

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

**C.P.NO.64/2018 IN O.A.NO.643/2016  
(Shri Govind Bharsakhle V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

Heard Shri Shamsundar B. Patil learned Advocate holding for Shri R.P.Bhumkar 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 27-09-2018.

YUK ORAL ORDER 21.09.2018 F

**CHAIRMAN**

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

**C.P.NO.65/2018 IN O.A.NO.622/2016**  
**(Shri Manik Takalkar & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

Heard Shri Shamsundar B. Patil learned Advocate holding for Shri R.P.Bhumkar learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 27-09-2018.

**CHAIRMAN**

YUK ORAL ORDER 21.09.2018 F

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

**C.P.NO.66/2018 IN O.A.NO.942/2017  
(Shri Nitin Vispute V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

Heard Smt. Suchita Dhongde learned Advocate for the applicant and Smt. M.S.Patni learned Presenting Officer for respondents.

2. Issue notice to the respondents/ contemnors in Contempt Petition, returnable on 19-10-2018.

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

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit

of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

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

**8. In addition respondent nos.1 to 3 are called upon to show cause as to why they should not be personally saddled costs for failure to respond to Advocate's notice dated 24-07-2018 (paper book page 17 of C.P.).**

**9. It shall be open to the respondent nos.1 to 3 to state on oath if notice which learned Advocate for the applicant claims to served is not actually delivered to him/them.**

**10. Learned P.O. shall communicate this order to the concerned respondents.**

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

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

**CHAIRMAN**

YUK ORAL ORDER 21.09.2018 F

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

**M.A.No.352/2018 IN M.A.ST.NO.1460/2018 IN  
O.A.ST.NO.1461/2018  
(Shri Akhtarkhan Pathan & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

Heard Smt. Suchita Dhongde learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for respondents.

2. M.A.St.No.1460/2018 has been filed for leave to sue jointly. Applicants are similarly situated employees agitating the same cause and as identical issue is involved in the matter, M.A. for sue jointly is allowed. M.A. stands disposed of accordingly with no order as to costs.

3. As M.A. for sue jointly is allowed, O.A. be registered and numbered on payment of requisite court fees and after removal of office objections, if any.

**CHAIRMAN**

YUK ORAL ORDER 21.09.2018 F

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

**M.A.No.352/2018 IN O.A.ST.NO.1461/2018  
(Shri Akhtarkhan Pathan & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

Heard Smt. Suchita Dhongde learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for respondents.

2. M.A.No.352/2018 is filed for condonation of delay caused for filing the O.A. Learned Advocate for the applicant submits that the cause of action is continuous and in fact there is no delay in filing the O.A.

3. Learned Advocate for the applicant, therefore, prays leave to amend and delete prayer clause (C) in the M.A.

4. Leave as prayed for is granted. Amendment is carried out forthwith.

5. What is exhibited on record would reveal that applicants' cause of action is continuous and running and it has never stopped. Therefore, prayer for condonation of delay is not necessary.

6. Applicants' explanation which is recorded in foregoing paragraph 2 is accepted. O.A. be treated to be within limitation.

7. M.A.No.352/2018 stands disposed of accordingly with no order as to costs.

8. O.A. be registered and numbered as per procedure, after removal of office objections, if any.

**CHAIRMAN**

YUK ORAL ORDER 21.09.2018 F

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

**ORIGINAL APPLICATION ST.NO.1461/2018**  
**(Shri Akhtarkhan Pathan & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

Heard Smt. Suchita Dhongde learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for respondents.

2. Issue notice to the respondents, returnable on 05-11-2018.

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

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of



compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

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

**8. It is noticed that learned Advocate for the applicant appears to be too busy to delegate duty of signing true copies to its Clerk by making a rubber stamp of the signature.**

**9. Registrar is called to explain as to why show cause notice should not be issued against him for tolerating such reckless filing of cases.**

10. S.O.to 05-11-2018.

11. Steno copy and Hamdast is allowed to both parties.

**CHAIRMAN**

YUK ORAL ORDER 21.09.2018 F

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

**C.P.NO.17/2018 IN O.A.NO.191/2015  
(Smt. Surekha Hazari & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

Heard Shri Abhishek Deshpande learned Advocate holding for Shri S.B.Talekar learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents.

2. Case should come up for hearing on due date i.e. on 15-10-2018.
3. Hence, S.O. to 15-10-2018.

YUK ORAL ORDER 21.09.2018 F

**CHAIRMAN**

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

**C.P.St.NO.1643/2017 IN C.P.ST.NO.1812/2015 IN  
O.A.NO.142/2013**

**(Dr. Jeevansingh Taji V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

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

2. It is reported that Division Bench of the Tribunal has passed order dated 24-08-2018 directing that Shri Umesh Rathod, Desk Officer should remain present before the Tribunal along with the necessary compliance order on 21-09-2018.

3. Learned P.O. states that today Shri Umesh Rathod, Desk Officer is present before the Tribunal.

4. Hence, the case be listed before the Division Bench at 3.00 pm.

**CHAIRMAN**

YUK ORAL ORDER 21.09.2018 F

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

**ORIGINAL APPLICATION NO.718/2018**  
**(Shri Balasaheb Kadam V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

Heard Shri Ajay Deshpande learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Issue notice to the respondents, returnable on 31-10-2018.

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of

compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

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

8. S.O.to 31-10-2018.

9. Steno copy and Hamdast is allowed to both parties.

**CHAIRMAN**

YUK ORAL ORDER 21.09.2018 F

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

**M.A.NO.350/2018 IN O.A.ST.NO.1565/2018  
(Shri Walmik Daulatrao Nikam V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

Heard Smt. Amruta Paranjape-Menezes learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. Issue notice to the respondents in M.A. as well as in O.A., returnable on 31-10-2018.

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

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of

compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

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

8. S.O.to 31-10-2018.

9. Steno copy and Hamdast is allowed to both parties.

**CHAIRMAN**

YUK ORAL ORDER 21.09.2018 F

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

**M.A.NO.353/2018 IN O.A.ST.NO.1563/2018  
(Shri Anil Chavan V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

Heard Smt. Amruta Paranjape-Menezes learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for respondents.

2. Issue notice to the respondents in M.A. as well as in O.A., returnable on 31-10-2018.

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

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of



compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

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

8. S.O.to 31-10-2018.

9. Steno copy and Hamdast is allowed to both parties.

**CHAIRMAN**

YUK ORAL ORDER 21.09.2018 F

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

**ORIGINAL APPLICATION NO.717/2018  
(Smt. Vidya Pandurang Shinde V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

Heard Smt. Amruta Paranjape-Menezes learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Issue notice to the respondents in M.A. as well as in O.A., returnable on 28-09-2018.

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

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of

compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

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

8. S.O.to 28-09-2018.

9. Steno copy and Hamdast is allowed to both parties.

**CHAIRMAN**

YUK ORAL ORDER 21.09.2018 F

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

**O.A.NO.380/2017 WITH C.P.ST.NO.1066/2018 AND  
O.A.NO.792/2015**

**(Shri Prasad V. Kulkarni & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

Heard Shri V.L.Dhoble learned Advocate for the applicant in both cases, Shri M.S.Mahajan learned Chief Presenting Officer for respondent nos.1 and 2 in both cases and Shri A.S.Deshmukh, learned Advocate for respondent nos.3 to 5 (Intervenors) in O.A.No.792/2015.

2. Learned CPO files additional affidavit of respondent nos.1 and 2 to the rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. Shri A.S.Deshmukh, learned Advocate for Intervenors states that Intervenors have decided to apply for being arrayed as respondents and undertakes to move appropriate application within 2 weeks.

4. S.O. to 09-10-2018.

**CHAIRMAN**

YUK ORAL ORDER 21.09.2018 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.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

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

2. Issue notice to the respondents, returnable on 10-10-2018.

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

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of

compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

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

**8. Learned Advocate for applicant prays for leave to amend for incorporating suitable averments, because though impugned order suffers from grave infirmities and illegalities those are not expressly spelt out.**

**9. Learned Advocate for applicant prays for leave to substitute memo of O.A. and rearrange annexures, if required.**

**10. Leave to amend as prayed for is granted.**

**11. Case is heard on the point of interim relief.**

**12. It is prima facie apparent that impugned order is passed in total disregard of findings recorded by the Aurangabad Bench of this Tribunal in O.A.No.635/2013.**

**13. Hence, applicant has made out case for grant of ad-interim relief.**

**14. Therefore, ad-interim relief is granted in terms of prayer clause 10(A) with notice of show cause.**

**15. If amendment by way of substitution is not carried out within three weeks, O.A. shall stand dismissed without further reference to this Tribunal.**

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

17. S.O.to 10-10-2018.

18. Steno copy and Hamdast is allowed to both parties.

**CHAIRMAN**

YUK ORAL ORDER 19-09-2018 F

**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.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

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

2. This Tribunal had recorded statement of learned P.O. and fixed case on today's board for tendering service book to the extent it is completed for verification of the Tribunal.

3. Today learned P.O. states that so far no instructions are received.

4. It is evident that compliance of the Tribunal's order is being callously neglected.

5. Hence, issue bailable warrant to respondent nos.2, 3 and 4 in a sum of personal bond and cash security of Rs.25,000/- (Rs. Twenty Five Thousand Only)

6. It is necessary to issue notice of show cause against present incumbent holding the post of Principal Secretary, Public Health Department, Mantralaya, Mumbai.

7. Applicant was directed to furnish name of present Principal Secretary, Public Health



Department, Mantralaya, Mumbai. Applicant has furnished his name as follows:

Shri Pradeep Kumar Vyas, Principal Secretary, Public Health Department, Mantralaya, Mumbai

8. Shri Pradeep Kumar Vyas, Principal Secretary, Public Health Department, Mantralaya, Mumbai is called upon to show cause as to why cognizance of contempt should not be taken against him.

9. Warrant and notice shall be returnable on 11-10-2018.

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

11. Learned P.O. shall communicate this order to the respondents.

12. This notice and warrant shall not preclude contemnors from compliance.

13. Steno copy and hamdust is granted to both parties.

**CHAIRMAN**

YUK ORAL ORDER 21.09.2018 F

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

**ORIGINAL APPLICATION NO.247/2018**  
**(Dr. Mohammad Fazalul Haq V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

Heard Shri Asif Ali learned Advocate holding for Smt. A.N.Ansari learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. If applicant's all claims are not fully sorted out, the respondent no.6 Deputy Director of Health Services, Latur is directed to remain present personally before this Tribunal on his own costs and expenses and if required by availing leave of absence.

3. Learned P.O. is directed to communicate this order to the officer concerned apart from routine written communication by talking to him on telephone and by use of all possible devices.

4. Steno copy and hamdust is allowed to both parties.

5. S.O. to 09-10-2018.

**CHAIRMAN**

YUK ORAL ORDER 21.09.2018 F

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

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

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**OFFICE ORDER**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

Heard Shri V.R.Bhumkar learned Presenting Officer for the applicants in M.A. (original respondents in O.A.) and Shri A.D.Sugdare learned Advocate for the respondent in M.A. (original applicant in O.A.).

2. This M.A. has been filed for transfer of O.A. to Mumbai.

3. There are no grounds for transfer of O.A. at Mumbai. Hence, O.A. need not be transferred to Mumbai.

4. M.A. stands disposed of accordingly with no order as to costs.

**CHAIRMAN**

YUK ORAL ORDER 21.09.2018 F

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

**ORIGINAL APPLICATION NO.921/2016  
(Shri Sanjay Mali V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018**

**ORAL ORDER :**

Heard Shri A.D.Sugdare learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for the respondents.

2. This case was heard for some time.
3. Applicant has tendered for perusal of this Tribunal, provisional seniority list of the post of Awwal Karkoon published on 17-01-2017.
4. The plea of State is that process of finalization of seniority in the cadre of Awwal Karkoon is still half way, because objections to be raised by Awwal Karkoons in the provisional seniority of the said cadre which has been published by notification dated 13-01-2017, have to be decided.
5. Affidavit of the State also discloses that the work of finalization of seniority is yet to be completed.

6. Divisional Commissioner, Nashik is directed to file his own affidavit stating exact time limit within which seniority list will be finalized. In the affidavit he should state stages which are completed so far and stages which are to be completed and also time required for completion of each stage.

7. In this list dated 17-01-2017 name of the applicant is at Sr. No.1475. It is seen that the applicant was admitted in the cadre of Awwal Karkoon by order dated 01-02-1996 and his date of continuous officiation is shown as 03-02-1996, while one of the juniors to the applicant who was promoted namely Smt. C.N.Labhade is shown at Sr. No.1482 and her date of order of entry in the cadre is 01-04-1997 and she is in continuous officiation from 03-04-1997, i.e. about 14 months later.

8. The applicant has thus adequately demonstrated that junior to the applicant was promoted way back in 2009.

9. Learned Advocate for the applicant further argues that now the department is in the process of issuing orders of promotion to the post of Tahsildar once again, and if order of restraint is not passed, the old course of promoting juniors would be repeated and respondents would put forward the ground that seniority is yet to be finalized.

10. The applicant has further argued that the juniors to the applicant are already promoted from Naib Tahsildar to Tahsildar. The applicant has shown that Shri R.P.Darade, who is over 2 years junior to applicant has been promoted as Tahsildar by order dated 30<sup>th</sup> May, 2016 and his name is shown in the provisional list at Sr.No.1578. Shri R.P.Darade's date of order entering in the cadre of Awwal Karkoon is 09-11-1998 and he has been officiating on the said post from 23-11-1998.

11. Thus, the applicant has made out a case to show that the juniors to the applicant were promoted and are being promoted. Therefore,

present is a fit case for grant of relief in favour of the applicant by which the applicant's interest would be protected while the interest of the Government or administration will not be affected.

12. Hence, following ad-interim order is passed:

**ORDER**

Divisional Commissioner, Nashik and Secretary, Revenue Department, Mantralaya, Mumbai are directed that they shall be free to issue promotion orders from candidates holding post of Naib Tahsildar to the post of Tahsildar, however, no junior having lower position in the seniority in the provisional seniority list dated 13-01-2017 shall be promoted unless applicant's case is considered by Departmental Promotion Committee (D.P.C.) and is decided in accordance with law.

13. For filing affidavit of Divisional Commissioner, Nashik, S.O. to 10-10-2018.

**CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 167 OF 2018  
(Shri Nishikant N. Pawar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri H.U. Dhage, learned Advocate holding for Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

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

**VICE CHAIRMAN**

KPB ORAL ORDER 21-09-2018



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

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

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri H.U. Dhage, learned Advocate holding for Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

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

**VICE CHAIRMAN**

KPB ORAL ORDER 21-09-2018

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

**ORIGINAL APPLICATION NO. 322 OF 2018  
(Shri Anil S. Sonar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri H.U. Dhage, learned Advocate holding for Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that during the course of the day rejoinder affidavit would be filed.

3. S.O. to 27.09.2018.

**VICE CHAIRMAN**

KPB ORAL ORDER 21-09-2018

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

**ORIGINAL APPLICATION NO. 158 OF 2017  
(Dr. Yogesh U. Sathe V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 02.11.2018 for filing rejoinder affidavit.

**VICE CHAIRMAN**

KPB ORAL ORDER 21-09-2018

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

**ORIGINAL APPLICATION NO. 500 OF 2017  
(Shri Vijaysing P. Rathod V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. In regard to the order dated 09.08.2018, learned Advocate for the applicant submits that the legible copy of page No. 22 is filed today. Copy of the same is served on the other side.

3. S.O. to 25.10.2018 for hearing.

**VICE CHAIRMAN**

KPB ORAL ORDER 21-09-2018

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

**ORIGINAL APPLICATION NO. 332 OF 2018  
(Smt. Sangita S. Solanke V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondent Nos. 1 to 5. Shri A.N. Raut, learned Advocate for respondent No. 6, **absent**.

2. Learned Presenting Officer files affidavit in reply on behalf of respondent Nos. 1 to 3. Same is taken on record and the copy thereof has been served on the other side.

3. S.O. to 04.10.2018 for hearing.

**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 532 OF 2017  
(Shri Tukaram S. Gaikwad V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondents.

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

**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018

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

**M.A. No. 278/2018 in O.A. St. NO. 1289/2018  
(Shri Pralhad D. Rathod V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri Ashish Rajkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 16.10.2018 for filing affidavit in reply in M.A.

**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 934 OF 2017  
(Shri Vaibhav R. Rajput V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri N.A. Matkar, learned Advocate holding for Shri R.V. Gore, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

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

**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018



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

**ORIGINAL APPLICATION NO. 460 OF 2017  
(Smt. Suvarna B. Ghodke V/s. State of Maharashtra & Ors.)**

**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri V.V. Ingle, learned Advocate holding for Shri S.R. Dheple, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Learned Presenting Officer submits that the affidavit in reply of respondent Nos. 1 and 2 is not necessary.

3. Learned Advocate for the applicant seeks time for hearing. Time granted.

4. At his request, S.O. to 24.10.2018 for hearing.

**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 713 OF 2018  
(Shri Tikaram H. Sarjare V/s. State of Maharashtra & Ors.)**

**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri K.S. Barandwal, learned Advocate holding for Shri C.R. Thorat, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the Misc. Application for condonation of delay caused in filing O.A. is required to be filed. He is permitted to do so. M.A. be filed in the office. Upon filing of the same, the matter may be circulated later on.

3. Hence, the present O.A. is removed from the board.

**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 384 OF 2018  
(Smt. Panchaphulabai R. Shirsath V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri A.D. Sugdare, learned Advocate  
for the applicant and Shri D.R. Patil, learned  
Presenting Officer for respondents.

2. At the request of learned Presenting Officer  
for the respondents, S.O. to 10.10.2018.

**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 516 OF 2018  
(Shri Ravindra K. Gangurde V/s. State of Maharashtra & Ors.)**

**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

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

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

3. S.O. to 03.10.2018 for hearing.

**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 70 OF 2017  
(Shri Rajaram S. Shendge V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

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

2. Learned Presenting Officer seeks time for filing affidavit in reply to the amended O.A. Time granted.

3. At his request, S.O. to 08.10.2018.

**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 714 OF 2018  
(Shri Pravin L. Pande V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri Ashish Rajkar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. On instructions, learned Advocate for the applicant now files on record withdrawal pursis signed by the applicant. Same is taken on record and marked as document 'X' for the purposes of identification. He submits that the applicant does not wish to proceed with the present O.A. and wants to withdraw the same.

3. Withdrawal is allowed. The O.A. is disposed of as withdrawn 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 ST. NO. 615/2018  
(Dr. Prasad V. Kulkarni V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri Vishnu Dhoble, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

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

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

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

7. 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 record.

8. S.O. 24-10-2018.

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

**VICE CHAIRMAN**

KPB ORAL ORDER 21-09-2018



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

**ORIGINAL APPLICATION ST. NO. 894/2018  
(Dr. Vidya S. Boindwad V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

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

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

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

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

7. 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 record.

8. S.O. 24-10-2018.

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

**VICE CHAIRMAN**

KPB ORAL ORDER 21-09-2018

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

**ORIGINAL APPLICATION ST. NO. 895/2018  
(Dr. Vinayak B. Pache V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

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

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

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

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

7. 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 record.

8. S.O. 24-10-2018.

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

**VICE CHAIRMAN**

KPB ORAL ORDER 21-09-2018

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

**ORIGINAL APPLICATION NO. 766 OF 2017  
(Smt. Vanita U. Shejul V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Shri Amit Dhongde, learned Advocate for the applicant (**Absent**)j. Smt. Deepali S. Deshpande, learned Presenting Officer for respondents, present.

2. Learned Presenting Officer seeks time for filing affidavit in reply.

3. It is to be noted that since 06.12.2017, learned Presenting Officer seeks time for filing affidavit in reply. In the circumstances, as a last chance, S.O. to 16.10.2018 with a forewarning that if the affidavit in reply is not filed on the next date, the heavy costs would be imposed on the concerned respondents.

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

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 832 OF 2017  
(Shri Ramkrishan M. Mhaske & Anr. V/s. State of Maharashtra & Ors.)**

**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri Shamsundar B. Patil, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Learned Presenting Officer files on record a copy of the order dated 15.09.2018 issued by the Superintending Engineer, Public Works Department, Ahmednagar. Same is taken on record and marked as document 'X' for the purposes of identification. She has submitted that in view of the said decision, the present applicant is awarded benefits as sought in the present Original Application. In the circumstances, direction of payment of costs by order dated 23.08.2018 is hereby recalled.

3. Learned Advocate for the applicant seeks time to take instructions from the applicant regarding withdrawal of the present Original Application.

4. At his request, S.O. to 10.10.2018.

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 11 OF 2018  
(Shri Maroti S. Jadhav V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Shri P.P. Uttarwar, learned Advocate for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for respondents, present.

2. In view of continues absence of the applicant or his counsel after the date of filing of the present O.A. Vide order dated 06.08.2018 it was forewarned that on the next date i.e. on today necessary orders may be passed.

3. In view of the above fact, the present Original Application is dismissed in default without any order as to costs.

**VICE CHAIRMAN**

KPB ORAL ORDER 21-09-2018

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

**ORIGINAL APPLICATION NO. 33 OF 2018  
(Shri Shaikh Ibrahim Shaikh Nanhu V/s. State of Maharashtra & Ors.)**

**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

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

2. Learned Presenting Officer files affidavit in reply on behalf of respondent No. 5. Same is taken on record and the copy thereof has been served on the other side.

3. S.O. to 22.10.2018 for hearing.

**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018



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

**ORIGINAL APPLICATION NO. 288 OF 2018  
(Shri Rajendra V. Marale V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

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

2. At the request of learned Advocate for the applicant, S.O. to 03.10.2018. Status quo granted earlier to continue till then.

**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 344 OF 2018  
(Shri Dinkar S. Patil V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer  
for the respondents, S.O. to 11.10.2018 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. 370 OF 2018  
(Shri Dhammatna S. Ghule V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Shri M.R. Deshmukh, learned Advocate for the applicant (**Absent**). Shri M.P. Gude, learned Presenting Officer for respondents, present.

2. At the request of learned Presenting Officer for the respondents, S.O. to 22.10.2018 for filing affidavit in reply

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**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018

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

**M.A. 280/2018 with M.A. St. 1313/2018 in O.A. St. 1314/2018  
(Smt. Urmila P. Thakur & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri R.B. Temak, learned Advocate  
for the applicant and Smt. M.S. Patni, learned  
Presenting Officer for respondents.

2. At the request of learned Presenting Officer  
for the respondents, S.O. to 10.10.2018 for filing  
affidavit in reply in M.A.

**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 340 OF 2014  
(Shri Gajanan R. Jawale V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri V.R. Sarosiya, learned Advocate holding for Shri Ganesh Gadhe, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

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

**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 922 OF 2017  
(Shri Pandurang R. Chinchale V/s. State of Maharashtra & Ors.)**

**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Smt. Bhartee Sathe-Sohoni, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for respondent Nos. 1 and 4 and Shri V.G. Pingle, learned Advocate holding for Shri D.T. Devane, learned Advocate for respondent Nos. 2 & 3.

2. At the request of learned Advocate for respondent Nos. 2 & 3, S.O. to 16.10.2018 for hearing.

**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018

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

**M.A. 354/2018 in M.A. 270/2018 in O.A. St. 1038/2018  
(Shri Pandurang B. Nilewar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant submits that in fact the notices were served on the respondents, however, only service affidavit remained to be filed within a period prescribed by the order dated 31.07.2018.

3. For the reasons stated in the M.A., the same is allowed. The M.A. No. 270/2018 is restored to its original file.

4. The applicant is directed to file the said service affidavit within a period of 7 days from the date of this order. Thereupon, M.A. No. 270/2018 be placed for further hearing.

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 168 OF 2018  
(Shri Raosaheb S. Kshirsagar V/s. State of Maharashtra & Ors.)**

**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant has submitted that similarly situated employees, who is accused No. 5 in Regular Criminal Case No. 322 of 2001 along with present applicant, who is accused No. 4 in the said case (Annexure-B, Page Nos. 28 to 41). The said accused No. 5 was reinstated in service with back wages and the same was denied by the present applicant. He has submitted that necessary documents regarding direction to pay entire back wages regarding the said accused will have to be filed and therefore he seeks time.

3. At his request, S.O. to 22.10.2018 for filing documents, if any or for hearing.

**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018



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

**ORIGINAL APPLICATION NO. 588 OF 2018  
(Shri Mahadeo V. Chinchole V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

Heard Shri Shrikant Patil, learned Advocate holding for Shri U.H. Bhogle, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of all respondents and therefore, there is no need to wait for service report of respondent No. 1.

3. Learned Advocate for the applicant however submits that the applicant would be satisfied if the prayer clause IX (B) that the respondent No. 2 be directed to decide the representation dated 22.01.2018 is granted.

4. It is to be noted that considerable time has elapsed from the date of making of the said representation dated 22.01.2018 (Annexure A-6, page nos. 21 & 22).

5. In the circumstances, the present O.A. is disposed of without any order as to costs with a direction to the respondent No. 2 to decide the representation of the applicant within a period of two months from the date of this order.

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

**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018

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

**ORIGINAL APPLICATION NO. 186 OF 2018  
(Shri Nivrutti K. Dhavle V/s. State of Maharashtra & Ors.)**

**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

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

2. The applicant is seeking following relief :-

***“B) By issue of an appropriate order or direction, the respondents particularly the respondent Nos. 2 and 3 may kindly be directed to refund the recovered amount of Rs. 1,69,131/- deduced as excess payment from the retirement gratuity of the applicant by the respondent No. 3 to the applicant in view of the Law/Judgment and order delivered in case of State of Punjab V/s. Rafiq Masih, in Civil appeal No. 11527/2014 and similar orders passed by this Hon’bel Tribunal as the case of the applicant is fully covered by this judgment in the interest of justice.”***

3. The impugned decision of the concerned respondent dated 20.03.2014 (Annexure A-3, page No. 19), would show that after retirement of the present applicant recovery from the wages is directed from the gratuity amount on the ground that there was overpayment since the year 2006. It is admitted fact that without any misrepresentation or fault of the present applicant, the concerned respondent has made overpayment. Similarly situated employees had filed O.A. Nos. 786, 787 & 877 all of 2016, which were decide by this Tribunal by order dated 19.01.2018 (Annexure A-3, page No. 33). The decision would show that in view of the ratio of **State of Punjab and Others Vs. Ragiq Masih (White Washer) etc. in Civil Appeal No. 11527 of 2014 (arising out of SLP (C) No. 11684 of 2012)** recovery is held to be not permissible.

4. Upon hearing both the sides therefore, similar directions are issued as issued in O.A. Nos. 786, 787 & 877 all of 2016 vide judgment dated 19.01.2018.

5. In view of this, the present O.A. is allowed without any order as to costs. The respondents are directed to refund the amount of Rs. 1,69,131/- within a period of three months from the date of this order. Failing which the amount shall carry interest @ 9% p.a. from the date of present order.

**VICE CHAIRMAN**

KPB ORAL ORDER 19-09-2018

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

**M.A. 356/2018 in M.A. 269/2018 in O.A. St. 1036/2018  
(Shri Mirza Rasheed Baig Abdul Baig V/s. State of Maharashtra & Ors.)**

**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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

**DATE : 21.09.2018.**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant submits that in fact the notices were served on the respondents, however, only service affidavit remained to be filed within a period prescribed by the order dated 31.07.2018.

3. For the reasons stated in the M.A., the same is allowed. The M.A. No. 269/2018 is restored to its original file.

4. The applicant is directed to file the said service affidavit within a period of 7 days from the date of this order. Thereupon, M.A. No. 269/2018 be placed for further hearing.

**VICE CHAIRMAN**

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

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

**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

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

2. This O.A. is heard on the point of interim relief. Perusal of earlier orders reveal as follows :-

Sr. no.	Date	Events
1.	16.1.2018	Notices were issued
2.	29.1.2018	Notices were served upon respondents.
3.	28.2.2018	Case was heard and adjourned.
4.	2.7.2018	This Tribunal recorded as follows :- “2. Affidavit in reply filed on behalf of the Collector, Jalgaon is drafted in totally irresponsible manner. Rule 131 of the Maharashtra Civil Service (Pension) Rules, 1982 relied upon by the applicant in paragraph 16 is callously neglected. 3. Case is adjourned till tomorrow to find out whether the Collector takes corrective action. 4. S.O. to 3.7.2018.” (Quoted from order dated 2.7.2018)
5.	3.7.2018	This Tribunal recorded as follows :- “5. Shri J.B. Dixit, Sr. Clerk was called to explain regarding his negligence in duty in coming to attend the case without studying it.

		<p>He has tendered unconditional written apology for his failure to read the papers. Same is accepted. It is taken on record.</p> <p>6. The affidavit of District Supply Officer, Jalgaon does not contain an answer any specific plea contained in paragraph no. 16 to 21 of the O.A. Rather the reply is evasive.</p> <p>7. In the background of evasive reply, the Collector, Jalgaon is directed to file his own affidavit in reply answering each and every paragraph of the O.A. within the period of two weeks from today.</p> <p>8. Learned Chief Presenting Officer is directed to communicate this order.</p> <p>9. Steno copy and hamdust is allowed to both the sides.</p> <p>10. S.O. to 27.07.2018.”</p> <p>(Quoted from order dated 3.7.2018)</p>
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3. Thereafter, the matter has been adjourned on almost 4 occasions, awaiting suitable mends on the part of Collector, view of the order of the Tribunal directing the Collector, Jalgaon to file his own affidavit after studying the matter fresh affidavit in reply is filed

4. On 24.7.2018 fresh affidavit was affirmed by Collector and was later on filed.

5. It is seen that crucial averments on which the applicant has averred in O.A. and has placed reliance are as follows :-

*“16.....The respondent No. 5 is not empowered to withhold the pension pay order under any provision and it can only be revised as per Rule 131 of the M.C.S. (Pension) Rules, 1982 once it is being sanction.”*

*(Quoted from para 16 of O.A.)*



*17. The applicant submits that, the respondent No. 5 did not accept the terms and condition mentioned in the certificate issued by the respondent No. 4 and it is being stated that, once the final pension pay order is being sanctioned there is provision for sending the proposal for the provisional pension and directing the send the pension pay order to the office of respondent No. 6, but this process is in violation of the M.C.S. (Pension) Rules, 1982.”*

*(Quoted from para 17 of O.A.)*

6. Though this Tribunal expected and directed against that the Collector that he shall himself read the papers, the Collector’s answer reads as follows :-

*“5) The allegations made in para no. 16 are strictly denied.*

*The applicant has misconstrued and misinterpreted the Rule 131 of MCS (Pension) Rules, 1982. Rule 131 of MCS Pension Rules is about the revision of the pension after authorization whereas the averment of the applicant is based on the Rule 27 (4) which is duly authorize the Respondent to enquire about the No Due or No enquiry against the applicant.*

*In case of pendency of enquiry against the retired person, Rule 27 (4) empowers the Respondent to proceed as per the Rule 130 and grant only Provisional Pension. Hence, the contentions mentioned in para no. 16 are nothing but the misrepresentation.*

*6) The allegations made in para no. 17 are strictly denied.*

*The applicant has misconstrued and misinterpreted the Rule 27(4) r/w Rule 130 and 131 of MCS (Pension) Rules, 1982.*

*Rule 27 is about Right of Government to withhold or withdraw pension and sub*

*clause (4) is about sanction of provisional pension as per Rule 130 which is squarely applicable to the case of the applicant and hence it is evident for the circumstance that, nothing is done contrary to the provisions of the MCS (Pension) Rules, 1982.”*

(Quoted from page Nos. 76 and  
77 of O.A.)

7. Thereafter hearing was adjourned twice and learned C.P.O. sought time to point out to the Collector:-

*(a) The stages for sanction of provisional pension, which is imperative provision as per clause (4) of rule 27 of M.C.S. (Pension) Rules, 1982.*

*(b) Admittedly, in the present case the Pension Pay Order is already received.*

*(c) And that action under Rule 131 of M.C.S. (Pension) Rules, 1982 has to be initiated de novo and Rule 27 (4) is relevant after issue of P.P.O.*

8. On the next date of hearing the learned C.P.O. had again sought time to discuss the matter with the Collector, Jalgaon and inform this Tribunal as to what action would be taken in the matter.

9. Today learned C.P.O. has again prayed for time till afternoon session, so that he could speak to the Collector on the deficiencies which were pointed out.

10. In the afternoon session Shri S.K. Shirse, learned Presenting Officer appeared with a communication dtd. 21.9.2018 from the Resident Deputy Collector, Jalgaon. It is taken on record and marked as document 'X' for the purpose of identification.

11. From the letter written by the R.D.C. to the learned C.P.O, which is tendered today, it transpires that the R.D.C., Jalgaon has written it apparently for the Collector, Jalgaon, else when the Collector was called to take steps, the R.D.C. has no business to write a letter to learned C.P.O. on his own. What R.D.C. has done is that he has, probably forth time repeated the stand of the Collector, which is subject matter of challenge and is noticed by the Tribunal to be prima-facie faulty being based on pre conviction than on plain reading of rules.

12. It also prima-facie appears that the subordinate staff of Collector i.e. Clerical staff of Dist. Supply Officer and the Collector himself all have pre conviction of action taken by them being correct, due to which they are either reading rule 131 of the M.C.S. (Pension) Rules, 1982 with a goal which is already set as to meaning thereof. They are rather not at all reading rule 131 of M.C.S. (Pension) Rules, 1982 and are again and again falling back on clause (4) of rule 27 of the said rules.

13. By adjourning the hearing of the O.A. from time to time this Tribunal has given opportunity to Collector, Jalgaon and his staff to understand the true meaning and scheme of rule 27 (4) of M.C.S. (Pension) Rules, 1982 in contrast with rule 131 of the said rules.

14. It is very sad that the R.D.C. must be aspiring to walk the ladder ahead. The R.D.C. must aspiring to be I.A.S. Officers, and Collector is definitely an

I.A.S. officer. Both these Officers must have undergone the training regarding service rules and administration and it is very difficult to get convinced that this Tribunal is required to give repeated caution to them and to read the rules plainly and impartially, yet they are refusing to read the plain meaning of rules and are unable to follow the gravity of the observations of the Tribunal.

15. It cannot be made out as to whether it is due to lack of understanding or otherwise. Be that as it may.

16. This Tribunal also must record that grant of final pension to an employee is not a final seal of approval, but Rule 131 of M.C.S. (Pension) Rules, 1982 provides an enquiry and action. All that is provided is due process and due process, which is proud potently of good governance.

17. In the aforesaid premises, this Tribunal feels that an opportunity to correctly understand the law must be given to the Officers once again before passing final judgment on the Collector, Jalgaon and his team as to their capacity of understanding or deliberate and willful faulty recourse to whimsical and capricious interpretation.

18. At the same time applicant's interest and interest of law is also required to be protected.

19. Hence it is necessary to advert to Rule 131 of M.C.S. (Pension) Rules, 1982, which reads as under :-

**“131. Revision of pension after authorization.** (1) *Subject to the provisions of rules 26 and 27, pension once authorised after final assessment shall not be revised to the disadvantage of the Government servant, unless such revision becomes necessary on account of detection of a clerical error subsequently:*

*Provided that no revision of pension to the disadvantage of the pensioner shall be ordered by the Head of Office without the concurrence of the Finance Department if the clerical error is detected after a period of two years from the date of authorization of pension.*

*(2) For the purpose of sub-rule (1), the retired Government servant concerned shall be served with a notice by the Head of Office requiring him to refund the excess payment of pension within a period of two months from the date of receipt of notice by him.*

*(3) In case the Government servant fails to comply with the notice, the Head of Office shall, by order in writing, direct that such excess payment, shall be adjusted in installments by short payments of pension in future, in one or more installments, as the Head of Office may direct.”*

20. None bosses authority to override rule 131 of M.C.S. (Pension) Rules, 1982.

21. With the aforesaid background, it reveals that the applicant has made out a case for grant of interim relief of direction to the respondents to act on the basis of PPO already issued by the Accountant General.

22. Hence, interim relief is hereby granted in terms of para 23 (a) of the O.A., which reads as follows :-

*“23.(a) Pending hearing and final disposal of this Original Application, respondent No. 5 be directed to release the Pension Pay Order bearing No. 111501289062 dated 14.08.2015 sanctioned by respondent No. 6 forthwith subject to the decision of the Departmental Enquiry.”*

(quoted from page 12 of O.A.)

23. For awaiting corrective measures by the Collector, Jalgaon, and if no corrective measures are taken, for final hearing of O.A., S.O. to 19.10.2018.

**CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 316/2018  
(Dr. Dattatraya B. Gholap & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. At the request of learned C.P.O., S.O. to 3.10.2018 for filing affidavit in reply of the respondents. So far as the present applicants are concerned, the interim relief granted by the Tribunal vide order dtd. 18.5.2018 to continue till the next date.

**MEMBER (A)**

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NOS. 528 & 619/2018  
(Jeevan G. Shinde & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

Heard Shri S.L. Bhapkar, learned Advocate for the applicants in both the matters and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents in both the matters.

2. Learned C.P.O. submits that the concerned proposal has already been sent by the concerned respondent to the Finance Department in both the matters and, therefore, 3 weeks' time is required in that regard. At his request, S.O. to 16.10.2018 for making submissions by the learned C.P.O. on the line of order dtd. 5.9.2018.

**MEMBER (A)**

**VICE CHAIRMAN**



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

**ORIGINAL APPLICATION NO. 481/2018  
(Prakash A. Shisode V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

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 respondents.

2. At the request of learned Advocate for the applicant, S.O. to 24.9.2018 for making submissions on the line of order dtd. 12.7.2018.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 21-9-2018

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

**ORIGINAL APPLICATION NO. 703/2018  
(Dr. Prithviraj K. Chavan V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

Heard Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, 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 any detailed affidavit in reply, the res. no. 1 – the Principal Secretary, Public**

**Health Department, Mantralaya, Mumbai - is hereby directed to verify as to whether any decision on the voluntary retirement notice of the applicant dtd. 2.5.2018 (Annex. A. 5 page 22) is taken and if no such decision is taken in that regard, then appropriate decision be taken in that regard and copy thereof be filed on record 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. 700/2012  
(Atharoddin A. Siddique V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

Heard Shri A.D. Gadekar, learned Advocate holding for Shri Y.P. Deshmukh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondents.

2. At the request of learned P.O., S.O. to 11.10.2018 for filing affidavit in reply of the respondents.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 21-9-2018

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

**ORIGINAL APPLICATION NO. 383/2017  
(Uttam S. Mundhe V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

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

2. Learned P.O. files on record sur-rejoinder of res. no. 2. It is taken on record with copy to other side. In the circumstances, S.O. to 15.10.2018 for hearing on admission.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 21-9-2018

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

**ORIGINAL APPLICATION NO. 174/2018  
(Divakar R. Deshmukh V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that, it is learnt that the departmental enquiry against the present applicant is concluded and the applicant is exonerated. He seeks time to take instructions from the applicant in this regard.

3. In the above circumstances, the learned P.O. is hereby directed to take instructions from the concerned respondents in this regard and file the copy of report in the D.E., if any, on the next date. In the circumstances, S.O. to 27.10.2018 for compliance of above order.

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

**MEMBER (A)**

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 260/2018  
(Arjun V. Sontakke V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

None appears for the applicant. Shri M.P. Gude, learned Presenting Officer for respondents, is present.

2. At the request of learned P.O., S.O. to 17.10.2018 for filing affidavit in reply of the respondents in the present O.A.

**MEMBER (A)**

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 392/2018  
(Chandrakant R. Kapse V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

Heard Shri A.M. Hajare, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondent nos. 1 to 3. Shri U.S. Damble, learned Advocate for respondent nos. 5 to 7 & 9 (**absent**). None appears for respondent nos. 4 & 8, though duly served.

2. Learned P.O. seeks time to file reply of res. nos. 1 to 3. It appears that res. nos. 5 to 7 & 9 have not filed their reply. None appears for res. nos. 4 & 8, though duly served and, therefore, matter to proceed without reply of res. nos. 4 & 8.

3. In the circumstances, S.O. to 27.10.2018 for filing replies by res. nos. 1 to 3, 5 to 7 & 9.

**MEMBER (A)**

**VICE CHAIRMAN**



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

**ORIGINAL APPLICATION NO. 485 & 486/2018  
(Dr. Mahesh B. Phad & Dr. Amarsingh R. Hazari V/s. State of Maharashtra &  
Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

Heard Smt. Vidya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicants in both the matters and Shri D.R. Patil & Smt. Deepali S. Deshpande, learned Presenting Officers for respondent nos. 1 to 3 in both the matters and Dr. Harshal S. Pachpor – respondent no. 4 in person in O.A. no. 485/2018. None appears for respondent no. 4 in O.A. no. 486/2018.

2. Learned P.Os. have filed short affidavits of res. nos. 1 to 3 on the line of order dtd. 9.7.2018. The same are taken on record and copies thereof have been served on the learned Advocate for the applicants in both the matters and respondent no. 4 in O.A. no. 485/2018. At the request of res. no. 4 in O.A. no. 485/2018 S.O. to 15.10.2018 for filing reply. Both the cases be kept together.

**MEMBER (A)**

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 491/2018  
(Shivanand T. Taksale V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

Heard Ms. Pradnya Talekar, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned C.P.O. submits that affidavit in reply of res. no. 1 is not required. In the circumstances, S.O. to 19.10.2018, for hearing on admission / hearing on the point of interim relief, if any.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 21-9-2018

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

**ORIGINAL APPLICATION NO. 556/2018  
(Dr. Shweta V. Katkar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

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

2. At the request of learned P.O., S.O. to 15.10.2018 for filing affidavit in reply of the respondents in the present O.A. Office to place the present O.A. along with O.A. nos. 485 & 486/2018 on the next date.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 21-9-2018

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

**ORIGINAL APPLICATION NO. 587/2018  
(Balaji S. Sangaonkar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

None appears for the applicant. Shri S.K. Shirse, learned Presenting Officer for respondents, is present.

2. At the request of learned P.O., S.O. to 24.10.2018 for filing affidavit in reply of the respondents in the present O.A. In the circumstances, it is not necessary to await service of res. no. 1.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 21-9-2018

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

**ORIGINAL APPLICATION NO. 593/2018  
(Mohan V. Sangvikar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

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

2. At the request of learned P.O., S.O. to 22.10.2018 for filing affidavit in reply of the respondents in the present O.A. In the circumstances, it is not necessary to await service of res. no. 2.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 21-9-2018

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

**ORIGINAL APPLICATION NO. 598/2018  
(Ganpat G. Sansare V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

Heard Ms. Divya Tyagi, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. At the request of learned P.O., S.O. to 22.10.2018 for filing affidavit in reply of the respondents in the present O.A.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 21-9-2018

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

**M.A. 142/2018 IN O.A. 66/2018  
(Dnyeneshwar P. Kadam V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

Heard Shri K.S. Patil, learned Advocate for the applicant in the present M.A. and Shri V.R. Bhumkar, learned Presenting Officer for respondent nos. 1 to 4 in the present M.A. Shri M.M. Kadam, learned Advocate for respondent no. 5 in the present M.A. (**absent**).

2. Shri Kadam, learned Advocate for res. no. 5 in the present M.A. was absent on the last date also. In the present M.A. to proceed further without reply of res. no. 5.

3. Learned Advocate for the applicant submits that the certificate regarding verification of sports certificate of the present applicant is like to be issued in near future. In the circumstances, S.O. to 9.10.2018 for hearing of the present M.A.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 21-9-2018

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

**M.A. 288/2018 IN O.A. ST. 1063/2018  
(Kamlakar K. Phad V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

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

2. At the request of learned P.O., S.O. to 17.10.2018 for filing affidavit in reply of the respondents in the present O.A.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 21-9-2018



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

**M.A. 341/2018 IN O.A. 341/2010  
(Dr. Sarda R. Mithulaji & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant submits that in view of the decision of Hon'ble High Court in writ petition no. 2562/2017 and the batch dtd. 16.4.2018, the present applicant wishes to amend the O.A. and make additional averments in the O.A. as are quoted in para 4 of the present M.A.

3. For the reasons stated in the present M.A. it is allowed and disposed of without any order as to costs and the applicant is permitted to amend the O.A. as per para 4 of the present M.A. The said amendment shall be carried out in the O.A. on or before 15.10.2018.

**MEMBER (A)**

**VICE CHAIRMAN**

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

**O.A. 341/2010  
(Dr. Sarda R. Mithulaji & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)  
DATE : 21.9.2018**

**ORAL ORDER :**

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

2. After amendment in the O.A., issue notices to the respondents, returnable on 6.11.2018.

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 6.11.2018.

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

**MEMBER (A)**

**VICE CHAIRMAN**

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

**M.A. 355/2018 IN O.A. 474/2018  
(Prashant P. Vaidya V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

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

2. Present M.A. has been filed by the applicant for restoration of O.A. to the original file. It reveals that, the O.A. was dismissed in default for want of collection of notices by the applicant and serving the same upon the respondents.

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

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 21-9-2018

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

**O.A. 474/2018  
(Prashant P. Vaidya V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

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

2. After restoration 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.

**MEMBER (A)**

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 559/2014  
(Dr. Ajit R. Patil V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

Heard Shri P.H. Sukale, learned Advocate holding for Shri V.B. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents.

2. It is to be noted that since last 4 to 5 dates none is appearing for the applicant. In the interest of justice, as a last chance, S.O. to 26.9.2018 for hearing of the present O.A. It is, however, made clear that, in case no submissions are made by the learned Advocate for the applicant on the next date, the present O.A. shall dismissed in default automatically.

**MEMBER (A)**

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 600/2014  
(Amolsinh P. Gour V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for respondents, is present.

2. In view of absence of applicant and his learned Advocate, S.O. to 10.10.2018 for final hearing.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 21-9-2018

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

**ORIGINAL APPLICATION NO. 688/2014  
(Shrikant N. Mahajan V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

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

2. It appears from the record that, on last 2 dates none is appearing for the applicant. In the circumstances, the present O.A. is dismissed default without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 21-9-2018

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

**O.A. 44/2015  
(Sulbha A. Dnyate V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

None appears for the applicant. Smt. M.S. Patni, learned Presenting Officer for respondents, is present.

2. In view of absence of applicant and his learned Advocate S.O. to 10.10.2018 for final hearing.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 21-9-2018



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

**O.A. 68/2015  
(Purushottam N. Lambde V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

None appears for the applicant. Smt. M.S. Patni, learned Presenting Officer for respondents, is present.

2. The record would show that since last 3 dates i.e. since 10.7.2018 none is appearing for the applicant. In the circumstances, present O.A. is dismissed in default without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 21-9-2018

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

**O.A. 722/2018  
(Bhagwat S. Somase V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant relies on the order dtd. 14.9.2018 passed by the Tribunal in O.A. st. no. 1567/2018 (i.e. O.A. no. 707/2018).

3. Since common show cause notice is challenged by the present applicant in the present matter, similar order is passed in the present matter as is passed on 14.9.2018 in O.A. st. no. 1567/2018 (i.e. O.A. no. 707/2018). The order dtd. 14.9.2018 in O.A. st. 1567/2018 (i.e. (O.A. no. 707/2018)) reads as under :-

*“2. Case is heard with consent of both the parties. Since presently show cause notice is issued and the wording of the notice (Annexure A-7, paper book page 42-43) appears that the concerned respondents have taken a preliminary decision, it is hereby directed that the applicant shall appear before the concerned respondents, show causes to the notice of concerned respondents, thereupon respondents shall take appropriate decision taking into consideration the statement/s that may be made in the reply and shall take a final decision according to due procedure of law.*”

*3. In case, any decision adverse to the interest of the applicants is taken same shall be communicated to them and the said decision shall not be implemented for a period of 2 weeks from the date of communication of the order.*

*4. Present O.A. is disposed of with above directions with liberty to the applicants to file fresh original application if fresh cause of action arises. There shall be no order as to costs.”*

4. In the circumstances, the present O.A. is disposed of with above directions with liberty to the applicant to file fresh O.A., if fresh cause of action arises. There shall be no order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

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

**O.A. 559/2018  
(Venkat N. Mittewad V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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

**DATE : 21.9.2018**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant has placed on record copy of order dtd. 18.5.2018 passed by the Tribunal in O.A. st. no. 730/2018. It is taken on record and marked as document 'X' for the purpose of identification.

3. It appears that the learned Advocate for the applicant is not satisfied with the oral submissions made so far. In the circumstances, the present O.A. is reserved for orders. Learned Advocate for the applicant is at liberty to file written notes of arguments on or before 26.9.2018.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 21-9-2018