

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

C.P.St.NO.1302/2018 IN O.A.NO.941/2010
(Shri Sarvottam Apsingekar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 18.09.2018

ORAL ORDER :

1. Heard Shri Ajay Deshpande learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. Learned Advocate for the applicant prays for over-ruling or waiver of three objections raised by the Registry, namely:-

(a) Acknowledgment of prior notice to contemnors is not placed on record.

(b) Respondent nos.2, 4 and 6 are not liable to be arrayed as respondents.

(c) The titles of contempt application do not match with parties in O.A.

3. Learned Advocate for the applicant prays for leave to amend the M.A. incorporating suitable statements that the respondents are served and also that the acknowledgment is in

his possession and he is placing postal tracking report on record.

4. By virtue of prayer of Advocate referred to in foregoing para, the objection referred to in para 2(a) need not be overruled or waived.

5. Scrutiny sheet does not reveal that objection described in para 2(b) is raised by the Registry and therefore it is not necessary either to waive or to overrule that purported objection. It is further clarified that the contempt application can continue the official designation as parties as shown in the original application as respondent nos.2, 4 & 6 and with the incumbents holding the post, as contemnor.

6. In so far as objection referred to in foregoing para 2(c) is concerned, the respondent no.1 in O.A. is not arrayed as a party. State of Maharashtra through appropriate officer (and not the C.P.O.) is necessary party in contempt case as State was the party in O.A.

Office ought to have raised objection at the time of scrutiny of O.A. which has not been done.

7. Respondent no.5 has replied contempt notice and reported steps, however, in view of the fact that respondent nos.1 and 3 did not pay any heed to Advocate's notice, and the fact that by amendment in petition, it is demonstrated that order passed in O.A. is not complied with by the respondents.

8. Therefore, present is a fit case for issue of notice of show cause to the contemnor nos.1, 3 and 5.

9. In view of foregoing observations and prayer or leave to amend etc. following order is passed:-

(A) Leave to amend as prayed is granted.
Amendment be carried out forthwith.

(B) Registry as well as Advocate and litigants shall take due care about arraying State Government through appropriate officer as party in O.A. so also in C.P.

(C) Issue notice of show cause to the respondents/contemnor nos.1, 3 & 5 as to why action of contempt should not be initiated against them.

(D) Respondent nos.1 and 3 are personally called upon to show cause as to why they should not be saddled with costs of Rs.10,000/- each on account of their failure to respond to lawyer's notice dated 18-06-2018 which is reportedly served as per tracking record on the contemnor on 20-06-2018.

(E) Concerned officers are also directed to state in the affidavit in reply to show cause against show cause of costs, actual date on which the concerned respondents saw the notice and the reasons on account of which the notice has not been attended/ responded to.

(F) Reply to the show cause notice against contempt and reply to the show

cause notice against costs be filed on or before 10-10-2018.

(G) Learned P.O. is directed to communicate this order to the respondents/contemnors apart from usual mode of service of notice.

(H) Steno copy and hamdust is granted to both the parties.

(I) S.O. to 10-10-2018.

CHAIRMAN

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

C.P.NO.14/2017 IN O.A.NO.176/2017
(Shri Jalindhar Ubale V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 18.09.2018

ORAL ORDER :

1. Heard Shri S.G.Dhumak learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.
2. Learned P.O. states that respondents have deposited amounts of Rs.2,08,890/- and Rs.2,89,762/- totaling to Rs. 4,98,652/- (Rs. Four Lakh Ninety Eight Thousand Six Hundred and Fifty Two only) in this Tribunal.
3. Learned P.O. further submits that the State has decided to carry challenge to the order passed in the O.A.No.176/2017 by filing a Writ Petition.
4. As a litigant, it is the discretion and choice of the Government to challenge an order. However, in view of the findings recorded by the Tribunal in paragraph 16 of the judgment in O.A.No.176/2017, prima facie, there is no reason

to deny applicant's request for withdrawal of amount deposited by the respondents.

5. In view of the fact that the Government is claiming to carry challenge before Hon'ble High Court, as the pecuniary interest of the State Government is required to be safeguarded.

6. Hence, following order is passed:-

(A) Applicant is permitted to withdraw the entire amount deposited by the State before this Tribunal on the condition that the applicant submits an undertaking on affidavit before this Tribunal stating that in the event the decision and order passed by this Tribunal in O.A.No.176/2017 is reversed or modified and it is held that the applicant is not entitled for the amount now being disbursed to him, the applicant shall refund the entire amount within 4 months from the date of order of the Hon'ble High Court.

(B) In view of the foregoing and that the compliance of the Tribunal's order is already done, contempt is substantially purged.

(C) Hence, present Contempt Petition No.14/2017 is disposed of without any order as to costs.

CHAIRMAN

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

C.P.NO.24/2018 IN O.A.NO.494/2016
(Shri Laxmikant Ratnaparkhi V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 18.09.2018

ORAL ORDER :

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

2. In the midst of hearing, learned Advocate for the applicant prays for permission to withdraw the application for contempt with liberty to issue notice of contempt to the contemnors who may be responsible for failure to obey the order passed by the Tribunal.

3. Contempt Petition stands disposed of as withdrawn with liberty to the applicant to serve fresh notice on the contemnors if cause of action still exists. Present Contempt Petition is disposed of accordingly with no order as to costs.

CHAIRMAN

YUK ORAL ORDER 18-09-2018 F

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

**C.P.NO.56/2018 IN O.A.NO.535/2017
(Dr. Shrinivas Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 18.09.2018

ORAL ORDER :

Heard Shri R.P.Bhumkar learned Advocate holding for Shri Shamsundar B. Patil learned Advocate for the applicant and Shri B.S.Deokar learned Presenting Officer for respondents.

2. Learned P.O. states that he has received instructions from the respondents and prays for time to enable the respondents to take final decision in the matter.

3. Time prayed for is granted as a last chance till 19-10-2018.

4. S.O. to 19-10-2018.

CHAIRMAN

YUK ORAL ORDER 18-09-2018 F

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

**ORIGINAL APPLICATION NO.708/2018
(Dr. Balaji Mundhe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 18.09.2018

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 21-09-2018.

YUK ORAL ORDER 18-09-2018 F

CHAIRMAN

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

**M.A.NO.335/2018 in C.P.St.No.1177/2018 IN O.A.NO.629/2014
(Shri Sd. Muzafarruddin Khan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 18.09.2018

ORAL ORDER :

Shri Abed M. Pathan learned Advocate for
the applicant is **absent**. Shri N.U.Yadav learned
Presenting Officer for respondents is present.

2. None is present for the applicant.

3. S.O. to 19-10-2018.

YUK ORAL ORDER 18-09-2018 F

CHAIRMAN

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

**C.P.No.13/2018 IN O.A.NO.633/2014
(Dr. Ashok Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 18.09.2018

ORAL ORDER :

Shri J.S.Deshmukh learned Advocate for the applicant is **absent**. Shri Santosh Pulkuntwar learned Advocate for respondent nos.4 & 5 is **absent**.

Shri S.K.Shirse learned Presenting Officer for respondents is present.

2. At the request of learned Presenting Officers, S.O. to 19-09-2018.

CHAIRMAN

YUK ORAL ORDER 18-09-2018 F

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

**C.P.NO.14/2018 IN O.A.NO.893/2011
(Shri Ramrao Misal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 18.09.2018

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 Officer for respondents.

2. At the request of learned Presenting Officer, S.O. to 19-09-2018.

YUK ORAL ORDER 18-09-2018 F

CHAIRMAN

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

**C.P.NO.15/2018 IN O.A.NO.892/2011
(Shri Baburao Sanap V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 18.09.2018

ORAL ORDER :

Heard Smt. Vidya Taksal learned Advocate holding for Shri A.S.Deshmukh learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer, S.O. to 19-09-2018.

YUK ORAL ORDER 18-09-2018 F

CHAIRMAN

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

**ORIGINAL APPLICATION NO. 672 OF 2018
(Shri Ramhari G. Sontakke V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

Shri K.G. Salunke, learned Advocate for the applicant (**Absent**). Shri M.P. Gude, learned Presenting Officer for respondents, present.

2. No application for amendment appears to have been filed by the applicant.

3. S.O. to 08.10.2018 for making submissions on the above line.

VICE CHAIRMAN

KPB ORAL ORDER 18-09-2018

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

**ORIGINAL APPLICATION NO. 262 OF 2016
(Shri Dagdu W. Bansode V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

Learned Advocate Shri G.R. Gotiwale, files VAKALATNAMA in place of Shri A.D. Gadekar, on behalf of the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant seeks time for making submissions. At his request, S.O. to 23.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 18-09-2018

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

**ORIGINAL APPLICATION ST. NO. 1004 OF 2015
(Smt. Jaibunbee R. Shaikh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

Heard Shri H.U. Dhage, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 11.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 18-09-2018

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

**ORIGINAL APPLICATION NO. 627 OF 2012
(Shri Duryodhan M. Mate V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed rejoinder affidavit to the affidavit in reply filed by the respondent Nos. 1 and 2. Same is taken on record and the copy thereof has been served on the learned Presenting Officer.

3. S.O. to 24.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 18-09-2018

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

**ORIGINAL APPLICATION NO. 163 OF 2018
(Shri Pramod R. Kachare V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondent Nos. 1 and 2. Shri S.D. Dhongde, learned Advocate for respondent Nos. 3 & 4, absent.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1 and 2. Time granted.

4. At her request, S.O. to 22.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 18-09-2018

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

**ORIGINAL APPLICATION NO. 372 OF 2017
(Shri Gangadharrao M. Shinde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate
for the applicant and Shri N.U. Yadav, learned
Presenting Officer for respondents.

2. At the request of learned Advocate for the
applicant, S.O. to 24.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 18-09-2018

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

**ORIGINAL APPLICATION NO. 510 OF 2018
(Smt. Jija R. Tarte V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 to 6. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 23.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 18-09-2018

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

**ORIGINAL APPLICATION NO. 237 OF 2017
(Shri Mukund S. Kachare V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 25.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 18-09-2018

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

**ORIGINAL APPLICATION NO. 238 OF 2017
(Shri Pramod D. Sangave V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 25.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 18-09-2018

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

**O.A. 131/2016 with M.A. 249/2018, O.A. 157/2016 & O.A. 218/2016
(Shri Narayan M. Jadhav & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

Heard Shri A.S. Shelke, learned Advocate
for the applicants in all these O.As. and Shri S.K.
Shirse, learned Presenting Officer for
respondents in all these O.As.

2. At the request of learned Advocate for the
applicants, S.O. to 29.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 18-09-2018

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

**ORIGINAL APPLICATION NO. 122 OF 2018
(Shri Ramdas T. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate
for the applicant and Shri N.U. Yadav, learned
Presenting Officer for respondents.

2. At the request of learned Advocate for the
applicant, S.O. to 29.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 18-09-2018

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

**ORIGINAL APPLICATION NO. 380 OF 2018
(Shri Dattatray M. Diwte V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3. Same is taken on record and the copy thereof has been served on learned Advocate for the applicant.

3. S.O. to 27.09.2018 for final hearing.

VICE CHAIRMAN

KPB ORAL ORDER 18-09-2018

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicant (**Absent**). Shri B.S. Deokar, learned Presenting Officer for respondents, present.

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

3. At his request, S.O. to 22.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 18-09-2018

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

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

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

3. At his request, S.O. to 23.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 18-09-2018

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

**ORIGINAL APPLICATION NO. 559 OF 2018
(Shri Venkat N. Mittewad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent Nos. 1 to 3 and Shri Ajay Deshpande, learned Advocate for respondent No. 4.

2. At the request and by consent of both the sides, S.O. to 21.09.2018. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

KPB ORAL ORDER 18-09-2018

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

**ORIGINAL APPLICATION NO. 17 OF 2018
(Shri Raghunath V. Jagtap V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for respondent Nos. 1 to 3 and Ms. Preeti R. Wankhade, learned Advocate for respondent No. 4.

2. At the request of learned Advocate for the applicant, S.O. to 10.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 18-09-2018

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

**ORIGINAL APPLICATION NO. 489 OF 2018
(Shri Shyamsundar S. Mhetre V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

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

2. Upon hearing both the sides, the present Original Application is disposed of with a direction to the concerned respondent to take decision afresh on the application of the present applicant dated 02.01.2018 (Annexure A-7, page No. 31) treating the application as an application for grant of Earned Leave within a period of four months from the date of this order. The application of the applicant shall not be disposed of only for the reasons that the concerned respondents have already taken the decision for treating the absence period as extra ordinary leave.

3. With this, the present O.A. is disposed of without any order as to costs.

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

VICE CHAIRMAN

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for respondent Nos. 1 & 2 and Shri Ajay D.B. Thoke, learned Advocate for respondent No. 3.

2. The applicant is challenging his transfer as a Talathi from Mehunbare, Tq. Chalisgaon, Dist. Jalgoan to Chalisgaon City. The record would show that the present applicant has made representation on 03.06.2017 (Annexure A-2, page No. 11) for his transfer from Chalisgaon, as he has undergone surgery. In the circumstances, in the general transfer order dated 15.05.2018 (Annexure A-3, page No. 13) after counseling, he along with other employees was transferred to Pohare, Tq. Chalisgaon from Chalisgaon City. However, vide order dated 31.05.2017 (Annexure A-4, Page No. 15) he came to be transferred from

Pohare, Tq. Chalisgaon to Mehunbare, Tq. Chalisgaon and on the same day i.e. on 31.05.2018, the said order was modified and he was transferred to Chalisgaon City. The only justification to the said order from the respondent Nos. 1 and 2 is that since in the general transfer the present applicant was transferred mid-term, same is rectified.

3. It is to be noted that the said mid-term transfer was effected by the concerned respondents after counseling with the present applicant and after receipt of his request for transfer. In the circumstances, the same could not have been termed as mid-term transfer.

4. In the circumstances, the impugned order cannot be sustained. Hence, the following order.

ORDER

1. The transfer order dated 31.05.2018 (Annexure A-1, page No. 10) bearing outward No. 2018/155/301 transferring the applicant to City Chalisgaon is hereby quashed and set aside.

2. The respondents are directed to make equitable decision regarding the transfer/posting of respondent No. 3, as he is unnecessarily being suffered because of the impugned illegal order.

3. With this, the present O.A. is disposed of without any order as to costs.

VICE CHAIRMAN

KPB ORAL ORDER 18-09-2018

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

O.A.NO. 931/2016 WITH O.A.NO. 930/2016

[Shri Chudaman D. Pawar & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri Shrikant Patil, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.
2. At the request of learned Presenting Officer, S.O. to 25th October, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

M.A.NO. 167/2018 IN O.A.NO. 64/2018

[Shri Bhagwan S. Chavan Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

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

2. Learned Advocate Shri R.M. Kolekar holding for Shri M.D. Godhamgaonkar, learned Advocate for the applicant, on instructions submits that the applicant does not wish to proceed with the present M.A.

3. Accordingly, the present M.A. is disposed of without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri Vijay B. Jogdand Patil, learned Advocate for the applicants in all these cases and Shri S.K. Shirse, learned Presenting Officer for the respondents in all these cases. None appears for respondent No. 5 in O.A. Nos. 865, 866 & 867 all of 2016.

2. At the request of learned Presenting Officer, S.O. to 22nd October, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

ORIGINAL APPLICATION NO. 37 OF 2017

[Shri Balasaheb N. Raut & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri S.S. Dambe, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents.
2. At the request of learned Presenting Officer, S.O. to 15th October, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

ORIGINAL APPLICATION NO. 517 OF 2017

[Shri Anup S. Kulkarni Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Shri S.B. Bhosale, learned Advocate for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondents, present.

2. Learned Presenting Officer seeks time to file affidavit in reply to the amended O.A. At his request, S.O. to 24th October, 2018. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

ORIGINAL APPLICATION NO. 678 OF 2017

[Shri Makarand S. Bhalerao Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri Vijay B. Jogdand Patil, learned Advocate holding for Shri R.N. Chavan, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 23rd October, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

ORIGINAL APPLICATION NO. 68 OF 2018

[Shri Kishan D. Kadam Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Shri P.B. Rakhunde, learned Advocate for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 3, present. None appears for respondent No. 4.
2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 1 to 3. In the circumstances, there is no need to wait for service report of res. No. 2.
3. S.O. to 23rd October, 2018 for filing affidavit in reply on behalf of respondent Nos. 1 to 3.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

ORIGINAL APPLICATION NO. 76 OF 2018

[Shri Purushottam S. Andhale & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri A.S. Deshmukh, 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 on behalf of respondent No. 2 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.
3. Learned Advocate for the applicant submits that according to his instructions, DPC would be held sooner as the necessary information is collected. In the circumstances holding of DPC be continued and result thereof be filed on record and it shall not be implemented unless specific order is secured from this Tribunal.
4. S.O. to 15th October, 2018.
5. Steno copy and hamdust is allowed to both the parties.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 96 OF 2018

[Shri Arun K. Tike Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Shri K.G. Salunke, learned Advocate for the applicant (**absent**). Shri N.U. Yadav, learned Presenting Officer for the respondents, present.
2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record.
3. Since nobody appeared for the applicant, S.O. to 24th October, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

O.A.NOS. 191, 192 & 196 ALL OF 2018

[Shri Vilas N. Salunke & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Smt. S.V. Salunke, learned Advocate holding for Shri Sudhir K. Chavan, learned Advocate for the applicants in all these cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases.
2. Learned Chief Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 1 & 2. Time granted.
3. S.O. to 17th October, 2018 for filing affidavit in reply for respondent Nos. 1 & 2.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

ORIGINAL APPLICATION NO. 242 OF 2018

[Smt. Sayeeda Begum Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Smt. U.T. Pathan, learned Advocate for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents, present.
2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 to 4 and the same is taken on record.
3. It appears from the proceedings that respondent No. 1 is already deleted. In the circumstances, S.O. to 16th October, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

ORIGINAL APPLICATION NO. 189 OF 2018

[Shri Dhiraj A. Salve & Anr. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri A.G. Jadhav, learned Advocate holding for Shri Rahul O. Awasarmol, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 3.

2. None appears for respondent Nos. 4 to 8 and no affidavit in reply has been filed on their behalf.

3. It appears from the proceedings that affidavit in reply on behalf of respondent Nos. 1 to 3 has already been fled on record.

4. In the circumstances, S.O. to 22nd October, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

ORIGINAL APPLICATION NO. 313 OF 2018

[Smt. Anusaya B. Kute Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri B.S. Choure, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 & 2, Shri M.B. Kolpe, learned Advocate for respondent No. 3 and Shri A.S. Shelke, learned Advocate for respondent No. 4. None appears for respondent No. 5.

2. Learned Presenting Officer, as well as, learned Advocates for respondent Nos. 3 & 4 seeks time to file affidavit in reply.

3. It is to be noted that more than reasonable opportunities are already granted. Vide order dated 16.8.2018 it was made clear that if reply of the respondents is not filed today, heavy costs would be imposed on them, still time is sought on behalf of the respondents for filing affidavit in reply.

4. In the circumstances, S.O. to 27th September, 2018 for filing affidavit in reply with a forewarning that in case affidavit in reply is not

O.A. NO. 313 OF 2018

filed on the next date, each respondents would be liable to deposit costs of Rs. 10,000/- each. Interim relief granted earlier to continue till then.

5. Steno copy and hamdust is allowed to all the parties.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 330 OF 2018

[Shri Pawangir L. Giri Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Shri Omprakash Y. Kashid, learned Advocate for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondents, present.

2. It appears from the proceedings that on the last date i.e. on 21.8.2018 learned Advocate Shri Prashant Deshmukh appeared and submitted that he has received oral instructions from Shri Omprakash Y. Kashid, learned Advocate for the applicant on record, to appear in the present matter and sought time to file his **VAKALATNAMA**.

3. However, today nobody appeared for the applicant. In the circumstances, S.O. to 16th October, 2018 either for appearance on behalf of the applicant or for passing necessary orders in default.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 387 OF 2018

[Shri Pramod V. Gite Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 3.

2. Learned Advocate Shri Nikhil P. Dube appeared today and submitted that he has received instructions from respondent No. 4 to appear on his behalf and he seeks time to file **VAKALATNAMA**, as well as, affidavit in reply on his behalf.

3. Learned Presenting Officer also seeks time to file affidavit in reply on behalf of respondent Nos. 1 to 3. Time granted.

4. S.O. to 23rd October, 2018 for filing affidavit in reply on behalf of respondent Nos. 1 to 4.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 488 OF 2018

[Shri Dattu B. Kolpe Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri Ashish Rajkar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 24th October, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

ORIGINAL APPLICATION NO. 439 OF 2018

[Shri Bhimrao N. Gaikwad Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri Girish N. Kulkarni, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.
2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of all the respondents. In the circumstances, there is no need to wait for service report of respondent Nos. 2 & 4.
3. S.O. to 25th October, 2018 for filing affidavit in reply on behalf of all the respondents.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

ORIGINAL APPLICATION NO. 592 OF 2018

[Shri Nilesh B. Pardeshi Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Shri A.S. Golegaonkar, learned Advocate for the applicant (**absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 & 2, present.
2. Await service for respondent Nos. 3 & 4.
3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 1 & 2. Time granted.
4. S.O. to 16th October, 2018 for filing affidavit in reply for respondent Nos. 1 & 2.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

M.A.NO. 35/2018 IN O.A.NO. 97/2018

[Shri Nilesh R. Tagad Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri P.G. Tambade, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent No. 1 and Shri M.B. Kolpe, learned Advocate for respondent No. 2.

2. At the request of learned Presenting Officer and learned Advocate for respondent No. 2, S.O. to 24th October, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

M.A.NO. 148/2018 IN O.A.NO. 709/2017

[Shri Ramesh M. Sonwane Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Shri P.B. Rakhunde, learned Advocate for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. Learned Presenting Officer submits that during the course of the day affidavit in reply on behalf of the respondents would be filed in M.A. No. 148/2018. The copy of the same be served on the learned Advocate for the applicant.
3. In the circumstances, S.O. to 25th October, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

ORIGINAL APPLICATION NO. 31 OF 2018

[Shri Dattatraya N. Trimukhe Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Shri R.D. Khadap, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Heard both sides.

3. Earlier submissions made by the learned Advocate for the applicant would show that the decision of the concerned respondents to initiate the enquiry was challenged on fact. When finding that the Court was not satisfied even opportunity to file written notes of arguments vide order dated 05.02.2018 was granted. On 23.03.2018, the learned Advocate for the applicant raised the issue of competency of the concerned respondents to launch a departmental enquiry.

4. Learned Presenting Officer has countered the same by showing that there was delegation of power. Again learned Advocate for the applicant turn to fact of the case and submits that since the daily wage labourer had grudge

O.A. NO. 31 OF 2018

against the applicant filed false complaint, a copy of which is at Annexure 'A-2', page-14 and, therefore, the departmental enquiry should be quashed. In other words, the applicant wants that the departmental enquiry should be quashed without making any enquiry to the complaint made by 12 employees that the present applicant has obtained substantial amount from them by promising that he would make an effort for regularizing their services.

5. In that view of the matter, there is no substance in the present Original Application and, therefore, the same is dismissed without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 572 OF 2018

[Shri Balu H. Rathod Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri Ashsh Rajkar, 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 on behalf of respondent No. 2 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant. Learned Presenting Officer submits that at present affidavit in reply on behalf of respondent No. 1 is not required.
3. Await service for respondent No. 3.
4. S.O. to 23rd October, 2018.

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

ORIGINAL APPLICATION NO. 583 OF 2018

[Shri Sahebrao A. Sormare Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri K.B. Jadhav, 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 24th October, 2018 for filing affidavit in reply.

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

O.A.NOS. 862 TO 882 ALL OF 2017

[Shri Tulshidas K. Patil & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Shri Milind K. Deshpande, learned Advocate for the applicants in all these cases (**absent**). S/Shri M.S. Mahajan, S.K. Shirse, M.P. Gude, B.S. Deokar, N.U. Yadav, Smt. M.S. Patni & Mrs. Deepali S. Deshpande, learned Presenting Officers for the respective respondents in respective cases.

2. At the request of learned Chief Presenting Officer & learned Presenting Officers for the respective respondents in respective cases, S.O. to 23rd October, 2018 for filing affidavit in reply.

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

M.A.NO. 50/2017 IN O.A.ST. 107/2017

[Shri Niwrutee K. Suradkar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri P.B. Salunke, learned Advocate holding for Shri V.G. Salgare, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. This an application preferred by the applicant seeking condonation of delay of about 1 year and 47 days caused in filing accompanying Original Application.

3. For the reasons stated in the present M.A., the same is allowed and the delay of about 1 year and 47 days caused in filing accompanying Original Application is hereby condoned. The O.A. be registered and numbered after due scrutiny.

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

ORIGINAL APPLICATION ST. NO. 107 OF 2017

[Shri Niwrutee K. Suradkar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri P.B. Salunke, learned Advocate holding for Shri V.G. Salgare, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Upon registration of the present Original Application, issue notices to the respondents, returnable on 1st November, 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 O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the

O.A. ST. NO. 107 OF 2017

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.

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

8. S.O. to 1st November, 2018.

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

VICE CHAIRMAN

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

M.A.NO. 115/2018 IN O.A.ST. 295/2018

[Smt. Pratidnya R Pulkantwar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri R.P. Bhumkar, learned Advocate holding for Shri D.B. Bhange, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply in the present M.A. It is to be noted that many chances are already granted to the respondents. However, in the interest of justice one more chance is granted.

3. S.O. to 29th October, 2018 for filing affidavit in reply in the present M.A.

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

M.A.NO. 340/2018 IN M.A. 109/2018 IN O.A.ST.408/2018
[Shri Punjaram N. Wathore Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. This an application No. 340/2018 preferred by the applicant for restoration of M.A. No. 109/2018.
3. For the reasons stated in the M.A. No. 340/2018, the same is allowed and the M.A. No. 109/2018 is restored to its original file. The M.A. No. 109/2018 be registered.
4. Accordingly, the M.A. No. 340/2018 is disposed of without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

M.A. 109/2018 IN O.A.ST.408/2018

[Shri Punjaram N. Wathore Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. Upon registration, issue notices to the respondents in M.A. No. 109/2018, returnable on 2nd November, 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 M.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

**M.A.NO. 109/2018 IN
O.A.ST.408/2018**

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.
7. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, M.A. shall stand dismissed without reference to Tribunal and papers be consigned to the record.
8. S.O. to 2nd November, 2018.
9. Steno copy and hamdust is allowed to both the sides.

VICE CHAIRMAN

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

M.A.NO. 345/2018 IN O.A. 680/2018

[Shri Ram A. Dongre Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

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

2. This an application No. 345/2018 preferred by the applicant for restoration of O.A. No. 680/2018 to its original file.

3. For the reasons stated in the M.A. No. 345/2018, the same is allowed and the O.A. No. 680/2018 is restored to its original file. The O.A. No. 680/2018 be registered.

4. Accordingly, the M.A. No. 345/2018 is disposed of without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

ORIGINAL APPLICATION NO. 680/2018

[Shri Ram A. Dongre Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Heard Shri C.V. Dharurkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Upon registration, issue notices to the respondents, returnable on 15th October, 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 O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

O.A. NO. 680/2018

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.

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

8. S.O. to 15th October, 2018.

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

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 260 OF 2017

[Shri Bhagwat D. Bedke Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2018.

ORAL ORDER :

1. Shri R.P. Bhumkar, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.
2. Heard both sides.
3. By the present Original Application, the applicant is seeking following reliefs: -

“B) Quash and set aside the letter 07/09/2016 issued by the respondent No. 3, bearing No. 1203/Est./Misc./DSKK-22 and direct the respondents to consider the claim of the applicant as per the Maharashtra Civil Services (Pension) Rules, 1982, as well as, as per the G.R. dated 13/12/1989.

C) Quash and set aside the letter dated 07/09/2016 issued by the respondent No. 3, bearing No. 1203/Est./Misc./DSKK-2 and hold / declare that the applicant is completed 10 years' service and he is eligible to get pension.”

4. The admitted facts are that the present applicant has served under the respondent No. 2, the Director of Sainik Welfare Department, M.S.,

O.A. NO. 260 OF 2017

Pune at various districts on contract basis, by having technical breaks as can be seen from Annexure "A-1 Colly.". According to him, he has rendered service of 9 years and 2 months. Under these circumstances, on 23.11.2015 and 25.5.2016 he applied to the respondent No. 3, the District Sainik Welfare Officer, Satara, for relaxing condition of completion of 10 years' service for pension and also condoning the technical breaks. The said respondent, vide the impugned decision dated 7th September, 2016, Annexure "A-5", page-41, dismissed the said representation and even did not forward the same to the State Government of Maharashtra on the ground that there was no substantial justification for relaxing the rules.

5. Learned Advocate for the applicant submits that in fact, the decision regarding relaxation of the rules is required to be taken by the State Government of Maharashtra, respondent No. 1 and not by the respondent No. 3, the District Welfare Officer, Satara. He submits that rule 4 and 54 of the Maharashtra Civil Services (Pension) Rules, 1982 would show that the State Government has to take decision regarding relaxation. He relied on the ratio laid down in the case of **SHANKARLAL NANDKISHORE DHAMAT VS. STATE OF MAHARASHTRA AND ANOTHER reported in (2003) 2 BCR 294** by the Hon'ble Division Bench of the Hon'ble Bombay

O.A. NO. 260 OF 2017

High Court Bench at Nagpur. In that case however, the applicant therein was regularized in service and thereafter there was short fall in completion of 10 years' service as per the M.C.S. (Pension) Rules, 1982 making him eligible for grant of pension. In that case relying on the relevant rules the State was directed to consider the case of the petitioner therein for grant of pension.

6. In the present case, however, service of the present applicant is yet to be regularized and in the circumstances it was more important for the respondent No. 3 to forward the proposal to the respondent Nos. 1 & 2 to decide the said proposal. In the circumstances, the following order: -

ORDER

The present Original Application is hereby allowed and disposed of without any order as to costs.

(ii) The impugned decision 7th September, 2016 is hereby quashed and set aside.

(iii) Respondent No. 3 is directed to forward the proposal to respondent Nos. 1 & 2 within a period of 6 weeks from the date of this order. Upon receipt of the said proposal the respondent Nos. 1 & 2 are

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O.A. NO. 260 OF 2017

directed to decide the said proposal within a period of 4 months from the date of receipt of the said proposal.

VICE CHAIRMAN

ORAL ORDERS 18.09.2018-HDD

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

**ORIGINAL APPLICATION NO. 549/2014
(Dattatraya s/o Vishwanathrao Shounak V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.9.2018

ORAL ORDER :

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

2. By filing the present original application the applicant is seeking following reliefs :-

“(A) This Original Application may kindly be allowed thereby quashing and setting aside the impugned order of dismissal from service of the applicant dtd. 3.3.2008 (Annex. D) issued by the Resp. No. 2.

(B) This Original Application may kindly be allowed thereby quashing and setting aside the impugned orders dtd. 31.3.2011 and 7.7.2011 (Annex. H & I) passed by Resp. No. 1 rejecting & dismissing applicant's Revision Application and Appeal respectively.

(C) This Original Application may kindly be allowed thereby directing the Respondents to extend to the applicant all the consequential benefits to which he would become entitled in view of grant of Prayer Clauses “A” and “B” in his favour by treating him to have continued in service till the date of his retirement on superannuation (i.e.30.11.2008) and consequential extending him all the monetary benefits.”

3. The admitted facts in the present O.A. are that the applicant was convicted by the competent Criminal Court for the offences punishable U/ss 7

and 13 (2) of the Prevention of Corruption Act. He preferred appeal against the said order before the Hon'ble Bombay High Court. Hon'ble High Court has suspended the sentence and the appeal is still pending. During the pendency of appeal, the present impugned order came to be passed by the res. no. 2 thereby terminating the services of the present applicant. In departmental appeal, the appellate authority has maintained the order.

4. Learned Advocate for the applicant has relied on the provision of rule 13 of the M.C.S. (Discipline & Appeal) Rules, 1979. The said rule 13 reads as under :-

“13. Special procedure in certain cases. – Notwithstanding anything contained in Rules 8 to Rule 12 of these rules –

(i) where any penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge, or

(ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, or

(iii) where the Governor is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these rules, the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit.”

5. Learned Advocate submits that, though the concerned respondent has decided to pass the impugned order under rule 13 (i) of the M.C.S.

(Discipline & Appeal) Rules, 1979, if the said rule is read with sub rule (iii) thereof, then it would be incumbent upon the disciplinary authority to take into consideration the situation as to whether it is expedient to hold any inquiry. He further submits that Hon'ble High Court has suspended the sentence and the appeal is still pending and, therefore, the respondents should not have maintained the same position.

6. Learned P.O. submits that admittedly there is no stay to the conviction and Hon'ble High Court has only suspended the sentence. Sub rule (i) of rule 13 applies in the contingency where any penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge, whereas sub rule (iii) applies in the contingency where the Governor is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these rules.

7. Upon hearing both the sides, in our view, there is no force in the present O.A. Admittedly, there is no stay to the conviction and, therefore, punishment imposed on the applicant under sub rule (i) of rule 13 is not vitiated. Sub Rule (iii) of rule 13 is an independent provision dealing with independent contingency, which deals with the situation where the Government comes to the conclusion that holding of enquiry is not possible. In the circumstances, in our view, there is no merit in the present O.A. and the

same is accordingly dismissed without any order as to costs.

MEMBER (A)
ARJ ORAL ORDERS 18-9-2018

VICE CHAIRMAN

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

**M.A. 310/2018 IN O.A. 299/2018
(Yogesh d. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.9.2018

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent nos. 1 to 10 and Shri M.B. Kolpe, learned Advocate for respondent nos. 11 to 14.

2. At the request of learned Advocate for the applicant, S.O. to 19.9.2018.

MEMBER (A)
ARJ ORAL ORDERS 18-9-2018

VICE CHAIRMAN

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

**M.A. 343/2018 IN O.A. 813/2017
(Nagesh M. Phad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.9.2018

ORAL ORDER :

Heard Shri S.S. Shinde, learned Advocate holding for Shri Vivek Bhavthankar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. The present M.A. has been filed by the applicant for restoration of O.A. to its original file. Learned Advocate for the applicant submits that in the O.A. the notices were already served on res. nos. 1 to 3, however, notice remained to be served on added res. no. 4 and, therefore, the O.A. was dismissed for want of service on res. no. 4.

3. Learned P.O. is present for res. nos. 1 to 3 and has already filed reply in the O.A.

4. In the circumstances, for the reasons stated in the present M.A. it is allowed and disposed of and the O.A. is restored to its original file.

MEMBER (A)

VICE CHAIRMAN

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

**O.A. 813/2017
(Nagesh M. Phad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.9.2018

ORAL ORDER :

Heard Shri S.S. Shinde, learned Advocate holding for Shri Vivek Bhavthankar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. By passing separate order in M.A. 343/2018, the present O.A. is restored to file.

3. Upon restoration, issue notice to res. no. 4, returnable on 30.10.2018.

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 Respondent no. 4 intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

9. S.O. to 30.10.2018.

10. Steno copy / humdast allowed for both the sides.

MEMBER (A)

VICE CHAIRMAN

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO. 705/2018
(Akbar Khan Nadar Khan Pathan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.9.2018

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. Issue notice before admission to the respondents, returnable on 17.10.2018.

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

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

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.

Applicant is directed to file Affidavit of compliance and notice.

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

8. S.O. to 17.10.2018.

9. Steno copy / humdast allowed for both the sides.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 694/2013
(Bashir Khan Patel V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.9.2018

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for respondents.

2. Learned Advocate submits that, in fact, communication is established between him and the applicant and applicant was to come today. However, he is unaware about the difficulty of the applicant in coming today. He seeks time. At his request, S.O. to 16.10.2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

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

**O.A. NOS. 211, 212, 213, 214, 215, 216 AND 217/2015
(Arundhati D. Nagre V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.9.2018

ORAL ORDER :

None appears for the applicants in all these matters. Shri M.P. Gude, learned Presenting Officer for respondents in all these matters.

2. On 26.7.2018 none appeared for the applicants. On the last date also Shri Jade, learned Advocate appeared for Shri Jade, learned Advocate for the applicant and sought adjournment till today. In the circumstances, S.O. to 27.9.2018 either for hearing or for passing necessary order in default.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 130/2017
(Priyanka A. Dongre V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.9.2018

ORAL ORDER :

None appears for the applicant. Shri B.S. Deokar, learned Presenting Officer for respondent no. 1 to 4 and Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for respondent no. 4, are present.

2. As none appears for the applicant, S.O. to 4.10.2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 18-9-2018

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

**M.A. 337/2018 IN O.A. 137/2018
(The Secretary, M.P.S.C., Mumbai V/s. Miss. Seema J. Bisen & the State of
Maharashtra)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.9.2018

ORAL ORDER :

Heard Shri M.B. Kolpe, learned Advocate for the applicant in the present M.A. / res. in O.A., Smt. Suchita Dhongde, learned Advocate for respondent no. 1 in the present M.A. / applicant in O.A. and Smt. D.S. Deshpande, learned Presenting Officer for respondent no. 2 in the present M.A. & O.A.

2. Res. no. 2 has filed reply in O.A. It is taken on record and copy thereof has been served upon other side.

3. Learned Advocate for the applicant in present M.A. / res. no. 2 – M.P.S.C. - in the O.A. submits that final merit list including the marks secured in the interview of the candidates would be filed on the next date and thereupon the issue of continuation of interim relief or continuation of O.A. be considered. At his request, S.O. to 3.10.2018 for placing the final merit list and for hearing.

4. Steno copy allowed for the use of learned P.O.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 583/2014
(Bhausahab S. Gaikwad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.9.2018

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Dambe, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondent nos. 1 to 4. None appears for respondent nos. 5 & 6.

2. Learned Advocate for the applicant seeks time for filing written notes of arguments. At his request, S.O. to 25.9.2018 for filing written notes of arguments by the applicant.

MEMBER (A)

VICE CHAIRMAN

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

**O.A. NO. 7/2016 WITH O.A. NO. 65/2016
(Arun D. Ingole & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.9.2018

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri H.P. Jadhav, learned Advocate for the applicants in both the matters and Smt. M.S. Patni, learned Presenting Officer for respondents in both the matters.

2. At the request of Shri Khadap, learned Advocate holding for Shri Jadhav, learned Advocate for the applicants, S.O. to 8.10.2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

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

**O.A. NO. 932/2016
(Surendra A. Shisode V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.9.2018

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri H.P. Jadhav, learned Advocate for the applicant and Smt. D.S. Deshpande, learned Presenting Officer for respondent nos. 1 to 5 and Shri Shrikant Patil, learned Advocate for respondent no. 6.

2. At the request of Shri Khadap, learned Advocate holding for Shri Jadhav, learned Advocate for the applicants, S.O. to 8.10.2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 18-9-2018

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

**ORIGINAL APPLICATION NOS. 789, 790, 791 AND 792/2017
(Tejrao P. Wagh & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.9.2018

ORAL ORDER :

Heard Shri V.G. Salgare, learned Advocate for the applicants in all these matters and S/shri M.P. Gude, B.S. Deokar, Smt. D.S. Deshpande & Smt. M.S. Patni, learned Presenting Officers for respondents in all these matters.

2. Upon hearing both the sides, it appears that, inter-alia the issue of retrospective overruling is involved in the present matters as after recovery of the excess amount paid to the applicants towards salary, the decision of Hon'ble Supreme Court in the case of **The State of Punjab & Ors. etc. Vs. Rafiq Masih (White Washer) etc. [in Civil Appeal No. 11527/2014 dtd. 18.12.2014]** was pronounced. At the request of learned Advocate for the applicant, S.O. to 30.10.2018 for hearing on the above line.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 835/2017
(Kailas Adhar Yalis (Patil) V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.9.2018

ORAL ORDER :

Heard Shri K.M. Nagarkar, learned Advocate holding for Shri C.T. Jadhav, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. Upon hearing both the sides, it appears that the G.R. dtd. 9.3.1999 reference of which is made at sr. no. 1 in the appointment letter (Annex. A. 1) is required to be considered. This is to find out as to whether the services of the applicant are to be computed from initial date of temporary service or from the date of regularization in service for grant of time bound promotion. In the circumstances, S.O. to 29.10.2018 for above submission.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 387/2016
(Dr. Nomani Muhammed Mufti Tahair V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.9.2018

ORAL ORDER :

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

2. Learned Advocate seeks time. At his request, S.O. to 29.10.2018.

VICE CHAIRMAN

ARJ ORAL ORDERS 18-9-2018

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

**M.A. 201/2018 IN O.A. 243/2018
(Shyamsingh D. Chauhan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.9.2018

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 29.10.2018.

VICE CHAIRMAN

ARJ ORAL ORDERS 18-9-2018

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

**ORIGINAL APPLICATION NO. 67/2017
(Surekha d/o Murlidhar Tak V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.9.2018

ORAL ORDER :

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

2. By filing the present O.A. the applicant is seeking following reliefs :-

“B) The impugned seniority list dtd. 1.1.2014 & impugned communication order dtd. 6.5.2014 issued by the respondent no. 2 & the order dtd. 30.10.2015 issued by the learned Divisional Commissioner may kindly be quashed and set aside.

(C) The respondent authorities may kindly be directed to declare or held a previous final seniority list dtd. 1.1.2011, which is legal & valid, confirmed as per the circular dtd. 30.1.2012 & to give deemed date of promotion to the applicant as per Rule 4(3) of Maharashtra Civil Services (Regulation of seniority) Rules, 1982 and notification dtd. 7.7.1999 issued by the government.”

3. The present applicant was appointed as a Jr. Clerk in the year 2009 with the respondent no. 2 the Collector, Parbhani. She was placed at sr. no. 115 in the seniority list dtd. 1.1.2011 (Annex. A.2 page 16). The submission of the learned Advocate for the applicant as well as contentions raised in the O.A. would show that as at the time of passing the

departmental examination in the second attempt, the present applicant being senior in age ought to have been placed senior to other employees, who were senior to her in the earlier seniority list, but were junior in age.

4. The next of the seniority list would show that the rank of the applicant was maintained (page 46) and the persons, who were senior to the present applicant in the initial seniority list as mentioned above, were junior in age. It was, therefore, submitted that, though the present applicant has passed the departmental examination in 2 attempts and since senior to the applicant had also passed the departmental examination in 2 attempts, they being junior in age, should have been junior to the present applicant. The learned Advocate has placed reliance on the provisions of rule 4 (3) of the M.C.S. (Regulation of Seniority) Rules, 1982.

5. Learned P.O. submits that seniority is being maintained on basis of seniority as per the gradation that was given to the applicant and other employees at the time of their initial appointment. In the present case all the seniors of the applicant have passed the departmental examination within 2 attempts. Therefore, there is no reason to tinker with the seniority. It was submitted that rules quoted by the learned Advocate have no relevance in the present controversy.

6. In our view, there is no merit in the present O.A. for the following reasons :-

(i) Sub rule 3 of rule 4 of the M.C.S. (Regulation of Seniority) Rules, 1982 provides as under :-

4. General principles of seniority.

(1) -- -- --

(2) -- -- --

(3) *Where the dates of appointment in posts, cadre or service of any two or more persons determined after assigning the deemed dates, if necessary, are identical the person senior in age shall be considered as senior for the purpose of determining the seniority.”*

The above provision would make it clear that at the time of initial appointment in the post, cadre or service where the dates of any two or more persons are identical, upon grant of deemed date of appointment, then in between them the person senior in age shall be considered as senior for determining the seniority.

Here, there is no question of grant of deemed date of appointment to anybody and, therefore, the sub rule 3 of rule 4 is not applicable in the present matter.

7. The learned Advocate for the applicant further relied on the rules regarding Departmental Examination and more particularly rule 7 thereof. This rule speaks about losing of seniority by the employee who failed to pass the departmental examination within 3 attempts and within 9 years.

8. In the present matter, all the concerned employees senior to the applicant in the original seniority list have passed the departmental examination either in first or second attempts and within 9 years and, therefore, the provisions of sub rule 3 of rule 4 of Regulation of Seniority Rules are not applicable in the present matter.

9. In the circumstances, in our view, there is no force in the present O.A. and, therefore, it is dismissed without any order as to costs.

MEMBER (A)

VICE CHAIRMAN