

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

**O.A. NO. 561/2018**

**(Shri Yogesh Y. Suryawanshi V/s. State of Maharashtra & Ors.)  
AND**

**O.A. NO. 847/2018**

**(Shri Ananda N. Kolewad Vs. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : A.R. CHADHA, MEMBER (A).**

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

**DATE : 26.7.2019**

**ORAL ORDER :**

**O.A.NO. 561/2018**

Heard Shri M.R. Wagh, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent Nos. 1 to 4 and Ms. Rebekah Daniel, learned Advocate holding for Shri S.B. Talekar, learned Advocate for respondent No. 5.

**O.A.NO. 847/2018**

Heard Ms. Rebekah Daniel, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri M.R. Wagh, learned Advocate for respondent No. 4.

2. Both the sides submit that the applicant in O.A. no. 561/2018 is appointed along with similarly situated candidates, subject to outcome of O.A. in pursuance of the order of the Tribunal dated 2.11.2018 passed in O.A. no. 847/2018. The

applicant in O.A. no. 561/2018 is also a res. no. 4 in O.A. no. 847/2018 in which the M.P.S.C. has blacklisted the said applicant as per the observations of the Sessions Court.

3. In the circumstances, O.A. no. 561/2018 is disposed of without any order as to costs.

4. Accordingly, O.A. no. 847/2018 is hereby admitted and it is made clear that the appointment of res. no. 4 – Shri Yogesh Y. Suryawanshi – along with similarly placed persons shall be subject to outcome of O.A. no. 847/2018.

5. However, though O.A. no. 561/2018 is disposed of, its R&P be kept in O.A. no. 847/2018 for future reference while deciding O.A. no. 847/2018.

**MEMBER (A)**

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

**ORIGINAL APPLICATION NO. 04/2019  
(Shri Govind P. Gite V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : A.R. CHADHA, MEMBER (A).**

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

**DATE : 26.7.2019**

**ORAL ORDER :**

None appears for the applicant. Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents, is present.

2. Learned P.O. submits that during the course of the day he would file affidavit in reply of the respondents. It be taken on record and copy thereof be supplied to the learned Advocate for the applicant.

3. S.O. to 6.9.2019 for filing rejoinder, if any.

**MEMBER (A)**

ARJ ORAL ORDER 26.7.2019

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

**ORIGINAL APPLICATION NO. 90/2019  
(Shri Khushwant H. Borase V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : A.R. CHADHA, MEMBER (A).**

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

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri M.R. Wagh, learned Advocate holding  
for Shri Chetan V. Bhadane, learned Advocate for the  
applicant and Smt. Deepali S. Deshpande, learned  
Presenting Officer for the respondents.

2. Learned P.O. has filed affidavit in reply of res.  
nos. 2 to 4. It is taken on record and copy thereof has  
been supplied to the learned Advocate for the  
applicant. Learned P.O. submits that reply of the res.  
no. 1 is not necessary at present.

3. In the circumstances, S.O. to 16.9.2019 for filing  
rejoinder, if any.

**MEMBER (A)**

ARJ ORAL ORDER 26.7.2019

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

**ORIGINAL APPLICATION NO. 117/2019  
(Shri Sainath K. Matkar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : A.R. CHADHA, MEMBER (A).**

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

**DATE : 26.7.2019**

**ORAL ORDER :**

None appears for the applicant. Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents, is present.

2. At the request of learned Presenting Officer, S.O. to 4.9.2019 for filing reply of the respondents.

**MEMBER (A)**

ARJ ORAL ORDER 26.7.2019

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

**ORIGINAL APPLICATION NO. 182/2019  
(Dr. Devidas L. Lavhate V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : A.R. CHADHA, MEMBER (A).**

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

**DATE : 26.7.2019**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant submits that in the earlier advertisement he has claimed from Open category for which age limit was 35 years and for internal candidates there was relaxation of 5 years. In the fresh advertisement the age is prescribed as 38 years and for internal candidates there is relaxation of 5 years. Paper book page 100 shows that the applicant was more than 43 years of age as on 31.8.2017.

3. In the circumstances, learned Advocate for the applicant is hereby granted another chance to demonstrate whether there is age relaxation above 43 years for reserved candidates.

4. S.O. to 6.8.2019.

**MEMBER (A)**

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

**ORIGINAL APPLICATION NO. 271/2019  
(Shri Avinash R. Kamble & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : A.R. CHADHA, MEMBER (A).**

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

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri H.A. Joshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned C.P.O. files on record affidavit in reply of res. no. 1. It is taken on record and copy thereof has been supplied to the learned Advocate for the applicant. Learned C.P.O. seeks time to file reply of res. no. 2. Time granted.

3. S.O. to 5.9.2019 for filing rejoinder by the applicant to the reply of res. no. 1, if any, and also for filing reply of res. no. 2 by the learned C.P.O.

**MEMBER (A)**

ARJ ORAL ORDER 26.7.2019

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

**ORIGINAL APPLICATION NO. 346/2019  
(Dr. Sharda W. Kharat V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : A.R. CHADHA, MEMBER (A).**

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

**DATE : 26.7.2019**

**ORAL ORDER :**

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

2. At the request of learned P.O., S.O. to 9.9.2019 for filing affidavit in reply of the respondents.

**MEMBER (A)**

ARJ ORAL ORDER 26.7.2019



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

**ORIGINAL APPLICATION NO. 417/2019  
(Shashikant D. Guntoorkar & Anr. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : A.R. CHADHA, MEMBER (A).**

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

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri Jahed Ali, learned Advocate holding  
for Shri M.A. Golegaonkar, learned Advocate for the  
applicants and Shri M.P. Gude, learned Presenting  
Officer for the respondents.

2. Learned P.O. files affidavit in reply of the  
respondent no. 6 and seeks time to file reply of res.  
nos. 1 to 5. The reply of res. no. 6 is taken on record  
and copy thereof has been supplied to the learned  
Advocate for the applicant.

3. In the circumstances, S.O. to 18.9.2019 for filing  
reply of res. nos. 1 to 5 and also filing rejoinder by the  
applicant to the reply of res. no. 6.

**MEMBER (A)**

ARJ ORAL ORDER 26.7.2019

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

**M.A. 94/2019 IN O.A. 95/2017  
(Balu J. Gaikwad V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : A.R. CHADHA, MEMBER (A).**

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

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri Avinash K. Shejwal, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. Present Misc. Application has been filed by the applicant for restoration of O.A. no. 95/2017 to its original file which was dismissed in default by the Tribunal vide order dated 13.2.2019.

3. For the reasons stated in the Misc. Application it is allowed and disposed of without any order as to costs and O.A. no. 95/2017 is restored to its original file.

**MEMBER (A)**

ARJ ORAL ORDER 26.7.2019

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

**O.A. 95/2017  
(Balu J. Gaikwad V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : A.R. CHADHA, MEMBER (A).**

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

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri Avinash K. Shejwal, learned Advocate  
for the applicant and Smt. Sanjivani Deshmukh  
Ghate, learned Presenting Officer for the respondents.

2. Today by passing separate order in M.A. no.  
94/2019 the present O.A. is restored to its original file.

3. With the consent of both the sides, S.O. to  
18.9.2019 for hearing on admission.

**MEMBER (A)**

ARJ ORAL ORDER 26.7.2019

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

**C.P. ST. 1392/2019 IN O.A. 560/2018  
(Dr. Omprakash G. Kanade V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : A.R. CHADHA, MEMBER (A).**

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

**DATE : 26.7.2019**

**ORAL ORDER :**

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

2. Learned P.O. seeks time to take instructions from the concerned respondents about the compliance of the order of the Tribunal passed in O.A. no. 560/2018 dated 5.12.2018. Time granted.

3. S.O. to 7.8.2019 for above compliance from the side of respondents.

**MEMBER (A)**

ARJ ORAL ORDER 26.7.2019

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

**ORIGINAL APPLICATION NO. 387 OF 2018  
(Shri Pramod V. Gite Vs. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : ATUL RAJ CHADHA, MEMBER (A).**

(The present case is placed before the Single Bench due to non-availability of Division bench).

**DATE : 26.07.2019.**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 3. Shri N.P. Dube, learned Advocate for respondent No. 4 (**absent**).

2. Learned Advocate for the applicant has filed a copy of judgment delivered by the Hon'ble Supreme Court in the case of **VISHAL AHSOK THORAT AND ORS VS. RAJESH SHRIRAMBAPU FATE AND ORS [Civil Appeal No. 5444/2019 arising out of SLP (Civil) No. 31957/2018] and Group**. The copy of the same is taken on record and marked as document 'X' for the purposes of identification.

3. S.O. to 23.08.2019.

**MEMBER (A)**

ORAL ORDER 26.07.2019-HDD

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

**O.A.NO. 119/2015 AND O.A.NO. 444/2014  
(Shri Mohanchandra J. Panjol & Ors. Vs. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : ATUL RAJ CHADHA, MEMBER (A).**

(The present case is placed before the Single Bench due to non-availability of Division bench).

**DATE : 26.07.2019.**

**ORAL ORDER :**

Heard Shri S.P. Salagare, learned Advocate holding for Shri S.S. Gangakhedkar, learned Advocate for the applicants in both these cases and Shri B.S. Deokar, learned Presenting Officer for the respondents in both these cases.

2. By consent of both the parties, S.O. to 06.09.2019.

**MEMBER (A)**

ORAL ORDER 26.07.2019-HDD

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

**ORIGINAL APPLICATION NO. 490 OF 2015  
(Smt. Vaishnavi D. Kulkarni Vs. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : ATUL RAJ CHADHA, MEMBER (A).**

(The present case is placed before the Single Bench due to non-availability of Division bench).

**DATE : 26.07.2019.**

**ORAL ORDER :**

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

2. By consent of both the parties, S.O. to 19.09.2019.

**MEMBER (A)**

ORAL ORDER 26.07.2019-HDD

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

**ORIGINAL APPLICATION NO. 168 OF 2017  
(Shri Annarao V. Hivrale Vs. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : ATUL RAJ CHADHA, MEMBER (A).**

(The present case is placed before the Single Bench due to non-availability of Division bench).

**DATE : 26.07.2019.**

**ORAL ORDER :**

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

2. By consent of both the parties, S.O. to 20.09.2019.

**MEMBER (A)**

ORAL ORDER 26.07.2019-HDD



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

**C.P.NO. 57/2018 IN O.A.NO. 210/2013  
(Shri Madhukar R. Mapari Vs. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : ATUL RAJ CHADHA, MEMBER (A).**

(The present case is placed before the Single Bench due to non-availability of Division bench).

**DATE : 26.07.2019.**

**ORAL ORDER :**

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 1 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. It transpires from the proceedings that repeated adjournments have been sought by the respondents. Despite order dated 24.07.2019 an affidavit has been filed by one Kiran Wahul, Deputy Secretary, Public Health Department, Mumbai, stating that after submitting the proposal to the Finance Department, the order of this Tribunal was also communicated on mail. While passing the order dated 24.07.2019 this Tribunal directed that the concerned Joint Secretary should pursue the matter.

4. In view thereof, S.O. to 06.10.2019 for submitting the compliance of the order of this Tribunal, failing

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**C.P.NO. 57/2018 IN  
O.A.NO. 210/2013**

which the concerned Joint Secretary should remain present along with steps taken by him by pursuing the matter with Finance Department.

5. Steno copy and hamdust allowed.

**MEMBER (A)**

ORAL ORDER 26.07.2019-HDD

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

**ORIGINAL APPLICATION NO. 192 OF 2016  
(Shri Maroti S. Koli Vs. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : ATUL RAJ CHADHA, MEMBER (A).**

(The present case is placed before the Single Bench due to non-availability of Division bench).

**DATE : 26.07.2019.**

**ORAL ORDER :**

Heard Shri Syed Zahed Ali, learned Advocate holding for Shri A.S. Golegaonkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed a copy of communication dated 27.08.2018 and the same is taken on record and marked as document 'X' for the purposes of identification. The copy of the same has been served on the learned Advocate for the applicant.

3. In the aforesaid communication dated 27.08.2018 it has been stated that the order passed by this Tribunal dated 27.02.2019 has been complied with.

4. Learned Advocate for the applicant seeks time to examine the communication produced by the learned Presenting Officer, today. Time granted.

5. S.O. to 08.08.2019 for passing necessary orders.

**MEMBER (A)**

ORAL ORDER 26.07.2019-HDD

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

**O.A.ST.NO. 1147/2019 WITH M.A.NO. 321/2019  
(Shri Annarao V. Hivrale Vs. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : ATUL RAJ CHADHA, MEMBER (A).**

(The present case is placed before the Single Bench due to non-availability of Division bench).

**DATE : 26.07.2019.**

**ORAL ORDER :**

Heard Shri Vinod P. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. On 15.07.2019 this Tribunal has directed to the learned Advocate for the applicant to produce on record copy of Recruitment Rules. The present case was again heard on 16.07.2019 and on the said date learned Advocate for the applicant has filed on record Indian Forest Service (Recruitment) Rules, 1966. Today during the course of hearing learned Advocate for the applicant has filed copy of Recruitment Rules of Forester and Forest Guard dated 29.10.1987, wherein he has urged that 25% posts are reserved for Forest Guard to limited departmental examination. However, he is unable to point out and even perusal of the rules no such provision is in the Recruitment Rules produced.

3. In view of the above, the present Original Application is disposed of.

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**O.A.ST.NO. 1147/2019 WITH  
M.A.NO. 321/2019**

4. Since the Original Application itself stood disposed of today, nothing survives in the M.A. No. 321/2019, which is filed for condonation of delay caused in filing the Original Application, and the same also stands disposed of.

There shall be no order as to costs.

**MEMBER (A)**

ORAL ORDER 26.07.2019-HDD

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

**ORIGINAL APPLICATION NO. 665 OF 2019  
(Dr. Vaishali S. Ganjewar Vs. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : ATUL RAJ CHADHA, MEMBER (A).**

(The present case is placed before the Single Bench due to non-availability of Division bench).

**DATE : 26.07.2019.**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant is challenging the condition of appointment pursuant to the Government Resolution dated 4.1.2019, wherein he has aggrieved by certain conditions of appointment though he has joined the service. The applicant is at liberty to make representation to the Competent Authority against the conditions on which he is aggrieved and the present Original Application appears to be premature and the same is disposed of without any order as to costs.

3. Learned Advocate for the applicant further submits that he will file representation before the competent authority within a period of 15 days and the competent authority may decide the said representation filed by the applicant within a period of six months from the receipt of copy of representation.

**MEMBER (A)**

ORAL ORDER 26.07.2019-HDD

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

**ORIGINAL APPLICATION NO. 115 OF 2018  
(Shri Nagnath G. Savant Vs. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : ATUL RAJ CHADHA, MEMBER (A).**

(The present case is placed before the Single Bench due to non-availability of Division bench).

**DATE : 26.07.2019.**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for respondent No. 3.

2. Learned Advocate for respondent No. 3 seeks time. Learned Advocate for the applicant has no objection. Time granted.

3. S.O. to 28.08.2019.

**MEMBER (A)**

ORAL ORDER 26.07.2019-HDD

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

**ORIGINAL APPLICATION NO. 395 OF 2019  
(Shri Ramdas E. Misal Vs. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : ATUL RAJ CHADHA, MEMBER (A).**

(The present case is placed before the Single Bench due to non-availability of Division bench).

**DATE : 26.07.2019.**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, S.O. to 16.08.2019 for filing affidavit in reply.

**MEMBER (A)**

ORAL ORDER 26.07.2019-HDD



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

**ORIGINAL APPLICATION NO. 423 OF 2018  
(Shri Rameshwar S. Gopal Vs. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : ATUL RAJ CHADHA, MEMBER (A).**

(The present case is placed before the Single Bench due to non-availability of Division bench).

**DATE : 26.07.2019.**

**ORAL ORDER :**

Heard Ms. Rebekah Daniel, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3. Smt. Nima R. Suryawanshi, learned Advocate for respondent No. 4 (**absent**).

2. Learned Advocate for the applicant has filed rejoinder affidavit and the same is taken on record and the copy thereof has been served on the learned Chief Presenting Officer for respondent Nos. 1 to 3.

3. S.O. to 27.08.2019.

**MEMBER (A)**

ORAL ORDER 26.07.2019-HDD

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

**ORIGINAL APPLICATION NO.664 OF 2019  
(Smt. Sultana E. Naikwade V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri B.V. Thombre, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Issue notice to the Respondents returnable 30.08.2019.

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

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

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

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

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

8. S.O. to 30.08.2019.

9. Steno copy and Hamdast is allowed.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**ORIGINAL APPLICATION NO.673 OF 2019**

**WITH**

**CAVEAT NO.56 TO 60 OF 2019**

**(Dr. Sagar E. Pardeshi V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri Jayant S. Deshmukh, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. The Applicant has challenged the impugned transfer order dated 4.7.2019.

3. Learned Advocate for the Applicant has submitted that nearly 484 Live Stock Development Officers in the State have been transferred by the five different transfer orders. He has submitted that the Applicant was due for transfer and he had submitted his choice of place for transfer. But without considering his choice, the impugned order of general transfer has been issued that too in the month of July, 2019. He has submitted that in view of provision of Section 4(4) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short Transfer Act,2005), General Transfer has to be made in the month of April and May only. But the mass transfers have been made in the month of July, which is against the provision of the Transfer Act,

2005. He has submitted that the Applicant has not yet relieved and therefore, he has prayed to grant interim relief against the execution and implementations of the impugned transfer order.

4. Learned C.P.O. for the Respondents has submitted that the impugned order has been issued by the Competent Authority by obtaining approval from the next/higher Competent transferring Authority as required under Section 4(4) and 4(5) of the Transfer Act, 2005 and there is not illegality in the impugned transfer order. He has submitted that the Applicant was due for transfer and therefore, he has been transferred on administrative ground. Therefore, he has prayed to reject the interim relief as prayed for by the applicant.

5. On perusal of documents on record, it reveals that initially the Competent Authority had effected general transfers of LDOs in the State on 31.05.2019, but the said orders had been stayed by the Government. Thereafter, those orders came to be cancelled. The Competent Authority issued fresh transfer orders dated 04.07.2019, which are under challenge. Prima facie, it seems that the recommendations of the Civil Services Board are not considered while issuing the impugned transfer orders. There is nothing on record to show that the reasons in writing have been recorded by the Competent Authority while rejecting the recommendations of the Civil Services Board.

Mass transfer has been effected in the month of July, 2019. The impugned transfer order shows that the said transfer is general transfers. Section 4(4) of the Transfer Act 2005 provides that general transfer may be made in the months of April/May. Prima-facie the impugned order is in contravention of the provision of Section 4(4) of Transfer Act, 2005.

6. In these circumstances, in my opinion, the Applicant has made out a strong case for grant of interim relief.

7. In these circumstances, in my opinion, it is just and proper to stay the operation and execution of the impugned order of transfer.

8. In view thereof, the impugned order is stayed till next date.

9. Issue notices to the respondents returnable on 28.8.2019.

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

11. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that

the case would be taken up for final disposal at the stage of admission hearing.

12. 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.

13. 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.

14. 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.

15. S.O. to 28.08.2019.

16. Steno copy and hamdast allowed for the use of both the sides.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**M.A.NO.276 OF 2019 IN O.A.ST.NO.871 OF 2019**  
**(Rakesh T. Patil V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri S.N. Suryawanshi, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Issue notice to the Respondents returnable 28.08.2019.

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

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

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



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

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

8. S.O. to 28.8.2019.

9. Steno copy and Hamdast is allowed.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**ORIGINAL APPLICATION NO.733 OF 2018  
(Kishor C. Koli V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri S.P. Salgar, learned Advocate holding for Shri Nitin V. Gaware, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondent Nos.1 to 4. Shri A.P. Yenegure, learned Advocate for the Respondent No.5 is **absent.**

2. Learned Advocate for the Applicant has filed affidavit-in-rejoinder. The same is taken on record and copy thereof has been served on the other side.

3. Pleadings are complete. Hence, the matter is admitted and it be kept for final hearing on 6.09.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**ORIGINAL APPLICATION NO.626 OF 2018  
(Dilip S. Pawar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri S.N. Suryawanshi, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents seeks time to deposit the amount of cost. Time granted.

3. S.O. to 2.08.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**ORIGINAL APPLICATION NO.743 OF 2018  
(Bhimrao N. Kokate V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

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

2. Learned P.O. for the Respondents has submitted that the Review Petition No.2426 of 2019 is pending before the Hon'ble High Court and the next date of hearing is 16.08.2019.

3. In view of the submission of the learned P.O., S.O. to 30.08.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**ORIGINAL APPLICATION NO.795 OF 2018  
(Kailas P. Shirsath V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri Estling S. Murge, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. No affidavit-in-reply has been filed by the Respondents. Hence, the matter will proceed without affidavit-in-reply of the Respondents.

3. Admit. To come up for final hearing on 3.09.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**ORIGINAL APPLICATION NO.199 OF 2019  
(Pradeep W. Tribhuvan V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri Sujeet D. Joshi, learned Advocate for the Applicant and Shri S.K. Sirse, learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant has produced the copy of communication dated 30.5.2019 by which the impugned transfer has been modified and Applicant has been transferred to Beed. The same is taken on record and marked as 'X' for the purpose of identification.

3. Learned Advocate for the Applicant has submitted that in view of the said order, the Applicant does not want to proceed with the Original Application. Therefore, he has prayed to dispose of the Original Application.

4. Learned P.O. for the Respondents has also prayed to dispose of the Original Application.

5. Since the Applicant does not want to proceed with the Original Application, the same is disposed of. No order as to costs.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

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

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

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

2. Learned P.O. for the Respondents has filed affidavit-in-reply on behalf of the Respondent Nos.3 & 4. The same is taken on record and copy thereof has been served on the other side.

3. S.O. to 3.9.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**ORIGINAL APPLICATION NO.329 OF 2019  
(Ashok V. Birari V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Shri Girish Nagori, learned Advocate for the Applicant is **absent**.

Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents seeks time to file affidavit-in-reply on behalf of the Respondents. Time granted.

3. S.O. to 30.08.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp



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

**ORIGINAL APPLICATION NO.801 OF 2018**  
**(Vikas B. Kamble V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri Suresh P. Salgar, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. At the request of the learned P.O. for the Respondents, S.O. to 9.8.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**ORIGINAL APPLICATION NO.485 OF 2019  
(Chandrasen J. Deshmukh V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned Advocate for the Applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondent No.1 and Shri Sunil B. Jadhav, learned Advocate for the Respondent No.2.

2. Learned Advocate for the Respondent No.2 seeks time to file affidavit-in-reply. Time granted as a last chance.

3. S.O. to 2.08.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**ORIGINAL APPLICATION NO.386 OF 2019**  
**(Gautam R. Fasale V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri R.N. Bharaswadkar, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents has filed affidavit-in-reply on behalf of the Respondent Nos.1,2 & 5. The same is taken on record and copy thereof has been served on the other side.

3. S.O. to 21.08.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**M.A.NO.437/2017 IN M.A.ST.NO.1563/2017 IN O.A.NO.201/2006  
(Govind D. Chavan V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Shri Ravindra B. Ade, learned Advocate for the Applicant is **absent**.

Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. On perusal of record it reveals that on 12.06.2018 the application came to be dismissed in default. Today, the present Misc. Application is fixed for passing dismissal order. It seems that the Applicant is not diligent in prosecuting the matter.

3. Hence, the M.A.No.437 of 2017 stands dismissed in default. In view thereof, M.A.St.No.1563/2017 is refused registration.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp



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

**M.A.NO.223/2019 IN O.A.ST.NO.891 OF 2017  
(The Chief Municipal Council, Kallam, Tq. Kallan Dist. Osmananbad V/s. State  
of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Shri B.R. Sonatkke, learned Advocate for the Applicant (Orig. Respondent No.5) and Shri S.G. Chapalgaonkar, learned Advocate for the Original Application are **absent**.

Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondent Nos.1 to 4.

2. None appeared for the Applicant. It seems that the Applicant is not interested in prosecuting the matter. On earlier occasion also, he remained absent.

3. Hence, the present Misc. Application No.223 of 2019 stands dismissed in default.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**M.A.NO.335 OF 2019 IN O.A.NO.330 OF 2019  
(Tukaram S. Khedkar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Shri Prashant H. Sukale, learned Advocate for the Applicant is **absent**.

Heard Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. As none appeared for the Applicant, the matter is fixed for passing dismissal order on 9.8.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**M.A.NO.336 OF 2019 IN O.A.NO.331 OF 2019**  
**(Laxman S. Bade V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Shri Prashant H. Sukale, learned Advocate for the Applicant is **absent**.

Heard Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. As none appeared for the Applicant, the matter is fixed for passing dismissal order on 9.8.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp



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

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

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the Applicant, S.O. to 29.07.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**ORIGINAL APPLICATION NO.584 OF 2017**  
**(Mohammad Abdul Sami V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri Anant D. Sugdare, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. At the request of the learned P.O. for the Respondents, S.O. to 9.8.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**O.A. NO.704 OF 2017 WITH O.A.NO.749 OF 2017  
(Asman D. Garje & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri Jayant B. Choudhary, learned Advocate for the Applicants in both the O.As. and Smt. M.S. Patni, learned Presenting Officer for the Respondents in both the O.As.

2. At the request of the learned P.O. for the Respondents, S.O. to 22.08.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**M.A.NO.334 OF 2018 IN O.A.ST.NO.1291 OF 2018**  
**(Pundlik A. Bodkhe V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri C.R. Thorat, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. At the request of the learned P.O. for the Respondents, S.O. to 29.07.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**ORIGINAL APPLICATION NO.946 OF 2018**  
**(Kailas D. Patil V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri Anant D. Sugdare, learned Advocate for the Applicant, Shri M.P. Gude, learned Presenting Officer for the Respondent Nos.1 & 2 and Shri Suresh D. Dhongde, learned Advocate for the Respondent No.3.

2. At the request of the learned Advocate for the Respondent No.3, S.O. to 30.08.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**ORIGINAL APPLICATION NO.190 OF 2019  
(Dr. Chandrakant B. Lamture V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri Jayant S. Deshmukh, learned Advocate for the Applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents seeks time to file affidavit-in-reply on behalf of the Respondents. Time granted.

3. S.O. to 9.8.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**ORIGINAL APPLICATION NO.376 OF 2019  
(Manik T. Takalkar & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Shri R.P. Bhumkar, learned Advocate for the Applicants has filed leave note.

Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents seeks time to file affidavit-in-reply on behalf of the Respondents. Time granted.

3. In view of the leave note of the Advocate for the Applicant, S.O. to 20.8.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**M.A.NO.45 OF 2019 IN O.A.ST.NO.77 OF 2019  
(Smt. Kadubai S. Gaikwad V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri R.K. Khandelwal, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents has filed affidavit-in-reply on behalf of the Respondent Nos.3 and 4. The same is taken on record.

3. S.O. to 20.08.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp



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

**M.A.NO.89 OF 2019 IN O.A.ST.NO.43 OF 2019  
(Gunaji D. Rathod V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri A.M. Nagarkar, learned Advocate holding for Shri Kiran B. Dantal, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents has filed affidavit-in-reply on behalf of the Respondent No.3. The same is taken on record.

3. S.O. to 4.9.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**M.A.NO.249 OF 2019 IN O.A.ST.NO.1026 OF 2019  
(Madhukar K. Jadhav V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents has filed affidavit-in-reply on behalf of the Respondent Nos.1 to

3. The same is taken on record.

3. S.O. to 27.8.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**ORIGINAL APPLICATION NO.748 OF 2017  
(Parasram N. Sonawane V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Ku. Rebekah Daniel, learned Advocate holding for S.B. Talekar, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondent Nos.1,2 & 4 to 6. Shri S.S. Bhuse, learned Advocate for the Respondent No.3 is **absent.**

2. At the request of the learned Advocate for the Applicant, S.O. to 27.08.2019.

**VICE CHAIRMAN**

SAS ORAL ORDER 26.7.2019 bpp

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

**M.A.ST.NO.1037 OF 2019 IN O.A.NO.535 OF 2018**  
**(Vithoba V. Chowki V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, VICE CHAIRMAN**

**DATE : 26.7.2019**

**ORAL ORDER :**

Heard Shri Sudhir Patil, learned Advocate for the Applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

2. The Applicant by filing the present Misc. Application, sought following relief:-

- A. This Misc. Application may be allowed
- B. The Director may kindly be given to the Respondents to release the amount withheld by them and the amount already recovered may be refunded to the Applicant with interest.
- C. Respondents may kindly be directed to pay the HRA, as applicable, to the Applicant of the period from August, 1996 to April, 2006 with interest till the date of actual payment;
- D. Any order suitable relief may kindly be granted in favour of the Applicant.

3. It is contention of the Applicant that the Applicant had filed O.A.No.535/2018 claiming the same relief and it was allowed on 21.11.2013.

4. He has contended that in spite of the order passed by this Tribunal, the Respondents had not released the amount withheld by them and therefore,

he has filed this present Misc. Application in the form of execution of order dated 21.11.2013 passed by this Tribunal.

5. Learned Advocate for the Applicant has submitted that in view of the provision of Section 27 of the Maharashtra Administrative Tribunal Act, 1985 read with Rule 25 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, the Tribunal is empowered to entertain the application seeking direction in the form of execution of earlier order passed by this Tribunal in O.A.No.535/2018. He has submitted that in view of the said Section and Rule, the present Misc. Application is maintainable.

6. He has further submitted that similar issue has been dealt with and decided by the Central Administrative Tribunal, Allahabad bench Allahabad in case of **Vindeshwari Prasad Vs. Union of India and Others (1993) decided on 7.9.2012.** He has submitted that in view of the said decision, the present Misc. Application is also maintainable and therefore, he has prayed to entertain the same.

7. Learned P.O. for the Respondents has submitted that there is no provision in Maharashtra Administrative Tribunal Act, 1985 and Maharashtra Administrative Tribunal (Procedure) Rules, 1988 for execution the order of this Tribunal and therefore, the present Misc. Application is not maintainable.

8. On perusal of record it reveals that the Applicant had filed O.A.No.535/2018. The said O.A. came to be allowed by this Tribunal and relief has been granted to the Applicant. Now by filing the present Misc. Application, the Applicant is seeking same relief by way of direction. Since, the said issue has been dealt with and decided by this Tribunal, the same cannot be considered again. Therefore, on that ground, the Misc. Application is not maintainable.

9. On going through the provision of Maharashtra Administrative Tribunal Act, 1985 and Maharashtra Administrative Tribunal (Procedure) Rules, 1988, it reveals that there is no provision for execution of the order passed by this Tribunal. No method or mode for execution of the order of Tribunal is provided in the Act or Rule. Hence the application is not maintainable.

10. In view of above, the application filed in the form of execution of order passed by this Tribunal is not maintainable. Hence, the M.A.St.No.1031/2019 stands rejected. No order as to costs.

**VICE CHAIRMAN**