

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officers for the respondents.

2. At the request of learned Advocate for the applicant, as a last chance, S.O. to 20.11.2019 for filing rejoinder affidavit.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 53 OF 2019
(Shri Dilip R. Pande and Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officers for the respondent Nos. 1 to 3 and Shri S.B. Mene, learned Advocate for respondent Nos. 4 to 9.

2. At the request of learned Advocate for the applicant, S.O. to 27.11.2019 for filing rejoinder affidavit.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 71 OF 2019
(Shri Anand N. Ballal and Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officers for the respondent Nos. 1 to 3 and Shri S.D. Dhongde, learned Advocate for respondent No. 9.

2. Learned Advocate Shri S.D. Dhongde, has filed affidavit in reply on behalf of respondent Nos. 4 to 8. Same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Advocate for the applicant, S.O. to 27.11.2019 for filing rejoinder affidavit.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 40 OF 2019
(Dr. Manisha R. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officers for the respondents.

2. Pleadings are complete. Hence, the present O.A. is admitted and it be kept for final hearing on 28.11.2019.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 451 OF 2018
(Shri Bhagwat N. Pujari V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Heard Shri A.S. Mirajgaonkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officers for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 29.11.2019.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**M.A. No. 47/2019 in O.A. No. 387/2016
(Dr. Nomani M. Mufti-Taher V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Heard Shri A.S. Mirajgaonkar, learned Advocate holding for Smt. Vinaya Muley-Dharurkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officers for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 29.11.2019.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 527 OF 2019
(Shri Uday B. Nikam V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officers for the respondents.

2. Learned Advocate for the applicant on instructions has submitted that the applicant does not want to proceed with the present O.A. and wants to withdraw the same. Therefore, he seeks leave of this Tribunal to withdraw the present O.A.

3. Learned P.O. has prayed to pass necessary order.

4. Since the applicant does not want to proceed to with the O.A. and wants to withdraw the same, leave as prayed for is granted. The O.A. is disposed of as withdrawn with no order as to costs.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 413 OF 2019
(Shri Naserkhan R. Pathan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officers for the respondents.

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3. Same is taken on record and copy thereof has been served on the other side. He has submitted that presently the affidavit in reply of respondent No. 4 is not necessary.

3. Pleadings are complete. Hence, the present O.A. is admitted and it be kept for final hearing on 13.11.2019.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 921 OF 2019
(Dr. Aasma K. Siddiqui V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Shri R.P. Adgaonkar, learned Advocate for the applicant (**Absent**).

Heard Shri S.K. Shirse, learned Presenting Officers for the respondents.

2. As none present for the applicant, S.O. to 27.11.2019 for passing necessary order.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION ST. NO. 1893 OF 2019
(Shri Shivgir H. Giri V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Shri Sanjaykumar Chavan, learned Advocate for
the applicant (**Absent**).

Heard Smt. Priya R. Bharaswadkar, learned
Presenting Officers for the respondents.

2. As none present for the applicant, S.O. to
21.11.2019 for passing necessary order.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 177 OF 2018
(Shri Gangadhar M. Kulkarni V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Shri R.K. Ashtekar, learned Advocate for the applicant (**Absent**).

Heard Shri M.P. Gude, learned Presenting Officers for the respondents.

2. As none present for the applicant, S.O. to 22.11.2019 for passing necessary order.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 240 OF 2019
(Shri Pandit M. Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Heard Shri B.K. Patil, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officers for the respondents.

2. Learned Presenting Office has submitted that he will produce original record on the next date.

3. Pleadings are complete. Hence, the present O.A. is admitted and it be kept for final hearing on 03.12.2019.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 482 OF 2019
(Smt. Surekha J. Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Heard Shri D.K. Rajput, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officers for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 20.11.2019.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 704 OF 2019
(Shri Vishwanath T. Yeslote V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Shri K.M. Nagarkar, learned Advocate for the applicant (**Absent**).

Heard Smt. Deepali S. Deshpande, learned Presenting Officers for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent. Time granted.

3. S.O. to 21.11.2019.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 797 OF 2019
(Maharashtra Rajya Rekhachitra Shakha Karmachari Sanghatana V/s. State of
Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Heard Shri Avinash Khedkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officers for the respondents.

2. Learned C.P.O. seeks time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 21.11.2019.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**M.A. No. 310/2019 in M.A. No. 414/2018 in O.A. St. No. 236/2018
(Shri Bhagwan J. Wagh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Shri M.K. Deshpande, learned Advocate for the applicant (**Absent**).

Heard Smt. Deepali S. Deshpande, learned Presenting Officers for the respondents.

2. As none present for the applicant, S.O. to 18.11.2019 for passing dismissal order.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**M.A. No. 455/2019 in M.A. No. 407/2019 in O.A. St. No. 1458/19
(Smt. Savita U. Gaikwad @ Sangita S. Wagh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Shri Sanjaykumar Chavan, learned Advocate for
the applicant (**Absent**).

Heard Shri B.S. Deokar, learned Presenting
Officers for the respondents.

2. As none present for the applicant, S.O. to
21.11.2019 for passing dismissal order.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 925 OF 2019
(Shri Nilkanth T. Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 17.10.2019.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 284 OF 2016
(Smt. Usha N. Bholane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

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

2. Learned Presenting Officer has placed on record a copy of communication dated 10.10.2019 and proposal dated 30.09.2018. Same are taken on record. He seeks time to produce decision of the Government in respect of the said proposal dated 30.09.2018. Time granted as a last chance.

3. S.O. to 19.11.2019.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 704 OF 2017
WITH
ORIGINAL APPLICATION NO. 749 OF 2017
(Shri Asman D. Garje and Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Heard Shri J.B. Choudhary, learned Advocate for the applicants in both the O.As. and Smt. M.S. Patni, learned Presenting Officers for the respondents in both the O.As.

2. Learned Presenting Officer seeks time to take instructions from the respondents. Time granted.
3. S.O. to 13.11.2019.

ACTING CHAIRMAN

kpb ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 665 OF 2017
(Shri Rambhau Laxman Kuskar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officers for the respondents.

2. On perusal of the orders passed by the respondent No. 2 on 13.07.2016 (Annexure-5, paper book page No. 29) and 14.10.2016 (Annexure A-7, paper book page No. 33), it reveals that the respondent No. 2 has initially admitted the fact that the applicant is entitled to get reimbursement of medical bill in respect of treatment taken on OPD basis for the disease foreign body in the ear, but in the subsequent para of the said order, he has rejected the claim of the applicant on the ground that reimbursement regarding expenses incurred by the applicant for treatment on OPD basis at private hospital is not admissible. It shows that the respondents have made inconsistent statements in the said orders. At once, the respondents had observed that the applicant is entitled to get reimbursement of the said expenses in view of the G.R. dated 01.09.1987, but he has not recorded the sound reasons while rejecting the claim of the applicant. The respondent No. 2 has observed in para No. 2 of the order dated 13.07.2016 as follows:-

“या संदर्भात कळविण्यात येते की, शासकीय कर्मचा-यांनी आकस्मित निकडीच्या प्रसंगी खाजगी रुग्णालयात घेतलेल्या आंतररुग्ण उपचारांची प्रतिपूर्ती देय आहे. तसेच फॅक्चर, कान, नाक व घसा यात बाहयवस्तु अडकणे या प्रकारच्या उपचारासाठी खाजगी रुग्णालयात बाहयरुग्ण उपचारासाठी तात्काळ सेवा घेतली असल्यास त्याची प्रतिपूर्ती महाराष्ट्र शासन सार्वजनिक आरोग्य विभाग शा.नि.क. एमएजी १०८६/४९०७/आरोग्य-९, दि. ०१.०९.१९८७ रोजीच्या शासन निर्णयान्वये देय आहे.

श्री कुसकर यांनी सादर केलेली देयके खाजगी रुग्णालयातील निधीमत बाहयरुग्ण उपचाराची असल्याची असल्याने देय ठरत नाहीत.”

3. In these circumstances, it is just and proper to quash the impugned orders and to direct the respondent No. 2 to reconsider the claim of the applicant in view of the provisions of G.R. dated 01.09.1987 and to take appropriate decision within a period of one month.

4. In view of this, the present O.A. is disposed of. The impugned orders dated 14.10.2016, 02.01.2017 and 28.04.2017 issued by the respondent No. 2 are hereby quashed and set aside. The respondent No. 2 is directed to take appropriate decision regarding admissibility of the claim of the applicant regarding reimbursement of amount incurred by him for the treatment of foreign body in the ear on OPD basis in view of the G.R. dated 01.09.1987 and subsequent G.Rs. issued by the Government from time to time in that regard, on merit within a period of one month from the date of this order and communicate the decision therein to the applicant in writing. There shall be no order as to costs.

ACTING CHAIRMAN

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

ORIGINAL APPLICATION NO.59 OF 2018
(Umesh C. Parate V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Shri S.D. Joshi, learned Advocate for the Applicant, **absent**. Shri V.R. Bhumkar, learned Presenting Officer for the Respondents, present.

2. As none appeared for the Applicant, the O.A. is fixed for passing dismissal order on 28.11.2019.

ACTING CHAIRMAN

SAS ORAL ORDER 14.10.2019 (BPP)

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

ORIGINAL APPLICATION NO.668 OF 2018
(Sangita S. Telang V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Heard Shri Dayanand B. Bhange, learned Advocate for the Applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

2. At the request of the learned P.O. for the Respondents, last chance is granted to the Respondents to produce necessary documents. Failing which heavy cost will be imposed on the Respondents on the next date.

3. S.O. to 15.11.2019.

ACTING CHAIRMAN

SAS ORAL ORDER 14.10.2019 (BPP)

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

**ORIGINAL APPLICATION NO.277 OF 2019
(Dhanraj B. Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

DATE : 14.10.2019

ORAL ORDER :

Heard Shri Sandip Rathod, learned Advocate holding for Shri Girish Nagori, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. The Applicant has filed the present Original Application claiming following relief:-

“(B) By issuing order and order or direction or like nature the letter dated 15/01/2019 may kindly be quashed and set aside further respondent may be directed to grant payment and remuneration allowances + expenses allowances to the applicant in respect of additional charge forthwith.

(C) The respondent may kindly be directed to grant payment and remuneration allowances + expenses allowances to the applicant in respect of additional charge from dated 03/07/2013 to 05/04/2016 within stipulated period.

3. The Respondent Nos.3 & 4 have filed their affidavit-in-reply and admitted the fact that the Applicant was holding additional charge and he was entitled to get special pay for the additional charge. The Respondents have made following statement in para no.5 of affidavit-in-reply:-

“5. As regards to the contents of Para No.VI [B to H] of the Original Application, I say that the contentions raised by the applicant are denied by the present respondents. I humbly say that, as per the procedure the applicant has not submitted his T.A.-D.A. Bill within time limit with the office of respondents, as well as applicant has never supplied details of his T.A.-D.A. Bills, therefore the present office has unable to pay the T.A.-D.A. Bills to the applicant. I say and submit that, the office of the respondents has informed to the applicant to submit his T.A.-D.A. Bills, but in spite of communications made by the office, present applicant was not supplied the T.A.-D.A. Bills within stipulated time. Therefore, present office is unable pay the T.A. – D.A. Bills. The copy of letter dated 27.05.2016 is annexed herewith and marked as **ANNEXURE R-1**

I most respectfully say that, it is true that applicant having the additional work charge worked on the post Senior Clerk at Dondaicha, and now the respondents are ready to pay allowances of additional charge as per rules and regulations.

4. Learned P.O. for the Respondents has submitted that the Respondents are ready to disburse the special pay to the Applicant regarding additional charge held by the Applicant and therefore, he has prayed to dispose of the Original Application.

5. Learned Advocate for Applicant has also submitted that the Original Application may be disposed of with the direction to the Respondents to disburse the amount of special pay to the Applicant within one month. He has also submitted that while issuing the direction the impugned order may be quashed.

6. In view of the submission made by learned Advocate and learned P.O. and statement made by the Respondent Nos.3 & 4, the Original Application deserves to be disposed of with the direction to the Respondents to disburse the special pay to the Applicant in respect of the additional charge held by the Applicant during the period from 03.07.2013 to 05.04.2016 within one month.

7. In view of the above, the Original Application is disposed of. The impugned order dated 15.1.2019 is hereby quashed and set aside. The Respondents are directed to disburse the special pay to the Applicant regarding additional charge held by him from 03.07.2013 to 05.04.2016 within one month from today. No order as to costs.

ACTING CHAIRMAN

SAS ORAL ORDER 14.10.2019 (BPP)

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

ORIGINAL APPLICATION NOS.272 TO 275 ALL OF 2019
(Whab Majid Shaikh & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri M.R. Wagh, learned Advocate for the Applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents in all these O.As.

2. Learned Advocate for the Applicants submits that the Applicants want to file separate applications for condonation of delay caused for filing the Original Applications. Therefore, he sought two weeks time for filing the applications for condonation of delay.

3. Time as prayed for is granted.

4. The matters are removed from board.

ACTING CHAIRMAN

SAS ORAL ORDER 14.10.2019 (BPP)

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

**ORIGINAL APPLICATION NOS.904 TO 906 ALL OF 2019
(Vaishali N. Patil & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri A.T. Jadhavar, learned Advocate for the Applicants in all these O.As., Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents in O.A.No.904/2019 and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondents in O.A.Nos.905 and 906 of 2019.

2. Learned Advocate for the Applicants seeks leave of this Tribunal to amend the prayer clause suitably.
3. Leave as prayed for is granted.
4. The Applicants shall amend the O.As. within two weeks.
5. The matters are removed from board.

ACTING CHAIRMAN

SAS ORAL ORDER 14.10.2019 (BPP)

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

**ORIGINAL APPLICATION NO.920 OF 2019
(Dr. Datta M. Dhanve V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. Issue notices to the Respondents, returnable on 26.11.2019.

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

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

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

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

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

8. S.O. to 26.11.2019.

9. Steno copy and Hamdast is allowed.

ACTING CHAIRMAN

SAS ORAL ORDER 14.10.2019 (BPP)

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

**C.P.NO.39 OF 2019 IN O.A.NO.642 OF 2019
(Dr. Pankaj R. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

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

2. At the request of the learned P.O. for the Respondents, S.O. to 21.11.2019.

ACTING CHAIRMAN

SAS ORAL ORDER 14.10.2019 (BPP)

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

**M.A.NO.392 OF 2019 IN O.A.ST.NO.1257 OF 2019
(Ramdas G. Gangadhare V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the Applicant, S.O. to 23.10.2019.

ACTING CHAIRMAN

SAS ORAL ORDER 14.10.2019 (BPP)

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

C.P.NO.19 OF 2019 IN O.A.NO.226 OF 2016
(Shivram N. Dhapate V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri P.M. Shinde, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents has produced the copies of communication dated 23.09.2019 and 10.10.2019. The same are taken on record and marked as document 'X' for the purpose of identification.

3. Learned P.O. for the Respondents seeks time to file affidavit of the Director, Health Services on the point as to whether he has decided the proposal forwarded by the concerned authority. Time granted.

4. S.O. to 18.11.2019.

ACTING CHAIRMAN

SAS ORAL ORDER 14.10.2019 (BPP)

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

**C.P.NO.27 OF 2019 IN O.A.NO.260 OF 2017
(Bhagwat D. Bedke V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Shri R.P. Bhumkar, learned Advocate for the
Applicant, **absent.** Shri I.S. Thorat, learned
Presenting Officer for the Respondents, present.

2. No report regarding service of notice of
Respondent No.4 has been produced by the Applicant.
3. As none appeared for the Applicant, S.O. to
19.11.2019.

ACTING CHAIRMAN

SAS ORAL ORDER 14.10.2019 (BPP)

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

**M.A.NO.438 OF 2019 IN O.A.NO.32 OF 2018
(Shahadeo S. Bangar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri Jayant S. Deshmukh, learned Advocate for the Applicant and Smt. Deepali S.Deshapande, learned Presenting Officer for the Respondents.

2. Heard by consent of both the parties.

3. For the reasons mentioned in the Misc. Application No.438/2019, the same deserves to be allowed.

4. In view of above, the Misc. Application No.438 of 2019 is allowed. The order of dismissal passed in O.A.No.32 of 2018 on 02.08.2019 is hereby quashed and set aside.

5. Accordingly the Misc. Application is disposed of.

ACTING CHAIRMAN

SAS ORAL ORDER 14.10.2019 (BPP)

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

ORIGINAL APPLICATION NO.32 OF 2018
(Shahadeo S. Bangar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri Jayant S. Deshmukh, learned Advocate for the Applicant and Smt. Deepali S. Deshapande, learned Presenting Officer for the Respondents.

2. In view of the order passed in Misc. Application No.438 of 2019, Original Application is fixed for hearing on 14.11.2019.

ACTING

CHAIRMAN

SAS ORAL ORDER 14.10.2019 (BPP)

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

**M.A.NO.428 OF 2019 IN O.A.NO.707 OF 2019
(Rama M. Shinde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Shri S.K. Mathpati, learned Advocate for the Applicant, **absent**. Smt. Deepali S. Deshapande, learned Presenting Officer for the Respondent Nos.1 to 5 and Shri G.N. Patil, learned Advocate for the Respondent No.6, present.

2. As none appeared for the Applicant, S.O. to 19.11.2019 for passing dismissal order.

ACTING CHAIRMAN

SAS ORAL ORDER 14.10.2019 (BPP)

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

**C.P. 17/2018 IN O.A. 191/2015
(Smt. Surekha C. Hazari & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Smt. Rebekah Daniel, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicants, S.O. to 22.11.2019 for taking instructions from the applicants on the line of order dtd. 23.8.2019.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

ORIGINAL APPLICATION NO. 682/2018
(Shri Rahul S. Shirsath V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the
applicant and Shri I.S. Thorat, learned Presenting
Officer for the respondents.

2. With the consent of both the sides, S.O. to
13.11.2019.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 863/2018
(Shri Ajay I. Jarwal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 25.11.2019 for taking instructions from the concerned respondents on the line of order dtd. 8.7.2019.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

ORIGINAL APPLICATION NO. 959/2018
(Smt. Madhvi P. Sigedar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 to 3. Shri N.S. Ingle, learned Advocate for respondent no. 4 **(absent)**.

2. With the consent of both the sides, S.O. to 14.11.2019.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 340/2019
(Dr. Kishor S. Ubale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. At the request and by consent of both the parties, S.O. to 13.11.2019.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 171/2019
(Dr. Vaishali R. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 to 3. None appears for respondent no. 4.

2. At the request of learned Presenting Officer, S.O. to 11.11.2019 for filing affidavit in reply of res. nos. 1 to 3.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 360/2019
(Dr. Atul A. Deshmukh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 19.11.2019 for filing affidavit in reply of the respondents.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NOS. 423, 424 AND 425 ALL OF 2019
(Dr. Hanumant D. Parkhe & Ors.V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicants in all the three cases and Shri S.K. Shirse, learned Presenting Officer for the respondents in all the three cases.

2. Learned Presenting Officer has already filed reply of res. no. 2 in O.A. nos. 424 & 425 of 2019. However, he seeks time to file reply of res. nos. 1 & 2 in O.A. no. 423/2019 and reply of res. no. 1 in O.A. nos. 424 & 425/2019. Learned Advocate for the applicants also seeks time to file rejoinder of the applicants in O.A. nos. 424 & 425/2019.

3. In the circumstances, S.O. to 21.11.2019.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 464/2019
(Shri Dayanand F. Gange V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply of res. nos. 1 to 3. It is taken on record and copy thereof has been supplied to other side.

3. In the circumstances, S.O. to 25.11.2019 for filing rejoinder, if any.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 616/2019
(Shri Waman N. Bondar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate for
the applicant and Shri I.S. Thorat, learned Presenting
Officer for the respondents.

2. At the request of learned Presenting Officer, S.O.
to 26.11.2019 for filing reply of res. no. 3.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 639/2019
(Shri Ajit V. Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Smt. Rebekah Daniel, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 & 2 and Shri A.S. Mirajgaonkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for respondent no. 3.

2. Learned Presenting Officer for res. nos. 1 & 2 & learned Advocate for res. no. 3 seek time to file reply on behalf of respective respondents. Time granted.

3. S.O. to 22.11.2019.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

ORIGINAL APPLICATION NO. 648/2019
(Shri Kishor G. Deshpande V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

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

2. Learned Chief Presenting Officer seeks time to file affidavit in reply of the respondents. Time granted.

3. S.O. to 20.11.2019.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 649/2019
(Shri Mahendra D. Koli V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri J.B. Choudhary, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply of res. nos. 1 to 4. It is taken on record and copy thereof has been supplied to the learned Advocate for the applicant.

3. S.O. to 20.11.2019.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 650/2019
(Shri Pravin V. Sonawane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file
affidavit in reply of the respondents. Time granted.

3. S.O. to 20.11.2019.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 794/2019
(Shri Shridhari R. Davargave & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate holding for Shri V.D. Gunale, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply of res. nos. 1 to 5. It is taken on record and copy thereof has been supplied to other side.

3. In the circumstances, S.O. to 26.11.2019 for filing rejoinder, if any.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

**M.A. 224/2019 IN O.A. 236/2019
(Shri Sanjay B. Udar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 19.11.2019 for filing reply of the respondents in the present M.A.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

M.A. 327/2019 IN O.A. ST. 1212/2019
(Dr. Suryakant G. Nagshettiwar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Desshmukh, 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 of the respondents in M.A. Time granted.

3. S.O. to 26.11.2019.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

**M.A. 380/2019 IN O.A. 290/2019
(Shri Rajesh L. Tangade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent no. 1 and Shri A.D. Aghav, learned Advocate for respondent no. 2.

2. At the request of learned Advocate for res. no. 2, S.O. to 26.11.2019 for filing reply in the present M.A.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 516/2017
(Shri Sunil B. Panchal V/s. State of Mahara shtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

None appears for the applicant. Shri D.R. Patil,
learned Presenting Officer for the respondents, is
present.

2. Since none appears for the applicant and since
the Division Bench is not available, S.O. to
13.11.2019 for final hearing.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

**ORIGINAL APPLICATION NO. 664/2017
(Shri Shaikh Kalim Shaikh Mannu V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Since the Division Bench is not available, S.O. to 13.11.2019 for final hearing.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

ORIGINAL APPLICATION NO. 185/2018
(Shri Vasant S. Bagde V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Smt. Supriya Bharaswadkar, learned Advocate holding for Shri M.B. Bharaswadkar, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. Since the Division Bench is not available, S.O. to 9.12.2019 for final hearing.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

ORIGINAL APPLICATION NO. 627/2018
(Shri Amol B. Chaudhari V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent no. 1. None appears for respondent no. 2.

2. Since the learned Advocate for the res. no. 2 is not present and since the Division Bench is not available, S.O. to 25.11.2019 for final hearing.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

ORIGINAL APPLICATION NO. 339/2019
(Dr. Kishor S. Ubale V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Since the Division Bench is not available, S.O. to 13.11.2019 for final hearing.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

ORIGINAL APPLICATION NO. 615/2019
(Shri Shafi Kassimsab Shaikh V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard Shri K.D. Mote, learned Advocate holding
for Shri A.P. Avhad, learned Advocate for the
applicant and Shri B.S. Deokar, learned Presenting
Officer for the respondents.

2. Learned Presenting Officer seeks time to file
short affidavit of the concerned respondent as per the
order dtd. 25.7.2019, in regard to reservation in the
departmental limited examination. Time granted.

3. S.O. to 18.11.2019.

ACTING CHAIRMAN

ARJ ORAL ORDERS 14.10.2019

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

ORIGINAL APPLICATION NO.230 OF 2018

(Sushilkumar D. Kulkarni & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard by consent of both the parties. Heard Shri Avinash S. Deshmukh, learned Advocate for the Applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. The Applicants are claiming following relief:-

- (A) *This Original Application may kindly be allowed thereby declaring that the action of Resps. No.1 & 2 of holding the applicants to be ineligible to appear for the MF & AS Class III Examination is bad & unsustainable in law.*
- (B) *This Original Application may kindly be allowed thereby quashing and setting aside the impugned Circular dtd.04/01/2018 (Annex. A-2) published by Resp.No.2 declaring applicants and persons like them who had crossed 40 years of age to be ineligible to appear for the MF & AS Class III Examination.*
- (C) *This Original Application may kindly be allowed thereby further directing the Respondents to permit all the applicants to appear in the MF & AS Class III Examination for the remainder of their respective number of chances as prescribed in Rule 4 of the Examination Rules of 1965.*

(D) *This Original Application may kindly be allowed thereby further directing the Respondents to extend to all the applicants the consequential relief of bringing of their names in the Select List of persons fit for promotion to the MF & AS Class III and further to promote them therein upon clearing the MF & AS Class III Examination by them.*

3. The similarly situated persons had filed **O.A.No.274 of 2018 in case of Shri Sunil S. Sawant & Ors. Vs. The State of Maharashtra & Ors.** before the principal seat of this Tribunal. The said Original Application has been disposed of on 15.1.2019. In the said decision it has been observed as follows:-

“9. Upon production of the letter quoted in foregoing para, learned C.P.O. argued as follows:-

(a) In view of subsequent developments, the first question/query posted by this Tribunal becomes academic because due to enactment of Maharashtra Accounts and Finance Service, Assistant Accounts Officer, Group-B (Gazetted) (Recruitment) Rules, 2018, the holding and passing of examination have become redundant.

(b) Due to this new set of rules, now promotion to these posts are governed by Rules 3 & 4. The said Rules 3 & 4 reads as under:-

“3. Appointment to the post of Assistant Accounts Officer, Group –B (Gazetted) in the Accounts and Fiancne Service, shall be made either:-

(a) by promotion of suitable person on the basis of seniority subject to eligibility from amongst the persons holding the following posts in the Maharashtra Finance and Accounts Service for a period of three years of regular service on that post, namely:-

(i) Assistant Superintendent in the office of Directorate of Accounts and Treasuries or the offices

under the Regional Joint Director, Accounts and Treasuries in the State;

- (ii) Senior Auditor in the office of the Directorate of Local Fund or the offices under the Regional Joint Directors, Local Fund in the State;*
- (iii) Selection Grade Clerk in the Pay and Accounts Office, Mumbai; or*
- (iv) Deputy Accountant in the offices under the Regional Joint Directors, Accounts and Treasuries and the office of the District Treasuries in the State;*

(b) By nomination from amongst the candidates, who:-

- (i) are not more than 38 years of age, for the candidates belonging to General Category and not more than 43 years, for the candidates belonging to the Backward Class Category; and*
- (ii) possess any of the following qualifications, namely:-*
 - (a) a degree with at least fifty-five per cent marks in Commerce faculty; or*
 - (b) a degree with at least fifty-five per cent marks in arts with statistics or mathematics or economics as main subject; or*
 - (c) a degree with at least fifty-five per cent marks in science faculty with statistics or mathematics as main subject; or*
 - (d) have passed the final examination of Cost Accounting conducted by the*

*Institute of Cost And Works
Accountants of India; or*

*(e) a degree in the Business
Administration/Financial
Management with
Specialization in Finance; or*

*(f) have passed Professional
Competence Examination
conducted by the Institute of
Chartered Accountants of
India.*

*4. Appointments to the posts of Assistant Accounts
Officer, Group -B (Gazetted) by promotion and by
nomination shall be in the ratio of 50:50:*

*Provided that, if suitable candidates are not
available, the Appointing Authority may relax the ratio
for appointment by promotion and by nomination with
the prior approval of the Government:*

*Provided also that, the ratio mentioned in this rule
shall be made applicable after the appointment of all the
candidates who have passed the Maharashtra Finance
and Accounts Service Examination, Class-III (Part-I and
Part-II) conducted by the Commission.”*

*10. The fact that applicants may or could and have passed
the examination in past or in future if a chance is required
were to be given or given, is of no practical consequence
whatsoever. Eventuality of passing of the said examination in
future cannot stand to the credit of eligibility in favour of the
applicants.*

*11. The position that the Recruitment Rules are changed and
the Maharashtra Finance and Accounts Services, Class-III
Rules, 1965 have now become obsolete, is incapable of being
disputed.*

*12. In view of the foregoing factual and legal position and
observations of this Tribunal, based on the statement of
learned C.P.O. about position of law, it is not disputed and is
not disputable, the very purpose of present Original
Application being outlived.*

*13. Hence present Original Application has become
infructuous and is disposed of as infructuous.*

14. Parties are directed to bear their own costs.”

4. The case of the present Applicants is squarely covered by the said decision. As the recruitment rules have been changed and the Maharashtra Finance and Accounts Services, Class -III Rules, 1965 have now become obsolete, the purpose of filing the Present Original Application is frustrated. Therefore, the same deserves to be disposed of as infructuous.

5. In view of the above, the Original Application is disposed of as infructuous as purpose of filing the Original Application is frustrated. No order as to costs.

ACTING CHAIRMAN

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

ORIGINAL APPLICATION NO.251 OF 2018

(Sanjay G. Sarpate V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard by consent of both the parties. Heard Shri Abhay G. Deshmukh, learned Advocate holding for Shri Pavan P. Uttarwar, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. The Applicant is claiming following relief:-

- (A) *This Original Application be allowed thereby declaring that the action of respondent no.2 and 3 of holding the applicants to be ineligible to appear for the MF & AS Class III examination 2018 is bad & unsustainable in law.*
- (B) *This Original Application be allowed thereby quashing and setting aside the impugned Circular dated 22.03.2018 (Annex. A 3) published by the respondent no.3 declaring applicants and persons like them ineligible to appear for the MF & AS Class III examination 2018;*
- (C) *This Original Application may kindly allowed thereby further directing the respondents to permit applicant to appear in the MF & AS Class III examination 2018.*

(D) *The Original Application may kindly be allowed thereby further directing the respondent to extend applicant all consequential relief of bringing of their names in select list of persons fit for promotion to the MF & AS Class III and further to promote them therein upon clearing the MF & AS Class III Examination 2018.*

3. The similarly situated persons had filed **O.A.No.274 of 2018 in case of Shri Sunil S. Sawant & Ors. Vs. The State of Maharashtra & Ors.** before the principal seat of this Tribunal. The said Original Application has been disposed of on 15.1.2019. In the said decision it has been observed as follows:-

“9. Upon production of the letter quoted in foregoing para, learned C.P.O. argued as follows:-

(a) In view of subsequent developments, the first question/query posted by this Tribunal becomes academic because due to enactment of Maharashtra Accounts and Finance Service, Assistant Accounts Officer, Group-B (Gazetted) (Recruitment) Rules, 2018, the holding and passing of examination have become redundant.

(b) Due to this new set of rules, now promotion to these posts are governed by Rules 3 & 4. The said Rules 3 & 4 reads as under:-

“3. Appointment to the post of Assistant Accounts Officer, Group –B (Gazetted) in the Accounts and Fiancne Service, shall be made either:-

(a) by promotion of suitable person on the basis of seniority subject to eligibility from amongst the persons holding the following posts in the Maharashtra Finance and Accounts Service for a period of three years of regular service on that post, namely:-

(i) Assistant Superintendent in the office of Directorate of Accounts and Treasuries or the offices

under the Regional Joint Director, Accounts and Treasuries in the State;

- (ii) Senior Auditor in the office of the Directorate of Local Fund or the offices under the Regional Joint Directors, Local Fund in the State;*
- (iii) Selection Grade Clerk in the Pay and Accounts Office, Mumbai; or*
- (iv) Deputy Accountant in the offices under the Regional Joint Directors, Accounts and Treasuries and the office of the District Treasuries in the State;*

(b) By nomination from amongst the candidates, who:-

- (i) are not more than 38 years of age, for the candidates belonging to General Category and not more than 43 years, for the candidates belonging to the Backward Class Category; and*
- (ii) possess any of the following qualifications, namely:-*
 - (a) a degree with at least fifty-five per cent marks in Commerce faculty; or*
 - (b) a degree with at least fifty-five per cent marks in arts with statistics or mathematics or economics as main subject; or*
 - (c) a degree with at least fifty-five per cent marks in science faculty with statistics or mathematics as main subject; or*
 - (d) have passed the final examination of Cost Accounting conducted by the*

- Institute of Cost And Works Accountants of India; or*
(e) *a degree in the Business Administration/Financial Management with Specialization in Finance; or*
(f) *have passed Professional Competence Examination conducted by the Institute of Chartered Accountants of India.*

4. *Appointments to the posts of Assistant Accounts Officer, Group -B (Gazetted) by promotion and by nomination shall be in the ratio of 50:50:*

Provided that, if suitable candidates are not available, the Appointing Authority may relax the ratio for appointment by promotion and by nomination with the prior approval of the Government:

Provided also that, the ratio mentioned in this rule shall be made applicable after the appointment of all the candidates who have passed the Maharashtra Finance and Accounts Service Examination, Class-III (Part-I and Part-II) conducted by the Commission.”

10. *The fact that applicants may or could and have passed the examination in past or in future if a chance is required were to be given or given, is of no practical consequence whatsoever. Eventuality of passing of the said examination in future cannot stand to the credit of eligibility in favour of the applicants.*

11. *The position that the Recruitment Rules are changed and the Maharashtra Finance and Accounts Services, Class-III Rules, 1965 have now become obsolete, is incapable of being disputed.*

12. *In view of the foregoing factual and legal position and observations of this Tribunal, based on the statement of learned C.P.O. about position of law, it is not disputed and is not disputable, the very purpose of present Original Application being outlived.*

13. *Hence present Original Application has become infructuous and is disposed of as infructuous.*

14. *Parties are directed to bear their own costs.”*

4. The case of the present Applicant is squarely covered by the said decision. As the recruitment rules have been changed and the Maharashtra Finance and Accounts Services, Class -III Rules, 1965 have now become obsolete, the purpose of filing the Present Original Application is frustrated. Therefore, the same deserves to be disposed of as infructuous.

5. In view of the above, the Original Application is disposed of as infructuous as purpose of filing the Original Application is frustrated. No order as to costs.

ACTING CHAIRMAN

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

ORIGINAL APPLICATION NO.248 OF 2018

(Shripad C. Vaidya & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, ACTING CHAIRMAN

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

DATE : 14.10.2019

ORAL ORDER :

Heard by consent of both the parties. Heard Shri Abhay G. Deshmukh, learned Advocate for the Applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. The Applicants are claiming following relief:-

- (A) *This Original Application may kindly be allowed thereby declaring that, the action of Respondents No.1 & 2 of holding the applicants to be ineligible to appear for the MF & AS Class III Examination is bad and unsustainable in law.*
- (B) *This Original Application may kindly be allowed thereby quashing and setting aside the impugned Circular dated 04/01/2018 (Annex. A-2) published by Respondent No.2 declaring applicants and persons like them who had crossed 40 years of age to be ineligible to appear for the MF & AS Class III Examination.*
- (C) *This Original Application may kindly be allowed thereby further directing the Respondents to permit all the applicants to appear in the MF & AS Class III Examination for the remainder of their respective number of chances as prescribed in Rule 4 of the Examination Rules of 1965.*

- (D) This Original Application may kindly be allowed thereby further directing the Respondents to extend to all the applicants the consequential relief of bringing of their names in the Select List of persons fit for promotion to the MF & AS Class III and further to promote them therein upon clearing the MF & AS Class III Examination by them.

3. The similarly situated persons had filed **O.A.No.274 of 2018 in case of Shri Sunil S. Sawant & Ors. Vs. The State of Maharashtra & Ors.** before the principal seat of this Tribunal. The said Original Application has been disposed of on 15.1.2019. In the said decision it has been observed as follows:-

“9. Upon production of the letter quoted in foregoing para, learned C.P.O. argued as follows:-

(a) In view of subsequent developments, the first question/query posted by this Tribunal becomes academic because due to enactment of Maharashtra Accounts and Finance Service, Assistant Accounts Officer, Group-B (Gazetted) (Recruitment) Rules, 2018, the holding and passing of examination have become redundant.

(b) Due to this new set of rules, now promotion to these posts are governed by Rules 3 & 4. The said Rules 3 & 4 reads as under:-

“3. Appointment to the post of Assistant Accounts Officer, Group -B (Gazetted) in the Accounts and Fiancne Service, shall be made either:-

(a) by promotion of suitable person on the basis of seniority subject to eligibility from amongst the persons holding the following posts in the Maharashtra Finance and Accounts Service for a period of three years of regular service on that post, namely:-

(i) Assistant Superintendent in the office of Directorate of Accounts and Treasuries or the offices

under the Regional Joint Director, Accounts and Treasuries in the State;

- (ii) Senior Auditor in the office of the Directorate of Local Fund or the offices under the Regional Joint Directors, Local Fund in the State;*
 - (iii) Selection Grade Clerk in the Pay and Accounts Office, Mumbai; or*
 - (iv) Deputy Accountant in the offices under the Regional Joint Directors, Accounts and Treasuries and the office of the District Treasuries in the State;*
- (b) By nomination from amongst the candidates, who:-*
- (i) are not more than 38 years of age, for the candidates belonging to General Category and not more than 43 years, for the candidates belonging to the Backward Class Category; and*
 - (ii) possess any of the following qualifications, namely:-*
 - (a) a degree with at least fifty-five per cent marks in Commerce faculty; or*
 - (b) a degree with at least fifty-five per cent marks in arts with statistics or mathematics or economics as main subject; or*
 - (c) a degree with at least fifty-five per cent marks in science faculty with statistics or mathematics as main subject; or*
 - (d) have passed the final examination of Cost Accounting conducted by the*

Institute of Cost And Works Accountants of India; or

(e) a degree in the Business Administration/Financial Management with Specialization in Finance; or

(f) have passed Professional Competence Examination conducted by the Institute of Chartered Accountants of India.

4. Appointments to the posts of Assistant Accounts Officer, Group -B (Gazetted) by promotion and by nomination shall be in the ratio of 50:50:

Provided that, if suitable candidates are not available, the Appointing Authority may relax the ratio for appointment by promotion and by nomination with the prior approval of the Government:

Provided also that, the ratio mentioned in this rule shall be made applicable after the appointment of all the candidates who have passed the Maharashtra Finance and Accounts Service Examination, Class-III (Part-I and Part-II) conducted by the Commission.”

10. The fact that applicants may or could and have passed the examination in past or in future if a chance is required were to be given or given, is of no practical consequence whatsoever. Eventuality of passing of the said examination in future cannot stand to the credit of eligibility in favour of the applicants.

11. The position that the Recruitment Rules are changed and the Maharashtra Finance and Accounts Services, Class-III Rules, 1965 have now become obsolete, is incapable of being disputed.

12. In view of the foregoing factual and legal position and observations of this Tribunal, based on the statement of learned C.P.O. about position of law, it is not disputed and is not disputable, the very purpose of present Original Application being outlived.

13. Hence present Original Application has become infructuous and is disposed of as infructuous.

14. Parties are directed to bear their own costs.”

4. The case of the present Applicants is squarely covered by the said decision. As the recruitment rules have been changed and the Maharashtra Finance and Accounts Services, Class -III Rules, 1965 have now become obsolete, the purpose of filing the Present Original Application is frustrated. Therefore, the same deserves to be disposed of as infructuous.

5. In view of the above, the Original Application is disposed of as infructuous as purpose of filing the Original Application is frustrated. No order as to costs.

ACTING CHAIRMAN