

**MA 157/2016 IN OA NO. 709/2015**

{Shri Bibhishan V. Gaikwad Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 20.10.2016**

**Oral Order :-**

1. Heard Shri Shri R.P. Bhumkar, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent nos. 1 to 3 and Smt. Suchita Dhongde (Upadhyay), learned Advocate holding for Shri S.D. Dhongde, learned Advocate for respondent no. 4.
2. The applicant has filed M.A. no. 157/2016 for addition of party as applicant no. 5 in O.A. no. 709/2015.
3. Today, the learned Advocate for the applicant, on instructions, submits that, he may be permitted to withdraw this M.A. Permission as sought for is granted.
4. The M.A. stands disposed of as withdrawn. There shall be no order as to costs.

**MEMBER (J)**

ORAL ORDERS ARJ 20.10.2016 (D.B.)

**OA NO. 709/2015**

{Shri Bhagwantraya C. Hangargekar Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 20.10.2016**

**Oral Order :-**

1. Heard Shri Shri R.P. Bhumkar, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent nos. 1 to 3 and Smt. Suchita Dhongde (Upadhyay), learned Advocate holding for Shri S.D. Dhongde, learned Advocate for respondent nos. 4 to 7.

2. With the consent of both the sides, S.O. to 28.11.2016.

**MEMBER (J)**

ORAL ORDERS ARJ 20.10.2016 (D.B.)

**MA NO. 416/2016 IN O.A. ST. NO. 1857/2016**

{Shri Sandu P. Ukarde & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 20.10.2016**

**Oral Order :-**

1. Heard Shri A.S. Bayas, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. This is an application preferred by the applicants seeking leave to sue jointly.
3. For the reasons stated in the M.A. and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid multiplicity, leave to sue jointly is granted, subject to payment of court fee stamps, unless it is paid already.
4. M.A. stands disposed of accordingly. There shall be no order as to costs.

**MEMBER (J)**

ORAL ORDERS ARJ 20.10.2016 (D.B.)

**O.A. ST. NO. 1857/2016**

{Shri Sandu P. Ukarde & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 20.10.2016**

**Oral Order :-**

1. Heard Shri A.S. Bayas, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. Issue notice before admission to the respondents in O.A., returnable on 16.11.2016.
4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
5. Applicants are 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
8. S.O. 16.11.2016.
9. Steno copy & hamdust allowed to both the parties.

**MEMBER (J)**

ORAL ORDERS ARJ 20.10.2016 (D.B.)

**OA NO. 566/2016**

{Dr. Meera B. Yewale Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 20.10.2016**

**Oral Order :-**

1. Heard Shri G.K. Kshirsagar, learned Advocate for the applicant and Smt. Priya B. Bharaswadkar, learned Presenting Officer for the respondents.

2. Today, the learned Advocate for the applicant seeks permission to withdraw the O.A. He has filed pursis dated 7.10.2016 signed by the applicant in this regard and the same is taken on record for the record purpose. Permission as sought for is granted.

4. Accordingly, the O.A. stands disposed of as withdrawn. There shall be no order as to costs.

**MEMBER (J)**

ORAL ORDERS ARJ 20.10.2016 (D.B.)

**ORIGINAL APPLICATION NO. 04 OF 2015**

{Dr. Prithviraj G. Rathod Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)**  
**A N D**  
**Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 20.10.2016**

**Oral Order :-**

1. Heard Shri V.R. Bhumkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The applicant has amended this O.A. and now challenges the Recruitment Rules, which are applicable for promotion of the Medical Officer to the next higher post of Superintendent in E.S.I.S. Hospitals. The claim of the applicant is that the E.S.I.S. Hospitals are under the administrative control of the Public Health Department. Under the Recruitment Rules for promotion of Medical Officer to the post of Superintendent and equivalent posts of Civil Surgeons, D.H.O. etc. under the Public Health Department, a person is required to hold Post Graduate Degree to be eligible for such promotion, while for promotion to the post of Superintendent in E.S.I.S. Hospital, no such condition of holding of the Post Graduate Degree is prescribed. According to the learned Advocate for the applicant, this amounts to discrimination and this adversely affects the prospects of the persons working as Medical Officer and, who hold the Post Graduation Degree, in the matter of promotion.

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**O.A. NO. 04 OF 2015**

3. The learned Advocate for the applicant states that this is discriminatory and violates the Articles 14 & 16 of the constitution of India. He is challenging the Recruitment Rules, which are applicable for promotion to the post of Superintendent in E.S.I.S. Hospital.

4. Considering the nature of relief sought by the applicant, the res. no. 1 is directed to file affidavit in reply to this matter through a responsible Officer at least of the level of Deputy Secretary in Public Health Department. The learned P.O. seeks 4 weeks time therefor. Time as prayed for is granted.

5. S.O. to 4 weeks.

6. Steno copy allowed for the use of learned P.O. for the respondents.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ARJ 19.10.2016 (D.B.) (Dias Computer)

**ORIGINAL APPLICATION NO. 253 OF 2014**

{Shri P.G. Thakur Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D**

**Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 20.10.2016**

**Oral Order :-**

1. Heard Shri S.B. Bhosale, learned Advocate holding for Shri S.P. Brahme, learned Advocate for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondents.
2. The applicant joined the service in the Tribal Development Department as a Peon in Govt. Ashram School, Deogaon, Dist. Nashik by order dated 16.7.1982. The applicant claims that he has already passed S.S.C. examination in 1978 and was having that certificate before joining the service. Learned Counsel for the Applicant submitted that the respondents have promoted Class-IV employees junior to the Applicant to the next higher post by ignoring the claim of the applicant. The applicant belongs to N.T. category as per his own admission. The applicant claims that he has passed Marathi Typing 30 w.p.m. examination in the year 2014 and after that there is no reason for the respondents to deny promotion to the applicant on the Class-III post.



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**O.A. NO. 253 OF 2014**

3. The learned P.O. states that the applicant has not submitted his caste validity certificate and he also does not have the requisite qualification of typing and as a result the applicant is not considered for promotion.

4. The learned Advocate for the applicant states that by letter dated 8.1.2014 the res. no. 4 – the Warden, Govt. Backward Class Boys Hostel, Shirpur, Dist. Dhule forwarded a proposal to res. no. 2 – the Additional Commissioner, Tribal Development Department, Nashik Region, Nashik to consider the applicant's case for promotion to Class-III post. It is mentioned therein that the applicant holds qualification for promotion to Class-III post.

5. In view of above situation, the res. no. 2 – the Additional Commissioner, Tribal Development Department, Nashik – is directed to take a decision on the aforesaid proposal dated 8.1.2014 forwarded by res. no. 4 – The Warden, Govt. Backward Class Boys Hostel, Shirpur, Dist. Dhule - within a period of 2 months from the date of this order and decision thereof be communicated to the applicant in writing.

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**O.A. NO. 253 OF 2014**

6. Accordingly, the O.A. stands disposed of. There shall be no order as to costs.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ARJ 19.10.2016 (D.B.) (Dias Computer)

**MA 358/2016 IN O.A. NO. 414/2015**

{Ajay I. Jarwal Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)**  
**A N D**  
**Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 20.10.2016**

**Oral Order :-**

1. Heard Shri S.V. Chandole, learned Advocate for the applicant in O.A., Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 to 3 and, Shri A.D. Gadekar, learned Advocate for respondent no. 4 in O.A. / applicant in M.A. no. 358/2016.

2. The misc. application no. 358/2016 has been filed by the applicant – Shri Ajay I. Jarwal – for vacation of interim order passed by this Tribunal on 9.7.2015 in O.A. no. 414/2015, by which the respondents are directed to issue appointment order in favour of the applicant in O.A.

3. The issue involved in the matter is regarding appointment of a totally blind person to the post of Clerk. The applicant in O.A., who is represented by Shri S.V. Chandole, learned Advocate is totally blind, whereas the res. no. 4 in O.A. / applicant in the present M.A. suffers from 40% disability. Though the learned Advocate Shri Chandole

**::-2-: MA 358/2016 IN O.A. NO. 414/2015**

states that there are 2 posts reserved for partially blind persons and one post is reserved for totally blind person, that seems to be incorrect. It is seen that one post is reserved for blind / partially blind person, in Aurangabad Division. It is well known that the reservation for physically handicapped person is post selection, which means the select list for physically handicapped persons is to be prepared separately and the most meritorious persons are to be selected and adjusted in the vertical reservation category to which they belong. The applicant in O.A. belongs to Open category, whereas the res. no. 4 / applicant in M.A. belongs to S.T. category.

4. In view of above, the res. no. 1 – the Principal Secretary, Social Welfare Department, Mantralaya, Mumbai – is directed to file an affidavit in reply in this O.A. on the following points :-

- (i) whether totally blind person is eligible to be appointed on the post of Clerk. Shri A.D. Gadekar, learned Advocate for res. no. 4 claims that selection of all totally blind persons has been cancelled in all divisions by the Respondent no. 2 in O.A..

**::-3-:: MA 358/2016 IN O.A. NO. 414/2015**

- (ii) if one post reserved for Blind / partially blind person, who has to be given preference and whether the selection has to be on the basis of merit or as per the G.R. dated 18.6.2007, which provides preference for a totally blind person.

5. The affidavit in reply as directed above should be filed by an officer not below the rank of Dy. Secretary of the concerned Department in Mantralaya. The learned P.O. seeks 4 weeks time therefor. Time granted as prayed for.

6. The matter be treated as part heard and it shall be placed before the next sitting of Division Bench.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ARJ 20.10.2016 (D.B.) (Dias Computer)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 44 OF 2013**

**[Dr. Rashmi D/o Prabhakar Dhale Vs. The State of Mah. &  
Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
ABD  
Hon'ble Shri J.D. Kulkarni, Member (J)**

**DATE : 20.10.2016.**

**ORAL ORDER:**

Shri Abasaheb D. Shinde – learned Advocate for the Applicant (**absent**). Shri I.S. Thorat – learned Presenting Officer for respondents, present

2. Since nobody appears for the applicant, S.O. to 21<sup>st</sup> October, 2016 for dismissal.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 42 OF 2013**

**[Shri R.N. Chauhan Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
ABD  
Hon'ble Shri J.D. Kulkarni, Member (J)**

**DATE : 20.10. 2016.**

**ORAL ORDER:**

Shri Mahesh S. Deshmukh – learned Advocate for the Applicant (**absent**). Shri M.P. Gude – learned Presenting Officer for respondents, present

2. Since nobody appears for the applicant, S.O. to 21<sup>st</sup> October, 2016 for dismissal.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

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**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 36 OF 2013**

**[Shri Anil B. Tirthkar Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
ABD  
Hon'ble Shri J.D. Kulkarni, Member (J)**

**DATE : 20.10.2016.**

**ORAL ORDER:**

Shri Hemant Surve – learned Advocate for the Applicant (**absent**). Shri V.R. Bhumkar – learned Presenting Officer for respondents, present

2. Since nobody appears for the applicant, S.O. to 21<sup>st</sup> October, 2016 for dismissal.

**MEMBER (J)**

**VICE CHAIRMAN (A)**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 824 OF 2012**

**[Shri Vijaykumar G. Palwe Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
ABD  
Hon'ble Shri J.D. Kulkarni, Member (J)**

**DATE : 20.10.2016.**

**ORAL ORDER:**

Shri K.N. Lokhande – learned Advocate for the Applicant  
(**absent**). Shri S.K. Shirase – learned Presenting Officer for  
respondents, present

2. Since nobody appears for the applicant, S.O. to 21<sup>st</sup>  
October, 2016 for dismissal.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 427 OF 2001**

**[Shri Janardhan E Chavan & Anr. Vs. The State of Mah. &  
Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
ABD  
Hon'ble Shri J.D. Kulkarni, Member (J)**

**DATE : 20.10. 2016.**

**ORAL ORDER:**

Heard Shri A.S. Shelke – learned Advocate for the Applicant and Shri I.S. Thorat – learned Presenting Officer for respondents.

2. It appears from the affidavit in reply filed on behalf of respondent Nos. 2 to 5 in this Original Application dated 5<sup>th</sup> December, 2001 that the applicant namely Narayan Indrarao Chavan had fulfilled the condition for regularization and in paragraph No. 3 details of the days in five years from 1989-90 to 1993-94 are mentioned .

3. Learned Presenting Officer however, pointed out that as per Government Resolution dated 31<sup>st</sup> January, 1996 employees, who have worked on casual basis are required to work for at least 240 days in a year for 5 years on Plan scheme and the work done on EGS was to be excluded. The applicant appears to have rendered work for 211 days in 1993-94. In this affidavit the respondent has not explained this discrepancy.

4. Learned Advocate for the Applicant Shri A.S. Shelke has placed on record copy of the affidavit filed by the Divisional Forest

**:: - 2 - ::**

**O.A. NO. 427 OF 2001**

Officer, Beed in W.P. No. 437/2013, wherein the figures of days in each years from 1989-90 to 1993-94 the Applicant worked are different for the year 1993-94.

5. Learned Presenting Officer is directed to file a comprehensive affidavit clarifying this issue and also the Respondents may explain as to why the Applicant was not regularized, if he fulfilled the conditions in G.R. dated 31.1.1996.

6. Learned Presenting Officer seeks four weeks' time to file the affidavit.

7. Time granted. S.O. after four weeks.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 832 OF 2012**

**[Shri Bhaskar P. Arke Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
ABD  
Hon'ble Shri J.D. Kulkarni, Member (J)**

**DATE : 20.10.2016.**

**ORAL ORDER:**

Heard Shri V.B. Wagh – learned Advocate for the Applicant and Shri S.K. Shirase – learned Presenting Officer for respondents, present

2. This matter be adjourned sine die till the decision of the Hon'ble Supreme Court.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI  
BENCH AT AURANGABAD**

**O.A.NOS. 758/2012, 842/2012 & O.A.St. No. 778/15**

**[Shri S.N. Tandale & Ors. Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
ABD  
Hon'ble Shri J.D. Kulkarni, Member (J)**

**DATE : 20.10.2016.**

**ORAL ORDER:**

Heard Shri Avinash Deshmukh – learned Advocate for the Applicants in all these matters and Shri M.S. Mahajan – learned Chief Presenting Officer for respondents in all these matters.

2. Part heard.
3. S.O. to 21<sup>st</sup> October, 2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**  
**BENCH AT AURANGABAD.**

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**ORIGINAL APPLICATION ST. NO.1859/2016.**  
**( AF Kasbekar & Ors. Vs. State of Mah. & Ors.)**

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CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN

(A) &

HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 20.10.2016.

ORAL ORDER:-

Heard Shri CR Thorat – learned Advocate for the Applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 25<sup>th</sup> November, 2016.

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

4. Applicants are 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

**O.A. ST. 1859/16**

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 25<sup>th</sup> November, 2016.
8. Steno copy and hamdust is allowed to both the parties.

**MEMBER (J)**

20.10.2016-DB-ATP

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**  
**BENCH AT AURANGABAD.**

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**MISC. APPLN.NO.417/2016 IN OA ST. NO.1859/2016.**  
**( AF Kasbekar & Ors. Vs. State of Mah. & Ors.)**

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CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN  
(A) &

HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 20.10.2016.

ORAL ORDER:-

Heard Shri CR Thorat – learned Advocate for the Applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. The Misc. Application is for sue jointly. Considering the fact that all the applicants are claiming same remedy against the same respondents M.A. for sue jointly is allowed provided applicants' to pay necessary court fees, if already not paid. M.A. is disposed of accordingly with no order as to costs.

**MEMBER (J)**  
20.10.2016-DB-ATP

**VICE CHAIRMAN (A)**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**  
**BENCH AT AURANGABAD.**

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**ORIGINAL APPLICATION ST. NO.1878/2016.**

**( Dr. DM Shabbir & Ors. Vs. State of Mah. & Ors.)**

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CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN

(A) &

HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 20.10.2016.

ORAL ORDER:-

Heard Shri N.D. Kendre – learned Advocate holding for Shri A.V. Rakh – learned Advocate for the Applicants and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 21.10.2016.

**MEMBER (J)**  
20.10.2016-DB-ATP

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**  
**BENCH AT AURANGABAD.**

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**MISC. APPLN.NO.418/2016 IN OA ST. NO.1878/2016.**

**( Dr. DM Shabbir & Ors. Vs. State of Mah. &  
Ors.)**

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CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN

(A) &

HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 20.10.2016.

ORAL ORDER:-

Heard Shri CR Thorat – learned Advocate for the Applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. The Misc. Application is for sue jointly. Considering the fact that all the applicants are claiming same remedy against the same respondents M.A. for sue jointly is allowed provided applicants' to pay necessary court fees, if already not paid. M.A. is disposed of accordingly with no order as to costs.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

20.10.2016-DB-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**  
**BENCH AT AURANGABAD.**

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**ORIGINAL APPLICATION NO.110/2013.**

**( N.S. Bele Vs. State of Mah. & Ors.)**

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CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN

(A) &

HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 20.10.2016.

ORAL ORDER:-

Heard Shri V. B. Wagh – learned Advocate for the Applicants and Smt R. S. Deshmukh – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant Shri Wagh on instructions from the applicant seeks leave of this Tribunal to withdraw the O.A. The O.A. is disposed of accordingly with no order as to costs.

**MEMBER (J)**

20.10.2016-DB-ATP

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**  
**BENCH AT AURANGABAD.**

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**ORIGINAL APPLICATION NO.841/2012.**

**( Dr. JB Deshmukh & Ors. Vs. State of Mah. & Ors.)**

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CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN

(A) &

HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 20.10.2016.

ORAL ORDER:-

Heard Shri Milind Patil – learned Advocate for the Applicants and Shri N. U. Yadav – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants requests to keep this matter along with connected matter i.e. OA No.295/2012 after six weeks. Hence, S.O. after six weeks with OA No.295/2012.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

20.10.2016-DB-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**  
**BENCH AT AURANGABAD.**

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**ORIGINAL APPLICATION NO.743/2012.**

**( S.V. Phulsaundar & Ors. Vs. State of Mah. & Ors.)**

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CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN

(A) &

HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 20.10.2016.

ORAL ORDER:-

None present for the Applicants. Shri D.R. Patil – learned Presenting Officer for the respondents is present.

2. The matter be kept for dismissal on 21.10.2016.

3. S.O. to 21.10.2016.

**MEMBER (J)**

20.10.2016-DB-ATP

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**  
**BENCH AT AURANGABAD.**

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**OA NOs.753, 754 & 808 of 2012.**

**( Dr. SR Saley & Ors. Vs. State of Mah. & Ors.)**

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CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN

(A) &

HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 20.10.2016.

ORAL ORDER:-

Heard Shri Milind Patil – learned Advocate for the Applicants and S/Shri N. U. Yadav, M. P. Gude and Smt P. R. Bharaswadkar – learned Presenting Officers for the respondents in respective matters.

2. Learned Advocate for the applicants request to keep this matter on 17.11.2016. Hence, S.O. to 17.11.2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

20.10.2016-DB-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**  
**BENCH AT AURANGABAD.**

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**OA NOs.753, 754 & 808 of 2012.**

**( Dr. SR Saley & Ors. Vs. State of Mah. & Ors.)**

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CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN

(A)

&

HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 20.10.2016.

ORAL ORDER:-

Heard Shri Milind Patil – learned Advocate for the Applicants and S/Shri N. U. Yadav, M. P. Gude and Smt P. R. Bharaswadkar – learned Presenting Officers for the respondents in respective matters.

2. Learned Advocate for the applicants request to keep this matter on 17.11.2016. Hence, S.O. to 17.11.2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**20.10.2016-DB-ATP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.No.359/2016 IN O.A.No.647/2016**

(Mah. Rajya Nagar Parishad Karmachari Sanghatana,  
Br. Beed V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 20-10-2016

**ORAL ORDER:-**

Heard Shri M.S.Indani learned Advocate for the Misc. Applicant (Intervenor), Shri M.S.Mahajan learned Chief Presenting Officer for respondents and Shri S.P.Urgunde learned Advocate for the Original Applicant.

2. Intervenor has filed this M.A. for intervention in O.A.No.647/2016. Misc. Applicant is an Employees' Union and has filed this application for intervention through its President. It is stated that the applicant is interested in the issue involved in the O.A., it being Union representing the employees.

3. Original Applicant has filed affidavit in reply on record. From the said reply, it seems that the some complaints were filed by the Intervenor against the Applicant, and there were some enquiries in view of such complaints. It is stated that the said complaints were false. Not only that, the Intervenor has prepared false documents and false signatures are taken



on representation and in this way Intervenor is troubling the Original Applicant.

4. From the history of the case, it seems that earlier in Writ Petition No.3584/2016 filed against the Original Application, Misc. Applicant intervened before the Hon'ble Bombay High Court and the Hon'ble High Court was pleased to allow the misc. applicant to Intervene.

5. In view of this fact, I am of the opinion that there will be no harm in allowing the misc. applicant to Intervene and it will not cause any prejudice to the Original Applicant. In view thereof, I pass following order:

**ORDER**

- (1) M.A.No.359/2016 for Intervention is allowed.
- (2) Intervenor shall be at liberty to argue the matter on merits and may file its affidavit submitting its grievance, if any.
- (3) M.A. stands disposed of accordingly with no order as to costs.

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.647/2016**

(Mah. Rajya Nagar Parishad Karmachari Sanghatana,  
Br. Beed V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 20-10-2016

**ORAL ORDER:-**

Heard Shri S.P.Urgunde learned Advocate for the Original Applicant, Shri M.S.Mahajan learned Chief Presenting Officer for respondents and Shri M.S.Indani learned Advocate for the Intervenor.

2. Learned Advocate for Intervenor prays for time for filing affidavit in reply on record. Time granted.

3. S.O. 21-11-2016.

**MEMBER (J)**

YUK ORAL ORDER 20-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH  
AT AURANGABAD**

**ORIGINAL APPLICATION NO.71/2013**

(B.B.Wagh V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 20-10-2016

**ORAL ORDER:-**

Shri A.S.Shelke learned Advocate for the applicant is **absent**. and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Applicant as well as his learned Advocate, both are absent.

Hence, matter be kept for dismissal on 21-10-2016.

3. S.O.21-10-2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

YUK ORAL ORDER 20-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH  
AT AURANGABAD**

**ORIGINAL APPLICATION NO.72/2013**

(N.G.Jadhav V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 20-10-2016

**ORAL ORDER:-**

Shri A.S.Shelke learned Advocate for the applicant is **absent**. and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Applicant as well as his learned Advocate, both are absent.  
Hence, matter be kept for dismissal on 21-10-2016.

3. S.O.21-10-2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

YUK ORAL ORDER 20-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH  
AT AURANGABAD**

**ORIGINAL APPLICATION NO.73/2013**

(L.L.Pakhare V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 20-10-2016

**ORAL ORDER:-**

Shri A.S.Shelke learned Advocate for the applicant is **absent**. and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Applicant as well as his learned Advocate, both are absent.  
Hence, matter be kept for dismissal on 21-10-2016.

3. S.O.21-10-2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

YUK ORAL ORDER 20-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH  
AT AURANGABAD**

**ORIGINAL APPLICATION NO.87/2013**

(A.G.Yangad V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 20-10-2016

**ORAL ORDER:-**

Shri Hemant Surve learned Advocate for the applicant is **absent**. and Shri N.U.Yadav learned Chief Presenting Officer for respondents.

2. Applicant as well as his learned Advocate, both are absent.  
Hence, matter be kept for dismissal on 21-10-2016.

3. S.O.21-10-2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

YUK ORAL ORDER 20-10-2016