

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 515/2015 IN OA 243/2015

(Shri Pandurang N. Solunke Vs. The State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date : 20-06-2017

ORAL ORDER:-

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

2. The present misc. application has been filed by the applicant for condonation of 14 years' & 70 days' delay caused in filing the original application seeking appointment on compassionate ground.

3. The reading of the record would show that, father of the applicant was serving as a Mazdoor since 28.1.1984 and he died on 20.7.1998 while in service. According to the applicant, upon death of his father, immediately he filed application before the respondent authorities for seeking appointment on compassionate ground, on 10.8.1998, however, there was no response from the respondents. Thereafter on 10.8.2000 he sent another communication informing the concerned respondent about passing of 4th standard by him. Thereafter in the years 2001 and 2002 he

sent communications for grant of compassionate appointment. Lastly the applicant by communication dated 28.4.2014 sought compassionate appointment and since no decision was taken by the respondents in that regard, he has filed the present original application on 9.4.2014. As there was delay of 14 years' and 70 days in filing the said O.A., he also filed misc. application for condonation of said delay.

4. It is contended by the learned Advocate for the applicant that, the applicant was always contacting the respondents for his relief, however, they did not give any information to him and ultimately he made last communication on 28.4.2014. Hence, there is sufficient cause for condonation of delay caused in filing the original application.

5. The learned P.O. opposed the misc. application and submits that, not only the relief of compassionate appointment has to be persuaded, but sufficient reasons for condonation of delay in filing the O.A. are not given by the applicant. The applicant has not taken appropriate steps in time and merely went on sending the letters to the respondents and that does not revive the cause for condonation of delay.

6. Taking into consideration all above facts, in my view, no sufficient cause is made out by the applicant for condonation of delay caused in filing the O.A. for appointment on compassionate grounds. The appointment on compassionate ground is required to give immediate succor to the family members immediately after the death of Government employee.

7. In the result, the misc. application for condonation of delay is dismissed. In view of dismissal of misc. application, the original application does not survive and it is accordingly disposed of. There shall be no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 20.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 719/2016
(Shri Pandurang M Chandanshiv V/s. the State of Mah. & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 20.06.2017.

ORAL ORDER:-

Heard Shri K.J. Suryawanshi, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for respondent nos. 1 to 3 and Shri P.D. Suryawanshi, learned Advocate for respondent no. 4 & 5.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 2 along with copy of letter dated 13.06.2017 calling explanation from the respondent no. 4 for passing order dated 17.05.2016. Copy of the letter dated 13.06.2017 is addressed to the Executive Engineer, Works Division No.1, Zilla Parishad, Beed. Another letter dated 13.06.2017 sent by respondent no. 2 to respondent no. 5 has also been produced by the respondent no. 2. In the said letter the Accountant General authorized Treasury Officer to release the provisional pension to the applicant with effect from 1.3.2016 till today.

3. The respondent nos. 4 & 5 has filed affidavit in reply and contented that they never passed the order of stopping regular pension of the applicant. They have not given explanation as to why they have passed the impugned order dated 17.05.2016 granting provisional pension to the applicant, though regular pension was granted by the Accountant General-II, Nagpur. Though, the directions to give explanation has been given by this Tribunal by the order dated 24.04.2017, the respondent no. 4 has not given explanation in that regard. It shows that the respondent no. 4 is intentionally avoiding to follow the directions given by this Tribunal as regards impugned letter dated 17.05.2016 and under which provision be withheld the regular pension which was granted to the applicant. Not only this but on perusal of affidavit in reply of respondent nos. 4 & 5, it reveals that the respondent no. 4 has not filed his personal affidavit in reply and he authorized one Shri Uddhav Bhimrao Thorat, In-charge Deputy Executive Engineer, Zilla Parishad (Public Works) Sub- Division, Beed to file

affidavit and explain the said fact. The explanation given in the affidavit is vague one, therefore, it cannot be relied upon.

4. Learned Advocate for respondent nos. 4 & 5 has submitted that at present Shri Namdeo Nannaware, is working as a Chief Executive Officer, Zilla Parishad, Beed. Hence, Shri Namdeo Nannaware, Chief Executive Officer, Zilla Parishad, Beed is directed to file his explanation by filing affidavit in reply in view of the direction given by this Tribunal on 24.04.2017.

5. S.O. to 13.07.2017.

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 610/2016
(Smt. Jyoti Jeevan Aglave V/s. the State of Mah. & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 20.06.2017.

ORAL ORDER:-

Heard Shri A.S. Deshmukh, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for respondents.

2. Learned Presenting Officer has submitted that he has not received instructions from the respondents as to whether the decision given by Division Bench of this Tribunal in O.A. No. 48/2011 dated 12.09.2011 has been challenged by the respondents before the Hon'ble High Court and therefore, he sought time for taking instructions from the respondents.

3. Learned Advocate for the applicant has submitted that the ample opportunities were given to the respondents to take instruction as regards challenge to the order dated 12.09.2011 passed in O.A. No. 48/2011. He has submitted as per his instruction the order passed in O.A. No. 48/2011 has been executed by the

respondents and the applicant in that matter had received appointment on compassionate ground. Not only this, but she is getting the family pension also. He has submitted that as per instruction no Writ Petition has been preferred by the respondents challenging the order passed by this Tribunal in O.A. No. 48/2011. He has submitted that the case of the applicant is similar to the case of the applicant in O.A. No. 48/2011 and therefore, he prayed to grant relief as prayed for by the applicant on the ground of parity.

4. On going through the decision of Division Bench of this Tribunal in O.A. No. 48/2011 it reveals that the applicant in that case was widow of the Government employee. The respondent was pleased to terminate the services of the applicant's husband and others on the ground that appointment given to them were in violation of the Government orders and guidelines. This Tribunal allowed the O.A. No. 48/2011 and declared that the D.E. against deceased husband of the applicant was ended without final conclusion as a result of the death of the

employee i.e. her husband and it was declared that the LR's of the deceased employee are entitled to all benefits which are available to LR's of such Government employee. This Tribunal directed the respondents to enlist the name of the applicant in O.A. No. 48/2011 in the waitlist of compassionate appointment seekers on the basis of her application and further directed to process the case of her husband for pensionary benefits as permissible under the rules.

5. In the present case also the husband of the applicant is dead. He was one of the employees, whose services have been terminated by the respondents on the ground of irregularity, violation of the Government orders and decisions.

6. The decision of the Division Bench of this Tribunal in O.A. No. 48/2011 is also applicable in the instant case as the facts in this case are identical with the facts in that case. Therefore, on the ground of parity, it is just and proper to direct the respondents to consider the

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O.A. no. 610/2016

application of the applicant for appointment on compassionate ground as well as release pensionary benefits on account of death of her husband on merit in view of the direction given by Division Bench of this Tribunal in O.A. No. 48/2011 within a period of four months from the date of this order.

7. S.O. to 1.11.2017.

KPB ORAL ORDER 20-06-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 404/2016
(Dr. Avinash T. Landge V/s. the State of Mah. & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 20.06.2017.

ORAL ORDER:-

Shri A.S. Shelke, learned Advocate for the applicant
(**Absent**). Smt. Resha S. Deshmukh, learned Presenting
Officer for respondent nos. 1 to 3 and Shri R.L. Adhe,
learned Advocate holding for Shri A.A. Nimbalkar,
learned Advocate for respondent no. 4, are present.

2. As none present for the applicant, S.O. to
11.07.2017.

MEMBER (J)

KPB ORAL ORDER 20-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 500/2016

(Shri Saleem Khan Maseed Khan Sukede V/s. the State of Mah. & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 20.06.2017.

ORAL ORDER:-

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for respondent nos. 1 & 2 and Shri S.B. Mene, learned Advocate for respondent no. 3.

2. Learned Advocate for respondent no. 3 seeks time to file affidavit in reply. Time granted as a last chance for filing affidavit in reply on behalf of respondent no. 3 on record, subject to Costs of Rs. 5000/- (Five Thousand only). The amount of Costs of Rs. 5000/- be deposited in the Registry of this Tribunal.

3. S.O. to 14.07.2017.

MEMBER (J)

KPB ORAL ORDER 20-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 734/2016
(Shri Sainath B. Turkakane V/s. the State of Mah. & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 20.06.2017.

ORAL ORDER:-

Heard Smt. Juee Palekar-Parlikar, learned Advocate holding for Shri S.D. Joshi learned Advocate for the applicants, Smt. Resha S. Deshmukh, learned Presenting Officer for respondent nos. 1 to 3 and Shri P.P. Dhorde, learned Advocate for respondent no. 4.

2. Learned Advocate for the applicant seeks time to argue the matter. Time granted as a last chance.

3. S.O. to 03.07.2017.

MEMBER (J)

KPB ORAL ORDER 20-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 41/2017
(Shri Baburao N. Ardad V/s. the State of Mah. & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 20.06.2017.

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant, S.O. to 19.07.2017.

MEMBER (J)

KPB ORAL ORDER 20-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA NO. 73/2017 IN CP ST. 227/2017 IN OA 74/2015
(Shri (Dr.) Girish H. Thite Vs. The State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

Date : 20-06-2017

ORAL ORDER:-

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

2. Upon hearing both the sides, it appears that, a writ petition is filed by the State before the Hon'ble Bombay High Court, Bench at Aurangabad against the order dated 21.10.2016 in O.A. no. 74/2015, however, no interim relief is granted therein. The present applicant is superannuated and even no provisional pension is sanctioned to him by the respondents.

3. In the circumstances, the respondents are hereby put to notice that by the next date they shall make the payment of provisional pension etc. to the applicant as per the rules by, otherwise permission, as sought by the applicant, for proceeding against them for contempt of this Tribunal's order in O.A., may be granted.

4. S.O. to 2.8.2017.

5. The learned C.P.O. to act upon the Steno copy of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 20.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA NO. 74/2017 IN CP ST. 229/2017 IN OA 78/2015
(Shri (Dr.) Vijay V. Deshpande Vs. The State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

Date : 20-06-2017

ORAL ORDER:-

Heard Shri M.R. Kulkarni, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The present misc. application has been filed by the applicant for permission to file contempt petition against the respondents for non compliance of the order dated 21.10.2016 passed by the Tribunal in O.A. no. 78/2015. Against the said order of the Tribunal, the respondent State has filed a writ petition before the Hon'ble Bombay High Court, Bench at Aurangabad, however, no interim relief is granted therein.

3. However, with the consent of both the sides, S.O. to 2.8.2017. This matter be tagged along with MA NO. 73/2017 in CP ST. 227/2017 in OA 74/2015.

VICE CHAIRMAN

ARJ ORAL ORDERS 20.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**MA NO. 162/2017 WITH MA 139/2017 WITH IN OA NO.
136/2017 MA 210/2017**

(Smt. Madhuri B. Banait Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 20-06-2017

ORAL ORDER:-

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

2. The learned C.P.O. seeks time to take instructions from the concerned respondents as regards various orders passed by the Tribunal and more particularly as regards the GRs referred by the Tribunal in the order dated 11.4.2017 in M.A. 139/2017. At his request, S.O. to 4.7.2017.

3. The learned C.P.O. to act upon the Steno copy of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 20.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 57/2016

(Shri Ravindra D. Thakur Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 20-06-2017

ORAL ORDER:-

Heard Shri Kalyan Kale, learned Advocate holding for Shri S.R. Barlinge, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The reading of the record would show that the respondents have relied upon corrigendum dated 28th May, 2001 (Annex. R.2 page 63).

3. The learned Advocate for the applicant has relied on the decision of Hon'ble Bombay High Court, Bench at Aurangabad in a group of writ petitions bearing no. 2136/2011 and the batch dated 25.8.2011. He has also placed on record copy of the said judgment with copy to learned P.O.

4. From reading of the judgment of Hon'ble High Court, it appears that, clause no. 7 of the G.R. dated 5.11.2009 exactly similar to the corrigendum dated 28.5.2001 (Exh. R.1 paper book page 63) is struck down by the Hon'ble High Court by the said judgment.

5. In the circumstances, the respondents are hereby directed to take fresh decision in the matter according to law, before the next date.

6. S.O. to 27.7.2017.
7. The Steno copy be supplied to the learned Presenting Officer.

ARJ ORAL ORDERS 20.6.2017

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 757/2016

(Shri Digambar R. Sirame Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 20-06-2017

ORAL ORDER:-

Heard Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The learned P.O. submits that, during the course of the day, he would file affidavit in reply of the respondents and would also serve copy thereof upon the learned Advocate for the applicant. In the circumstances, S.O. to 5.7.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 20.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 874/2016

(Shri Shrikant T. Mahajan Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 20-06-2017

ORAL ORDER:-

Heard Shri Trupti Mahajan, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Upon hearing both the sides, it appears that, while the respondents have issued show cause notice to the applicant dated 18.1.2016 (paper book page 15 of the O.A.) for imposing punishment of deduction of 6% amount from the pension while the present applicant has already replied the same on 23.2.2016 (paper book page 65 of the O.A.), no decision is taken till this date by the concerned respondents.

3. In the result, the present applicant is being paid only the provisional pension pending the decision regarding deduction of 6% from his pension. Besides this, it appears that, other retiral benefits of the applicant are also withheld by the respondents.

4. Without going into the merit of the present original application, the concerned respondent is hereby directed to take the decision in the matter on or before 8.8.2017 and communicate the same to the learned P.O. for submitting it before the Tribunal. Considering the period in taking decision due to which the applicant is suffering, it is expected that the said decision would be taken by the concerned respondent by the next date positively, in default this Tribunal would constrain to take coercive action against the respondents.

5. S.O. to 8.8.2017.

6. The learned P.O. to act upon the Steno copy of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 20.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 572/2015

(Shri Subhash G. Chavan Vs. The State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date : 20-06-2017

ORAL ORDER:-

Heard Shri Ajay S. Deshpande, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant has pointed out that the original application was kept for hearing. The learned P.O. seeks time to take instructions regarding other matter/s, if any, pending before the Tribunal and relevance thereof with the present case.

3. In view of above, S.O. to 29.6.2017 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 20.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 27/2016 IN OA ST. 80/2016

(Shri Mahadu S. Bangale Vs. The State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date : 20-06-2017

ORAL ORDER:-

Heard Shri S.K. Mathpati, 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 27.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 20.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 51/2016 IN OA ST. 183/2016

(Shri Vijay A. Salve Vs. The State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date : 20-06-2017

ORAL ORDER:-

Heard Shri V.S. Borkar, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. The learned P.O. has filed affidavit in reply of res. no. 1. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. Upon hearing both the sides, it appears that, vide Exh. C paper book page 16 in the original application, the respondent authorities rejected the claim of applicant's mother for compassionate ground on the ground that she has crossed the age of 45 years. The copy of application submitted by the applicant's mother for compassionate appointment is at paper book page 15 and it appears therefrom that she had forwarded certificate regarding her date of birth along with the said application.

4. In the circumstances, it is necessary to have on record a copy of date of birth certificate to ascertain as

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MA 51/2016 IN OA ST. 183/2016

to whether applicant's mother was 45 years old at the time of submission of application to the authorities for compassionate appointment or whether she has crossed the age of 45 years when the decision is taken by the respondents. The learned Advocate for the applicant seeks time to file copy of the date of birth certificate of the applicant on record. At his request, S.O. to 6.7.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 20.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 378/2016 WITH MA ST. 1633/2016 IN OA 1634/2016
(Shri T.B. Bhosale & Ors. Vs. The State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date : 20-06-2017

ORAL ORDER:-

Heard Shri T.B. Bhosale, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned P.O., as a last chance, S.O. to 25.7.2017 for filing reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 20.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 383/2016 IN OA ST. 1756/2016

(Smt. Mangal S. Kathar Vs. The State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date : 20-06-2017

ORAL ORDER:-

Heard Shri K.G. Salunke, learned Advocate holding for Shri D.T. Devane, 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 24.7.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 20.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 475/2016 IN OA ST. 2087/2016

(Shri Naresh G. Khardekar Vs. The State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date : 20-06-2017

ORAL ORDER:-

Heard Miss. Preeti Wankhade, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The applicant has filed this misc. application for condonation of 503 days' delay caused in filing accompanying original application.

3. Perused the application. Considered the contentions.

4. For the reasons stated in the M.A., it is allowed & disposed of and the delay of 503 days' caused in filing accompanying O.A. is condoned. There shall be no order as to costs.

5. The Office to register the original application after due scrutiny.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. 2087/2016

(Shri Naresh G. Khardekar Vs. The State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date : 20-06-2017

ORAL ORDER:-

Heard Miss. Preeti Wankhade, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in the original application, returnable on 2.8.2017.

3. Tribunal may take the cases 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 O.A. Respondent is 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 question 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. S.O. 2.8.2017.

8. Steno copy & hamdust allowed to both the parties.

ARJ

ORAL

VICE CHAIRMAN
ORDERS

20.6.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.201/2017.

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 20-06-2017

ORAL ORDER:-

None appears for the applicant. Heard Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. Nobody has appeared on the last date also. The order dated 3.4.2017 would show that the applicant was required to satisfy the Tribunal on the issues mentioned therein. However, in view of the absence of the learned Advocate for the applicant S. O. to 07.07.2017 either for hearing or for passing necessary orders.

VICE CHAIRMAN.

ORAL

ORDERS

20-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

CP NO.02/2016 IN OA NO.344/2014.

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 20-06-2017

ORAL ORDER:-

Heard Shri V. B. Wagh learned Advocate for the applicant Shri Vivek Dhage, learned Special Counsel for the Respondent no.1 and Shri N. U. Yadav learned Presenting Officer for the Respondent no.2.

2. The learned Advocate for the applicant files short affidavit. The same is taken on record. Its copy is served on the other side.

3. In the meantime, the Respondents also show that the order is fully implemented. In the circumstances, S. O. to 6th Sept. 2017.

VICE CHAIRMAN.

ORAL ORDERS 20-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.355/2016.

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 20-06-2017

ORAL ORDER:-

Heard Shri S. B. Munde, learned Advocate holding for Shri V. D. Gunale learned Advocate for the applicant and Shri I. S. Thorat learned Presenting Officer for the Respondents no.1 & 2. None appears for the Respondents no.3 & 4.

2. Shri S. B. Munde, learned Advocate holding for Shri V. D. Gunale learned Advocate for the applicant seeks time. The record however show that, many chances are already granted. In the circumstances, as a last chance S. O. to 27.6.2017.

VICE CHAIRMAN.

ORAL

ORDERS

20-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.363/2016.

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 20-06-2017

ORAL ORDER:-

Heard Shri P. K. Palve learned Advocate for the applicant and Shri V. R. Bhumkar learned Presenting Officer for the respondents.

2. The learned P.O. seeks short accommodation to make a statement in pursuance of the order dated 13.1.2017.

3. Already many chances are granted. However, as a last chance time is granted.

4. S. O. to 27.6.2017.

VICE CHAIRMAN.

ORAL

ORDERS

20-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.595/2016.
(D. R. Chumare Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 20-06-2017

ORAL ORDER:-

None appears for the applicant. Smt P. R. Bharaswadkar learned Presenting Officer for the respondents no.1 to 4 is present.

2. Nobody has appeared on the last date also.

3. Advocate Shri A. S. Deshmukh has filed Vakalatnama on behalf of Respondent no.5 in place of Advocate Shri D. T. Devane. The same is accepted. He seeks time to file reply. At his request S. O. to 25.7.2017.

VICE CHAIRMAN.

ORAL

ORDERS

20-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.740/2016.
(Shri S. H. Jadhav Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 20-06-2017

ORAL ORDER:-

None appears for the applicant. Smt R. S. Deshmukh learned Presenting Officer for the respondents no.1 to 3 and Advocate Shri Patel S. Farhan h/f Shri Swapnil Tawshikar, learned Advocate for the Respondents no.4 & 5 are present.

2. Advocate Shri Patel S. Farhan h/f Shri Swapnil Tawshikar, learned Advocate for the Respondents no.4 & 5 files affidavit in reply. The same is accepted. Its copy is served on the other side.

3. S. O. to 19.7.2017.

VICE CHAIRMAN.

ORAL

ORDERS

20-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.842/2016.
(Shri A. F. Kasbekar & Oth. Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 20-06-2017

ORAL ORDER:-

Heard Shri Amol Kurangal learned Advocate holding for Shri C. R. Thorat learned Advocate for the applicant and Shri I. S. Thorat learned Presenting Officer for the respondents.

2. The learned P.O. files on record the communication received by him dated 19.5.2017 which would show that the grievance of the present applicant is redressed. The same is accepted and marked as "X" for the purpose of identification. The learned Advocate for the applicant agreed for the same. Accordingly, the application is disposed of without any order as to costs.

VICE CHAIRMAN.

ORAL

ORDERS

20-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.897/2016.
(Miss Shalini R. Raut Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 20-06-2017

ORAL ORDER:-

Heard Shri S. P. Slagar learned Advocate for the applicant and Shri N. U. Yadav learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submit that liberty to amend the designation of Respondent no.2 from the Chairman as Secretary may be permitted. Allow. The necessary amendment be carried during the course of the day.

3. The learned Advocate for the applicant files affidavit in rejoinder. The same is accepted. Its copy is served on the other side.

4. The learned P. O. to satisfy this Tribunal on certain issues and to take certain suomoto steps regarding the

amendment in the reply filed on behalf of M. P. S.C. At his request, S. O. to 28.6.2017.

6. The learned P.O. is directed to act on the Steno copy of this order.

ORAL **ORDERS** **VICE CHAIRMAN.**
20-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.143/2017.
(Shri U. R. Naglot Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 20-06-2017

ORAL ORDER:-

Heard Shri V. G. Pingle learned Advocate for the applicant and Smt R. S. Deshmukh learned Presenting Officer for the respondents.

2. The learned P.O. submit that the copy of the order dated 26.4.2017 was forwarded to the Respondent no.1 and on several occasions the Respondent no.1 was called on phone but there is no response.

3. In the circumstances, time to comply the order dated 26.4.2017 is hereby granted as a last chance. On failure, coercive action like calling of Respondent no.1 for attending this Tribunal etc. will be taken against him.

4. S. O. to 28.7.2017.

5. The learned P.O. is directed to act on the Steno copy of this order.

VICE CHAIRMAN.

ORAL

ORDERS

20-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.278/2017.

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 20-06-2017

ORAL ORDER:-

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

2. Read the order dated 5.5.2017. The learned C.P.O.
seeks time to file reply. At his request, S. O. to 8th
August, 2017.

VICE CHAIRMAN.

ORAL

ORDERS

20-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.173/2017.
(Shri M. B. Lokhande Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 20-06-2017

ORAL ORDER:-

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

2. The notice does not appeared to have been served yet though the circulation was granted on 16.3.2017. In the circumstances, S. O. to 28.7.2017 either for taking steps or for passing necessary orders.

ORAL **ORDERS** **VICE CHAIRMAN.**
20-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.622/2015.
(Shri R. K. Munde Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 20-06-2017

ORAL ORDER:-

Heard Shri A. S. More learned Advocate holding for Shri Vivek Deshmukh learned Advocate for the applicant and Shri M. P. Gude learned Presenting Officer for the respondents.

2. From the record it appears that, the present applicant is claiming for appointment on the ground of participation in Sports. The certificate of Maharashtra Cycling Association was sent for verification to the concerned authority. However, it was held invalid as it was for motivational purpose. The applicant therefore, filed O.A. No. 610/2014 in this Tribunal, which was withdrawn with liberty to agitate the same issue, if grounds challenged would be available.

3. Thereupon the present applicant secured the letter Annexure A-7, page no.34 dated 13th October 2010 sent

by Secretary to the Director of Sports & Youth Service, Maharashtra State, wherein it was advised that in case if any certificate is invalidated the candidate may be permitted to produce another certificate if he possesses the same and the same may be again considered.

4. Annexure A-8, page nos.36 to 40 show that, the present applicant possesses various certificates of participating in various cycling tournaments/competitions. On the strength of the copy of the letter as referred supra the present application is now filed.

5. Perused the affidavit in reply. It does not show as to whether recruitment process is completed and whether appointments are already made by the Respondents on the basis of the recruitment process of the year 2013.

6. In the circumstances, the learned P.O. is directed to take instructions from the concerned Respondent to find out as to whether the appointments are already made on

the basis of the said recruitment process of 2013 and file affidavit in this regard on the next date.

7. S. O. to 27.7.2017.

8. The learned P.O. is directed to act on the Steno copy of this order.

VICE CHAIRMAN.

ORAL

ORDERS

20-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

MA NO.395/2016 IN CP ST.NO.1801/16 IN OA NO.536/2011.
(Shri D. B. Jadhav Vs. The State of Mah.& Oth.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 20-06-2017

ORAL ORDER:-

Heard Shri D. K. Borkar learned Advocate holding
for Shri P. D. Suryawanshi learned Advocate for the
applicant and Shri V. R. Bhumkar learned Presenting
Officer for the respondents.

2. The learned P.O. submit that, since Respondent
no.1 is transferred the instructions are required to be
taken from the next incumbent regarding compliance of
the order. At his request, S.O. to 25.7.2017. In case if
decision is not taken by that time this Tribunal would be
constrained to grant permission for contempt proceedings
against both Officers.

3. The learned P.O. is directed to act on the Steno
copy of this order.

VICE CHAIRMAN.

ORAL

ORDERS

20-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

MA NO.426/2016 IN OA ST.NO.1824/2016.
(Shri K. B. Joshi Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 20-06-2017

ORAL ORDER:-

It is reported that Shri S. D. Dhongde learned Advocate for the applicant has filed leave note. Shri D. R. Patil learned Presenting Officer for the respondents is present.

2. S. O. to 28.7.2017.

VICE CHAIRMAN.

ORAL

ORDERS

20-06-2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..**

**MA NO.430/2016 IN OA ST.NO.1778/2016.
(Shri S. M. Sonawane Vs. State of Mah. & Ors.)**

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 20-06-2017

ORAL ORDER:-

It is reported that Shri S. D. Dhongde learned Advocate for the applicant has filed leave note. Smt D. S. Deshpande learned Presenting Officer for the respondents is present.

2. S. O. to 28.7.2017.

VICE CHAIRMAN.

ORAL ORDERS 20-06-2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 56/2017 IN O.A.ST.NO. 86/2017

**(Shri. Sudhakar S/o. Anantrao Goswami Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri Yogesh P. Deshmukh – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 4th July, 2017.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 132 OF 2017

**(Shri. Dattu S/o. Rama Sonawane Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri J.B. Choudhary – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted.
3. S.O. to 14th July, 2017. Interim relief granted earlier by this Tribunal by its order dated 28.02.2017 to continue till then.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO. 528 OF 2017

**(Shri. Deorao S/o. Namdeo Dawane Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri V.P. Golewar – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, **S.O. to 19th July, 2017** to enable him to file Miscellaneous Application for condonation of delay caused in filing the accompanying Original Application.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 191 OF 2016

**(Smt. Bhagyashree d/o. Haribhau Sopne Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri M.R. Kulkarni, learned Advocate holding for Shri S.K. Chavan – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 25th July, 2017.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO. 643 OF 2017

**(Shri. Vitthal Prabhakar Kausadikar Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri M.D. Narwadkar – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that the applicant wants to approach the concerned authorities in view of the order passed by the Deputy Director, Education, Latur dated 30.5.2015 (Annexure “C” p.b. page-16 of the O.A.). Therefore, he seeks permission of this Tribunal to withdraw the present Original Application unconditionally.

3. In view of the aforesaid submissions made on behalf of the applicant, permission to leave the present Original Application is granted.

4. Accordingly the present Original Application stands disposed of as withdrawn without any orders as to costs.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 166 OF 2017

**(Shri Shaikh Gafar Shaikh Abdul Rajjak & Ors. Vs. The
State of Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri Vivek V. Tarde – learned Advocate for the applicants and Shri D.R. Patil – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks leave of this Tribunal to delete the name of respondent No. 10 as he is not a necessary party.
3. Leave as prayed for by the learned Advocate for the applicant is granted.
4. Learned Advocate for the applicant undertakes to carry out the necessary amendment in the present Original Application forthwith.
5. At the request of learned Presenting Officer, S.O. to 3rd July, 2017.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 373 OF 2017

**(Shri. Kashinath S/o. Gopinath Pawar Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri K.B. Jadhav – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 20th July, 2017.

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

6. 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 O.A. Respondent is 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,

O.A. NO. 373 OF 2017

and the question 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. S.O. to 20th July, 2017.

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

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 166 OF 2017

**(Shri Shaikh Gafar Shaikh Abdul Rajjak & Ors. Vs. The
State of Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri Vivek V. Tarde – learned Advocate for the applicants and Shri D.R. Patil – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks leave of this Tribunal to delete the name of respondent No. 10 as he is not a necessary party.
3. Leave as prayed for by the learned Advocate for the applicant is granted.
4. Learned Advocate for the applicant undertakes to carry out the necessary amendment in the present Original Application forthwith.
5. At the request of learned Presenting Officer, S.O. to 3rd July, 2017.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 376 OF 2017

**(Shri. Punjaji S/o. Mahadu Shinde Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri Rahul O. Awasarmol – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 19th July, 2017.

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

6. 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 O.A. Respondent is 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,

O.A. NO. 376 OF 2017

and the question 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. S.O. to 19th July, 2017.

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

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 378 OF 2017

**(Smt. Vasanti D/o. Gajanan Khange Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Shri Vishwajeet R. Jain – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 20th July, 2017.

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

6. 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 O.A. Respondent is 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 question such as limitation and alternate remedy are kept open.

O.A. NO. 378 OF 2017

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. S.O. to 20th July, 2017.
10. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 205/2017 IN O.A.ST.NO. 602/2017

**(Shri. Ramdhan S/o. Pandurang Pawale & Ors. Vs. The
State of Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri K.M. Nagarkar – learned Advocate for the applicants and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the misc. application and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamp, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST.NO. 602 OF 2017

**(Shri. Ramdhan S/o. Pandurang Pawale & Ors. Vs. The
State of Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri K.M. Nagarkar – learned Advocate for the applicants and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 25th July, 2017.

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

6. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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 question such as limitation and alternate remedy are kept open.

O.A. NO. 602 OF 2017

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. Applicants are directed to file affidavit of compliance and notice.

9. S.O. to 25th July, 2017.

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

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 36 OF 2017

**(Shri Kamlakar S/o. Bansidhar Vyawahare Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri Sachin K. Vyawahare – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant prays for time to make submissions on the point of maintainability of the present Original Application, in view of the provisions of Section 20 of the Administrative Tribunals Act, 1985. Time granted.

3. S.O. to 4th July, 2017.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 52 OF 2017

**(Smt. Dr. Bharti S. Sonwane Vs. The State of Maharashtra
and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri B.B. Lakhakar – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed affidavit in rejoinder and the same is taken on record and the copy thereof has been served on the learned Presenting Officer for the respondents.

3. Learned Advocate for the applicant has submitted that the applicant does not want to amend the present Original Application though it has been submitted on behalf of the applicant in that regard on the previous date i.e. on 24.04.2017. The applicant wants to proceed with the present Original Application on the basis of reliefs as claimed by the applicant in the Present Original Application.

4. S.O. to 1st July, 2017.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 63 OF 2017

**(Shri Pandit S/o. Keshav Kamble Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Shri Uddhav L. Momale – learned Advocate for the applicant (**absent**). Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents, present.
2. Since nobody appears for the applicant, S.O. to 25th July, 2017.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 126 OF 2017

**(Shri Arjun Yadav Rakshe Vs. The State of Maharashtra
and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri A.D. Sugdare – 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 Nos. 1 to 3 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. By consent and at the request of both the sides, S.O. to 20th July, 2017.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 239 OF 2017

**(Shri Manohar S/o. Aaharao Gaikwad Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Ms. Preeti R. Wankhade – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.
2. Learned Presenting Officer for the respondents prays for time for filing affidavit in reply. Time granted.
3. S.O. to 21st July, 2017.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 176 OF 2017

**(Shri Jalindhar S/o. Gorakhnath Ubale Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri Kakasaheb B. Jadhav, learned Advocate holding for Shri Kiran G. Salunke – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. Learned Presenting Officer for the respondents prays for time for filing affidavit in reply. Time granted.
3. S.O. to 25th July, 2017.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 350 OF 2017

**(Shri Vyankat S/o. Baswantrao Bhosale Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri D.B. Bhange – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Advocate for the applicant prays for time to amend the present Original Application. Time granted.
3. S.O. to 6th July, 2017.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 351 OF 2017

**(Shri Baban S/o. Baburao Shinde Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri D.B. Bhangе – learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant prays for time to amend the present Original Application. Time granted.
3. S.O. to 6th July, 2017.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO. 615 OF 2017

**(Shri Tarachand S/o. Kishanrao Jadhav Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri D.B. Bhangе – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Advocate for the applicant prays for time to amend the present Original Application. Time granted.
3. S.O. to 6th July, 2017.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO. 616 OF 2017

**(Shri Chandu S/o. Roshanlal Kayasth Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri D.B. Bhangе – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant prays for time to amend the present Original Application. Time granted.
3. S.O. to 6th July, 2017.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO. 617 OF 2017

**(Shri Tarachand S/o. Kishanrao Jadhav Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri D.B. Bhangе – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant prays for time to amend the present Original Application. Time granted.
3. S.O. to 6th July, 2017.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO. 766 OF 2017

**(Shri Ratnakar S/o. Shrinivasrao Vaidya Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri D.B. Bhange – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant prays for time to amend the present Original Application. Time granted.
3. S.O. to 6th July, 2017.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 381 OF 2017

**(Shri Madhav S/o. Purushottam Bidwai Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri M.R. Kulkarni – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that the applicant has been transferred from Government Medical College, Aurangabad to Government Dental College & Hospital, Aurangabad, by an order dated 30.05.2015, a copy of which is placed on record at Annexure “A-3” p.b. page-16. He has further submitted that though the applicant has not completed his normal tenure on the present post, he has been transferred by the impugned transfer order dated 17.06.2017 to B.J. Government Medical College, Pune in place of respondent No. 4 viz. Sandip Babasaheb Bade on administrative ground. He has further submitted that the impugned transfer order dated 17.06.2017 has been issued in violation of provisions of Section 3 & 4 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short “the Transfer Act of 2005). He has submitted that the applicant is not relieved from the present post till today. He, therefore, urged that execution of impugned transfer order to the extent of the applicant only be stayed.

3. Learned Presenting Officer for the respondents has submitted that the applicant is serving at Aurangabad since long. He has been transferred as per the provisions of Section

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4 of the Transfer Act, 2005. He has submitted that he wants to file detailed affidavit in reply and, therefore, he sought time.

4. As per the submissions made on behalf of the applicant, the applicant is serving at Aurangabad since the year 1996 under the Department of Medical Education and Drugs Department, M.S. Mumbai. He has completed his two tenures at the present Department. In these circumstances, in my opinion, there is no ground to grant interim relief in favour of the applicant. Hence, the prayer made on behalf of the applicant stands rejected.

5. Issue notices to the respondents, returnable on 24th July, 2017.

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

7. 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 O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

10. S.O. to 24th July, 2017.

11. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 370 OF 2017

**(Shri Madan S/o. Bapurao Dhembare Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri J.B. Choudhary – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Advocate for the applicant has submitted that though the applicant has completed only 2 and ½ years only at his present post, he has been transferred in contravention of the provisions of Section 4 (1) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short “the Transfer Act of 2005) before completion of his normal tenure of three years. He has submitted that the applicant is not yet relieved from the present Department. Therefore, he prayed to stay the execution of the impugned transfer order.
3. Learned Chief Presenting Officer has submitted that he wants to file detailed affidavit in reply in the matter and, therefore, he sought time.
4. Prima facie the impugned transfer order so far as transfer of the applicant is concerned, seems to be in contravention of the provisions of Section 4 (1) of the Transfer Act, 2005. In these circumstances, it is just to stay the execution of the impugned transfer order to the extent of the applicant only till filing of the affidavit in reply. Therefore, the impugned order is stayed to the extent of applicant only till filing of the affidavit in reply of the respondents

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5. In the meantime, issue notices to the respondents, returnable on 24th July, 2017.
6. Tribunal may take the case/s for final disposal at this stage and separate notice for final disposal shall not be issued.
7. 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 O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
9. 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.
10. S.O. to 24th July, 2017.
11. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 382 OF 2017

**(Shri Syed Ayub Alil S/o. Syed Babar Ali Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 20.06. 2017.

ORAL ORDER:

1. Heard Shri M.R. Kulkarni – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that the applicant has been transferred from Government Medical College, Aurangabad to Government Dental College & Hospital, Aurangabad, by an order dated 27.05.2008, a copy of which is placed on record at Annexure “A-2” p.b. page-15. Thereafter, he has been promoted and posted as Stenographer (L.G.) in Government Medical College, Aurangabad, by order dated 12.08.2011. He has further submitted that though the applicant has not completed his normal tenure on the present post, he has been transferred by the impugned transfer order dated 17.06.2017 to Government Medical college, Chandrapur, in place of respondent No. 4 viz. Smt. Swati Warhade on administrative ground. He has further submitted that the impugned transfer order dated 17.06.2017 has been issued in violation of provisions of Section 3 & 4 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short “the Transfer Act of 2005). He has submitted that the applicant is not relieved from the present post till today. He, therefore, urged that execution of impugned transfer order to the extent of the applicant only be stayed.

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3. Learned Presenting Officer for the respondents has submitted that the applicant is serving at Aurangabad since long. He has been transferred as per the provisions of Section 4 of the Transfer Act, 2005. He has submitted that he wants to file detailed affidavit in reply and, therefore, he sought time.

4. As per the submissions made on behalf of the applicant, the applicant is serving at Aurangabad since the year 1985 under the Department of Medical Education and Drugs Department, M.S. Mumbai. He has completed his two tenures at the present Department. In these circumstances, in my opinion, there is no ground to grant interim relief in favour of the applicant. Hence, the prayer made on behalf of the applicant stands rejected.

5. Issue notices to the respondents, returnable on 24th July, 2017.

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

7. 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 O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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9. 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.

10. S.O. to 24th July, 2017.

11. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 20.06.2017-HDD