

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

**M.A. No. 47/2018 in O.A. St. No. 182/2018
(Shri Sheshrao R. Kharate V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

Heard Shri Amit Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents in M.A. Time granted.

3. S.O. to 16.10.2018.

MEMBER (J)

KPB ORAL ORDER 03-09-2018

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

**M.A. No. 131/2018 in O.A. No. 891/2016
(Shri Anil P. Salve V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

Heard Shri Amit Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents in M.A. Time granted.

3. S.O. to 16.10.2018.

MEMBER (J)

KPB ORAL ORDER 03-09-2018

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

**ORIGINAL APPLICATION NO. 576/2017
(Shri Ulhas N. Suryawanshi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

Heard Shri Amit Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 16.10.2018.

MEMBER (J)

KPB ORAL ORDER 03-09-2018

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

**ORIGINAL APPLICATION NO. 379/2017
(Shri Sanjay N. Nade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 26.09.2018.

MEMBER (J)

KPB ORAL ORDER 03-09-2018

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

**ORIGINAL APPLICATION NO. 600/2016
(Shri Sadashiv J. Daware V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

Heard Shri R.S. Shejul, learned Advocate holding for Shri K.M. Nagarkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. Pleadings are complete. Hence, the present O.A. is admitted and it be kept for final hearing on 10.10.2018.

MEMBER (J)

KPB ORAL ORDER 03-09-2018

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

**ORIGINAL APPLICATION NO. 574/2018
(Sau Seema A. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

Heard Shri Vijay Deshmukh, learned Advocate holding for Shri Gajanan Kadam, learned Advocate for the applicant, Smt. Deepali S. Deshpanded, learned Presenting Officer for respondents and Shri Pradeep Shahane, learned Advocate for respondent No. 8.

2. Learned Presenting Officer as well as learned Advocate for respondent No. 8 seeks time to file affidavit in reply. Time granted.

3. S.O. to 10.10.2018.

MEMBER (J)

KPB ORAL ORDER 03-09-2018

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

**ORIGINAL APPLICATION NO. 643/2018
(Shri Nilesh P. Tidke & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The representation/application filed by the applicant in the month of April 2018 is still pending with the respondents. The statutory period of six months as provided under Section 20 of the Administrative Tribunals Act, 1985 is not yet elapsed. The present O.A. is premature and hence, the same cannot be admitted. Therefore, present O.A. cannot be entertained.

3. Hence, the present O.A. is rejected as premature with liberty to the applicant to approach this Tribunal as and when the cause of action will arise. There shall be no order as to costs.

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 669/2018
(Shri Sk. Qudus Sk. Lal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

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

2. On instructions, the learned Advocate for the applicant has submitted that the applicant does not want to proceed with the present O.A. and wants to withdraw the same with liberty to file fresh O.A., as and when the cause of action arises. Therefore, he seeks leave of this Tribunal to withdraw the present O.A.

3. In view of the submissions made by learned Advocate for the applicant, leave as prayed for by the applicant is granted. O.A. is disposed of as withdrawn with liberty to file fresh O.A. whenever the cause of action will arise. There shall be no order as to costs.

MEMBER (J)

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

**M.A. No. 315/2018 in O.A. No. 201/2018
(Shri Manzoor Ahmed Shaikh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

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

2. For the reasons and grounds mentioned in paragraph No. 4 of the M.A. No. 315/2018, the M.A. is allowed. The order of dismissal passed in O.A. 201/2018 on 03.07.2017 is recalled. The O.A. No. 201/2018 is restored to its original number.

3. Accordingly, the M.A. NO. 315/2018 is disposed of with no order as to costs.

MEMBER (J)

KPB ORAL ORDER 03-09-2018

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

**ORIGINAL APPLICATION NO. 201/2018
(Shri Manzoor Ahmed Shaikh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

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

2. In view of the order passed in M.A. No. 315/2018 on 03.09.2018, the O.A. No. 201/2018 is restored to its original number.

3. Issue notices to the respondents, returnable on 10.10.2018.

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

5. 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.

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. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, O.A. shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. S.O. 10-10-2018.

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

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 533/2017
(Shri Milind D. Tungar & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 16.10.2018.

KPB ORAL ORDER 03-09-2018

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 611/2017
(Shri Nagnath G. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate for the applicant (**Leave Note**). Smt. Deepali S. Deshpande, learned Presenting Officer for respondents, present.

2. In view of leave not filed by the learned Advocate for the applicant, S.O. to 27.09.2018.

MEMBER (J)

KPB ORAL ORDER 03-09-2018

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

**ORIGINAL APPLICATION NO. 923/2017
(Shri Nayeem Ad. Sq. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

Heard Shri M.B. Kolpe, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondent Nos. 1 to 3.

2. Shri S.M. Kshirsagar, learned Advocate holding for Shri R.R. Chandak, has filed **VAKALATNAMA** on behalf of respondent No. 4 and he has also filed affidavit in reply on behalf of respondent No. 4. Same are taken on record and the copy of the affidavit in reply has been served on the other side.

3. Learned Presenting Officer has filed spate affidavit in replies on behalf of respondent Nos. 2 and 3 respectively. Same are taken on record and the copies thereof have been served on the other side.

4. No affidavit in reply has been filed by the respondent No. 1.

5. S.O. to 09.10.2018.

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 51/2018
(Shri David S. Gantur & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

Heard Shri R.S. Shejul, learned Advocate holding for Shri K.M. Nagarkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has filed rejoinder affidavit to the affidavit in reply filed by the respondent Nos. 1 & 2. Same is taken on record and the copy thereof has been served on the learned Presenting Officer for the respondents.

3. S.O. to 10.10.2018.

MEMBER (J)

KPB ORAL ORDER 03-09-2018

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

**ORIGINAL APPLICATION NO. 124/2018
(Shri Aminkhan I. Pathan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

Heard Shri Ganesh Jadhav, learned Advocate holding for Shri M.L. Muthal, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks two days time for filing affidavit in reply. Time granted. If the respondents failed to file affidavit in reply on the next date, the heavy costs will be saddled on them.

3. S.O. to 06.09.2018.

MEMBER (J)

KPB ORAL ORDER 03-09-2018

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

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

2. Learned Presenting Officer has submitted that she will file the affidavit in reply on behalf of respondent Nos. 4 to 6 during the course of the day. She has submitted that she does not want to file affidavit in reply on behalf of respondent Nos. 1 to 3.

3. S.O. to 21.09.2018.

MEMBER (J)

KPB ORAL ORDER 03-09-2018

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

**ORIGINAL APPLICATION NO. 296/2018
(Shri Vishwanath S. Patole V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

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

2. Learned Presenting Officer has submitted that he will file the affidavit in reply on behalf of respondent No. 1 in view of the directions given by this Tribunal on 09.07.2018 during the course of the day.

3. S.O. to 19.09.2018.

MEMBER (J)

KPB ORAL ORDER 03-09-2018

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

**ORIGINAL APPLICATION NO. 377/2018
(Shri Sanjay D. Chavan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

Shri S.D. Joshi, learned Advocate for the applicant (**Leave Note**). Shri B.S. Deokar, learned Presenting Officer for respondent Nos. 1 & 2 and Shri D.B. Thoke, learned Advocate for respondent No. 3, are present.

2. In view of leave not filed by the learned Advocate for the applicant, S.O. to 18.09.2018. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 03-09-2018

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

**ORIGINAL APPLICATION NO. 420/2018
(Shri Mahesh T. Doke V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

Shri P.M. Nagargoje, learned Advocate for the applicant (**Absent**). Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents, present.

2. At the request of learned Presenting Officer for the respondents, S.O. to 19.09.2018 for filing affidavit in reply.

MEMBER (J)

KPB ORAL ORDER 03-09-2018

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

**M.A. No. 145/2018 in O.A. St. No. 310/2018
(Shri Vaijnath M. Karadkhele V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 26.09.2018 for filing affidavit in reply in M.A.

MEMBER (J)

KPB ORAL ORDER 03-09-2018

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

**ORIGINAL APPLICATION NO. 600/2017
(Smt. Lata B. Darade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

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

2. Learned Presenting Officer has placed on record a copy of the communication dated 30.08.2018 received to his office from the Administrative Officer, Office of the Commissioner of Police, Aurangabad City along with the accompanying documents. Same are taken on record.

3. At the request of learned Presenting Officer for the respondents, S.O. to 25.09.2018 for producing relevant record.

MEMBER (J)

KPB ORAL ORDER 03-09-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 960/2017
(Shri Pralhad D. Lahane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

Learned Advocate Shri B.G. Kadam, has filed **VAKALATNAMA** on behalf of the applicant with no objection of Shri S.D. Mundhe, learned Advocate for the applicant. Same is taken on record. Shri N.U. Yadav, learned Presenting Officer for respondents.

2. No affidavit in reply has been filed by the respondents.

3. The applicant is claiming salary for 94 days. Out of the same, the respondents have disbursed the salary for 84 days and now the dispute is regarding salary of 10 days.

4. Learned Presenting Officer seeks time to take instructions from the respondents as to why the salary for 10 days has not been disbursed to the applicant.

5. The respondent No. 3 is therefore, directed to file affidavit in reply stating reasons as to why the salary for 10 days has not been disbursed to the applicant, though he is entitled. He is further directed to state on oath, if there is any legal impediment in disbursing the salary of 10 days on or before the next date.

6. S.O. to 26.09.2018.

7. Steno copy allowed to the learned Presenting Officer at his request.

MEMBER (J)

KPB ORAL ORDER 03-09-2018

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

**M.A. No. 319/2018 in O.A. No. 646/2018
(Shri Umesh S. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

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

2. The applicant has sought leave of this Tribunal to amend the O.A. by adding some of the paragraphs in the pleadings and prayer clause B-1, by which he has challenged the order of respondent No. 4. He wants to add Shri Sudhir Patil, as party respondent No. 4 in the O.A. by way of proposed amendment. The said amendment is in formal nature and it is not changing the nature of pleadings and hence, the proposed amendment as sought by the applicant is allowed.

3. In view of this, M.A. No. 319/2018 is allowed. Leave as prayed for by the applicant to amend the O.A. is granted. The applicant shall amend the O.A. forthwith. There shall be no order as to costs.

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 646/2018
(Shri Umesh S. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

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

2. After amendment, issue notice to the newly added respondent No. 4, returnable on 19.09.2018.

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

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

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

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

7. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, O.A. shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. 19-09-2018.

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

MEMBER (J)

KPB ORAL ORDER 03-09-2018

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

T.A.NO. 3/2018 [W.P.NO. 9260/2018]

[Shri Mangesh R. Datar & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

1. Heard Ms. Preeti Wankhade, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Learned Chief 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 applicants.
3. Learned Chief Presenting Officer submits that at present the affidavit in reply of respondent No. 3 is not necessary.
4. S.O. to 6th September, 2018 for preliminary hearing, as learned Chief Presenting Officer has made a statement that the selection process has already stopped by the authorities in view of the pendency of the present O.A.

MEMBER (A)

VICE CHAIRMAN

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

T.A.NO. 5/2018 [W.P.NO. 9261/2018]

[Shri Pravin C. Janjal Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

1. Heard Shri Nitin S. Kadarale, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Learned Chief 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. Learned Chief Presenting Officer submits that at present the affidavit in reply of respondent No. 3 is not necessary.
4. S.O. to 6th September, 2018 for preliminary hearing as learned Chief Presenting Officer has made a statement that the selection process has already stopped by the authorities in view of the pendency of the present O.A.

MEMBER (A)

VICE CHAIRMAN

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

T.A.NO. 6/2018 [W.P.NO. 9314/2018]

[Shri Prasanna R. Raut & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

1. Heard Shri Abhay R. Rathod, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Learned Chief 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 applicants.
3. Learned Chief Presenting Officer submits that at present the affidavit in reply of respondent No. 3 is not necessary in view of the affidavit in reply.
4. S.O. to 6th September, 2018 for preliminary hearing as learned Chief Presenting Officer has made a statement that the selection process has already stopped by the authorities in view of the pendency of the present O.A.

MEMBER (A)

VICE CHAIRMAN

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

C.P.ST.1177/2018 IN O.A.NO. 629/2014

[Shri Syed Muzafarruddin Khan Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

1. Heard Shri Abed M. Khan, learned Advocate for the applicant and Smt. Sanjivandi Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that since the applicant was not available, delay condonation application could not be filed. In the circumstances, the period for removing the office objection/s is extended as a last chance till 11th September, 2018. Upon default, the necessary action would be taken by the registry without any further reference to the Tribunal.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 03.09.2018-HDD

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

M.A.NO. 321/2018 IN O.A.ST.NO. 1490/2018

[Shri Dnyandev A. Wanve & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

1. Heard Shri S.G. Jadhavar, learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants seeks time to make further arguments on the issue of roster point in relation to the promotion, as the learned Advocate for the applicant has merely argued on the basis of serial number in the seniority list without advertng to the roster point. At his request, S.O. to 10th September, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 03.09.2018-HDD

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

ORIGINAL APPLICATION ST. NO. 1121 OF 2018

[Shri Ajay V. Deokatte Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

1. Heard Shri S.N. Lale Yelwatkar, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Heard on the issue of maintainability of the present Original Application.

3. Learned Advocate for the applicant has filed a copy of Government Resolution dated 18th July, 2011 and the same is accepted and taken on record and marked as document 'X' for the purpose of identification.

4. The present applicant is working under the State Rural Livelihoods Mission as a Block Mission Manager. The Government Resolution, which is filed today on record and more particularly paragraph No. 7 (i) would show that the said mission is a Society registered under the Indian Societies Registration Act, 1860 though under the control of the Rural Development Department of the State of Maharashtra.

5. In that view of the matter, the Administrative Tribunal would have no jurisdiction. The present

O.A. ST. NO. 1121 OF 2018

Original Application is, therefore, disposed of without any order as to costs, with liberty to file such proceedings with a competent forum as may be deemed fit.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 03.09.2018-HDD

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

ORIGINAL APPLICATION NO. 194 OF 2016

[Shri Ramesh M. Jakatdar & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

1. Heard Shri Vivek Pingle, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The recovery from the pensionary benefits has challenged by the applicants in the present Original Application. The Government Circular dated 17th December, 2013 (Annexure 'A-5', page-29), however, would show that the Government has rectified the mistake committed in some cases of grant of pension to the employees, who were notionally given one step up pay scale when they were posted in the Naxalite area. In the case of these employees, the pension was calculated on the basis of the notional one step pay scale promotion and, therefore, vide Govt. Circular dated 17th December, 2013, the said mistake was rectified. The applicant's case is governed by the said Circular.

3. Learned Presenting Officer points out the decision in the Writ Petition No. 1701/2015 dated 21-22.06.2017 [The Principal Secretary, Department of Finance, Mantralaya, Mumbai & Ors. Vs. Ashok J. Aknurwar] rendered by the Division Bench of the Hon'ble Bombay High Court Bench at Nagpur, in which all these issues are clearly decided and the

O.A. NO. 194 OF 2016

said Circular dated 17th December, 2013 is held valid.

4. Learned Advocate for the applicant has placed reliance on the ratio laid down by the Hon'ble Supreme Court in the case of ***State of Punjab and others etc. V/s. Rafiq Masih (White Washer) etc.*** reported in ***[AIR 2015 SC 696/(2015) 4 SCC 334]*** and the decision of the Division Bench of the Hon'ble Bombay High Court in ***W.P. No. 1010/2015 [Grace George Pamoorickal Vs. Municipal Corporation of Gr. Mumbai and Ors.]*** dated 20th April, 2018. The decisions would show that equitable relief against recovery from pension was granted to the superannuated employees of 'C' and 'D' category. The applicant however, was Deputy Engineer and, therefore, was not serving in 'C' or 'D' category and, therefore, neither the ratio laid down in the case of State of Punjab and others etc. (supra) or the decision of the Division Bench of the Hon'ble Bombay High Court in W.P. No. 1010/2015 (supra), would be applicable.

5. In that view of the matter, the present Original Application is dismissed without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 327 OF 2017

[Shri Ajay R. Pofale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

1. Heard Shri Shrikant Patil, learned Advocate holding for Shri S.R. Dheple, learned Advocate for the applicant, Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondent Nos. 1,2, 5 & 6 and Smt. Sangeeta Nenwani, learned Advocate holding for Shri S.B. Talekar, learned Advocate for respondent Nos. 3 & 4.

2. Learned Advocate for the applicant seeks time to file rejoinder. It is to be noted that since 27th March, 2018, four chances were given to the applicant to file rejoinder and on the request of the applicant ad interim relief is continued from time to time.

3. In the circumstances, as a last chance, S.O. to 10th September, 2018 for filing rejoinder, if any and also for hearing on continuation of ad interim relief.

4. It is made clear that if the applicant fails to file rejoinder on the next date or if he fails to appear and argue the present case on continuation of ad interim relief, the said ad

interim relief granted earlier shall stand automatically vacated without any reference to the Tribunal. Ad interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 577 OF 2017

[Shri Ramesh G. Chaudhari Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

1. Heard Shri Ketan D. Pote, learned Advocate holding for Shri A.G. Ambetkar, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri A.S. Deshmukh, learned Advocate for respondent No. 3.

2. Learned Advocate for the applicant seeks time. Learned Advocate Shri A.S. Deshmukh for respondent No. 3 submits that in view of pendency of the present Original Application, the State Government of Maharashtra is not issuing the order in favour of the respondent No. 3. In the circumstances, as a last chance, S.O. to 6th September, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 03.09.2018-HDD

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

ORIGINAL APPLICATION NO. 805 OF 2017

[Dr. Vanita N. Puri Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

1. Heard Shri Vishnu Dhoble, learned Advocate for the applicant, Mrs. Deepali S. Deshpande, learned Chief Presenting Officer for the respondent Nos. 1 to 3 and Shri Avinash S. Deshmukh, learned Advocate for respondent No. 4.

2. Learned Presenting Officer submits that she has received para-wise remarks from respondent Nos. 1 to 3 and seeks time for filing affidavit in reply on their behalf. She further submits that affidavit in reply will be filed on the next date positively.

3. In the circumstances, S.O. to 12th September, 2018 for filing affidavit in reply on behalf of respondent Nos. 1 to 3.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 03.09.2018-HDD

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

ORIGINAL APPLICATION NO. 943 OF 2017

[Shri Amol J. Udawant Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

1. Heard Shri Abhay Rathod, learned Advocate holding for Shri Satyajeet J. Rahate, learned Advocate for the applicant, Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri V.B. Wagh, learned Advocate for respondent Nos. 5 to 9.

2. Learned Advocate Shri Abhay Rathod submits that learned Advocate Shri S.J. Rahate for the applicant is ill and, therefore, he could not appear today and seeks time.

3. Learned Advocate Shri V.B. Wagh for respondent Nos. 5 to 9 however, points out that on many occasions learned Advocate Shri S.J. Rahate remained absent and despite taking steps by the State as directed by this Tribunal earlier, nothing survives in the present O.A. However, as a last chance, S.O. to 5th September, 2018 either for hearing 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. 144 OF 2018

[Shri Dattatraya N. Samindre Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

1. Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. Learned Presenting Officer submits that presently affidavit in reply of respondent No. 3 is not necessary.

4. In the circumstances, S.O. to 26th September, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 03.09.2018-HDD

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

ORIGINAL APPLICATION NO. 202 OF 2018

[Shri Ashok R. Khandagale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

1. Heard Shri S. R. Sapkal, 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 25th September, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 03.09.2018-HDD

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

ORIGINAL APPLICATION NO. 245 OF 2018

[Shri V.D. Bhapkar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 27th September, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 03.09.2018-HDD

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

ORIGINAL APPLICATION NO. 256 OF 2018

[Shri Avinash P. Chandra & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.09.2018.

ORAL ORDER :

1. Heard Shri G.M. Ghongade, learned Advocate holding for Shri S.G. Chapalgaonkar, 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 for the respondents, S.O. to 3rd October, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 03.09.2018-HDD

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

**ORIGINAL APPLICATION NO. 350/2018
(Dr. Balwant K. Choure V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 3.9.2018

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent nos. 1 & 2.

2. None appears for res. no. 3, though service affidavit along with acknowledgement would show that the res. no. 3 has received the notice issued by the Tribunal. In the circumstances, the present O.A. to proceed further in absence of res. no. 3.

3. Learned P.O. files affidavit in reply of res. nos. 1 & 2. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

4. The present O.A. be placed for admission hearing on 27.9.2018. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 549/2018
(Prashant S. Khairnar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 3.9.2018

ORAL ORDER :

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

2. Learned Advocate for the applicants submits that, in view of para 8 of the order of the Tribunal dtd. 25.7.2018 the applicants have appeared before the Enquiry Officer, however, he has no instructions regarding what happened in the enquiry matter thereafter. He seeks time to take instructions in this regard.

3. In the circumstances, the concerned respondents are also directed to file a short affidavit explaining within how much period the D.E. would be completed, on the next date.

4. S.O. to 24.9.2018 for above compliance from both the sides.

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

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 594/2018
(Dr. Kavita K. Shende V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 3.9.2018

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate holding for Shri Ganesh V. Mohekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Shri Jadhav, learned Advocate submits that Shri Mohekar, learned Advocate for the applicant is admitted in the hospital and, therefore, short adjournment may be granted in the matter.

3. Learned C.P.O. seeks time to take instructions on the line of the order of the Tribunal dtd. 16.8.2018.

4. In the circumstances, the learned C.P.O. is directed to take instructions from the concerned respondents that, in view of the Hon'ble Supreme Court ruling quoted in the said order dtd. 16.8.2018, whether the concerned respondents would withdraw the impugned order. At his request, S.O. to 25.9.2018.

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

MEMBER (A)

VICE CHAIRMAN

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

**M.A. 309/2018 IN M.A. NO. 154/2018 IN O.A. ST. 576/2017
(Samta R. Lokhande V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 3.9.2018

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate holding for Shri Y.P. Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. By filing the present M.A. the applicant has prayed to recall the order of the Tribunal dtd. 27.4.2018 passed in M.A. no. 154/2018 in O.A. st. no. 576/2017 and restore M.A. no. 154/2018 and O.A. st. no. 576/2017 to their original position.

3. For the reasons stated in the present M.A. no. 309/2018 it is allowed and disposed of without any order as to costs and M.A. no. 154/2018 & O.A. st. 576/2017 are restored to their original position.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 3-9-2018

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

**M.A. NO. 154/2018 IN O.A. ST. 576/2017
(Samta R. Lokhande V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 3.9.2018

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate holding for Shri Y.P. Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Today by passing separate order in M.A. no. 309/2018 the present M.A. & accompanied O.A. are restored to original position.

3. In the circumstances issue fresh notices to the respondents in the present M.A., returnable on 23.10.2018.

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

5. 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 M.A. 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 acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

::-2-::
M.A. NO. 154/2018
IN O.A. ST. 576/2017

8. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. S.O. to 23.10.2018.

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

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 3-9-2018

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

**M.A. NO. 153/2018 IN O.A. ST. 593/2018
(Raju M. Yamalwad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 3.9.2018

ORAL ORDER :

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

2. Learned P.O. undertakes to file affidavit in reply of the respondents in the present M.A. during the course of the day. He also undertakes to supply copy of the said reply upon the learned Advocate for the applicant. The said affidavit in reply be taken on record.

3. In the circumstances, S.O. to 24.9.2018 for admission hearing of M.A.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 3-9-2018

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

**ORIGINAL APPLICATION NO. 463/2013
(Digambar M. Pandit V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 3.9.2018

ORAL ORDER :

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

2. Learned P.O. files on record affidavit in reply of res. no. 2 in response to the order of the Tribunal dtd. 11.6.2018. Para nos. 8 & 9 of the said affidavit in reply would show that as no eligible candidate was found, the selection process itself came to an end so far as the res. no. 2 is concerned. From the said reply, it appears that, till the res. no. 1 i.e. the State Government would not send a fresh requisition, the res. no. 2 would not be able to start any fresh selection process.

3. In the circumstances, to have further hearing on the line of order dtd. 11.6.2018 and on the line of the submissions made in the affidavit in reply of res. no. 2, S.O. to 25.9.2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 575/2014
(Deepak B. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 3.9.2018

ORAL ORDER :

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

2. Learned Advocate for the applicant files rejoinder of the applicant along with annexures. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant. Affidavit in rejoinder and the annexures attached thereto would show that the applicant has made an application to the concerned respondent in the year 2015 for receiving copy of the C.D. of the video graph made on the day of physical test. The concerned authority, however, firstly refused to give the said C.D. to the applicant on the ground that it is confidential and later on it was communicated after decision on the RTI application of the applicant that the said C.D. is corrupted.

3. In the circumstances, learned P.O. to secure the copy of the said C.D. for perusal of the Tribunal and place it before the Tribunal on the next date.

4. S.O. to 26.9.2018 for producing copy of the C.D. by the learned P.O.
5. Steno copy allowed for the use of learned P.O.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 3-9-2018

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

**O.A. NO. 7/2016 WITH O.A. NO. 65/2016
(Arun D. Ingole & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 3.9.2018

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate for the applicants in both the matters and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents in both the matters.

2. Learned P.O. has filed affidavits in replies of res. nos. 1 to 8 in both the matters. Though the present O.As. are already admitted and are kept for final hearing, still the replies of the said respondents are necessary for deciding the cases and, therefore, the same are accepted on record and copies thereof are supplied to the learned Advocate for the applicants.

3. In the circumstances, S.O. to 18.9.2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

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

**M.A. NO. 291/2018 IN O.A. ST. NO. 1086/2018
(Santoshkumar A. Kaul V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 3.9.2018

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that, he would examine as to whether in view of the provisions of rule 16 & 17 of M.C.S. (Discipline & Appeal) Rules, 1979 a departmental appeal is required to be filed though order in the D.E. is passed in the name of His Excellency Hon'ble the Governor, and later to take decision regarding withdrawal of present M.A. & O.A. and otherwise.

3. In the circumstances, at the request of learned Advocate for the applicant, S.O. to 19.9.2018 for taking instructions from the applicant on the above line.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 152/2007
(Vijaykumar B. Rathi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 3.9.2018

ORAL ORDER :

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

2. Learned P.O. submits that inadvertently the orders of the Tribunal dtd. 16.3.2018, 17.4.2018 & 13.6.2018 are remained to be forwarded to the concerned respondents. He seeks time for taking instructions from the concerned respondents on the line of those orders.

3. In the circumstances, Registry to issue copies of orders dtd. 16.3.2018, 17.4.2018 & 13.6.2018 to the learned P.O. for onward transmitting the same to the concerned respondents for getting instructions in the matter.

4. In the circumstances, at the request of learned P.O., S.O. to 26.9.2018 for taking instructions from the concerned respondents.

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

MEMBER (A)

VICE CHAIRMAN