

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

**ORIGINAL APPLICATION NO. 544/2018
(Shri Asaram B. Londhe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN.

DATE : 30.01.2019.

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 to 4. Same is taken on record and the copy thereof has been served on the other side.

3. At the request of learned Advocate for the applicant, S.O. to 12.03.2019.

VICE CHAIRMAN

kpb ORAL ORDER 30.01.2019.

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

**ORIGINAL APPLICATION NO. 747/2018
(Shri Ramakant H. Nagargoje V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN.

DATE : 30.01.2019.

ORAL ORDER :

Heard Shri G.J. Pahilwan, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 to 4. Same is taken on record and the copy thereof has been served on the other side. She has submitted that presently the affidavit in reply of respondent No. 1 is not required.

3. S.O. to 11.03.2019 for hearing.

VICE CHAIRMAN

kpb ORAL ORDER 30.01.2019.

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

**ORIGINAL APPLICATION NO. 760/2018
(Smt. Vrushali S. Doifode V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN.

DATE : 30.01.2019.

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, as a last chance, S.O. to 12.03.2019 for filing affidavit in reply.

VICE CHAIRMAN

kpb ORAL ORDER 30.01.2019.

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

**ORIGINAL APPLICATION NO. 773/2018
(Shri Shivaji B. Satote V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN.

DATE : 30.01.2019.

ORAL ORDER :

Heard Shri K.C. Sonone, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. It is to be noted that on last date i.e. on 10.12.2018 it is wrongly noted that the time is granted to the learned P.O. for filing rejoinder affidavit, in fact it should have for filing affidavit in reply.

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

4. At her request, S.O. to 13.03.2019 for filing affidavit in reply.

VICE CHAIRMAN

kpb ORAL ORDER 30.01.2019.

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

**M.A. No. 34/2019 in O.A. No. 990/2018
(Shri Gaurishankar P. Swami V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN.

DATE : 30.01.2019.

ORAL ORDER :

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

2. S.O. to 13.02.2019.

VICE CHAIRMAN

kpb ORAL ORDER 30.01.2019.

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

**M.A. No. 266/2017 in O.A. St. No. 517/2017
(Shri Ratanrao S. Shejwal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN.

DATE : 30.01.2019.

ORAL ORDER :

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

2. S.O. to 07.03.2019 for hearing.

VICE CHAIRMAN

kpb ORAL ORDER 30.01.2019.

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN.

DATE : 30.01.2019.

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 & 4 and Shri D.T. Devane, learned Advocate for respondent Nos. 2 & 3.

2. At the request of learned Advocate for respondent Nos. 2 and 3, S.O. to 08.03.2019 for hearing.

VICE CHAIRMAN

kpb ORAL ORDER 30.01.2019.

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

**ORIGINAL APPLICATION NO. 535/2018
(Shri Kamlakar B. Kulkarni V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN.

DATE : 30.01.2019.

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to take instructions from the concerned respondents regarding filing on record original order of directing recovery, wherein the detailed reasons of wrong calculation might have been given.

3. At his request, S.O. to 13.03.2019.

4. Learned Presenting Officer to act on steno copy.

VICE CHAIRMAN

kpb ORAL ORDER 30.01.2019.

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

**ORIGINAL APPLICATION NO. 866/2018
(Shri Venkat M. Methe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN.

DATE : 30.01.2019.

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that time may be extended for carrying out the amendment, as on 15.01.2019, it was directed that the amendment be carried out forthwith, but the same could not be made due to personal difficulty.

3. In the circumstances, time is extended. The amendment be carried out within a period of one week in the office.

4. Upon carrying out the said amendment, issue notices to the respondents, returnable on 05.03.2019.

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

6. 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.

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

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

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

10. S.O. to 05.03.2019.

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

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 373/2018
(Shri Asaram Bansi Londhe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN.

DATE : 30.01.2019.

ORAL ORDER :

Heard Shri S.A. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpand, learned Presenting Officer for the respondents.

2. By the present Original Application, the applicant is claiming following relief :-

“C. *By issuing necessary direction or order this Hon'ble Tribunal pleased to quash and set aside the impugned order dated 29.9.2017 issued by respondent No. 3 directing the recovery of Rs. 1,99,922/- from to the present applicant from his pension and pensionary benefits.*”

3. The present applicant was working as Awwal Karkoon (Senior Clerk). Due to the mistake committed by the concerned respondent, an amount of Rs. 1,99,922/- was paid to the applicant in the salary due to the computation of wrong date of grant of time bound promotion.

4. It is to be noted that the present applicant was working in Class-“C” category. Now he is retired and the recovery sought from his retiral benefits. In the circumstances, in view of the decision of the Hon'ble Supreme Court in the case of **State of Punjab and**

Ors. etc. Vs. Rafiq Masih (White Washter) etc.
reported in **AIR 2015 Supreme Court 696**, the
impugned order issued by the concerned respondent
dated 29.09.2017 (Annexure A-7, page No. 46),
cannot survive. In the circumstances, following
order:-

ORDER

- i. The O.A. is allowed without any order as to costs.
- ii. The impugned decision of the concerned respondent dated 29.09.2017 is hereby quashed and set aside.
- iii. It is hereby directed that amount already recovered from the applicant be refunded to him as per the rules.

VICE CHAIRMAN

kpb ORAL ORDER 30.01.2019.

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

**ORIGINAL APPLICATION NO. 693/2018
(Shri Ghansham S. Jaiswal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN.

DATE : 30.01.2019.

ORAL ORDER :

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

2. By filing the present Original Application, the application is claiming following relief :-

“B. To quash and set aside the impugned order dated 24.08.2018 issued by the respondent No. 1, transferring the applicant from the post of Canal Choukidar, Aurangabad Irrigation Sub Division No. 4, Kannad under the Irrigation Section No. 15 Gaaraj to Jalna Irrigation Division, Jalna and for that purpose issue necessary orders to the extent of applicant. ”

3. Upon hearing both the sides, it is crystal clear that the present applicant, who is working as Canal Choukidar, Group-D category is transferred merely because some complaints received from the respondent No. 1. Merely receiving of complaints against the employee cannot be a ground for transfer and moreover against Group-D category employee, who according to the applicable law cannot normally be transferred.

//2/ /

O.A. No. 693/2018

4. In that view of the matter, the Original Application is allowed without any order as to costs. The impugned decision of the respondent No. 1 i.e. the Superintending Engineer and Administrator, CADA, Aurangabad dated 24.08.2018 (Annexure A-5, page no. 20) is hereby quashed and set aside. The interim relief granted earlier is made absolute without any order as to costs.

VICE CHAIRMAN

kpb ORAL ORDER 30.01.2019.

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

**ORIGINAL APPLICATION No.367/2018
(Kunal B. Shinde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

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

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

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

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

**ORIGINAL APPLICATION No.555/2018
(Nirmala S. Bhandari V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

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

2. Learned P.O. for the Respondents seeks time to file affidavit-in-reply. Time as prayed for is granted.

3. S.O. to 12.03.2019 for filing reply.

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

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

**ORIGINAL APPLICATION No.162/2018
(Baliram B. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

Heard Shri Anant D. Sugdare, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for respondent Nos.1 & 2 and Smt. Suchita A. Dhongde, learned Advocate holding for Shri Suresh D. Dhongde, leaned Advocate for the Respondent Nos.3 & 4.

2. At the request of the learned Advocate for the Respondent Nos.3 & 4, S.O. to 5.03.2019.

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

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

**ORIGINAL APPLICATION No.163/2018
(Pramod R. Kachare V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

Heard Shri Anant D. Sugdare, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondent Nos.1 & 2 and Smt. Suchita A. Dhongde, learned Advocate holding for Shri Suresh D. Dhongde, leaned Advocate for the Respondent Nos.3 & 4.

2. At the request of the learned Advocate for the Respondent Nos.3 & 4, S.O. to 5.03.2019.

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

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

**ORIGINAL APPLICATION No.776/2018
(Nana B. Salunke V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

Heard Shri Anant D. Sugdare, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for Respondents.

2. Learned P.O. for the Respondents seeks time to file affidavit-in-reply. Time as prayed for is granted.

3. At the request of learned P.O. as well as learned Advocate, S.O. to 12.03.2019.

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

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

ORIGINAL APPLICATION ST. No.1704/2019
(Syed Saber Syed Ahmed V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

Heard Shri Asif Ali, learned Advocate holding for Shri A.N. Ansari, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for Respondents.

2. Learned P.O. for the Respondents seeks time to file affidavit-in-reply. Time as prayed for is granted.

3. At the request of learned P.O. as well as learned Advocate, S.O. to 06.03.2019.

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

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

**ORIGINAL APPLICATION No.49/2018
(Ravindra V. Sapkale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

Heard Shri Harshal P. Randhir, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for Respondents.

2. At the request of learned Advocate for the Applicant, S.O. to 01.03.2019.

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION No.277/2017
(Shaikh Mehboob Abdul Kareem V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate holding for Shri Santosh S. Jadhavar, 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 25.02.2019.

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

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

**ORIGINAL APPLICATION No.277/2017
(Sk. Mb. Abdul Kareem V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

Heard Shri Santosh S. Jadhavar, 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 25.02.2019.

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

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

**ORIGINAL APPLICATION No.277/2017
(Sk. Mb. Abdul Kareem V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

Heard Shri Santosh S. Jadhavar, 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 25.02.2019.

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

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

ORIGINAL APPLICATION No.586/2018
(Adinath J. Bhosale V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

Heard Shri Sujeet D. Joshi, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for Respondent Nos.1 to 3 and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the Respondent No.4.

2. Heard Both sides. It is to be noted that the Respondent No.4 is now reposted at Pune. In view of the interim relief, the Applicant is continued to be in the present post at Latur.

3. Learned C.P.O. for the Respondents files on record a copy of communication received to him dated 9.1.2019. The same is taken on record and marked as document 'X' for the purpose of identification and copy thereof is supplied to the learned Advocate for the Applicant.

4. The communication would show that due to the pendency of present Original Application, the Civil Services Board has refused to consider the representation of the present Applicant. It is surprising to note that when for the same relief the

representation is made, what is the hitch to Civil Services Board to take active decision in the matter.

5. In this circumstance, the Civil Services Board is directed to consider the representation of the Applicant and take a fresh decision, irrespective to the pendency of the present Original Application and copy of the said decision shall be filed on the record on the next date.

6. S.O. to 20.03.2019. Interim relief to continue till next date.

7. Steno copy and Hamdast is allowed.

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

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

**ORIGINAL APPLICATION No.122/2018
(Ramdas T. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

Heard Shri K.C. Sonone, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for Respondents.

2. Learned Advocate for the Applicant files affidavit-in-rejoinder. The same is taken on record.

3. S.O. to 6.03.2019 for hearing.

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

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

**ORIGINAL APPLICATION No.355/2018
(Krushna S. Edke V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

Heard Shri Swapnil A. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for Respondents.

2. Learned Advocate for the Applicant points out that the affidavit-in-rejoinder is already filed on record. The record would also show that the rejoinder dated 20.12.2018 is already on record.

3. In view of the above fact, the said affidavit-in-rejoinder is hereby acknowledged on record and copy be served on other side.

4. S.O. to 13.02.2019 for hearing.

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

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

ORIGINAL APPLICATION ST. No.22/2019
(Madhukar K. Kasbe V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

Heard Shri G.J. Pahilwan, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for Respondents.

2. By filing present Application, the Applicant wants that his post shall be mentioned in the service book as Cleaner (Swiper) as no post is mentioned in the service book as seen from the true copy of the same which is at Annexure 'A'-2', page no.9.

3. In this circumstance, by waiving the office objection of limitation notices to the Respondents be issued returnable on 27.02.2019.

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

5. 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.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

8. 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.

9. **Without filing any detailed affidavit-in-reply, the concerned Respondents are directed to consider the representation of the Applicant dated 26.11.2018 at Annexure 'A-3', page no.10 and to take corrective steps in accordance with law and shall file the report in that regard on the next date. In case, for any valid reason, the Respondents come to the conclusion that no corrective steps can be taken, then affidavit be filed explaining the reasons therefor.**

10. S.O. to 27.2.2019.

VICE CHAIRMAN

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

MISC. APPLICATION NO.42/2019

IN

**ORIGINAL APPLICATION ST. No.172/2019
(Sukhdev G. Nagre V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

Heard Shri Kakasabhe B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for Respondents.

2. Issue notice to the Respondents in M.A. as well as O.A. returnable on 21.02.2019.

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 21.2.2019.

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

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

ORIGINAL APPLICATION No.72/2019
(Lalit G. Pandule V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

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

2. Learned Advocate for the Applicant files Secondary School Certificate of the Applicant. The same is taken on record and marked as document 'X' for the purpose of identification.

3. Issue notice to the Respondents returnable on 07.03.2019.

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

5. 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.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

8. 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.

9. S.O. to 07.03.2019.

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

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

**ORIGINAL APPLICATION No.69/2019
(Ramniwas R. Khandelwal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for Respondents.

2. It appears that the present Applicant was drawing salary in the pay scale of Rs.15600-39100/- with Grad Pay of Rs.6600/-. He was a Group -B employee.

3. Learned Advocate for the Applicant is submitting that in view of the interim relief granted in some other cases, the interim relief against the recovery in the present matter be granted.

4. It is however, to be noted that the authorities on which reliance is placed by the learned Advocate for the Applicant concerns group C and D category employee.

5. Learned Advocate for the Applicant seeks time to take instructions on above fact.

6. At the request of the learned Advocate for the Applicant, S.O. to 11.02.2019.

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

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

MISC. APPLICATION NO.478/2018

IN

ORIGINAL APPLICATION ST. No.1983/2018

(Suresh D. Khadve & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

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

2. At the request of the learned Advocate for the Applicant, S.O. to 26.02.2019.

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

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

**ORIGINAL APPLICATION No.348/2018
(Bhanudas B. Gadekar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN

DATE : 30.01.2019

ORAL ORDER :

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

2. Learned P.O. for the Respondents seeks time to file affidavit-in-sur-rejoinder. Time as prayed for is granted.

3. S.O. to 13.02.2019 for filing affidavit-in-sur-rejoinder and for hearing.

VICE CHAIRMAN

SAS ORAL ORDER 30-01-2019

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

**C.P.NO. 50/2018 IN O.A.NO. 421/2012
(Shri Anant M. Thakur Vs. State of Maharashtra & Ors.)**

- OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 30.01.2019

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed a copy of the communication dated 28.1.2019 along with decision received to him and the same are taken on record and marked as document 'X' collectively.

3. The aforesaid communication would show that six weeks' time would be necessary for according sanction by the Finance Department. In the circumstances, S.O. to 14.03.2019 for reporting further progress.

4. Learned Presenting Officer to act on steno copy.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 30.012019-HDD

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

**ORIGINAL APPLICATION NO. 273 OF 2018
(Shri Ganesh D. Chavhan Vs. State of Maharashtra & Ors.)**

- OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 30.01.2019

ORAL ORDER :

Heard Shri Abhishek C. Deshpande, learned Advocate holding for Shri Sandeep B. Sontakke, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri S.G. Kulkarni, learned Advocate holding for Shri Pramod A. Salvi, learned Advocate for respondent Nos. 4 & 5.

2. Learned Advocate for the applicant submits that in view of the instructions received from the applicant certain amendments are required to be made. In the circumstances, liberty to file application for amendment is hereby granted. The application may be filed within a period of two weeks from today.

3. S.O. to 15.02.2019.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 30.012019-HDD

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

**O.A.NOS. 489/17, 492/17, 125/18 WITH M.A.28/18 IN O.A.519/17
WITH M.A.29/18 IN O.A.520/17 WITH M.A.30/18 IN O.A.NO. 949/17
WITH O.A.NO. 521/17 WITH O.A. NO. 480/17**

(Shri Mahadu R. Munmane Vs. State of Maharashtra & Ors.)

- OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 30.01.2019

ORAL ORDER :

Heard Ms. Rebekah Daniel, learned Advocate holding for Shri S.B. Talekar & S/Shri S.K. Mathpati, Sandeep B. Sontakke, learned Advocate holding for Shri A.C. Deshpande, learned Advocates for the respective applicants in respective cases and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents in all these cases. S/Shri B.R. Kedar, S.S. Deve & G.K. Kshirsagar, learned Advocates for the applicants in O.A. Nos. 125/18, 521/17 & 480/17 (**absent**).

2. Learned Presenting Officer submits that the review, a reference of which was made earlier, is not closed for orders by the Principal Seat of this Tribunal. On the other hand, Shri S.B. Sontakke, learned Advocate holding for Shri A.C. Deshpande, learned Advocate for the applicants, makes a statement that in fact the review petition is dismissed. However, learned Presenting Officer has no instructions in this regard. In the circumstances,

:: - 2 - ::

O.A.NOS. 489/17 & Gr.

S.O. to 21.02.2019 for making statement by the learned Presenting Officer on the above line.

3. Learned Presenting Officer to act on steno copy.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 30.012019-HDD

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

**C.P.NO. 18/2018 IN O.A.NO. 456/2016
(Shri Mohd. Imran Khan Vs. State of Maharashtra & Ors.)**

- OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 30.01.2019

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 13.02.2019.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 30.012019-HDD

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

**C.P.NO. 02/2019 IN O.A.NO. 419/2018
(Shri Rajendra P. Bagade Vs. State of Maharashtra & Ors.)**

- OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 30.01.2019

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 Presenting Officer has filed a copy of communication dated 28.01.2019 received to him from the Collector, Aurangabad and the same is taken on record and marked as document 'X' for the purpose of identification. In the present contempt petition the Collector, Aurangabad is seeking time to file reply. It is surprising to note that without complying with the order merely time for filing reply is sought for the reasons best known to the Collector, Aurangabad. In the circumstances, S.O. to 05.02.2019 either for compliance of order or for taking such action in the present contempt petition, as may be deemed fit.

3. Learned Presenting Officer to act on steno copy.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 30.012019-HDD

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

**ORIGINAL APPLICATION NO. 567 OF 2018
(Smt. Shubhangi M. Sonawane Vs. State of Maharashtra & Ors.)**

- OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 30.01.2019

ORAL ORDER :

Heard Shri Ganesh Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

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

3. S.O. to 07.03.2019.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 30.012019-HDD

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

**C.P.NO. 78/2018 IN O.A.NO. 417/2018
(Shri Chhagan B. Chavan & Ors. Vs. State of Maharashtra & Ors.)**

- OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 30.01.2019

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant makes a statement that in view of the pendency of the writ petition concerning the same issue in the Hon'ble High Court at Mumbai, presently the applicant is not pressing the present contempt petition. However, he prays that the present Contempt Petition, as well as, Original Application No. 417/2018 be removed from the board.

3. In the circumstances, the present C.P., as well as, O.A. No. 417/2018 are removed from the board with liberty to circulate as and when exigency would arise.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 79 OF 2019
(Shri Prakash F. Patil Vs. State of Maharashtra & Ors.)**

- OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 30.01.2019

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 31.01.2019.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 30.012019-HDD

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

**ORIGINAL APPLICATION NO. 540 OF 2016
(Shri Raghunandan D. Sapkale Vs. State of Maharashtra & Ors.)**

- OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 30.01.2019

ORAL ORDER :

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

2. At the request of learned Chief Presenting Officer, S.O. to 21.02.2019 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 30.012019-HDD

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

**ORIGINAL APPLICATION NO. 590 OF 2013
(Smt. Kaveri V. Chavan Vs. State of Maharashtra & Ors.)**

- OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 30.01.2019

ORAL ORDER :

Heard Shri P.G. Gunale, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 5 and Shri S.K. Mathpathi, learned Advocate for respondent No. 6. None appears for respondent Nos. 7 & 8.

2. At the request of learned Advocate for the applicant, S.O. to 06.03.2019.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 30.012019-HDD

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

**ORIGINAL APPLICATION NO. 854 OF 2018
(Shri Bhima S. Chakale Vs. State of Maharashtra & Ors.)**

- OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 30.01.2019

ORAL ORDER :

Heard Smt. T.M. Tripathi, learned Advocate holding for Shri M.P. Tripathi, 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 07.03.2019 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 30.012019-HDD

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

**ORIGINAL APPLICATION NO. 690 OF 2018
(Shri Pramod A. Kulkarni Vs. State of Maharashtra & Ors.)**

- OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 30.01.2019

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 12.03.2019 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 30.012019-HDD

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

**ORIGINAL APPLICATION NO. 810 OF 2017
(Sahilgram M. Sonawane Vs. State of Maharashtra & Ors.)**

- OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 30.01.2019

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate holding for Shri S.D. Dhongde, 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 12.03.2019 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 30.012019-HDD

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

**M.A.NO. 22/2019 IN O.A.ST.NO. 100/2019
(Shri Sachin P. Shinde & Ors. Vs. State of Maharashtra & Ors.)**

- OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 30.01.2019

ORAL ORDER :

Shri V.V. Deshmukh, learned Advocate holding for Shri A.N. Nagargoje, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Heard the learned Advocate for the applicants in the present application for sue jointly. He is also heard to find out as to any *prima facie* case exists in the O.A.

3. The present applicants are claiming that the concerned respondents should have corrected the advertisement for the post of Water Conservation Officer (Establishment), Group 'B', as the applicants hold the qualification of B. Tech. (Agriculture Engineering). The advertisement and more particularly page, 25 would show that the said qualification is not included in the list of the qualification prescribed by the concerned respondents.

4. It is to be noted that the Tribunal cannot direct the concerned respondents as to which qualification

would be suitable for a particular post. The recruitment rules in this regard, page-38, would also show that three years diploma in Civil Engineering recognized by the Government or any other qualification recognized as equivalent would be necessary. In that view of the matter, there is no merit in the O.A. itself. Therefore, the present M.A. for sue jointly is hereby dismissed. Consequently, the O.A. also stands disposed of. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 385/2018
(Shri Kalyan T. Gade V/s. State of Maharashtra & Ors.)
AND**

**ORIGINAL APPLICATION NO. 386/2018
(Shri Ankush M. Dahiphale V/s. State of Maharashtra & Ors.)
AND**

**ORIGINAL APPLICATION NO. 691/2018
(Shri Sanjay J. Issar 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 : 30.01.2019

ORAL ORDER :

Heard S/shri Avinash S. Deshmukh, learned Advocate for the applicants in O.A. nos. 385 & 386 of 2018, Shri Sudhir Zambre, learned Advocate holding for N.B. Narwade, learned Advocate for the applicant in O.A. no. 691/2018 and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents in all these matters.

2. Learned P.O. files on record copies of decisions dtd. 29.1.2019 passed by the concerned respondent and the same are taken on record and marked as document 'X' for the purpose of identification and copies thereof are supplied to the learned Advocate for the applicants in respective matters. It reveals from the said orders 'document X' that the impugned order of dismissal in all these matters is now cancelled by the concerned respondent.

3. In the circumstances, the present Original Applications are disposed of without any order as to costs and in view of cancellation of the impugned orders, the concerned respondents are directed to impart the consequential benefits to the respective applicants within a period of 4 months from the date of this order.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 30-01-2019

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

**ORIGINAL APPLICATION NO. 205/2018
(Shri Santosh K. Trimanwar 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 : 30.01.2019

ORAL ORDER :

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

2. Upon hearing both the sides, it appears that the caste certificate of the present applicant was earlier invalidated by the Caste Scrutiny Committee. However, Hon'ble High Court in writ petition No. 2368/2011 has set aside the said order of Caste Scrutiny Committee and, in fact, validated the caste certificate of the present applicant vide judgment dtd. 10.3.2017 (Annex. A. 5 page 23). Thereafter, it appears that the present applicant has made an application on 13.3.2018 to the concerned respondent. The concerned respondent has taken a decision on 20.4.2018 (Annex. A. 9 page 41), which would show that though caste claim of the applicant is accepted by the Hon'ble High Court, in fact, the present applicant does not possess the requisite qualification for promotion to the post of Clerk as he does not hold the certificate of Marathi & English typing as per the rules. It, therefore, appears that the present applicant was

promoted earlier wrongly on this count and, therefore, the application of the applicant was not accepted.

3. Learned Advocate for the applicant submits that at the time when the applicant was promoted, the Rules holding the field were to the effect that the requisite / necessary qualification in this regard could be obtained within 2 years. He further submits that along with rejoinder at Annex. A. 1 page 71 a copy of certificate is placed on record, which would satisfy the said query of the respondent regarding possession of requisite qualification by the present applicant. However, copy of the previous rules in this regard is not on record to verify whether the certificate (Annex. A. 1 page 71) i.e. certificate of Office Automation issued by the Yashwantrao Chavan Maharashtra Open University, Nashik could qualify him for promotion.

4. Learned Advocate for the applicant seeks time to take instructions in this regard and also to produce on record copy of rules as referred above. In the circumstances, at the request of learned Advocate for the applicant, S.O. to 6.3.2019 for taking instructions on the above line and also for production of rules.

5. Steno copy allowed for the use of both the sides.

MEMBER (A)

VICE CHAIRMAN

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

**M.A. 401/2018 IN O.A. ST. 1724/2018
(Smt. Manjusha Eknath Kute (Khade) V/s. State of Maharashtra &
Ors. and Smt. Rohini S. Deokar)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 30.01.2019

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 4 and Shri V.B. Wagh, learned Advocate for respondent no. 5.

2. The present misc. application has been filed by the applicant for condonation of 51 days caused in filing accompanying O.A.

3. The learned Advocate for res. no. 5 has filed affidavit in reply in the present M.A. It is taken on record and copy thereof has been supplied to other side.

4. For the reasons stated in the present M.A., it is allowed and disposed of without any order as to costs and the delay of 51 days caused in filing accompanying O.A. is condoned.

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

MEMBER (A)

VICE CHAIRMAN

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

O.A. ST. 1724/2018

**(Smt. Manjusha Eknath Kute (Khade) V/s. State of Maharashtra &
Ors. and Smt. Rohini S. Deokar)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 30.01.2019

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 4 and Shri V.B. Wagh, learned Advocate for respondent no. 5.

2. Issue notices to the respondent nos. 1 to 4 only, returnable on 6.3.2019.

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 6.3.2019. The present matter be kept along with O.A. no. 30/2018 on the next date.

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

MEMBER (A)

ARJ ORAL ORDERS 30-01-2019

VICE CHAIRMAN

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

**O.A. 30/2018
(Smt. Rohini S. Deokar 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 : 30.01.2019

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 6.3.2019 for hearing. Interim relief granted earlier to continue till then. The present matter be kept along with O.A. st. 1724/2018 on the next date.

MEMBER (A)

ARJ ORAL ORDERS 30-01-2019

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NOS. 535/2015 WITH 575/2013
(Smt. Shubhangi A. Shejule & 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 : 30.01.2019

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned Advocate for the applicants in both the matters and Shri N.U. Yadav, learned Presenting Officer for the respondents in both the matters.

2. With the consent of both the sides, S.O. to 20.2.2019 for final hearing. Both the matters be treated as a part heard.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 30-01-2019

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

**ORIGINAL APPLICATION NO. 42/2014
(Smt. Surekha B. Andhale & 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 : 30.01.2019

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants files on record copy of ad-hoc promotion order dtd. 24.10.2018 issued by the concerned respondent in favour of certain employees, pending the finalization of the Recruitment Rules, reference of which is made in the order dtd. 24.1.2019. The same is taken on record and marked as document 'X' for the purpose of identification and copy thereof has been supplied to the learned P.O.

3. Learned P.O. submits that she would take instructions from the concerned respondent in this regard and make a statement on the next date. In the circumstances, at the request of learned P.O., S.O. to 1.2.2019 for taking instructions on the above line and also for hearing.

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

MEMBER (A)

VICE CHAIRMAN