

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

Heard Smt. Amruta Paranjape-Menezes learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. It is evident from the record that notice was issued on 21-09-2018 and case was adjourned to 28-09-2018. Said order was conditional that the notice had to be served before 3 days of due date, else it shall stand dismissed without further reference to the Tribunal but affidavit of service was filed on 26-10-2018 stating that the notice was served. In fact notices are seen to be actually served on 28-09-2018 which is the returnable date.

3. Hence, the case had already got dismissed automatically for want of proper service.

=2=

O.A.No.717/2018

4. Hence, the O.A. being already dismissed, it is removed from the board.

5. In future, it shall be the responsibility of the Registrar to see that whenever the conditional order is not complied with, the matter should be treated as dismissed for want of prosecution and should not be listed on the board without the O.A. being restored by a judicial order.

CHAIRMAN

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

**M.A.NO.10/2019 IN O.A.NO.761/2018
(Shivaji Digambar Dadge & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

Heard Shri S.P.Dhoble learned Advocate holding for Shri A.V.Patil-Indrale learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for the respondents.

2. This M.A.No.10/19 has been filed for amendment as per draft amendment at Annexure CA-1. Learned Advocate for the applicant states that in view of new developments, the amendment is necessitated and no prejudice would be caused to the respondents as they would have an opportunity to respond to the same.

3. For the reasons put forth by the applicant, M.A. for amendment stands allowed without any order as to costs.

4. Amendment be carried out within a week.

CHAIRMAN

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

**ORIGINAL APPLICATION NO.761/2018
(Shivaji Digambar Dadge & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

Heard Shri S.P.Dhoble learned Advocate holding for Shri A.V.Patil-Indrale learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for the respondents.

2 After amendment is carried out, issue notice to the respondents, returnable on 30-04-2019.

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. Applicants are 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 30-04-2019.

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

CHAIRMAN

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

**ORIGINAL APPLICATION NO.172/2019
(Dr. Kishor Deshmukh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

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

2. Learned Advocate for the applicant prays for leave to amend the O.A.

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

4. Respondent no.1 is directed to produce papers leading to impugned decision till tomorrow.

5. S.O. to 28-02-2019.

CHAIRMAN

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

**ORIGINAL APPLICATION NO.178/2019
(Swapnil Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

Heard Shri Kiran G. Salunke learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Respondent no.1 is directed to produce papers leading to impugned decision till tomorrow.

3. S.O. 28-02-2019.

CHAIRMAN

YUK ORAL ORDERS 27-02-2019 db

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

**ORIGINAL APPLICATION NO.207/2019
(Anil Santosh Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

Heard Shri A.S.Londhe learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant states that he has instructions to withdraw the present O.A. He has prayed for leave to withdraw the O.A.

3. Leave as prayed for is granted.

4. O.A. stands disposed of as withdrawn with no order as to costs.

CHAIRMAN

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

**M.A.NO.83/2019 IN O.A.NO.905/2018
(Dr. Sudhir Yadav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

Shri Jitendra N. Ghuge learned Advocate for the applicant is **absent**. Shri V.R.Bhumkar learned Presenting Officer for the respondents is present.

2. None appears for the applicant. On previous occasion also none appeared for the applicant.

3. Hence, M.A. is dismissed for want of prosecution.

CHAIRMAN

YUK ORAL ORDERS 27-02-2019 db

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

**M.A.NO.443/2018 IN O.A.ST.NO.1813/2018
(Dr. Sudhir Yadav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

Heard Shri B.V.Thombre learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents is present.

2. Applicant has approached this Tribunal for grant of regular pension.

3. Applicant has been getting provisional pension since his superannuation.

4. Right to receive final regular pension when fructified is a recurring right.

5. Hence, the O.A. is liable to have been filed in time notwithstanding filing after 10 years.

6. Hence, the M.A. is allowed. Delay of 5 years, 1 month and 3 days caused in filing the O.A. is condoned.

7. No costs.

CHAIRMAN

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

**ORIGINAL APPLICATION ST.NO.1813/2018
(Dr. Sudhir Yadav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

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

2 Issue notice to the respondents, returnable on 30-04-2019.

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. Applicants are 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 30-04-2019.

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

CHAIRMAN

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

**ORIGINAL APPLICATION NO.143/2019, 144/2019, 145/2019,
146/2019, 147/2019, 148/2019 AND 170/2019
(Sarita Aitwade & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

Heard Shri Pramod A. Kulkarni learned Advocate for applicants in all the O.As., Smt. Priya Bharaswadkar, Smt. M.S.Patni, Shri B.S.Deokar learned Presenting Officers and Shri M.S.Mahajan learned Chief Presenting Officer for respondents in respective cases.

2. Learned CPO has taken instructions and states that the applicants' requests for choice posting would be placed before the Civil Services Board and shall be decided by competent authority on their own merit in the forthcoming transfer session.

3. In view of the statement of the learned CPO, all the O.As. are disposed of without any order as to costs.

CHAIRMAN

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

**ORIGINAL APPLICATION NO. 75 OF 2019
(Shri Bharat P. Bargaje V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

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

2. Learned Presenting Officer states that now the committee has taken the decision and it is forwarded to the Government.

3. The Additional Chief Secretary, Home Department, Mantralaya, Mumbai is directed to process the proposal and secure Government decision within two weeks.

4. S.O. to 22.03.2019.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 897 OF 2018
(Shri Ramesh D. Chaudhari V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

Heard Shri S.P. Dhoble, learned Advocate holding for Shri N.L. Chaudhari, learned Advocate for the applicant and Shri. M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned Advocate for the applicant prays for time for filing rejoinder affidavit. Advocate for applicant is unable to state the reason as to why rejoinder is necessary.

3. S.O. to 28.02.2019 for hearing. In case adjournment is again sought, I.R. shall be vacated.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 520 OF 2018
(Shri Sunil S. Wagh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

Heard Shri M.P. Tripathi, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondent No. 1. Shri S.V. Kurundkar, learned Advocate for respondent No. 2, **absent**.

2. Learned Advocate for applicant is not able to show from document as to pursuant which order applicant has been absorbed in the Government service.

3. Hence, Original Application is disposed of with no order as to costs. However applicant shall have liberty to file fresh Original Application, if advised.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 157 OF 2019
(Shri Dilip B. Rajput V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

Heard Shri K.B. Jadhav, 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 28.02.2019.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NOS. 347 & 802 BOTH OF 2015
(Shri Dipak D. Edke & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

Heard Shri P.P. Uttarwar, learned Advocate for the applicants in both the O.As. and Shri V.R. Bhumkar, learned Presenting Officer for respondents in both the O.As.

2. At the request of learned Advocate for the applicants, S.O. to 08.04.2019.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 832 OF 2018
(Shri Shaikh Nasir Sk. Miya V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 04.04.2019 for filing affidavit in reply of respondent Nos. 2 & 3.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 202 OF 2017
(Shri Ashok B. Wagh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

Heard Shri A.S. Shelke, 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 27.03.2019.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 438 OF 2018
(Smt. Kavita N. Gitte V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

Heard Shri S.G. Jadhavar, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for respondent Nos. 1 to 4 and Shri R.J. Nirmal, learned Advocate for respondent No. 5.

2. At the request of learned Advocate for the applicant and learned Advocate for respondent No. 5, S.O. to 05.04.2019.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 398 OF 2018
(Shri Dnyaneshwar K. Sanap V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate holding for Shri V.G. Pingle, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 27.03.2019 for filing affidavit in reply.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 688 OF 2018
(Shri Premnath G. Kamble V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 27.03.2019 for filing affidavit in reply of respondent Nos. 3, 4 & 5.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 689 OF 2018
(Shri Prakash S. Kamble V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 27.03.2019 for filing affidavit in reply of respondent Nos. 3 and 4.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 94 OF 2019
(Shri Sandeep L. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

Heard Ms. Pradnya Talekar, learned Advocate holding for Shri S.B. Talekar learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent Nos. 1 to 4 and Shri V.D. Sapkal, learned Advocate for respondent Nos. 5 and 6.

2. At the request and by consent of both the parties, S.O. to 07.03.2019 at 4.00 P.M.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 585 OF 2017
(Shri Anandidas B. Pande V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

Shri S.B. Ghute, learned Advocate for the applicant (**Absent**). Smt. M.S. Patni, learned Presenting Officer for respondents, present.

2. Learned Presenting Officer files affidavit in reply on behalf of respondent Nos. 1 to 5. Same is taken on record.

3. S.O. to 04.04.2019.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 817 OF 2018
(Shri Abdul Wasim Abdul Gafur V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

Heard Shri R.H. Wagh, learned Advocate holding for Shri N.R. Shaikh, 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 29.03.2019.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 803 OF 2018
(Shri Shivaji N. Davkhar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Smt. A.A. Gadekar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for respondents, S.O. to 22.03.2019 for filing affidavit in reply.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 804 OF 2018
(Shri Subhash S. Raut V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Smt. A.A. Gadekar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for respondents, S.O. to 22.03.2019 for filing affidavit in reply.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 848 OF 2018
(Shri Deepak D. Shinde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

Heard Ms. Rebekah Daniel, learned Advocate holding for Smt. S.B. Talekar, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for respondent Nos. 1 to 3 and Shri S.S. Shaikh, learned Advocate for respondent No. 4.

2. At the request of learned Presenting Officer and learned Advocate for respondent No. 4, S.O. to 08.04.2019 for filing affidavit in reply.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 74 OF 2019
(Shri Nilesh T. Shinde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

Heard Shri C.P. Patil, learned Advocate holding for Smt. P.B. Patil, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for respondent Nos. 1 to 3.

2. Learned Advocate Shri D.B. Thoke Patil, has filed **VAKALATNAMA** on behalf of respondent No. 4. Same is taken on record.

3. At the request of learned Presenting Officer and learned Advocate for respondent No. 4, S.O. to 18.03.2019 for filing affidavit in reply.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 33 OF 2019
(Shri Shiakh Hakim Shaikh Abdulla V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

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

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

3. S.O. to 08.03.2019.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 100 OF 2019
(Shri Madhukar K. Kasbe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

Heard Shri G.J. Pahilwan, 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 27.03.2019.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**ORIGINAL APPLICATION NO. 979 OF 2018
(Shri Baburao C. Mahire V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

Shri Y.H. Jadhav, learned Advocate for the applicant (**Absent**). Smt. M.S. Patni, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 30.04.2019.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**M.A. No. 519/2019 in O.A. No. 279/2017
(Smt. Rekha A. Bonlawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate holding for Shri V.D. Patnoorkar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for respondent Nos. 1 to 3. Shri A.D. Aghav, learned Advocate for respondent Nos. 4 & 5, **absent**.

2. At the request of learned Advocate for the applicant, S.O. to 04.04.2019.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

**M.A. No. 191/2017 in O.A. St. No. 519/2017
(Shri Shaikh M. Aminuddin V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 27.02.2019.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 28.03.2019.

CHAIRMAN

kpb ORAL ORDER 27.02.2019 C.

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant files on record copy of order passed in O.A.Nos.395 and 396 of 2018 by this Tribunal. The same is taken on record and marked as 'X' for the purpose of identification.

3. Reserved for order.

VICE CHAIRMAN

SAS ORAL ORDER 27-02-2019

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

**MISC. APPLICATION NO.82 OF 2019
IN
ORIGINAL APPLICATION ST. NO.378/2019
(Keshav J. Wable V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

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

2. Accepting the grounds and reasons contained in Misc. Application and facts of Original Application, it is necessary in the interest of justice that delay caused in filing of Original Application be condoned.

3. Hence, Misc. Application No.82 of 2019 is allowed. The delay caused in filing Original Application St.No.378 of 2019 is hereby condoned.

CHAIRMAN

SAS ORAL ORDER 27-02-2019

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

**ORIGINAL APPLICATION ST. NO.378/2019
(Keshav J. Wable V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

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

2. Issue notice returnable on 30-04-2019.
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 30.04.2019

CHAIRMAN

SAS ORAL ORDER 27-02-2019

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

**ORIGINAL APPLICATION NO.189/2017
(Sambhaji K. Mande V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the Applicant, S.O. to 08.04.2019.

CHAIRMAN

SAS ORAL ORDER 27-02-2019

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

Shri Jayant B. Choudhary, learned Advocate for the Applicant has filed a leave note.

Heard Smt. M.S. Patni, learned Presenting Officer for the Respondents.

2. In view of leave note of learned Advocate for the Applicant, S.O. to 10.04.2019.

CHAIRMAN

SAS ORAL ORDER 27-02-2019

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

**ORIGINAL APPLICATION NO.355/2017
(Rajendra T. Dawange V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the Applicant, S.O. to 01.04.2019.

CHAIRMAN

SAS ORAL ORDER 27-02-2019

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

**ORIGINAL APPLICATION NO.944/2016
(Sunil V. Jagtap V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

Heard Shri C.P. Patil, learned Advocate holding for Shri P.B. Patil, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the Applicant, S.O. to 18.03.2019.

CHAIRMAN

SAS ORAL ORDER 27-02-2019

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

**MISC. APPLICATION NO.16/2019
IN
ORIGINAL APPLICATION ST. NO.42/2019
(Gulab G. Rathod V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the Applicant, S.O. to 04.04.2019.

CHAIRMAN

SAS ORAL ORDER 27-02-2019

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

MISC. APPLICATION ST. NO.248/2019

IN

ORIGINAL APPLICATION ST. NO.23/2019

(Markand N. Gangaram V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

Heard Shri Mujahed Hussain, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the Applicant, S.O. to 27.03.2019.

CHAIRMAN

SAS ORAL ORDER 27-02-2019

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

M.A.No.84/2019 in O.A.No.921/2018

WITH

M.A.No.85/2019 in O.A.No.922/2019

WITH

M.A.No.86/2019 in O.A.No.923/2018

WITH

M.A.No.87/2019 in O.A.No.924/2018

(Shriram B. Jadhav and Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 27.02.2019

ORAL ORDER :

Heard Shri P.B. Salunke, learned Advocate holding for Shri V.G. Salgare, learned Advocate for the Applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer, Shri V.R. Bhumkar, Smt. Sanjivani K. Deshmukh-Ghate and Shri N.U. Yadav, learned Presenting Officers for the Respondents in respective O.As.

2. At the request of Shri P.B. Salunke, learned Advocate holding for Shri V.G. Salgare, learned Advocate for the Applicants, S.O. to 30.4.2019.

CHAIRMAN

SAS ORAL ORDER 27-02-2019

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

**ORIGINAL APPLICATION NO.899/2017
(Dr. Vandana S. Shinde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

Shri G.C. Khond and Shri G.N. Khanzode, the learned Advocates for the Applicant and Shri Gunratan Sadavarte/Ramdas Gaikwad, learned Advocate for the Respondent No.4 are absent. Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the Respondent Nos.1 to 3 is present.

2. Learned P.O. for the Respondents files affidavit-in-sur-rejoinder. The same is taken on record.

3. 19.03.2019.

MEMBER (A)

VICE CHAIRMAN

SAS ORAL ORDER 27-02-2019

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

**ORIGINAL APPLICATION NO.418/2018
(Kavita T. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the Applicant, Smt. P.R. Bharaswadkar, learned Presenting Officer for the Respondent No.1 and Shri R.V. Gore, learned Advocate for the Respondent No.2.

3. At the request of the learned Advocate for the Applicant, S.O. to 13.03.2019 as a last chance.

MEMBER (A)

VICE CHAIRMAN

SAS ORAL ORDER 27-02-2019

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

Shri Jayant S. Deshmukh, learned Advocate for the Applicant has filed a leave note. Shri N.U. Yadav, learned Presenting Officer for the Respondent Nos.1 to 3 is present. Shri Santosh Pulkutwar, learned Advocate for the Respondent No.4 & 5 is absent.

2. Learned P.O. for the Respondent submits that Writ Petition No.8490/2018 reference which is made in order dated 10.8.2018 is still pending and stay has been already granted by the Hon'ble High Court.

3. In view of the matter, S.O. to 11.6.2019 for reporting the progress in W.P.No.8490/2018.

MEMBER (A)

VICE CHAIRMAN

SAS ORAL ORDER 27-02-2019

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

**ORIGINAL APPLICATION NO.785/1998
(Bhatu H. Sonar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

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

2. Learned Advocate for the Applicant submits that the Respondents have filed copy of ACRS to justify the action of refusing the promotion to the present Applicant. Some of those ACRS have been communicated to present Applicant. However, some of those have not been communicated to present Applicant. He submits that the rejoinder to this effect therefore is required.

3. In the circumstances, S.O. to 19.03.2019 for filing rejoinder.

MEMBER (A)

VICE CHAIRMAN

SAS ORAL ORDER 27-02-2019

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

**ORIGINAL APPLICATION NO.872/2018
(Arun M. Gir V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

Heard Shri Arvind G. Ambetkar, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. for the Respondents seeks one day's accommodation for making submission regarding the authority cited by the learned Advocate for the Applicant on 9.1.2019.

3. At the request of the learned C.P.O., S.O. to 28.02.2019.

MEMBER (A)

VICE CHAIRMAN

SAS ORAL ORDER 27-02-2019

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

MISC. APPLICATION NO.66/19

IN

ORIGINAL APPLICATION NO.326/2012

(Madhav C. Padavi V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

Heard Shri F.R. Tandale, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Issue notice returnable on 11-04-2019.
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 11.04.2019. M.A.St.No.792/2017 In O.A.No.555/2015 be tagged with the present matter.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 843/2018
(Suresh D. Machal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

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

2. Record would show that on 8.1.2019 certain queries were raised by the Tribunal and from time to time thereafter learned Advocate for the applicant sought time to satisfy the said queries.

3. In the circumstances, S.O. to 12.3.2019 either for hearing on the line of orders dtd. 8.1.2019 & 4.2.2019 or for passing necessary orders in default.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 109/2019
(Dr. Sonali B. Sayamber V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 27.4.2019.

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 22.4.2019.

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

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 771/2018
(Shrihari D. Ghogare V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

Heard Shri B.A. Dhengle, learned Advocate holding for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent nos. 1 to 3.

2. Shri M.V. Bharuka, learned Advocate appears submits that he has instructions from res. no. 4 to appear in the present matter and he seeks time to file affidavit in reply on behalf of res. no. 4.

3. Learned P.O. also seeks time for filing affidavit in reply of res. nos. 1 to 3. In the circumstances, S.O. to 2.4.2019 for filing affidavit in replies by res. nos. 1 to 3 and 4.

MEMBER (A)

VICE CHAIRMAN

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

**T.A. 3/2018 (W.P. 9260/2018)
(Mangesh R. Datar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate holding for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned C.P.O., as a last chance, S.O. to 20.3.2019 for filing detailed affidavit in reply of the concerned respondents on the line of order dtd. 7.2.2019.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 27-02-2019

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

**ORIGINAL APPLICATION NO. 472/2018
(Kishor G. Lalsare V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

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

2. At the request of learned P.O., as a last chance, S.O. to 27.3.2019 for filing affidavit in reply of the respondents.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 27-02-2019

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

**ORIGINAL APPLICATION NO. 638/2018
(Rajkumar D. Barwal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

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

2. Learned P.O. files affidavit in reply of res. nos. 3, 4 & 5. It is taken on record and copy thereof has been supplied to the learned Advocate for the applicant. Learned P.O. submits that presently affidavit in reply of res. no. 1 is not necessary. She seeks time to file affidavit in reply of res. no. 2. In the circumstances, at the request of learned P.O., S.O. to 3.4.2019 for filing affidavit in reply of res. no. 2.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 814/2018
(Chandrasen V. Gayasamudre V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 2.4.2019
for filing affidavit in reply of respondents.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 850/2018
(Gautam D. Sonawane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

None appears for the applicant. Smt. M.S. Patni, learned Presenting Officer for the respondent nos. 1 to 3 and Shri I.S. Thorat, learned Advocate for respondent no. 4, are present.

2. Learned Advocate for res. no. 4 files affidavit in reply. Learned P.O. also files affidavit in reply of res. nos. 3. Both the replies be taken on record and copies thereof be supplied to the learned Advocate for the applicant. In the circumstances, S.O. to 8.4.2019 for filing affidavit in reply of rest of the respondents.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NOS. 892 AND 901/2018
(Dhananjay D. Chandodkar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

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

2. At the request of learned C.P.O., S.O. to 10.4.2019 for filing affidavit in reply of respondents in O.A. no. 901/2018. Interim relief granted by the Tribunal earlier in O.A. no. 892/2018 to continue till then.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 732/2018
(Akhtarkhan S. Pathan & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

Heard Shri Amit Dhongde, learned Advocate holding for Smt. Suchita Dhongde, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. At the request of learned P.O., S.O. to 10.4.2019 for filing affidavit in reply of respondents.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 27-02-2019

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

**T.A. 9/2018 (W.P. 11503/2018)
(Ashish S. Shejwal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

Heard Smt. Preeti Wankhade, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned P.O., as a last chance, S.O. to 2.4.2019 for filing sur-rejoinder and also for hearing either with sur-rejoinder or without sur-rejoinder.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 27-02-2019

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

ORIGINAL APPLICATION NO. 192/2016
(Maroti s/o Shivram Koli V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)

DATE : 27.02.2019

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that on perusal of copy of decision dtd. 25.7.2016 (Exh. R. 1 paper book page 66) it would reveal that the representation of the applicant was decided by the Committee of res. no. 3 – the Dean, Dr. Shankarrao Chavan Government Medical College, Nanded, while the competent authority to decide the cases of employees about grant of deemed date of promotion would be res. no. 2 i.e. the Director, Medical Education & Research, Mumbai.

3. Learned C.P.O. seeks time to take instructions as to whether the decision dtd. 25.7.2016 (Exh. R.1 page 66) was taken by the competent authority or not and file report on record in that regard.

4. In the circumstances, at the request of learned C.P.O., S.O. to 8.4.2019 for filing report on the above line.

5. Steno copy allowed for the use of learned C.P.O.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 27-02-2019

FARAD CONTINUATION SHEET

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 703/2017
(Vasant M. Gosavi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent nos. 1 & 2. None appears for respondent no. 3.

2. Smt. Taksal, learned Advocate holding for Shri Deshmukh, learned Advocate for the applicant submits that the applicant in the present case has expired and his L.Rs. have given instructions to withdraw the present O.A.

3. In view of above, the present O.A. is disposed of as withdrawn without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

**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.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

Shri M.R. Kulkarni, learned Advocate for the applicant (**leave note**). Smt. M.S. Patni, learned Presenting Officer for the respondents, is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 10.4.2019 for hearing.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 44/2013
(Dr. Rashmi P. Dhale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 11.3.2019 for final hearing.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 160/2018
(Santosh Jagannath Ban V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

Heard Dr. Swapnil Tawshikar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

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

“B) *The order with O. no. 2019/MSK-1/ASTHA/RA-2/PraKra15(1) dated 18.1.2019 passed by the respondent no. 2, to the extent of excluding the applicant from the list and thereby declining promotion to the post of Nayab Tahsildar may kindly be quashed and set aside.*

C) *The respondent No. 2 may kindly be directed to promote the applicant to the post of Nayab Tahsildar on the basis of his general seniority with effect from 18.1.2019 and to grant all the consequential benefits with effect from 18.1.2019.”*

3. Admitted facts of the present case are that in view of pendency of the issue before the Hon'ble Supreme Court as to whether there would reservation in promotion, the State Government had issued a communication dtd. 29.12.2017 (Annex. A. 7 page 39).

It appears therefrom that as large number of higher posts would be vacant, in view of stoppage of the promotions, the State Government has presently on ad-hoc basis found via media and, therefore, issued this communication. It is directed by the said communication that pending the issue before the Hon'ble Supreme Court at least the promotions of the Open category candidates at the roster point can be made. It is advised that the said promotions should be only on ad-hoc basis and while undertaking this exercise, it should be taken into consideration that granting promotions to any reserved category employee, it should be seen that he has not obtained seniority by getting benefit of reservation in view of G.R. dtd. 25.5.2004. This advisory is also quoted in the impugned promotion order dtd. 18.1.2019 (Annex. A. 5 page 29).

4. Dr. Tawshikar, learned Advocate for the applicant submits that since the applicant on his own merit can be promoted for the promotion and he was not earlier promoted by giving any benefit of being reserved category candidate, he should have been considered for promotion.

5. Dr. Tawshikar, learned Advocate for the applicant, however, admits that the present applicant has entered the service as N.T.-B category candidate and his placement is at N.T.-B point in the roster.

Thus, the present applicant has entered service as reserved category candidate as mentioned above and, therefore, the issue regarding reservation in promotion is presently pending before the Hon'ble Supreme Court. Therefore, ad-hoc arrangement made by the State Government regarding Open category candidates would not be applicable so far as the present case is concerned. All the cases on merit either of Open or reserved category candidates are to be dealt with finally by the State Government after the issue regarding reservation in promotion is finally decided by the Hon'ble Supreme Court. Presently, the exercise undertaken by the State Government is a stop gap arrangement.

6. Learned Advocate for the applicant relies on the ratio laid down by the Hon'ble Supreme Court in the case of **Ajit Singh Januja & Ors. Vs. State of Punjab & Ors. [AIR 1996 SC 1189]**. He more particularly relied on head notes of the said judgment, which reads thus :-

“Constitution – reservation – Articles 14, 15, 16 (4) and 335 of Constitution of India – non-consideration of scheduled caste (SC) candidates against general category posts on basis of their prior promotion not hit by Articles 14, 15 and 16 – while non-SC candidate not eligible for appointment or promotion to reserved posts at reserved point SC candidates eligible to compete with general category candidate in respect of posts which not reserved and claim promotion to same if they eligible by virtue of seniority an merit

– merely because they happen to be members of SC cannot be deprived of their right to compete for appointment or promotion on basis of seniority and merit protected under Articles 14 and 16 (1) and 16 (2) even when total number of SC members in that cadre holding posts more than prescribed percentage.”

7. It is however to be noted that as presently the very issue of reservation in promotion is being considered by the Hon’ble Supreme Court, all the earlier decisions of the Hon’ble Supreme Court in this regard will have to be read in the context of the judgment that would be delivered by the Hon’ble Supreme Court.

8. In that view of the matter and more particularly as merely a stopgap arrangement is made by the State Government, there is no need to go further into to the issue involved in the present matter.

9. In the circumstances, the present O.A. is rejected without any order as to costs.

10. In case final decision is taken by the Respondent State and any adverse decision to the interest of applicant is taken, then he would be at liberty to file fresh Original Application in that regard.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 119/2018
(Smt. Jyoti L. Rathod V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 27.02.2019

ORAL ORDER :

Heard Shri Santosh N. Patne, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Present applicant, who is woman, has applied for the post from the women V.J.-DTNT – D category. Chart at paper book page 25 would show that the applicant has secured 57.60 marks out of 120 in the written test and 30 marks out of 80 in oral interview and thus she has secured total 87.60 marks. The provisional merit list (page 25) would show that no female candidate from VJ-DTNT – D category was selected for the post.

3. Respondents nos. 1, 2, 3 & 4 have filed common affidavit in reply and in para no. 2 (page 40) thereof it is contended by the respondents as under :-

“2. With reference to Para No. III I say and submit that, the Applicant has filed an Original Application in this Hon’ble Tribunal, being aggrieved by the action of the Respondents of not considering her claim for appointment on the post of Asstt. Store Keeper / Store Clerk. However, the action on the part of this Respondent is correct, more particularly as the Applicant did not secure minimum 45% marks in the tests conducted during the aforesaid recruitment

process. Hence, the allegation raised by the Applicant is denied by these Respondents in toto.”

4. Condition no. 14 of the advertisement would show that the candidate is required to secure at least 45% marks in the written test. As mentioned above, the present applicant has secured more than 45% marks in the written test i.e. 57.60 marks out of 120. It thus appears that the respondents have committed mistake or otherwise in making statement in para 2 of the reply that the present applicant has obtained less than 45% marks in the written test.

5. In the circumstances, the concerned respondents are directed to consider all the material on record as mentioned above and take corrective steps regarding considering the candidature of the present applicant or any other more suitable candidate for the post and file report regarding the same on the next date. It is however clarified that no final appointment order shall be issued unless any specific permission is sought from this Tribunal.

If for any valid reasons the concerned respondent comes to the conclusion that no corrective steps can be taken in the matter, then affidavit explaining the same be filed on the next date.

6. S.O. to 3.4.2019.

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