

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

**REV. 5/2017 IN OA 75/2017**

**(Dr. Ansari Majid & Ors. Vs. The State of Mah.&Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Shri Milind Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. The learned C.P.O. submits that in response to the order dated 29.8.2017 he is yet to get the instructions from the concerned respondents.

3. Considering the fact that the present matter pertains to recovery of N.P.A. allowance from salary of the applicant, interim relief in terms of prayer clause (C) of the present Review Application is granted until further orders. The said prayer clause (C) reads as under :-

“(C) Pending hearing and final disposal of the review application, the respondents herein may kindly be restrained from effecting any recovery of difference of arrears of the already paid non-practicing allowance to the applicant.”

4. S.O. to 10.11.2017 for taking instructions from the concerned respondents by the learned C.P.O.

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

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 15.9.2017

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

**O.A. NO. 591/2017  
(Sachin Vs. The State of Mah.&Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Shri S.P. Dhobale, learned Advocate holding for Shri N.L. Choudhary, 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 take instructions from the applicant on the count as to whether in the application filed for the post, the applicant has disclosed the 3 offences registered against him as were found by the res. no. 2 during the verification, which is evident from Annex. A.2 page 23.

3. The copy of the application form and more particularly page 18 column no. 11 would show

that he might have filed a list, however, it is not filed along with the present original application.

4. In the circumstances, the learned Advocate for the applicant seeks time to take instructions from the applicant. At his request S.O. to 29.9.2017 for filing the copy of the list of offences registered against him.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 15.9.2017

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

**O.A. NO. 587/2017  
(Gangutai Vs. The State of Mah.&Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Shri D.T. Devane, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the Respondent nos. 1 to 5.

2. Shri Amol Patil, learned Advocate has filed his V.P. for res. no. 6. It is taken on record.

3. Upon hearing both the sides, it reveals that the issue involved in the present matter is as to whether the res. no. 6 had applied from S.C. reserved category and was appointed against the said category or not.

4. In the circumstances, the learned Adv. for res. no. 6 seeks time to file short affidavit in this regard.

5. In the circumstances, before issuing notices to other respondents, S.O. to 3.10.2017 for filing short affidavit by the res. no. 6.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 15.9.2017

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

**MA 189/2017 WITH MA ST. 527/2017 IN OA 676/2006  
(Baliram Vs. The State of Mah.&Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Shri S.P. Dhobale, learned Advocate holding for Shri N.L. Choudhary, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghatte, learned Presenting Officer for the Respondents.

2. The learned P.O. has filed affidavit in reply of res. nos. 1 to 3 in the present M.A. no. 189/2017. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. S.O. to 4.10.2017 for hearing of M.A.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 15.9.2017

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

**MA 368/2017 IN OA 563/2014  
(Tushar Vs. The State of Mah.&Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS

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

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

**DATE : 15.09.2017.**

**ORAL ORDER :**

None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the Respondents, is present.

2. In view of absence of applicant and his learned Advocate, S.O. to 5.10.2017.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 15.9.2017

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

**O.A. NO. 381/2013  
(Uttam Vs. The State of Mah.&Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS

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

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

**DATE : 15.09.2017.**

**ORAL ORDER :**

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

2. The learned P.O. files on record reply of res. no. 1. It is taken on record. He undertakes to serve copy thereof upon the learned Advocate for the applicant.

3. In the circumstances, S.O. to 6.10.2017.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 15.9.2017



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

**O.A. NO. 339/2017**

**(Ravsaheb & Ors. Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Shri A.S. Deshmukh, learned Advocate for the applicants, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 & 2, Shri M.R. Kulkarni, learned Advocate for respondent no. 3 and Shri S.G. Chapalgaonkar, learned Advocate for respondent nos. 4 to 38.

2. The learned Advocate for the applicants has filed on record the rejoinder of the applicants to the reply of res. no. 3. It is taken on record and copy thereof has been served upon the other side.

3. The learned P.O. for res. nos. 1 & 2 and the learned Advocate for res. nos. 4 to 38 seek time to file affidavit in replies on behalf of respective respondents. At their request, S.O. to 21.9.2017 for filing replies of respective respondents.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 15.9.2017

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

**ORIGINAL APPLICATION NO. 655/2017.  
(Smt Sujata D. Hingole V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

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

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Shri G. J. Pahilwan learned Advocate holding for Shri G. K. Kshirsagar, learned Advocate for the applicant and Shri M. P. Gude, learned Presenting Officer for respondents.

2. Perused the record. Issue notice to the respondents, returnable on 1.11.2017.

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 1.11.2017.

8. Steno copy & hamdast allowed to both the sides.

**VICE CHAIRMAN.**

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

**ORIGINAL APPLICATION NO. 656/2017.  
(Shri R. A. Bhusawale V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

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

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Shri D. M. Shinde, learned Advocate for the applicant and Shri I. S. Thorat, learned Presenting Officer for respondents.

2. Issue notice to the respondents, returnable on 2.11.2017. The issue of grant of interim relief is hereby kept open as and when the concerned respondent would issue any next advertisement for the concerned post.

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 2.11.2017.

8. Steno copy & hamdast allowed to both the sides.

**VICE CHAIRMAN.**

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

**MA NO.377/17 IN OA St.1383/17.  
(Shri B. E. Dhere & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

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

**DATE : 15.09.2017.**

**ORAL ORDER :**

1. Heard Shri R. D. Khadap, learned Advocate for the applicants and Shri S. K. Shirse, learned Presenting Officer for respondents.

2. 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.**

ATP ORAL ORDERS 15-09-2017

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

**OA St.1383/17.**

**(Shri B. E. Dhere & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

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

**DATE : 15.09.2017.**

**ORAL ORDER :**

1. Heard Shri R. D. Khadap, learned Advocate for the applicants and Shri S. K. Shirse, learned Presenting Officer for respondents.

2. Issue notice to the respondents, returnable on 04.10.2017. Considering the fact that, all the present applicants are already in service since long interim relief in terms of prayer clause "D" is hereby granted until further orders. Prayer clause "D" runs as under :-

"D. Pending the hearing and final disposal of this Original application, the effect, execution and implementation of the impugned order dated 6.9.2017 may kindly be stayed."

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 04.10.2017.

8. Steno copy & hamdast allowed to both the sides.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 15-09-2017



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

**MA NO.371/17 IN OA ST.NO. 1375/2017.  
(Shri A. R. Khandagale V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

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

**DATE : 15.09.2017.**

**ORAL ORDER :**

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

2. Upon hearing the learned Advocate for the applicant it appears that, though the applicant is relying on his statement that he has withdrawn the resignation tendered before it was accepted. The copy of the said alleged communication at Exh.A does not show that, it was received by the concerned respondent. In the circumstances, the learned Advocate for the applicant seeks time to take instructions in this regard.

3. S.O. to 22.9.2017 for production of document, if any.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 15-09-2017

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

**ORIGINAL APPLICATION St.No.3049/2017.  
(Shri U. R. Patil V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

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

**DATE : 15.09.2017.**

**ORAL ORDER :**

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

2. At the request of Shri Chapalgaonkar learned Advocate for the applicant time to carry amendment is hereby granted.

3. S. O. to 3.10.2017 for carrying amendment.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 15-09-2017

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

**OA St. Nos. 1387, 1388, 1389, 1390 of 2017.**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

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

**DATE : 15.09.2017.**

**COMMON ORAL ORDER :**

1. Heard Shri A. R. Tapse, learned Advocate for the applicants in all the matters and Shri M. S. Mahajan, learned Chief Presenting Officer for respondents in all the matters.

2. Issue notice to the respondents, returnable on 04.10.2017. Considering the fact that, all the present applicants are already in service since long interim relief in terms of prayer clause "F" is hereby granted until further orders. Prayer clause "F" runs as under :-

"F. Pending the hearing and final disposal of this Original Application, the effect, execution and implementation of the impugned order dated 6.9.2017 may kindly be stayed."

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 04.10.2017.

8. Steno copy & hamdast allowed to both the sides.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 15-09-2017

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

**ORIGINAL APPLICATION NO. 280 OF 2017  
(Shri Subhash H. Reddy & Anr. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Shri Vivek Pingle, learned Advocate for the applicants and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 1 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. Learned Advocate for the applicant has submitted that he wants to go through the aforesaid affidavit in reply filed on behalf of respondent No. 1 and prays for time. Time granted.

4. S.O. to 28<sup>th</sup> September, 2017.

**MEMBER (J)**

ORAL ORDERS 15-9-2017-HDD

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

**ORIGINAL APPLICATION NO. 363 OF 2017  
(Shri Vishwanath P. Kelkar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

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

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 & 3 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. Learned Chief Presenting Officer prays for time. Time granted as a last chance.

4. S.O. to 6<sup>th</sup> October, 2017.

**MEMBER (J)**

ORAL ORDERS 15-9-2017-HDD

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

**ORIGINAL APPLICATION NO. 414 OF 2017  
(Dr. Vitthal Namdeorao Tidke V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

Shri Shamsundar Patil, learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted.

3. S.O. to 6<sup>th</sup> October, 2017.

ORAL ORDERS 15-9-2017-HDD

**MEMBER (J)**

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

**ORIGINAL APPLICATION NO. 392 OF 2017  
(Smt. Sheela Hanumant Mohite V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

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

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. Learned Advocate for the applicant has submitted that he wants to go through the aforesaid affidavit in reply filed on behalf of respondent Nos. 1 to 4 and prays for time. Time granted.

4. S.O. to 5<sup>th</sup> October, 2017.

**MEMBER (J)**

ORAL ORDERS 15-9-2017-HDD



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

**ORIGINAL APPLICATION NO. 560 OF 2017  
(Dr. Prafull V. Gaikwad V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3 & 5. None appears for respondent No. 4 though duly served and no reply on his behalf has been filed.

2. Learned Presenting Officer prays for time. Time granted.

3. S.O. to 26<sup>th</sup> September, 2017.

**MEMBER (J)**

ORAL ORDERS 15-9-2017-HDD

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

**M.A.NO. 32/2017 IN O.A.ST.NO. 883/2016  
(Smt. Dwarkabai P. Ramteke V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Smt. Kalpalata Patil Bharaswadkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks one week's time. Time granted as prayed for.

4. S.O. to 25<sup>th</sup> September, 2017.

**MEMBER (J)**

ORAL ORDERS 15-9-2017-HDD

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

**ORIGINAL APPLICATION NO. 494 OF 2016  
(Shri Laxmikant G. Ratnaparkhi V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

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

2. At the request of learned Chief Presenting Officer, S.O. to 28<sup>th</sup> September, 2017.

ORAL ORDERS 15-9-2017-HDD

**MEMBER (J)**

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

**M.A.374/17 WITH M.A.87/17 IN O.A.ST.280/17  
(Shri Punamchand S. Bainade V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

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

2. By this Miscellaneous Application No. 374/2017 the applicant is seeking following relief: -

***"B) The applicant be permitted to add paragraph No. 2 (a) to the Misc. Application and substitute Prayer Clauses (A) and (B) of the Original Application by permitting him to insert the contents of Annexure 'M-1' enclosed along with this Misc. Application.***

3. As the amendment is of formal nature, the present M.A. is allowed. The applicant is permitted to amend the M.A., as well as, accompanying O.A.

4. The learned Advocate for the Applicant submits that he will carry out the necessary amendment in the M.A., as well as, accompanying O.A. within a period of one week.

// 2 // M.A.374/17 WITH  
M.A.87/17 IN  
O.A.ST.280/17

5. Accordingly, this Miscellaneous Application No. 374/2017 stands disposed of with no order as to costs.

ORAL ORDERS 15-9-2017-HDD

**MEMBER (J)**

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

**M.A.87/17 IN O.A.ST.280/17  
(Shri Punamchand S. Bainade V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

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

2. S.O. to 28<sup>th</sup> September, 2017.

ORAL ORDERS 15-9-2017-HDD

**MEMBER (J)**

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

**ORIGINAL APPLICATION NO. 121 OF 2017  
(Shri Shamkant B. Dusane V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

Shri Shamsundar Patil, learned Advocate for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 4. Shri S.R. Barlinge – learned Advocate for respondent Nos. 5 & 6 (**absent**).

2. Since nobody appears for the applicant, S.O. to 3<sup>rd</sup> October, 2017.

ORAL ORDERS 15-9-2017-HDD

**MEMBER (J)**

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

**M.A.366/17 IN O.A. 305/17  
(Smt. Rajmudra M. Khillare V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Ms. Pradnya Talekar, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. On instructions, the learned Advocate for the applicant has submitted that the applicant does not want to proceed with the present M.A. and wants to withdraw the same. Therefore, she prayed to dispose of the M.A. accordingly.

3. In view of the submissions made by the learned Advocate for the applicant, the present M.A. stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

ORAL ORDERS 15-9-2017-HDD



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

**ORIGINAL APPLICATION NO. 305 OF 2017  
(Smt. Rajmudra M. Khillare V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Ms. Pradnya Talekar, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Closed for orders.

ORAL ORDERS 15-9-2017-HDD

**MEMBER (J)**

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

**ORIGINAL APPLICATION NO. 500 OF 2016  
(Shri Saleem Khan V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2 and Shri S.B. Mene – learned Advocate for respondent No. 3.

2. Learned Chief Presenting Officer has produced the copy of communication dated 12.09.2017 received from Sub Divisional Magistrate, Sillod, along with order dated 12.09.2017, holding respondent No. 3 ineligible to be appointed on the post of Village Police Patil, and subsequent order dated 12.09.2017 issued by the S.D.M., Sillod, cancelling the appointment of respondent No. 3 on the post of Village Police Patil of village Nanegaon, Tq. Sillod, Dist. Aurangabad, on the ground that he has three living children. The copies of both the documents are taken on record and marked as document 'X' collectively for the purpose of identification.

3. In view of the aforesaid fact, the learned Advocate for the applicant has submitted that he

**O.A. NO. 500 OF 2016**

will take instructions from the applicant as to whether he wants to proceed with the O.A. Therefore, he sought one week's time. Time granted as prayed for.

4. S.O. to 25<sup>th</sup> September, 2017.

**MEMBER (J)**

ORAL ORDERS 15-9-2017-HDD

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

**ORIGINAL APPLICATION NO.653/2017  
(Dr. Datta Dhanve V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Shri V.B.Wagh learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for respondents is present.

2. Issue notice to the respondents, returnable on 03-10-2017.

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 the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

7. S.O.to 03-10-2017.

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

**MEMBER (J)**

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

**ORIGINAL APPLICATION NO.657/2017  
(Shri Rajesh Mane V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

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

2. At the request of learned Advocate for the applicant, S.O. 22-09-2017 for producing relevant documents on record.

YUK ORAL ORDER 15-09-2017 F

**MEMBER (J)**

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

**ORIGINAL APPLICATION NO.660/2017  
(Shri Priyarani Patil V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

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

2. Issue notice to the respondents, returnable on 27-09-2017.
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 the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O.to 27-09-2017.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

YUK ORAL ORDER 15-09-2017 F

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

**M.A.No.373/2017 IN O.A.St.No.1268/2017  
(Dr. Somnath V. Tekade V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

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

2. Issue notice to the respondents in the M.A., returnable on 10-10-2017.
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 the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O.to 10-10-2017.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

YUK ORAL ORDER 15-09-2017 F

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

**ORIGINAL APPLICATION NO.896/2016  
(Shri Sheshrao Anchule V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Ku. Ashlesha Raut learned Advocate holding for Shri S.B.Talekar learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 13-10-2017.

**MEMBER (J)**

YUK ORAL ORDER 15-09-2017 F



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

**ORIGINAL APPLICATION NO.944/2016  
(Shri Sunil Jagtap V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Shri C.B.Patil learned Advocate holding for Shri P.B.Patil learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has filed affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 13-10-2017.

**MEMBER (J)**

YUK ORAL ORDER 15-09-2017 F

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

**ORIGINAL APPLICATION NO.51/2017  
(Shri Deelip Shinde V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant seeks time to file rejoinder. Time granted.

3. S.O. to 27-09-2017.

YUK ORAL ORDER 15-09-2017 F

**MEMBER (J)**

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

**ORIGINAL APPLICATION NO.59/2017  
(Shri Vishwanath Baswante & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Shri V.P.Golewar learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 16-10-2017 for filing rejoinder, if necessary.

YUK ORAL ORDER 15-09-2017 F

**MEMBER (J)**

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

**ORIGINAL APPLICATION NO.127/2017  
(Shri Trimbak Tompe V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Shri V.P.Golewar learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 16-10-2017 for filing rejoinder, if necessary.

YUK ORAL ORDER 15-09-2017 F

**MEMBER (J)**

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

**ORIGINAL APPLICATION NO.273/2017  
(Shri Satish Potjale V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Shri V.P.Golewar learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 5. It is taken on record. Copy thereof has been served on the other side.

3. At the request of learned Advocate for the applicant, S.O. to 16-10-2017 for filing rejoinder, if necessary.

**MEMBER (J)**

YUK ORAL ORDER 15-09-2017 F

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

**ORIGINAL APPLICATION NO.125/2017  
(Shri Syed Amzad Syed Hamza V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

Shri A.D.Gadekar learned Advocate for the applicant has filed **leave note** on record. Smt. Deepali Deshpande learned Presenting Officer for respondents is present.

2. In view of leave note of learned Advocate for the applicant, S.O. 12-10-2017.

YUK ORAL ORDER 15-09-2017 F

**MEMBER (J)**

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

**M.A. ST. NO.1392/2017 IN O.A. ST. NO.1336/2017  
(Shri Sayed Salim Sayed Yaqub V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 15.09.2017.**

**ORAL ORDER :**

Heard Shri S.P.Urgunde 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 the applicant is serving on the post of Assistant Town Planner (Group C service) in the office of Municipal Council, Beed. He has been suspended by the impugned order dated 07-09-2017. He has submitted that the applicant immediately filed representation dated 11-09-2017 before the Commissioner, Directorate of Municipal Administration, Mumbai i.e. respondent no.2 with a request to revoke his suspension.

3. Learned Advocate for the applicant has submitted that said representation has not been decided by the respondent no.2, and therefore,

the applicant has challenged the impugned order of suspension by filing the present O.A. He has submitted that in view of the provisions of Section 20 of the Administrative Tribunals Act, O.A. is maintainable, and therefore, he prayed to admit the O.A.

4. Learned P.O. has submitted that the suspension order is appealable in view of Rule 17 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 ["M.C.S. (D. & A.) Rules" for short] and appellate authority is provided under Rule 18 of the M.C.S. (D. & A.) Rules, 1979. He has submitted that the applicant has not challenged the impugned order by preferring the appeal though that remedy is available to him. Instead of that, he had filed an application before respondent no.2 for revocation of the suspension order in view of the provisions of 4(5)(c) of M.C.S. (D. & A.) Rules, 1979. He has submitted that since representation of the applicant is pending, present O.A. is not maintainable in



view of Section 20(2)(b) of the Administrative Tribunal Act, 1985.

5. I have gone through the provisions of Rule 4(5)(c) of M.C.S. (D. & A.) Rules, 1979, which reads as under:

**"4. Suspension-,**

(1) .....

(2) .....

(3) .....

(4) .....

(5) (a) .....

(b) .....

*(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority, which made or is deemed to have made the order or by any authority to which that authority is subordinate.*

*[Provided that, where a criminal offence is registered against a Government servant, the recommendation of the Supervision Review Committee constituted by the Government in this behalf shall be obtained by the authority which has made or is deemed to have made the suspension order by or any authority to which that authority is subordinate, before revoking or modifying the order of suspension of such Government servant.]"*

6. The applicant has approached respondents by filing application/representation to revoke the order of suspension by resorting to the provisions of Rule 4(5)(c) of M.C.S. (D. & A.) Rules. Therefore, the application is not maintainable in view of the provisions of Section 20(2)(b) of the Administrative Tribunal Act, 1985, which reads as under:

***"20. Application not to be admitted unless other remedies exhausted :-***

(1) .....

(2) *For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances,-*

(a) .....

(b) *where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired."*

7. The applicant has not challenged the impugned order by preferring the appeal as provided under Rule 17 & 18 of the M. C. S.

(D. & A.) Rules but the applicant has chosen to file representation with the respondent no.2 for revocation of the impugned order. Said representation is still pending with the respondent no.2. The applicant has not availed the remedy of appeal as provided under M.C.S. (D. & A.) Rules. Moreover, the present O.A. cannot be entertained and admitted by this Tribunal in view of the provisions of Section 20(1) of the Administrative Tribunals Act, as the applicant has not availed all the remedies available to him.

8. In view of Section 20(2)(b) of the Administrative Tribunals Act cause of action to file O.A. arises after six months from the date of filing the representation till one year. Before expiry of statutory period, as provided under Section 22(b), the applicant has approached the Tribunal by filing the present O.A. As the O.A. is premature, the same is not maintainable. Likewise, the O.A. cannot be admitted in view of

the provisions of Section 20(1) of the Administrative Tribunal Act, 1985.

9. In view of the abovesaid discussion, in my opinion, present O.A. is not maintainable in view of provisions of Section 20 of the Administrative Tribunal Act. Hence, the O.A. stands rejected.

10. Since the O.A. is rejected, nothing survives in the M.A. M.A. stands dismissed.

**MEMBER (J)**