

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

ORIGINAL APPLICATION NO.825/2018
(Shivaji Dahiwal V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P.PATIL, MEMBER (J)

DATE : 03.11.2018

ORAL ORDER :

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

2. The applicant has challenged the order dated 24-10-2018 issued by the respondent no.3 by which the applicant has been suspended by filing the present O.A.

3. Learned Advocate for the applicant has submitted that respondent no.3 is not the competent authority to issue the order of suspension as provided under Rule 4 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 [M.C.S. (D & A) Rules]. Impugned order is ex-facie illegal and this Tribunal can entertain the present O.A. considering the said facts in view of the provisions of S.20 of the Administrative Tribunal Act.

3. Learned Advocate for the applicant has placed reliance on the decision in case of **State of Maharashtra V/s. Subhash Dhondiram Mane** reported in **2015 (4) Bom.C.R. 563** as well as in case of **the State of Maharashtra & Ors. V/s. Shivram Sambhajirao Sadawarte** reported in **2001 (2) Bom.C.R. 492**. He has submitted that in view of the provisions of S.20 of the Administrative Tribunal Act, the Tribunal can admit the application if it is satisfied that the action taken by the respondents against the applicant is in violation of the provisions of law and considering the facts in the case. He has submitted that considering the exceptional circumstances in the matter, it is just to admit the O.A.

4. Learned P.O. has submitted that the suspension order is appealable in view of Rule 17 of the M.C.S. (D & A) Rules. Moreover, the applicant has remedy to file application/representation for revocation or review of the suspension order before the same authority or higher authority to which the authority who

has passed order is subordinate in view of Rule 4(5) of the M.C.S. (D & A) Rules. He has submitted that since the applicant has not availed the alternative remedies available to him, the O.A. cannot be admitted in view of the provisions of S.20 of the Administrative Tribunal Act. He has submitted that decision cited by the applicant are not attracted in this case as the facts in this case are different. Therefore, he has prayed not to admit the O.A.

5. I have gone through the provisions of Rule 4(5) of the M.C.S. (D & A) Rules and S.20 of the Administrative Tribunal Act. The applicant is challenging the illegality of the order of suspension as well as the authority of the officer who has passed the suspension order. Rule 17 of the MCS (D & A) Rules provides that the order of suspension is an appealable order. Rule 4(5) of the M.C.S. (D & A) Rules provides that the order of suspension issued under Rule 4 can be sought to be reviewed or revoked by suspending employee by way of representation under the said Rules. The applicant has not availed the said

remedies available to him under the service rules. No exceptional circumstances are made out by the applicant to entertain the present O.A.

6. Provisions of S.20 of the Administrative Tribunal Act are clear. It provides that ordinarily the Tribunal should not admit the applications unless it is satisfied that the applicant has availed all remedies available to him under the relevant service rules for redressal of his grievance.

7. Since the applicant has not availed the remedies available to him under the M.C.S. (D & A) Rules, in my view the O.A. cannot be admitted in view of S.20 of the Administrative Tribunal Act. Moreover, the applicant has not made out a case showing exceptional grounds for entertaining the O.A. Hence, O.A. is not maintainable. Therefore, it is dismissed in limine. There shall be no order as to costs.

MEMBER (J)

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P.PATIL, MEMBER (J)

DATE : 03.11.2018

ORAL ORDER :

Heard Ku. Divya Tyagi learned Advocate holding for Shri S.B.Talekar learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents.

2. Issue notice to respondents, returnable on 14-12-2018.

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

4. Applicant is authorized and directed to serve on 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 14-12-2018.

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

MEMBER (J)

YUK ORAL ORDER 03-11-2018 F

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.855/2018
(Baban Jatale V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P.PATIL, MEMBER (J)

DATE : 03.11.2018

ORAL ORDER :

Heard Shri P.D.Jarare learned Advocate holding for Shri S.S.Thombre learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Issue notice to respondents, returnable on 18-12-2018.

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

4. Applicant is authorized and directed to serve on 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 18-12-2018.

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

MEMBER (J)

YUK ORAL ORDER 03-11-2018 F

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

**M.A.No.447/2018 IN O.A.No.748/2018
(Sanjay Godgodwar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P.PATIL, MEMBER (J)

DATE : 03.11.2018

ORAL ORDER :

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

2. Learned Advocate for the applicant has prayed to restore the O.A.No.748/2018 to the original number which was dismissed in default for non-compliance of the direction given by the Tribunal for the reasons mentioned in paragraph 6 of the M.A.

3. On going through the paragraph 6 of the M.A. in my view the applicant has given satisfactory reasons for non-compliance of the direction issued by the Tribunal. Therefore, order of dismissal passed in O.A. requires to be called back by allowing the M.A.

4. In view of the above M.A. is allowed. Order of dismissal passed in O.A.No.748/2018 dated 20-10-2018 is set aside. O.A. be restored to its original number. There shall be no order as to costs.

MEMBER (J)

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

**ORIGINAL APPLICATION No.748/2018
(Sanjay Godgodwar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P.PATIL, MEMBER (J)

DATE : 03.11.2018

ORAL ORDER :

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

2. Issue fresh notice to respondents, returnable on 18-12-2018.

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

4. Applicant is authorized and directed to serve on 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. Learned Advocate for the applicant has submitted that prior to the dismissal of the O.A., the applicant had granted interim relief on 01-10-2018 and the applicant is discharging his duties on earlier post till today. Therefore, he prayed to grant interim relief as granted earlier.

9. In view of the submission of learned Advocate for the applicant interim relief granted earlier to continue till next date.

10. S.O. to 18-12-2018.

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

MEMBER (J)

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

**M.A.St.No.1891/2018 IN O.A.No.709/2018
(Shital More V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P.PATIL, MEMBER (J)

DATE : 03.11.2018

ORAL ORDER :

Heard Shri Manish V. Bhamre learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents.

2. Learned Advocate for the applicant seeks leave of the Tribunal to correct the M.A., more particularly, dates mentioned in paragraph 5 of the application. As there are typographical mistakes, leave as prayed for is granted, the applicant shall amend the M.A. forthwith.

3. For the reasons mentioned in paragraph 4 and 5 of the M.A., it deserves to be allowed. Order of dismissal passed in O.A.No.709/2011 on 27-09-2018 and 31-10-2018 are set aside. O.A. be restored to its original stage. There shall be no order as to costs.

MEMBER (J)

YUK ORAL ORDER 03-11-2018 F

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

**ORIGINAL APPLICATION NO.709/2018
(Shital More V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P.PATIL, MEMBER (J)

DATE : 03.11.2018

ORAL ORDER :

Heard Shri Manish V. Bhamre learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents.

2. Shri M.R.Kulkarni learned Advocate for the respondent no.4 appeared and waived notice. He has filed his Vakalatnama on behalf of respondent no.4. He has also filed affidavit in reply in O.A. It is taken on record. Copy thereof has been served on the other side.

3. Issue notice to respondent nos.1 to 3, returnable on 17-12-2018.

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 17-12-2018.

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

MEMBER (J)

**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, V.C.

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

DATE : 3.11.2018

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 28th November, 2018.

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

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

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

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

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

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

8. S.O. to 28th November, 2018.

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

VICE CHAIRMAN

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

**M.A. 448/2018 IN O.A. 818/2018
(Kishor S. Suradkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 3.11.2018

ORAL ORDER :

Heard Shri G.K. Muneshwar, learned Advocate for the applicant and Smt. Sanjivani Deshmukh, learned Presenting Officer for respondents.

2. The present misc. application has been filed by the applicant for restoration of O.A. no. 818/2018 to its original file, which was dismissed in default in view of observations made in para 7 of the order of the Tribunal dtd. 25.10.2018.

3. For the reasons stated in the present M.A., it is allowed and disposed of without any order as to costs and O.A. no. 818/2018 is hereby restored to its original file.

VICE CHAIRMAN

ARJ ORAL ORDERS 3-11-2018

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

**O.A. 818/2018
(Kishor S. Suradkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 3.11.2018

ORAL ORDER :

Heard Shri G.K. Muneshwar, learned Advocate for the applicant and Smt. Sanjivani Deshmukh, learned Presenting Officer for respondents.

2. Today, by passing separate order in M.A. no. 448/2018, the present O.A. is restored to its original file.

3. Learned Advocate for the applicant submits that notices were already served in the present O.A. and merely service affidavit was remained to be filed and, therefore, the O.A. was dismissed in default.

4. In the circumstances, it is not necessary to issue notices to the respondents upon restoration of present O.A.

5. On perusal of earlier order dtd. 25.10.2018, it reveals that, the Tribunal had granted interim relief in the present matter to the effect that, the decision taken by the concerned respondents in the meantime shall be subject to final outcome of the present O.A.

6. In the circumstances, S.O. to 28.11.2018. The interim relief granted in the present matter vide order dtd. 25.10.2018 to continue till then. Be placed

along with similar matter i.e. M.A. no. 372/2018 in
O.A. no. 581/2018 on the next date.

VICE CHAIRMAN

ARJ ORAL ORDERS 3-11-2018

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

**REV. APPLICATION NO. 02/2018 IN O.A. NO. 123/2018
(Shrikant T. Mahajan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 3.11.2018

ORAL ORDER :

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

2. Issue notices to the respondents in the present Rev. Application, returnable on 12th December, 2018.

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

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

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

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

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

8. S.O. to 12th December, 2018.

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

VICE CHAIRMAN