

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

M.A.No.317/2018 IN O.A.No.921/2016
(Shri Sanjay Mali V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 19.09.2018

ORAL ORDER :

Heard Shri V.R.Bhumkar learned Presenting Officer for the applicants in M.A. (original respondents in O.A.).

Shri A.D.Sugdare learned Advocate for the respondent in M.A. (original applicant in O.A.) is **absent**.

2. Learned P.O. has tendered two separate affidavits in reply for respondent nos.1 & 2 and another for respondent no.3 in the O.A.

3. Both affidavits are taken on record sans recourse, applicant's rights and objections.

4. Learned P.O. undertakes to serve copies of affidavits in reply on the other side.

5. O.A. be taken up for final hearing on S.O. to 21-09-2018.

6. M.A. will also be considered along with O.A. on 21-09-2018.

CHAIRMAN

YUK ORAL ORDER 19-09-2018 F

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

ORIGINAL APPLICATION NO.306/2018
(Shri Maruti H. Patil V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 19.09.2018

ORAL ORDER :

Heard Shri P.G.Gunale learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents.

2. At the outset learned Advocate for the applicant orally prays for leave to amend and add respondent no.3 as party respondent who is selected as Police Patil.

3. Leave as prayed for is granted.

4. Amendment be carried out within one week.

5. After amendment is carried out, issue notice to the respondents returnable on 03-12-2018.

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

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

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

9. The service may be done by hand delivery, speed post, courier and 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.

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

11. Learned Advocate for the applicant prays for ex-parte interim relief on very limited grounds, namely :-

(a) Recruitment Rules provides that a candidate to be appointed on the post of Police Patil shall not be below the age of 25 years.

(b) Advertisement provides to the contrary of the Recruitment Rules.

(c) In this case contrary to the Recruitment Rules and in adherence to the

advertisement, applicant's candidature is rejected.

12. Rejection of applicant's candidature is denial of fair opportunity to him in the recruitment process. Hence, applicant has made out a good case for grant of interim relief in his favour.

13. By way of interim relief, respondent no.2, the appointing authority is restrained from appointing respondent no.3 as Police Patil.

14. This interim relief shall not preclude respondent no.2 to reconsider the matter of eligibility of applicant and re-examine the candidature of the applicant on merit.

15. Parties are at liberty to circulate the case as and when occasion arises.

16. S.O.to 03-12-2018.

17. Parties to act on the steno copy and Hamdast allowed to both parties.

CHAIRMAN

YUK ORAL ORDER 19-09-2018 F

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

**M.A. 336/2018 IN O.A. 607/2018
(Jagdish B. Gadakh 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 : 19.9.2018

ORAL ORDER :

Heard Shri R.U. Karande, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents.

2. The present M.A. has been filed by the applicant for restoration of O.A. to the original file.

3. For the reasons stated in the present M.A. it is allowed and disposed of without any order as to costs and the O.A. no. 607/2018 is restored to the original file.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 19-9-2018

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

**ORIGINAL APPLICATION NO. 607/2018
(Jagdish B. Gadakh 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 : 19.9.2018

ORAL ORDER :

Heard Shri R.U. Karande, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents.

2. Today by passing a separate order in M.A. no. 336/2018, the present O.A. is restored to the original file.

3. In the circumstances, issue notice before admission to the respondents, returnable on 29.10.2018.

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 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.

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 29.10.2018.

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

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 19-9-2018

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

**M.A. 255/2018 IN M.A. ST. 487/2018 IN O.A. 627/2017
(Kailas R. Shriramwar 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 : 19.9.2018

ORAL ORDER :

Heard Shri M.R. Wagh, learned Advocate holding for Shri R.B. Narwade Patil, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondent nos. 1 & 2.

2. Shri Shamsunder B. Patil, learned Advocate has filed V.P. for respondent nos. 3 & 4 and seeks time for filing affidavit in reply to the present M.A.

3. Learned P.O. also seeks time to file affidavit in reply of res. nos. 1 & 2 in the present M.A. In the circumstances, S.O. to 9.10.2018 for filing affidavit in reply by all the respondents and also for hearing of present M.A.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 19-9-2018

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

**M.A. 346/2018 IN O.A. 476/2018
(Aasha S. Khairnar 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 : 19.9.2018

ORAL ORDER :

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

2. Learned P.O. seeks one week's time to file affidavit in reply in the present M.A. & O.A. At his request, S.O. to 1.10.2018 for filing reply in the present M.A. & O.A.

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

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 19-9-2018

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

**M.A. ST. 1258/2018 IN O.A. 550/2014
(Jagannath K. Kagale & 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 : 19.9.2018

ORAL ORDER :

Shri H.A. Joshi, learned Advocate for the applicants (**leave note**). Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents, is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 8.10.2018.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 19-9-2018

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

**ORIGINAL APPLICATION NO. 659/2014
(Sachin R. Kasar 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 : 19.9.2018

ORAL ORDER :

Shri D.A. Bide, learned Advocate for the applicant (**leave note**). Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents, is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 10.10.2018.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 19-9-2018

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

**ORIGINAL APPLICATION NOS. 750 AND 763/2015
(Dnyaneshwar L. Kedare & 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 : 19.9.2018

ORAL ORDER :

Heard Ms. Pradnya Talekar, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants in both the matters and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents in both the matters.

2. Upon hearing both the sides, it reveals that the relevant merit list of all the candidates including the present applicants is required to be scrutinized to find out whether the applicants were meritorious irrespective of the issue of experience of present applicants as executive or administrative as per the requirement of the advertisement.

3. In the circumstances, learned P.O. to file on record the concerned merit list including that of the present applicants, on the next date.

4. Accordingly, S.O. to 4.10.2018 for above compliance.

5. 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. 577/2017
(Ramesh G. Chaudhari 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 : 19.9.2018

ORAL ORDER :

Heard Shri K.G. Ambetkar, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for respondent nos. 1 & 2 and Shri A.S. Deshmukh, learned Advocate for respondent no.3.

2. Learned Advocate for the applicant submits that the present applicant wishes to amend the O.A. and, therefore, time is required for filing M.A. for amendment.

3. Shri Deshmukh, learned Advocate for res. no. 3 submits that in view of pendency of the present O.A., the res. no. 1 i.e. the State of Maharashtra is not taking any decision regarding appointment of res. no. 3 – Shri Mangesh Ghogare, though his name is recommended by the res. no. 2 – the M.P.S.C. for appointment.

4. **In the circumstances, it is hereby made clear that, no interim stay to the appointment is granted and the res. no. 1 is free to take further action for appointment of res. no. 3 according to due procedure, however, the appointment of res. No. 3 shall be subject to final outcome of the present O.A.**

5. In the circumstances, at the request of learned Advocate for the applicant, S.O. to 9.10.2018 for filing application for amendment in O.A.
6. Steno copy allowed for the use of learned P.O.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 19-9-2018

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

**ORIGINAL APPLICATION NO. 706/2018
(Namdev D. Londhe 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 : 19.9.2018

ORAL ORDER :

Heard Shri H.V. Tungar, 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 16.10.2018.

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. Without filing detailed affidavit in reply, the concerned respondents are hereby directed to decide the administrative appeal filed by the applicant, in the meantime, according to due procedure and file report in that regard on the next date.

9. S.O. to 16.10.2018.

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. 299/2018

AND

MISC. APPLICATION NO. 310/2018

(Yogesh Dadabhau 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 : 19.9.2018

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. Learned Advocate for the applicant files on record copy of Diploma certificate issued by Marathwada Krushi Vidhyapith, Parbhani and mark sheet in respect of the applicant. It is taken on record and marked as document 'X' for the purpose of identification.

3. M.A. no. 310/2018 has been filed by the applicant for recalling the order dtd. 14.8.2018 passed in the O.A. by which the interim relief granted earlier is modified by the Tribunal. As the O.A. itself is taken up for final hearing, the said M.A. is hereby disposed of.

4. By the O.A. the applicant is seeking following reliefs :-

“B. By issuing appropriate orders, the respondents may kindly be directed to delete the names of the candidates who are the degree holders, from the selection list for the post of Agriculture Assistant Group – C in the Commissionerate of Agriculture and for that purpose issue necessary orders.

C-1. The notification dated 30.6.2018 issued by the respondent no. 1 thereby amend the Agriculture Assistant in Group ‘C’ in the Commissionerate of Agriculture under the Agriculture, Animal Husbandry, Dairy Development and Fisheries Department (Recruitment) Rules, 2018 may kindly be quashed and set aside for that purpose issue necessary orders.”

5. Vide advertisement (Annex. A.1 page 13), the concerned respondent had called for the applications from the eligible candidates for the post of Agriculture Assistant, Group – C. The educational qualification was ‘Diploma in Agriculture’. The contention of the applicant is that, as the qualification is prescribed as ‘Diploma’, the ‘Degree’ holders cannot compete in the said selection process and, therefore, on this ground the present O.A. is filed.

6. The sole reliance of the applicant for the above submission is **judgment of the Division Bench of Hon’ble Bombay High Court, Bench at Aurangabad in the writ petition no. 2908/2016 and the group dtd. 18.7.2016 (Annex. A. 5 page 95).**

7. Reading of the said judgment and more particularly para no. 9 thereof would reveal that, since quota was provided for Degree holders for the different posts of Engineers in Public Works Department, it was held that Degree holders for whom specific reservation was made, would not be entitled to compete for the post for the Diploma holders. The said ratio is not applicable in the present case.

8. It is a settled rule that the higher qualification cannot be a disqualification. In this regard, learned Advocate for res. nos. 11 to 14 also relies on the judgments in the case of **Mohd. Riazul Usman Gani and others Vs. District and Sessions Judge, Nagpur [2002 (2)] Mh. L.J. 394**.

9. In the circumstances, in our view, there is no force in the present O.A. and, it is hereby 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. 420/2018
(Mahesh T. Doke V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.9.2018

ORAL ORDER :

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

2. At the request of learned P.O., as a last chance, S.O. to 23.10.2018 for filing affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 19-9-2018

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

**ORIGINAL APPLICATION NO. 573/2018
(Bhagwan S. Mokale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.9.2018

ORAL ORDER :

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

2. Learned P.O. files on record separate replies of res. nos. 2 & 4. The same are taken on record with copies thereof to other side. In the circumstances, there is no need to await service of notice on res. no. 2. Learned P.O. seeks time for replies of respondent nos. 1 & 3. At his request, S.O. to 23.10.2018 for filing replies of res. nos. 1 & 3.

VICE CHAIRMAN

ARJ ORAL ORDERS 19-9-2018

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.9.2018

ORAL ORDER :

None appears for the applicant. Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents, is present.

2. In view of absence of learned Advocate for the applicant, S.O. to 24.10.2018 for hearing on admission.

VICE CHAIRMAN

ARJ ORAL ORDERS 19-9-2018

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

**M.A. 86/2018 IN O.A. ST. 204/2018
(Bhagwan L. Sangale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.9.2018

ORAL ORDER :

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

2. The present M.A. has been filed by the applicant for condonation of 42 days delay in filing the accompanying O.A.

3. Learned P.O. has filed reply of res. nos. 1 to 3 in the present M.A. It is taken on record with copy to other side.

4. For the reasons stated in the M.A. it is allowed and disposed of without any order as to costs and delay of 42 days caused in filing accompanying O.A. is hereby condoned.

5. Office to register the O.A. on due scrutiny.

VICE CHAIRMAN

ARJ ORAL ORDERS 19-9-2018

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

**O.A. ST. 204/2018
(Bhagwan L. Sangale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.9.2018

ORAL ORDER :

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

2. Upon registration of O.A., issue notices to the respondents, returnable on 24.10.2018.

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 24.10.2018.

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

VICE CHAIRMAN

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

**M.A. 237/2018 IN O.A. 915/2017
(Adikrao S. Mane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.9.2018

ORAL ORDER :

Heard Shri V.B. Wagh, 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. which is dismissed for want of service affidavit.

3. For the reasons stated in the M.A. it is allowed and disposed of without any order as to costs and O.A. is restored to its original file.

VICE CHAIRMAN

ARJ ORAL ORDERS 19-9-2018

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

**O.A. 915/2017
(Adikrao S. Mane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.9.2018

ORAL ORDER :

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

2. Upon restoration of O.A., issue notices to the respondents, returnable on 25.10.2018.

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 25.10.2018.

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

VICE CHAIRMAN

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

**M.A. 234/2018 IN O.A. 348/2018
(Bhanudas B. Gadekar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.9.2018

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents.

2. The present M.A. has been filed by the applicant for restoration of O.A. which is dismissed for want of service affidavit.

3. For the reasons stated in the M.A. it is allowed and disposed of without any order as to costs and O.A. is restored to its original file.

VICE CHAIRMAN

ARJ ORAL ORDERS 19-9-2018

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

**O.A. 348/2018
(Bhanudas B. Gadekar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.9.2018

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents.

2. Upon restoration of O.A., issue notices to the respondents, returnable on 25.10.2018.

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 25.10.2018.

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

VICE CHAIRMAN

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

**M.A. 342/2018 IN O.A. 442/2018
(Mohd. Samiyoddin Sk. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.9.2018

ORAL ORDER :

Heard Shri U.P. Giri, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondents.

2. The present M.A. has been filed by the applicant for restoration of O.A. which is dismissed for want of service affidavit.

3. For the reasons stated in the M.A. it is allowed and disposed of without any order as to costs and O.A. is restored to its original file.

VICE CHAIRMAN

ARJ ORAL ORDERS 19-9-2018

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

**O.A. 442/2018
(Mohd. Samiyoddin Shaikh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.9.2018

ORAL ORDER :

Heard Shri U.P. Giri, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondents.

2. Upon restoration of O.A., issue notices to the respondents, returnable on 25.10.2018.

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 25.10.2018.

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

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 71/2017
(Mahadeo G. Kandalgaonkar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.9.2018

ORAL ORDER :

Shri V.G. Pingle, learned Advocate for the applicant (**leave note**). Smt. D.S. Deshpande, learned Presenting Officer for respondents, is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 24.10.2018 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 19-9-2018

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

**ORIGINAL APPLICATION NO. 574/2016
(Jyoti Dilip Siddhewar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.9.2018

ORAL ORDER :

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

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

"A) This Original Application may kindly be allowed thereby holding & declaring that the Respondents in general and the Resp. No. 2 in particular is duty bound to include name of the applicant no. 2 in the List of Compassionate Appointment Seekers on the basis of his application therefor dtd. 17.06.2015 (Annex. A-4 [1]).

B) This Original Application may kindly be allowed thereby directing the Respondents in general and the Resp. No. 2 in particular to forthwith include name of the applicant no. 2 in the list of Compassionate Appointment Seekers on the basis of his application therefor dtd. 17.06.2015 (Annex. A-4[1]).

C) This Original Application may kindly be allowed with further directions to the Resp. No. 2 to consider the claim of the applicant no. 2 for appointment on compassionate ground and to give him such appointment at the earliest."

3. It is an admitted fact that the applicant no. 1's name was put on waiting list for compassionate appointment in place of her deceased husband. The Annex. A.2 page 19 would show that on 16.11.2009

the applicant no. 1 applied to the res. no. 2 for substitution in her place by her son i.e. applicant no. 2 as and when he would become major. The communication dtd. 9.5.2013 (Annex. A. 3 page 20) would show that the applicant no. 1 again requested the res. no. 2 to substitute the name of her son i.e. the applicant no. 2 as the applicant no. 2 had become major and he be appointed on compassionate ground.

4. The contention of res. no. 2 is that substitution is not permissible according to policy decision of the Government. Since there is no change in the said policy of the Government, the substitution cannot be allowed.

5. Learned Advocate for the applicant has placed on record the copies of decisions of Hon'ble Bombay High Court, Bench at Aurangabad in the cases of The State of Maharashtra & Ors. Vs. Mohd. Zakiyoddin Mohd. Anisoddin [W.P. no. 1384/2016 dtd. 27.2.2017] and The State of Maharashtra & Ors. Vs. Smt. Anjali Vijay Naikwade & Ors. [W.P. no. 5073/2007 dtd. 17.12.2008]. He submits that the said decisions are applicable in the present case.

6. The above decisions on which reliance is placed by the applicant would show that substitution as sought in the present matter is permissible. In that view of the matter I pass following order :-

ORDER

(i) The present O.A. is allowed and disposed of without any order as to costs.

(ii) It is hereby directed that the res. no. 2 shall allow substitution of name of applicant no. 2 in place of applicant no. 1 in the waiting list maintained by the respondents of employment seekers on compassionate ground from the date on which the applicant no. 2 attained the majority and shall take further process regarding appointment on compassionate ground in due course of time, as per waitlist.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 771/2017
(Mustakali Nyazali Sayyad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.9.2018

ORAL ORDER :

Heard Shri A.G. Talhar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

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

"B) By appropriate order or direction the order/letter dated 07.01.2017 and 03.03.2017 passed by the respondent authorities may kindly be quashed and set aside.

C) By appropriate order or direction the action of the respondent authorities in recovering the amounts from the petitioner may kindly be quashed and set aside and further respondent authorities may kindly be directed to refund the said mount along with interest, which was recovered from the applicant forthwith.

D) By appropriate order or direction the respondents may kindly be directed to pay the amount of gratuity to the applicant in view of the order dated 02.08.2016 forthwith."

3. Applicant was serving as a Police Constable. Recovery of Rs. 1,51,631/- was directed to be made from his Death Cum Retirement Gratuity. Affidavit in reply of the respondents would show that as the pay of the applicant was wrongly fixed on 1.1.2003, the recovery of overpayment in the salary was made.

4. It is an admitted fact that the applicant was not in any way instrumental in fixing his pay. Applicant

is from Group – C category employee and, therefore, in view of Hon'ble Supreme Court decision 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], the present O.A. will have to be allowed.

5. In the circumstances, the present O.A. is hereby allowed and disposed of without any order as to costs and the impugned orders dtd. 7.1.2017 and 3.3.2017 issued by the concerned respondents are hereby quashed and set aside. Accordingly, the concerned respondent i.e. res. no. 7 – The Superintendent of Police, Jalgaon - is hereby directed to make payment of amount already recovered to the applicant within a period of 4 months from the date of this order.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 849/2016
(Ratnakar Tryambakrao Kahat V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.9.2018

ORAL ORDER :

Heard Shri A.G. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents.

2. It is an admitted fact that during the pendency of the present O.A. the applicant has received the retiral benefits and now only the issue remains regarding interest on that delayed payment of retiral benefits.

3. The submissions from the side of respondents would show that the applicant also can be blamed for delayed disbursement of retiral benefits. The said issue, however, is required to be dealt with by detailed enquiry by the concerned respondents to find out whether any official is responsible for the said delay.

4. In the circumstances, I pass following order :-

(i) The present O.A. is disposed of without any order as to costs.

(ii) The res. no. 3 – the Dist. Collector, Parbhani – is hereby directed to either make an enquiry himself / herself personally or entrust the same to any other Officer and fix the responsibility, if any, on the concerned official

regarding the delay in payment of retiral benefits to the applicant and pass necessary order. This exercise shall be completed within a period of 4 months from the date of this order.

- (iii) It is hereby also directed that the copy of the said order shall be served on the present applicant by R.P.A.D. on the address as mentioned in the present O.A.
- (iv) Applicant would be at liberty to approach this Tribunal if he is aggrieved by the order of the concerned respondent/s in this regard.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 296 OF 2018
(Shri Vishwanath S. Patole V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

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

2. The applicant is challenging his transfer order dated 31.05.2017 (Annexure A-1, page no. 11) issued by the respondent No. 1, the Director of Health Services, Mumbai, transferring him from District Hospital, Ahmednagar to District Hospital, Dhule. It is to be noted that the present applicant has completed two tenures of three years each on the same place. The case of the applicant is that as he was relieved later on by order dated 27.04.2018 w.e.f. 30.04.2018 due to administrative exigencies and as the applicant is going to be superannuated on 30.06.2019, he could not have been transferred against the rule, which provides that the transfer may not be

made in case the employee is going to be superannuated within a period of one year.

3. Learned Presenting Officer opposes the plea of the applicant. He has submitted that relieving of the applicant is not material. Even otherwise relieving took place 14 months prior to the superannuation i.e. prior to one year. It is admitted fact that the applicant was not to be superannuated within a period of one year. The same is also not mandatory provision.

4. Considering all these facts on record, there is no force in the present O.A. and therefore, the same stands dismissed without any order as to costs.

VICE CHAIRMAN

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 24 OF 2018
(Shri Firoz K. Jamadar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 04.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 390 OF 2018
(Shri Babu B. Dandegaonkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 26.10.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 647 OF 2018
(Shri Swarup V. Kankal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondent Nos. 1 to 3.

2. Learned Advocate Shri Md. Attaur Rehman, files VAKALATNAMA on behalf of respondent No. 4. Same is taken on record. He as well as learned Presenting Officer seeks time for filing affidavit in reply.

3. S.O. to 28.09.2018 for filing affidavit in reply. The present O.A. be tagged along with O.A. Nos. 648, 644 & 646 all of 2018

VICE CHAIRMAN

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 648 OF 2018
(Shri Sakharam D. Mandavgade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

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

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

3. S.O. to 28.09.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 644 OF 2018
(Shri Ganesh S. Markad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

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

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

3. S.O. to 28.09.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 646 OF 2018
(Shri Umesh S. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

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

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

3. S.O. to 28.09.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 300 OF 2018
(Dr. Mrs. Suresha N. Lakhkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondent 1 to 3 and 6.

2. Learned Advocate Shri Ashish B. Shinde submits that he has received instructions from respondent Nos. 4 and 5 to appear on their behalf. He further submits that he will file VAKALATNAMA and affidavit in reply on behalf of respondent Nos. 4 and 5 on the next date.

3. Learned Presenting Officer also seeks time for filing affidavit in reply on behalf of respondent Nos. 1 to 3 and 6. Time granted.

4. S.O. to 16.10.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 501 OF 2018
(Shri Bhimrao W. More V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate holding for Shri V.B. Dhage, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. Learned Presenting Officer files affidavit in reply on behalf of respondent No. 3. Same is taken on record and the copy thereof has been served on the other side.

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

4. Learned Advocate for the applicant submits that respondent No. 4 is served.

5. S.O. to 23.10.2018 for filing affidavit in reply and appearance of respondent No. 4.

VICE CHAIRMAN

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 543 OF 2018
(Shri Shaikh Ahmed Shaikh Bashir V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate holding for Shri V.B. Dhage, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. Learned Presenting Officer files affidavit in reply on behalf of respondent No. 6. Same is taken on record and the copy thereof has been served on the other side.

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

4. S.O. to 23.10.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 200 OF 2018
(Shri Dinkar G. Shahane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 09.10.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 799 OF 2016
(Shri Bhura R. Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

Shri H.A. Joshi, learned Advocate for the applicant (**Leave Note**). Shri S.K. Shirse, learned Presenting Officer for respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 24.10.2018 for filing rejoinder affidavit.

KPB ORAL ORDER 19-09-2018

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 265 OF 2018
(Dr. Suresh M. Karamunge V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

Heard Shri I.D. Maniyar, 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 22.10.2018 for filing rejoinder affidavit.

KPB ORAL ORDER 19-09-2018

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 567 OF 2017
(Smt. Bebabai P. Koli (Sapkale) V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

Shri V.P. Patil, learned Advocate for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for respondents, present.

2. Learned Presenting Officer submits that the issue as to whether the second wife is entitled for family pension is pending before the Hon'ble High Court and the next date in the said proceeding is 27.09.2018.

3. In the circumstances, S.O. to 23.10.2018 for reporting progress of the said proceeding.

VICE CHAIRMAN

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 706 OF 2017
(Shri Sadashiv Y. Naik V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

Shri B.M. Dhanure, learned Advocate for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for respondents, present.

2. Learned Presenting Officer files on record a copy of communication dated 28.06.2018 received to his office from Tahsildar (Revenue), Collector Office, Jalgaon, which would show that nothing is due upon the superannuation of the present applicant, as the amounts as detailed therein have already been paid to the applicant. Same is accepted and marked as document 'X' for the purposes of identification.

3. In view of the absence of the applicant or his counsel, S.O. to 24.10.2018 either for making statement by the learned Advocate for the applicant or for passing necessary orders.

VICE CHAIRMAN

KPB ORAL ORDER 19-09-2018

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

ORIGINAL APPLICATION NO. 178 OF 2018

(Shri Mohammad Raisoddin Mohammad Fayajoddin Ansari V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

Heard Shri I.D. Maniyar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 24.10.2018 for filing affidavit in reply.

KPB ORAL ORDER 19-09-2018

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 354 OF 2018
(Dr. Suryakant R. Gite V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

Heard Shri Abhay Taksal, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for respondent Nos. 1 to 3 and Shri R.D. Khadap, learned Advocate for respondent No. 4.

2. The order dated 29.08.2018 would show that the Director of Health Services, Mumbai has recommended the case of the applicant to the respondent No. 1 for transfer of the present applicant on the place mentioned therein, as he is seriously suffering from T.B. of Spine.

3. In the circumstances, without filing any detailed affidavit in reply, the respondent No. 1 is directed to consider the said recommendation dated 27.06.2018 and to take a decision and the copy of the said decision shall be filed on the next date. In case the respondent No. 1 comes to the

conclusion that the positive decision in favour of the present applicant cannot be taken, then a short affidavit explaining the reasons be filed on the next date.

4. S.O. to 24.10.2018.

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

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

ORIGINAL APPLICATION NO. 411 OF 2018
(Shri Shaikh Yakub Shaikh Ahemad V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

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

2. It is admitted fact that the present applicant is serving in Parbhani for a period of 27 years and thereafter vide order dated 12.06.2018 he was transferred from Navamondha Police Station Parbhani to Charthana Police Station. From the record it appears that the present applicant was transferred on certain default report. It is further to be noted that the transfer of the present applicant was not a mid-term transfer and the same is effected after completion of 27 years of service at Parbhani.

3. In the circumstances, there is no force in the present O.A. and therefore, the same stands dismissed without any order as to costs.

VICE CHAIRMAN

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 452 OF 2018
(Shri Mahadeo T. Nagargoje V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

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

2. The present applicant was continued in the post of Police Patil of village Tintarvani. Tq. Shirur, Dist. Beed, till he reached 62 years of his age. The concerned respondents relied on the birth certificate of the present applicant, which was placed on record at that time. The applicant however, now claims that his date of birth as recorded in the Income Tax Pan Card should be accepted and he should be continued in the said post. The concerned respondent did not accept the same. Hence, the present O.A.

3. It is to be noted that the date of birth of the applicant as given in the Pan Card cannot be accepted, when there was already birth certificate from the competent authority. Therefore, there is no force in the present O.A. and hence, the same stands dismissed without any order as to costs.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 709 OF 2018
(Smt. Shital M. More V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

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

2. Upon hearing both the sides, it appears that the relevant rules must require to be gone through in order to appreciate condition in the Advertisement dated 05.05.2018, page No. 17, condition No. 3 that the candidate for the post of Police Patil is required to be native of the village, where he is to be appointed.

3. At the request of both the sides, S.O. to 27.09.2018 for placing relevant rules on record.

VICE CHAIRMAN

KPB ORAL ORDER 19-09-2018

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

C.P.NO.51/2018 IN M.A.NO.138/2014 IN O.A.NO.478/2014
(Dr. Sudha Kulkarni V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 19.09.2018

ORAL ORDER :

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

2. Learned P.O. states on instructions as follows:

That service book of the applicant is sent for updating in the office of Civil Surgeon, Civil Hospital, Dhule where the applicant was serving for first ever spell of applicant's service at Dhule.

3. A day's time is granted for reporting compliance and for tendering service book for physical verification.

4. S.O. to 21-09-2018.

CHAIRMAN

YUK ORAL ORDER 19-09-2018 F

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

C.P.NO.52/2018 IN O.A.NO.563/2016
(Shri Devidas Kardule V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 19.09.2018

ORAL ORDER :

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

2. Learned Advocate prays for leave to bring Legal Representatives of the applicant on record of Contempt Petition as per order of the Tribunal dated 12-09-2018 as the applicant is no more.

3. Leave as prayed for is granted. Names of legal representatives are taken on record.

4. Issue notice to the respondents/ contemnors in Contempt Petition, returnable on 22-10-2018.

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

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

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

8. The service may be done by hand delivery, speed post, courier and 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.

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

10. Parties to act on the steno copy and Hamdast allowed to both parties.

11. S.O. to 22-10-2018.

CHAIRMAN

YUK ORAL ORDER 19-09-2018 F

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 : 19.09.2018

ORAL ORDER :

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

Shri Santosh Pulkuntwar learned Advocate for respondent nos.4 and 5 is **absent**.

2. Parties concede as follows:

Order passed by this Tribunal in O.A.No.633/2014 is stayed by the Hon'ble High Court.

3. Hence, Contempt Petition is adjourned to 30th April, 2019 with liberty to the parties to circulate before due date if occasion arises.

CHAIRMAN

YUK ORAL ORDER 19-09-2018 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 : 19.09.2018

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. Learned P.O. states as follows:

The proposal is sent by the Commissioner of Education to the Education Department and which is now submitted to the General Administration Department.

3. One month's time is granted for securing approval etc. at the level of General Administration Department.

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

CHAIRMAN

YUK ORAL ORDER 19-09-2018 F

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 : 19.09.2018

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. Learned P.O. states as follows:

The proposal is sent by the Commissioner of Education to the Education Department and which is now submitted to the General Administration Department.

3. One month's time is granted for securing approval etc. at the level of General Administration Department.

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

CHAIRMAN

YUK ORAL ORDER 19-09-2018 F

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

**O.A.ST.NO.1388/2018
(Shri Bhimrao Kokate V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 19.09.2018

ORAL ORDER :

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

2. Learned Advocate for the applicant states that statement contained in O.A. in relation to the declaration pertaining to limitation is inadequate as it is not drafted with required care. He prays for leave to amend for substituting statement relating to limitation.

3. Leave as prayed for is granted.

4. Learned Advocate undertakes to carry out amendment within one week.

5. If amendment is not carried out within one week, O.A. shall stand dismissed automatically without any further order.

6. Liberty to circulate the case is granted if amendment is carried out before due date.

7. S.O. to 26-09-2018.

CHAIRMAN

YUK ORAL ORDER 19-09-2018 F

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

M.A.NO.347/2018 IN O.A.NO.306/2018
(Shri Maruti H. Patil V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 19.09.2018

ORAL ORDER :

Heard Shri P.G.Gunale learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents.

2. Learned Advocate for the applicant is not pressing the M.A. Hence, it stands disposed of accordingly without any order as to costs.

CHAIRMAN

YUK ORAL ORDER 19-09-2018 F

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

ORIGINAL APPLICATION ST.NO.1004/2015
(Jaibunbee w/o Rasul Shaikh V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 19.09.2018

ORAL ORDER :

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

2. Learned Advocate for the applicant prays for leave to amend the O.A. incorporating certain crucial pleadings.

3. Leave to amend as prayed for is granted. Amendment be carried out forthwith.

4. Learned P.O. prays for time to respond to the limited amendment. Time is granted.

5. S.O. to 21-09-2018.

CHAIRMAN

YUK ORAL ORDER 19-09-2018 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 : 19.09.2018

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 19-09-2018 F

CHAIRMAN

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

ORIGINAL APPLICATION NO. 481 OF 2018

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

1. Heard Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 21st September, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 19.09.2018-HDD

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

ORIGINAL APPLICATION NO. 692 OF 2018

[Dr. Shobha S. Nisale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 10th 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. 692 OF 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. Without filing any detailed affidavit in reply the concerned respondents are directed to file a short affidavit explaining the reasons as to why vide impugned advertisement dated 30.08.2018 (Annexure "A-3", pagae-21), the upper age limit is relaxed only for a period of 10 years' for the candidates, who are already serving under the State Government of Maharashtra, while other advertisements from Annexure "A-4" onwards would show that no such upper age limit limitation is there for the Government employees.

9. S.O. to 10th October, 2018.

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

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

ORIGINAL APPLICATION NO. 694 OF 2018

[Shri Somnath S. Reddy Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

1. Heard Ms. Preeti R. Wankhade, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 23rd 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

O.A. NO. 694 OF 2018

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 23rd October, 2018.

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

MEMBER (A)
ORAL ORDERS 19.09.2018-HDD

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 695 OF 2018

[Shri Prakash B. Phule Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

1. Heard Ms. Preeti R. Wankhade, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 25th 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

O.A. NO. 695 OF 2018

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 25th October, 2018.

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

MEMBER (A)
ORAL ORDERS 19.09.2018-HDD

VICE CHAIRMAN

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

M.A.NO. 291/2018 IN O.A.ST.NO.1086/2018

[Shri Santoshkumar A. Kaul Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

1. Heard Shri S.H. Jadhav, learned Advocate holding for Shri S.B. Bhosale, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks time to take instructions. Time granted.
3. S.O. to 15th October, 2018 for taking instructions on the line of the order passed by this Tribunal dated 3.9.2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 19.09.2018-HDD

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

ORIGINAL APPLICATION ST. NO. 1524 OF 2018
[Dr. Sushma S. Jadhav Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

1. Heard Shri J.B. Choudhary, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 25th 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.

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. Without filing any detailed affidavit in reply the concerned respondents are directed to go through the copies of judgments viz (i) judgment delivered by this Tribunal in O.A. No. 676/2014 & Group (Dr. Shivkumar S/o Narsingrao Halkude & Ors. Vs. the State of Maharashtra and Ors.) dated 17th July, 2015, (Annexure "A-4", page-28); (ii) judgment delivered by the Hon'ble Bombay High Court Bench at Aurangabad in W.P. No. 3338/2005 (The State of Maharashtra and Ors. Vs. Dr. Satyanarayan S/o Badrinarayan Punpale & Ors.) dated 14th February, 2011, (Annexure "A-5", page-31); and (iii) judgment delivered by this Tribunal in O.A. No. 513/2013 & Group (Dr. Ashilak S/o Gulchand Shinde & Ors. Vs. the State of Maharashtra and Ors.) dated 10th December, 2014, (Annexure "A-7", page-38)

and to consider as to what is the hitch in implementing the said decisions and in case the concerned respondents come to the conclusion that those decisions will have to be followed then corrective steps be taken in the present case also and report about the same to the Tribunal. In case, the concerned respondents come to the conclusion that those decisions cannot be followed in the present case, then a short affidavit explaining the reasons thereof only shall be filed, on the next date.

9. S.O. to 25th October, 2018.

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

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 424 OF 2015

[Dr. Suhas J. Parsewar & 55 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 : 19.09.2018.

ORAL ORDER :

1. Heard Shri J.S. Deshmukh, learned Advocate for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for respondent Nos. 1 to 6 and Shri K.G. Salunke, learned Advocate for respondent No. 10. None appears for respondent Nos. 8, 9 and 11 to 14.

2. Learned Advocate Shri J.S. Deshmukh submits that the applicant has now engaged the service of learned Advocate Shri P.D. Suryawanshi.

3. In view of the absence of the applicant and his next Advocate Shri P.D. Suryawanshi, S.O. to 10th October, 2018 either for hearing or for passing necessary orders.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 19.09.2018-HDD

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

O.A.NO. 103/2017 WITH O.A. NO. 104/2017

[Shri Navnath A. Matsagar & 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 : 19.09.2018.

ORAL ORDER :

1. Heard Shri S.D. Joshi, learned Advocate for the applicants in both these cases and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in both these cases.

2. At the request of learned Advocate for the applicants, S.O. TO 29th October, 2018 for filing affidavit in rejoinder.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 19.09.2018-HDD

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

ORIGINAL APPLICATION NO. 397 OF 2017

[Shri Janardhan V. Ghasing Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed true copy of the judgment rendered by the Division Bench of the Hon'ble High Court in W.P. No. 11651/2016 dated 22nd January, 2018 and also the decision of the Hon'ble Supreme Court in SLP No 23892/2018 dated 13.08.2018, it would be *prima facie* seen that the similarly situated persons are already directed to be regularized in service. The present applicant, however, appears to have been discontinued by the concerned respondents being *ad hoc* employee like that of other similarly situated persons.

3. The respondents are, therefore, directed to consider these judgments and to see as to whether corrective steps can be taken in the present case. In case, the concerned respondents come to the conclusion that no corrective steps can be taken then a short

affidavit explaining the reasons therefor be filed on record on the next date

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

5. The learned Presenting Officer to act on steno copy.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 183 OF 2018

[Smt. Karuna N. Bhujang & 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 : 19.09.2018.

ORAL ORDER :

1. Heard Shri V.B. Wagh, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 22nd October, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 19.09.2018-HDD

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

O.A. 837/17 WITH O.A. 856/17 WITH O.A. 916/17

[Shri Vishwanath A. Sonawane & 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 : 19.09.2018.

ORAL ORDER :

1. Heard Shri V.B. Wagh, learned Advocate for the applicants in all these cases and Shri M.P. Gude, learned Presenting Officer for the respondents in all these cases.

2. At the request of learned Advocate for the applicants, S.O. to 22nd October, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 19.09.2018-HDD

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

ORIGINAL APPLICATION NO. 118 OF 2018

[Shri Sharad G. Jade Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant submits that he wants to produce on record the copies of relevant GRs. and seeks time.
3. Learned Presenting Officer submits that the original record is available. The original record be kept available on the next date also.
4. At the request of learned Advocate for the applicant, S.O. to 9th October, 2018 for filing the copies of the relevant G.Rs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 19.09.2018-HDD

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

ORIGINAL APPLICATION NO. 156 OF 2018

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

1. Heard Shri D.T. Devane, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Learned Presenting Officer seeks time for filing affidavit in reply.
3. It appears from the proceeding that on the last date i.e. on 20.08.2018 time was granted by this Tribunal to the respondents as a last chance for filing affidavit in reply. It is made clear that if respondents fail to file affidavit in reply on the next date, heavy cost would be imposed upon the concerned respondents.
4. S.O. to 11th October, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 19.09.2018-HDD

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

O.A.NO. 147/2018 WITH O.A.NO. 148/2018

[Shri Dashrath G. Shinde & 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 : 19.09.2018.

ORAL ORDER :

1. Heard Shri M.V. Bhamre, learned Advocate holding for Shri Nagesh G. Talekar, learned Advocate for the applicants in both these cases and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents in both these cases.

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

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 19.09.2018-HDD

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

ORIGINAL APPLICATION NO. 590 OF 2013

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

1. Heard Shri P.G. Gunale, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 5 and Shri K.G. Salunke, learned Advocate for respondent No. 8. None appears for respondent Nos. 6 & 7.
2. Learned Advocate Shri K.G. Salunke has filed affidavit in reply on behalf of respondent No. 8 and the same is taken on record and the copy thereof has been served on the other side.
3. S.O. to 26th September, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 19.09.2018-HDD

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

O.A.NOS. 212 TO 215 ALL OF 2018

[Shri Ashok G. Labde & 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 : 19.09.2018.

ORAL ORDER :

1. Heard Ms. Preeti R. Wankhade, 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 Advocate for the applicants submits that in fact the submissions on the issue are already made before the Hon'ble Supreme Court of India in another proceeding regarding reservation in promotion and Hon'ble Supreme Court has reserved the judgment.
3. In view of the said fact, S.O. to 24th October, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 19.09.2018-HDD

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

ORIGINAL APPLICATION NO. 237 OF 2018

[Shri Rahul P. 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 : 19.09.2018.

ORAL ORDER :

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer has filed 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 Chief Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1 & 3. Time granted.
4. S.O. to 16th October, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 19.09.2018-HDD

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

ORIGINAL APPLICATION NO. 259 OF 2018

[Naseem Banu Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

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

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

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 19.09.2018-HDD

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

ORIGINAL APPLICATION NO. 440 OF 2018

[Shri Shivaji D. Sirsat Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 3rd October, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 19.09.2018-HDD

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

ORIGINAL APPLICATION NO. 483 OF 2018

[Dr. Balasaheb D. Deshmukh Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

1. Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 4.

2. Learned Advocate Shri Ashish Shinde appeared today and submitted that he is appearing on behalf of respondent No. 5. He has filed **VAKALATNAMA** on his behalf and the same is taken on record. He seeks time for filing affidavit in reply.

3. In reference to the order passed by this Tribunal dated 6.7.2018 submits that the decision of the Hon'ble High Court is being challenged by the respondent State in the Hon'ble Supreme Court by filing SLP.

4. S.O. to 22nd October, 2018 for reporting of filing of SLP and for filing affidavit in reply for respondent No. 5.

MEMBER (A)
ORAL ORDERS 19.09.2018-HDD

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 241 OF 2018

[Shri Sarfaraj Khan Lalkhan Pathan Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 19.09.2018.

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 10th October, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 19.09.2018-HDD