

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD
O.A. NOS. 547, 857/2016 AND 79/2017**

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)**

DATE :- 3.8.2017

Oral Order :-

1. Heard Shri Suresh D. Dhongde, learned Advocate for the applicants in these three matters and S/shri N.U. Yadav & I.S. Thorat, learned Presenting Officers for the respondents in these three matters.

2. At the request of learned Advocate for the applicants, S.O. to 4.8.2017. First on board.

CHAIRMAN

ARJ ORAL ORDERS 3.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD
O.A. NO. 897/2016
(Shalini R. Raut Vs. the State of Mah. & Ors.)**

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)**

DATE :- 3.8.2017

Oral Order :-

1. Heard Shri Suresh P. Salgar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. The Secretary, Maharashtra Public Service Commission, Mumbai is hereby called upon to show cause as to why he should not be saddled with costs of Rs. 25,000/- to be paid personally on account of making a misleading statement in Para no. 10 of M.P.S.C's. affidavit dated 5.4.2017, which is on record at Pages 41 to 51.
3. Affidavit to this show cause be filed on or before 18.8.2017.
4. The learned Presenting Officer is directed to communicate this order to the Secretary, M.P.S.C., Mumbai.
5. Steno copy & Hamdast is allowed to the learned Presenting Officer.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 750/2016

(Shri Jaysing S. Maher Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)**

DATE :- 3.8.2017

Oral Order :-

1. Heard Ms. Bhavna Panpatil, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent no. 1 and Shri Shamsundar B. Patil, learned Advocate for respondent nos. 2 & 3. Shri S.T. Shelke, learned Advocate for respondent no. 4 **(absent)**.

2. At the request of learned Chief Presenting Officer for respondent no. 1, S.O. to 16.8.2017.

CHAIRMAN

ARJ ORAL ORDERS 3.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD
O.A. NOS. 118, 119 & 120 ALL OF 2017**

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)**

DATE :- 3.8.2017

Oral Order :-

1. Heard Mrs. Juee Palekar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicants in all these three matters and Shri M.S. Mahajan, learned Chief Presenting Officer and S/shri V.R. Bhumkar & M.P. Gude, learned Presenting Officers for the respondents in respective matters.

2. At the request of learned Advocate for the applicants, S.O. to 4.12.2017.

CHAIRMAN

ARJ ORAL ORDERS 3.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 34/2017

(Shri Chandrakant B. Tayade Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)**

DATE :- 3.8.2017

Oral Order :-

1. S/shri B.R. Kedar / S.K. Mathpati, learned Advocates for the applicant (absent). Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.

2. In view of absence of learned Advocates for the applicant, S.O. to 4.8.2017.

CHAIRMAN

ARJ ORAL ORDERS 3.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 924/2016

(Shri Ukkardu Z. Bahure Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)**

DATE :- 3.8.2017

Oral Order :-

1. Heard Shri C.V. Thombre, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The learned Chief Presenting Officer states that now no vacancies exist. Moreover any order for keeping one vacancy for the applicant was not passed. Moreover the appointment to be made was on contract basis and for fixed period.

3. In the aforesaid premise, learned Advocate for the applicant states, on instructions, that the applicant does not want to press the Original Application.

4. In the circumstances, as the applicant does not want to press the Original Application, the same stands disposed of. There shall be no order as to costs.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 220/2017

(Mrs. Archana N. Shendge Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)**

DATE :- 3.8.2017

Oral Order :-

(1) Heard Mrs. Vidya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

(2) It is seen that the affidavit in reply filed on behalf of the Collector, Beed is filed without dealing with crucial allegations.

(3) The learned Presenting Officer states that he shall speak to the Collector, Beed as to whether he would choose to take suitable corrective step.

(4) Time till tomorrow is hereby granted for enabling learned Presenting Officer to make suitable statement after consulting / speaking to the Collector, Beed.

(5) S.O. to 4.8.2017.

(6) The interim relief shall continue till tomorrow.

(7) Steno copy / Hamdast allowed for the use of the learned Presenting Officer.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 797/2016

(Shri Gaurav A. Chavan Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)**

DATE :- 3.8.2017

Oral Order :-

1. Heard Shri C.V. Thombre, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.
2. The learned Presenting Officer prays for a day's time to consider adequacy of the affidavit in reply.
3. Time as prayed for is hereby granted.
4. S.O. to 4.8.2017.

CHAIRMAN

ARJ ORAL ORDERS 3.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.556/2014
(Shri Sanjay R. Patange V/s. The State of Mah. &
Ors.)

**CORAM : Hon'ble Shri Rajiv Agarwal,
Vice-Chairman (A)
AND
Hon'ble Shri B. P. Patil, Member (J)**

DATE : 3rd August, 2017

ORAL ORDER:

Heard Shri Ajay Deshpande learned Advocate for the Applicant and Shri V.R.Bhumkar learned Presenting Officer for the Respondents.

2. This O.A. be placed before the Division Bench whenever it is available.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.154/2017
WITH
MISCELLANEOUS APPLICATION NO.176/2017**
(Smt. Naseem Banu Nazir Patel V/s. The State of
Maharashtra & Ors.)

**CORAM : Hon'ble Shri Rajiv Agarwal,
Vice-Chairman (A)
AND
Hon'ble Shri B. P. Patil, Member (J)**

DATE : 3rd August, 2017

ORAL ORDER:

Heard Shri A.N.Nagargoje learned Advocate for the Applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the Respondents.

2. Case of the applicant is that she has passed an order as quasi-judicial authority exercising power delegated to her by Wakf Board under S.40 of the Wakf Act, 1995. The Chief Executive Officer (CEO) was delegated powers of S.40 of the Wakf Act. The letter from the Government dated 16-10-2015 addressed to CEO of Wakf Board mentions about resolution no.12 dated 05-02-2014 passed by the Wakf Board delegating powers under various sections of the Wakf Act to the CEO including S.40. Now the Government is claiming

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that the delegation of power to CEO was only for day to day work and not for passing order u/s.40 of the Wakf Act.

3. Prima facie, we are not satisfied that the CEO was delegated powers only for day to day functions of the Board. That will not require any delegation of powers. We would like to peruse the resolution of the Wakf Board which has delegated powers to CEO to appreciate the scope of delegation of powers.

4. Learned CPO is directed to place the same on record within 3 weeks from the date of this order.

5. S.O.31-08-2017.

6. Steno copy may be provided to the learned CPO on his request.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.545/2015
(Rajesh Prabhakarrao Ubale V/s. The State of
Maharashtra & Ors.)

**CORAM : Hon'ble Shri Rajiv Agarwal,
Vice-Chairman (A)
AND
Hon'ble Shri B. P. Patil, Member (J)**

DATE : 3rd August, 2017

ORAL ORDER:

Heard Shri A.S.Deshmukh learned Advocate
for the Applicant and Shri I.S.Thorat learned
Presenting Officer for the Respondents.

2. Learned Advocate for the applicant prays for
time for filing affidavit in rejoinder. Time granted.

3. S.O.16-09-2017.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.606/2016

(Bhagwat s/o. Munjabhau Shelke V/s. The State of
Maharashtra & Ors.)

**CORAM : Hon'ble Shri Rajiv Agarwal,
Vice-Chairman (A)**

AND

Hon'ble Shri B. P. Patil, Member (J)

DATE : 3rd August, 2017

ORAL ORDER:

Heard Shri A.S.Deshmukh learned Advocate
for the Applicant and Shri I.S.Thorat learned
Presenting Officer for the Respondents.

2. This matter be placed before the Division
Bench as and when it is available.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 590 OF 2013
(Smt. Kaveri V. Chavan Vs. The State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 03.08. 2017.

ORAL ORDER:

1. Heard Shri P.G. Gunale – learned Advocate for the applicant, Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondent Nos. 1 to 5, Shri S.K. Mathpati – learned Advocate for respondent No. 6, Shri M.P. Kale – learned Advocate for respondent No. 7 and Shri K.G. Salunke – learned Advocate for respondent No. 8.

2. At the request and by consent of both the parties, this case may be placed before the next Division Bench, as and when it is available.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 03.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. 258/13 IN O.A.124/03 IN O.A.622/03
(Shri Rajaram B. Virulkar Vs. The State of Maha. and
Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 03.08. 2017.

ORAL ORDER:

1. Heard Shri S.D. Dhongde – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 16th September, 2017.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 03.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A.NO. 928/2016 WITH M.A.NO.13/2017

(Shri Govind J. Dhole Vs. The State of Maha. and Ors.)

CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND

: Hon'ble Shri B.P. Patil, Member (J)

DATE : 03.08. 2017.

ORAL ORDER:

1. Heard Shri S.D. Dhongde – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondent Nos. 1 & 2. Shri P.S. Paranjape – learned Advocate for respondent No. 3 (**absent**).

2. The applicant has challenged his reversion order dated 14.12.2016 from the post of Awal Karkoon to that of the post of Talathi on the ground that he was required to put in three years' service before he could be exempted from passing the Revenue Qualifying Examination, even if he has crossed the age of 45 years. During the pendency of this Original Application, the respondent No. 2 has modified his order and has granted exemption to the applicant from passing the Revenue Qualifying Examination from the date on which he attained the age of 45 years. As a result the applicant has become eligible to be promoted from the date on which he was earlier promoted as Awwal Karkun. Learned Advocate for the applicant has stated that though in the seniority list the name of the applicant was correctly shown, he has not been given promotion as per his seniority and action has not been taken by respondent No. 2 to withdraw the impugned order of reversion. Learned Advocate for the Applicant stated that the Applicant has also forwarded a representation in this regard on 12.6.2017, which is still pending decision by the Collector.

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**O.A.NO. 928/2016 WITH
M.A.NO.13/2017**

3. In our view it will not be necessary to keep this Original Application pending. Respondent No. 2 is directed to act as per his order dated 12.5.2017 granting exemption to the applicant from passing the Revenue Qualifying Examination from 6.7.2012, the date on which he attained the age of 45 years. The Applicant's representation for promotion to the post of Awwak Karkoon on the basis of date he was exempted from passing the Revenue Qualifying Examination should be decided within a period of four weeks' from the date of this order and decision thereon should be communicated to the applicant in writing within a period of 2 weeks thereafter.

4. With the above observations and directions, the present Original Application stands disposed of.

5. As the Original Application itself stood disposed of today i.e. 3rd August, 2017, nothing survives in the M.A. No. 13/2017 and the same also stands disposed of.

There shall be no order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 517 OF 2017
(Shri Anup S. Kulkarni Vs. The State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 03.08. 2017.

ORAL ORDER:

1. Heard Shri S.B. Bhosale – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. The case of the applicant is that his answer book in the selection process was not correctly judged and he was awarded 8 marks less than what he was entitled to get. The Applicant has correctly answered question Nos. 8, 36, 86 & 89, which can be verified from the answer key supplied by the respondents. The applicant has, therefore, claimed that he was eligible to be selected for the post of Regular Field Worker.

3. The affidavit in reply has not been filed by the respondents till date. Learned Chief Presenting Officer seeks four weeks' time to file the same. Time as prayed for is granted.

4. It is clarified that appointment order if issued will be

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O..A NO. 517 OF 2017

subject to the outcome of this Original Application and all the selected candidates will be communicated accordingly.

5. S.O. to 4th September, 2017.

6. Steno copy be provided to the learned Chief Presenting Officer, at his request.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 03.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 443 OF 2017
(Dr. Uttam B. Jadhav Vs. The State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 03.08. 2017.

ORAL ORDER:

1. Heard Shri Shamsundar B. Patil – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. The applicant is relying on the judgment of this Tribunal dated 13th December, 2016 in O.A. No. 635/2013. It was held by this Tribunal while deciding the aforesaid O.A. that G.R. dated 20.08.2014 will not be applicable from the date of issuance of the said G.R., but it is made applicable from the date of issuance of earlier G.R. dated 14.12.2011. The applicant is seeking the same relief. We are unable to understand as to why the respondents are not extending the benefit of the aforesaid judgment to the applicant, in case he is entitled to the same.

3. Learned Chief Presenting Officer undertakes to file affidavit clarifying the reason as to why the benefit of the aforesaid judgment has not been made applicable to the applicant.

4. It is made clear that, in case the benefit of the aforesaid judgment made applicable to the applicant no further affidavit will be required to be filed by the respondents and learned

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O.A. NO. 443 OF 2017

Chief Presenting Officer may make a statement. In case the benefit of the aforesaid judgment is not extended to the applicant, the detailed affidavit in reply be filed by the respondents explaining reasons as to why the applicant is not entitled to get the benefit of the aforesaid judgment.

5. S.O. to 11th September, 2017.

6. Steno copy be provided to the learned Chief Presenting Officer, at his request.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 03.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 683 OF 2013
(Shri Sopan B. Patil & Ors. Vs. The State of Maha. and
Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 03.08. 2017.

ORAL ORDER:

1. Heard Shri S.D. Joshi, learned Advocate holding for Shri A.B. Rajkar – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, this case may be placed before the next Division Bench, as and when it is available.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 03.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 738 OF 2013
(Jyoti Vishnu Pagare Vs. The State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 03.08. 2017.

ORAL ORDER:

1. Shri H.V. Tungar – learned Advocate for the applicant (**absent**). Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.

2. Since nobody appears for the applicant, this case may be placed before the next Division Bench, as and when it is available.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 03.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 583 OF 2013
(Shri Dilip R. Shinde Vs. The State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 03.08. 2017.

ORAL ORDER:

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

2. The applicant was working as Junior Clerk in the office of Superintendent of Police, Jalna. He was granted time bound promotion by an order dated 28.02.2011 w.e.f. 17.02.2007. The order has been issued by the Special Inspector General of Police, Aurangabad. The grievance of the applicant is that this order has been kept in abeyance on the ground that a departmental proceeding was started against the applicant by memorandum dated 20.12.2011. In this case by an order dated 7.1.2012, punishment of withholding two increments was imposed. Learned Advocate for the Applicant contended that the Applicant was eligible to be granted time bound promotion in the year 2007 and it was unduly delayed and only in the year 2011, the order was passed with retrospective effect. Any subsequent departmental proceeding against the applicant cannot have the effect of withdrawing the time bound promotion, which the applicant has earned from the year 2007.

3. Learned Presenting Officer has submitted that though

O.A. NO. 583 OF 2013

the applicant was granted time bound promotion by an order dated 28.02.2011 by the Special Inspector General of Police, Aurangabad, as he was undergoing punishment, the benefit could not have been given to him.

4. We are not satisfied with the explanation offered by learned Presenting Officer on behalf of the respondents. The Applicant was entitled to get time bound promotion from the year 2007, but the same was granted with retrospective effect by an order dated 28.02.2011. By memorandum dated 20.12.2011 a departmental proceeding was started against the applicant, in which ultimately by an order dated 7.1.2012 punishment of withholding two increments was imposed. Obviously, this departmental action was long after the order of time bound promotion was granted and it cannot be a ground to withhold the time bound promotion already granted to the applicant. The applicant is eligible to get the time bound promotion w.e.f. 17.02.2007 as incorporated in the order passed by Special Inspector General of Police dated 28th April, 2011. The same may be extended to the applicant within a period of one week from the date of this order.

5. The present Original Application is allowed accordingly with no order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.416/2017.

(Shri L. N. Bijapure & Ors. Vs. The State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

Heard Shri P. B. Jadhav learned Advocate for the applicants and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. It appears that, the learned Advocate for the applicants has to satisfy the Tribunal on the point of maintainability as per order dated 01.07.2017. The learned Advocate for the applicant however, has not made the statement as to what was the point raised on the last date. In the circumstances, matter be placed before the Hon'ble Member (J) on 12.08.2017.

3. S.O. to 21.08.2017 for satisfying the Tribunal on the point of maintainability.

VICE CHAIRMAN.

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

ORIGINAL APPLICATION St. No.1035/2017.

(Shri Sameer A. Dhamale Vs. The State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

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

2. Issue notices to the respondents, returnable on 26.09.2017.
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 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. to 26.09.2017.

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

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

ORIGINAL APPLICATION St. No.1042/2017.

(Shri D. R. Gavali Vs. The State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

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

2. Issue notices to the respondents, returnable on 18.08.2017.
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 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. At the request of the learned Advocate for the applicant, S.O. to 18.08.2017. Be tagged with O.A.Nos.807, 808, 810 and 878 of 2016.

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

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

ORIGINAL APPLICATION NO.853/2016.

(Shir S. P. Gavit Vs. The State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

Heard Shri Y. B. Bolkar learned Advocate for the applicant and Shri I. S. Thorat learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time. At his request, S.O. to 12.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

OA Nos. 737, 786, 787, 788 of 2016.

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

DATE : 03-08-2017

COMMON ORAL ORDER:-

Heard Shri A. D. Gadekar learned Advocate for the applicants in all the matters and Smt. S. K. Ghate Deshmukh, Smt. R. S. Deshmukh and Smt. D. S. Deshpande learned Presenting Officers for the respective respondents in respective matters and Shri S. D. Dhongde learned Advocate for the Respondent no.3 in OA No.737/16 and Smt. Y. S. Thorat (Kshirsagar) for the Respondent No.3 in OA No.786/2016 (Absent).

2. The learned Presenting Officers seek time to file replies of concerned respondents in the present Original Applications.
3. Considering the fact that, the present Original Applications are pending since long awaiting the replies. Time granted as a last chance with a caveat that in case no replies are filed on the next date the Tribunal would be constrained to impose heavy costs against respective respondents.
4. S.O. to 12.09.2017.
5. Learned Presenting Officers are directed to act on the Steno copy of this order.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

ORIGINAL APPLICATION NO.310/2017.

(Dr. D. B. Dange Vs. The State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant submits that, as on today there is no post vacant at Gangapur as about two weeks ago one Mr. Kamble has posted by the Collector at Gangapur.

3. The learned C.P.O. seeks time to take instructions in this regard. At his request, S.O. to 01.09.2017.

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

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

MA NO.297/2017 IN OA ST.NO.844/2017.

(Major Milind D. Tungar & Ors. Vs.

The State of Maharashtra & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

Heard Shri S. G. Mundhe learned Advocate for the applicant and Shri M. S. Mahajan learned Chief 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 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 stamps, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

OA ST.NO.844/2017.

(Major Milind D. Tungar & Ors. Vs.

The State of Maharashtra & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

Heard Shri S. G. Mundhe learned Advocate for the applicants and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 25.09.2017.
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 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. to 25.09.2017.

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

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA St. No.3014/2017 IN OA ST.3015/2016.

(Shri G. S. Chopwad & Ors. Vs.

The State of Maharashtra & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

Heard Shri N. S. Kadam learned Advocate for the applicants and Shri M. P. Gude 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 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 stamps, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.04/2017 IN OA ST.3015/2016.

(Shri G. S. Chopwad & Ors. Vs.

The State of Maharashtra & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

Heard Shri N. S. Kadam learned Advocate for the applicants and Shri M. P. Gude learned Presenting Officer for the respondents.

2. For the reasons stated in the Misc. Application, the same is allowed without any order as to costs and the delay of 186 days caused in filing the accompanying original application is condoned. Accordingly Misc. Application stands disposed of without any order as to costs.

3. The office is directed to register the original application after its proper scrutiny.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

OA ST.3015/2016.

(Shri G. S. Chopwad & Ors. Vs.

The State of Maharashtra & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

Heard Shri N. S. Kadam learned Advocate for the applicants and Shri M. P. Gude learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 25.09.2017.

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

4. 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.

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

7. S.O. to 25.09.2017.

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

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

ORIGINAL APPLICATION NO.325/2017.

(Dr. Vivek V. Kamble Vs. The State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

Heard Shri Gajanan Kadam learned Advocate for the applicant, Shri M. S. Mahajan learned Chief Presenting Officer for the respondents and Shri A. B. Gaikwad, learned Advocate for the Respondent no.6.

2. Issue notices to the respondents, returnable on 01.09.2017.
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 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. to 01.09.2017. Be tagged with OA No.310/17.

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

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

ORIGINAL APPLICATION NO.304.2017.

(Shri A. R. Naik Vs. The State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant seeks time to file affidavit in rejoinder. At her request, S.O. to 06.09.2017. Interim relief, if any, to continue till then.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

ORIGINAL APPLICATION NO.213/2017.

(Shri K. M. jadhav Vs. State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

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

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 18.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

ORIGINAL APPLICATION NO.157/2017.

(Shri D. P. Satdive Vs. The State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

Heard Shri K. B. Jadhav learned Advocate for the applicant and Shri N. U. Yadav learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply. At his request, S.O. to 13.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

ORIGINAL APPLICATION NO.415/2017.

(Shri B. E. Jakate Vs. State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

Heard Shri Kadam learned Advocate holding for Shri Mane learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. Learned C.P.O. seeks time to file affidavit in reply. At his request, S.O. to 06.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

**MA NO.396/2016 IN OA NO.691/2016.
(Shri P. V. Gaikwad Vs. The State of Mah. & Ors.)**

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

DATE : 03-08-2017

ORAL ORDER:-

None present for the applicant. Shri M. S. Mahajan learned Chief Presenting Officer for the respondents no.2 & 3 in M.A. and Shri Ganesh Jadhav, learned Advocate holding for Shri A. S. Shelke learned Advocate for the Respondent no.1 in the present M.A. / Applicants in O.A. are present.

2. Shri Ganesh Jadhav, learned Advocate holding for Shri A. S. Shelke learned Advocate for the Respondent no.1 in the present M.A. / Applicants in O.A. seeks time. Learned C.P.O. also seeks time to file reply. At their request, S.O. to 18.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

MA NO.260/2017 With MA 56/17

IN OA St. NO.86/2017.

(Shri S. A. Goswami Vs. The State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

Heard Shri Y. P. Deshmukh the learned Advocate for the applicant and Shri M. P. Gude learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time. At his request, S.O. to 18.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.882/2016.

(Shri P. M. Koushike Vs. State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

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

2. Learned Advocate for the applicant seeks time. At his request, S.O. to 12.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

ORIGINAL APPLICATION NO.207/2016.

(Shri G. J. Waghmare Vs. State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

Heard Shri H. P. Jadhav learned Advocate for the applicant and Smt S. K. Ghate Deshmukh learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time. At his request, S.O. to 20.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

ORIGINAL APPLICATION NO.130/2016.

(Shri V. B. Kulkarni Vs. State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

Heard Shri M. C. Ghode learned Advocate for the applicant and Smt D. S. Deshpande learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to take instructions as directed earlier. At his request, S.O. to 28.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

ORIGINAL APPLICATION NO.102/2016.

(Shri S. A. Tamke Vs. The State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

Heard Shri S. P. Dhobale learned Advocate holding for Shri A. V. Patil learned Advocate for the applicant and Shri M. P. Gude learned Presenting Officer for the respondents.

2. Learned P.O. seeks time for filing reply. At his request, S. O. to 11.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

ORIGINAL APPLICATION St.No.1004/2015.

(Jaibunbee Rasul Shaikh Vs. State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

None present for the applicant. Shri M. P. Gudelearned
Presenting Officer for the respondents is present.

2. S.O. to 12.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

OA Nos. 350, 351, of 2017 & OA St.No.615, 616 & 617 of 2017.

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

DATE : 03-08-2017

ORAL ORDER:-

It is reported that Shri D. B. Bhangе learned Advocate for the applicants in all the matters has filed leave note. Shri M. S. Mahajan learned C.P.O., Shri M. P. Gude, Shri V. R. Bhumkar, and Smt. R. S. Deshmukh learned Presenting Officers for the respective respondents in respective matters are present.

2. In view of leave note filed by the learned Advocate for the applicants, S.O. to 18.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

ORIGINAL APPLICATION NO.43/2017.

(Shri N. S. Patil Vs. The State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

None present for the applicant. Heard Smt R. S. Deshmukh learned Presenting Officer for the respondents.

2. The learned P.O. seeks time to file affidavit in reply. At her request, S.O. to 13.09.2017 for filing reply.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

ORIGINAL APPLICATION NO.65/2017.

(Shri K. V. Deshmukh Vs. State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

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

2. Learned Advocate for the applicant seeks time. At his request, S.O. to 12.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP

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

ORIGINAL APPLICATION NO.29/2017.

(Shri S. D. Chaudhari Vs. The State of Mah. & Ors.)

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

DATE : 03-08-2017

ORAL ORDER:-

Heard Shri A. D. Sugdare learned Advocate for the applicant, Shri V. R. Bhumkar learned Presenting Officer for the respondents no.1 & 2 and Shri S. D. Dhongde learned Advocate for the Respondent no.3.

2. The learned Presenting Officer seeks time to file reply of respondents.

3. Considering the fact that, the present Original Application is pending since long awaiting the reply of respondents. Time granted as a last chance with a caveat that in case no reply is filed on the next date the Tribunal would be constrained to impose heavy costs against concerned respondent.

4. S.O. to 12.09.2017.

5. Learned Presenting Officers are directed to act on the Steno copy of this order.

VICE CHAIRMAN.

ORAL ORDERS 03.08.2017-ATP