shri Ashvanmogh M. Kathale & Ors. Vs. State of Maharashtra & Ors]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
SHRI ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018.**

**ORAL ORDER :**

1. Heard Shri P.K. Wagh, learned Advocate holding for Shri Avinash D. Aghav, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to satisfy the office objection/s or in the alternative take instructions for withdrawal, if any. At his request, S.O. to 16<sup>th</sup> April, 2018 for making submissions on the above line.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 12.04.2018-HDD



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

**O.A.NOS. 825, 864, 865, 866 & 867 ALL OF 2016**

[Smt. Savita S. Wandhekar Vs. State of Maharashtra & Ors]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
SHRI ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018.**

**ORAL ORDER :**

1. Heard Shri Vijay B. Jogdand Patil, learned Advocate for the applicants in all these cases and Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 4. Shri Satajit Bora, learned Advocate for respondent No. 5 in O.A. Nos. 865, 866 & 867 all of 2016 (**absent**).

2. Liberty to file the additional documents along with index and corrected pages on record and to serve copies thereof on the other side is granted. The same be filed in the office of this Tribunal.

3. S.O. to 6<sup>th</sup> June, 2018 for hearing on the line of the earlier order dated 14<sup>th</sup> March, 2018.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 12.04.2018-HDD

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

**ORIGINAL APPLICATION NO. 590 OF 2013**

[Smt. Kaveri V. Chavan Vs. State of Maharashtra & Ors]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
SHRI ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018.**

**ORAL ORDER :**

1. Heard Shri P.G. Gunale, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 5. Shri K.G. Salunke, learned Advocate for respondent No. 8 has filed leave note. None appears for respondent Nos. 6 & 7.

2. Learned Advocate for the applicant submits that similar O.A. bearing No. 237/2013 is fixed for final hearing on 24<sup>th</sup> April, 2018.

3. At the request of learned Advocate for the applicant, S.O. to 24<sup>th</sup> April, 2018 along with O.A. No. 237/2013.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 12.04.2018-HDD

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

**T.A.NO. 7/2016 (W.P.NO. 1533/2015)**

[Sau. Chandrakala K. Navghire Vs. State of Maharashtra & Ors]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
SHRI ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018.**

**ORAL ORDER :**

1. Heard Shri Naseem R. Shaikh, 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 for the respondents, S.O. to 23<sup>rd</sup> April, 2018 for final hearing.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 12.04.2018-HDD

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

**ORIGINAL APPLICATION NO. 226 OF 2017**

[Shri Baliram S. Kakade Vs. State of Maharashtra & Ors]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
SHRI ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018.**

**ORAL ORDER :**

1. Shri K.M. Nagarkar, learned Advocate for the applicant (**absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, present.
2. Since nobody appears for the applicant, S.O. to 23<sup>rd</sup> April, 2018 for hearing.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 12.04.2018-HDD

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

**ORIGINAL APPLICATION NO. 339 OF 2017**

[Shri Ravsaheb A. Kakad & Ors. Vs. State of Maharashtra & Ors]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
SHRI ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018.**

**ORAL ORDER :**

1. Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants, Mrs. Priya R. Bharaswadkar, learned Presenting Officer for respondent Nos. 1 & 2 and Shri M.R. Kulkarni, learned Advocate for respondent No. 3. Shri S.G. Chapalgaonkar, learned Advocate for respondent Nos. 4 to 38 (**absent**).
2. On instructions, learned Advocate for the applicants submit that the grievance of the present applicants is redressed.
3. In the circumstances, the present Original Application is disposed of without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 12.04.2018-HDD

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

**ORIGINAL APPLICATION NO. 487 OF 2017**

[Shri Bhagwanrao J. Nagargoje Vs. State of Maharashtra & Ors]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
SHRI ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018.**

**ORAL ORDER :**

1. Heard Shri A.N. Patale, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 12<sup>th</sup> June, 2018 for hearing.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 12.04.2018-HDD

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

**ORIGINAL APPLICATION NO. 816 OF 2016**

[Dr. Deshmukh Mohammad Shahir & Others Vs. State of Maharashtra & Ors]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
SHRI ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018.**

**ORAL ORDER :**

1. Heard Shri Arun V. Rakh, learned Advocate for the applicants and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Upon hearing both the sides, it appears that due to the lapse of time as explained in paragraph No. 4 of the affidavit in reply of respondent Nos. 1 to 3, the present applicants could not be accommodated in the earlier departmental examination by the respondent No. 2. However, respondent No. 4 in the affidavit in reply at paragraph No. 10 page, 45 has averred that examinations are to be held twice in a year in the month of January & July. As against this, learned Advocate for the applicant submits that the departmental examinations are not held as per this schedule depriving the employees like the applicants for appearing in the said examination.

3. In the circumstances, the present Original Application is disposed of with a direction to the

respondent No. 4 viz. the Maharashtra Public Service Commission, to hold the present departmental examination regularly as per the schedule. In case, the schedule is not followed, the applicants would be at liberty to approach this Tribunal with the prayer to that effect. There shall be no order as to costs.

4. Both sides to act on steno copy/hamdust.

**MEMBER (A)**

**VICE CHAIRMAN**



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

**ORIGINAL APPLICATION NO. 805 OF 2017**

[Dr. Vanita N. Puri Vs. State of Maharashtra & Ors]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
SHRI ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018.**

**ORAL ORDER :**

1. Shri Vishnu Dhoble, learned Advocate for the applicant (**absent**). Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Avinash S. Deshmukh, learned Advocate for respondent No. 4, were present.

2. At the request of learned Presenting Officer for respondent Nos. 1 to 3 and learned Advocate for respondent No. 4, S.O. to 23<sup>rd</sup> April, 2018 for filing affidavit in reply.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 12.04.2018-HDD

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

**ORIGINAL APPLICATION NO. 824 OF 2017**

[Shri Jeevan B. Sutar Vs. State of Maharashtra & Ors]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
SHRI ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018.**

**ORAL ORDER :**

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

2. At the request of learned Advocate for the applicant, S.O. to 17<sup>th</sup> June, 2018 for filing rejoinder affidavit, if any.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 12.04.2018-HDD

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

**ORIGINAL APPLICATION NO. 705 OF 2015**

[Shri Prashant S. Sirsat Vs. State of Maharashtra & Ors]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
SHRI ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 12.04.2018.**

**ORAL ORDER :**

1. Heard Shri R.D. Khadap, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 3. None appears for respondent No. 4.

2. Learned Advocate for the applicant submits that the fresh notice be issued to respondent No. 4. Hence, issue fresh notice to respondent No. 4, returnable on 18<sup>th</sup> June, 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 Respondent No.4 intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent No.4 is 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 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. S.O. to 18<sup>th</sup> June, 2018 for service of notice on respondent No. 4 and to file service affidavit to that effect.

10. 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. 387 OF 2016**

[Dr. Nomani Muhammed Mufti Vs. State of Maharashtra & Ors]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 12.04.2018.**

**ORAL ORDER :**

1. Heard Shri C.V. Dharurkar, learned Advocate holding for Smt. Vinaya Muley, 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 24<sup>th</sup> April, 2018.

**VICE CHAIRMAN**

ORAL ORDERS 12.04.2018-HDD

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

**ORIGINAL APPLICATION NO. 71 OF 2018**

[Shri Dadabhau T. Parte Vs. State of Maharashtra & Ors]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 12.04.2018.**

**ORAL ORDER :**

1. Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Presenting Officer for the respondents seeks time to file affidavit in reply. It is to be noted that by the present Original Application, the applicant is merely seeking a decision on his application for grant of medical leave and on the representation made later on by him, as the said decision was not taken.

3. In the circumstances, the present Original Application is disposed of with a direction to the respondent No. 3 to take a decision on the issue of grant of medical leave to the present applicant within a period of 2 months from the date of this order. There shall be no order as to costs.

4. Steno copy and hamdust is allowed for use of both the parties

**VICE CHAIRMAN**

ORAL ORDERS 12.04.2018-HDD