

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

**M. A. NO. 353/2017 IN O. A. St. No.1243/2017.  
(Smt. Waghmare&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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri S. S. Thombre, learned counsel for the applicants and Shri M. S. Mahajan, learned Chief Presenting Officer for the 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 31.08.2017.

**FARAD CONTINUATION SHEET**

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

**O. A. St. No.1243/2017.**

**(Smt. Waghmare&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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri S. S. Thombre, learned counsel for the applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Issue notices to the respondents, returnable on 10<sup>th</sup> October, 2017. Until further orders the interim relief in terms of prayer clause "D" is hereby granted, which runs as under :-

"D) Pending the hearing and final disposal of this Original Application, the respondents may kindly be restrained from filling up the posts on which the applicants are selected and for that purpose issue necessary orders."

3. Besides, the Respondents are directed to consider whether the corrective steps can be taken in the light of the decision of Division Bench of Hon'ble High Court in W.P.No.6821 of

2014 and others (Annexure A-5, page no.113) and in those circumstances, shall take corrective steps and shall file report along with short affidavit.

4. In case the concerned Respondent comes to the conclusion that, the corrective steps cannot be taken then the said short affidavit be filed, which shall explain the reasons for the same.

5. Tribunal may take the case 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 the case. Respondents are 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

questions 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 10.10.2017.

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

**VICE CHAIRMAN.**

ATP ORAL ORDERS 31.08.2017.

**FARAD CONTINUATION SHEET**

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

**M. A. NO. 354/2017 IN O. A. St. No.1245/2017.  
(Smt. Chaure&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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri S. S. Thombre, learned counsel for the applicants and Shri M. S. Mahajan, learned Chief Presenting Officer for the 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 31.08.2017.

**FARAD CONTINUATION SHEET**

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

**O. A. St. No.1245/2017.**

**(Smt. Waghmare&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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri S. S. Thombre, learned counsel for the applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Issue notices to the respondents, returnable on 10<sup>th</sup> October, 2017. Until further orders the interim relief in terms of prayer clause "D" is hereby granted, which runs as under :-

"D) Pending the hearing and final disposal of this Original Application, the respondents may kindly be restrained from filling up the posts on which the applicants are selected and for that purpose issue necessary orders."

3. Besides, the Respondents are directed to consider whether the corrective steps can be taken in the light of the decision of Division Bench of Hon'ble High Court in W.P.No.6821 of

2014 and others (Annexure A-5, page no.132) and in those circumstances, shall take corrective steps and shall file report along with short affidavit.

4. In case the concerned Respondent comes to the conclusion that, the corrective steps cannot be taken then the said short affidavit be filed, which shall explain the reasons for the same.

5. Tribunal may take the case 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 the case. Respondents are 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

questions 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 10.10.2017.

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

**VICE CHAIRMAN.**

ATP ORAL ORDERS 31.08.2017.



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

**O. A. NO.869/2016.  
(Shri D.T.Lazade 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 : 31.08.2017.**

**ORAL ORDER :**

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

2. The learned P. O. files on record the communication received to him from Respondent no.2. The same is accepted and marked as document "X" for the purpose of identification. The said communication would show that, Respondent no.2 has asked for the information from Respondent no.1 on the line of the order dated 28.6.2017. The said communication however, was sent on 23.8.2017 to Respondent no.1. In the circumstances, it may not have been possible for the Respondent no.1 to send the response to Respondent no.2 within such a short period given by Respondent no.2. In the

circumstances, Respondent no.1 is directed to give the information to the Respondent no.2 as well as to the present Tribunal directly as sought vide order dated 28.6.2017 on the next date.

3. S.O. to 26.09.2017 for communication from both the Respondents.

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

**VICE CHAIRMAN.**

ATP ORAL ORDERS 31.08.2017.

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

**O. A. NO.466/2016.  
(Shri S. B. Kakandikar&Oths. Vs. The State of  
Mahharashtra&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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri Amit Dhongde learned Advocate holding for Shri S. D. Dhongde, learned for the applicant and Shri D. R. Patil, learned Presenting Officer for the Respondents.

2. The learned P.O. submits that, though he has sent the Steno copy of the order dated 28.7.2017 by which last chance to file affidavit in reply was given on the condition of deposit of cost of Rs.10,000/-each, today also nobody has turned up.

3. In the circumstances time to file reply is hereby granted with a precondition that, Respondent no.1 or, any responsible Officer shall personally appear on the next date and each of the Respondent shall pay additional cost of Rs.10,000/- by Government cheque on the next

date for filing reply. Upon failure Tribunal would be constrained to haul the concerned Respondent for contempt.

4. With above direction, S.O. to 21.09.2017.

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

**VICE CHAIRMAN.**

ATP ORAL ORDERS 31.08.2017.

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

**O. A. NO.574/2015.  
(Shri A. V. Kolhe 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 : 31.08.2017.**

**ORAL ORDER :**

None present for the applicant. Heard Shri S. K. Shirse, learned Presenting Officer for the Respondents.

2. The learned P.O. points that, in the O.A.No.575/2015 the Respondents have filed true copy of the judgment rendered by the Hon'ble High Court in Writ Petition No.4893 of 2015, which would show that, the Hon'ble High Court declined to grant the relief as claimed in the present application.

3. However, in view of the absence of the

learned Advocate for the applicant S.O. to  
4.10.2017 for making submissions on the line of  
the above statement.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 31.08.2017.

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

**O. A. NO.575/2015.  
(Shri A. V. Kolhe 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 : 31.08.2017.**

**ORAL ORDER :**

None present for the applicant. Heard Shri S. K. Shirse, learned Presenting Officer for the Respondents.

2. The learned P.O. points that, in this O.A. the Respondents have filed true copy of the judgment rendered by the Hon'ble High Court in Writ Petition No.4893 of 2015, which would show that, the Hon'ble High Court declined to grant the relief as claimed in the present application.

3. However, in view of the absence of the

learned Advocate for the applicant S.O. to  
4.10.2017 for making submissions on the line of  
the above statement.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 31.08.2017.



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

**O. A. NO.133/2016.**

**(Smt. LaxmibaiAtkulwar 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 : 31.08.2017.**

**ORAL ORDER :**

None present for the applicant. Heard Shri S. K. Shirse, learned Presenting Officer for the Respondents.

2. Nobody has appeared on the last date also. The learned P.O. points towards the submissions made by him recorded in the order dated 02.08.2017. The said submissions would show that, only due to mischief played by the Clerk handing the file the present applicant though junior was given the post of his choice and therefore, upon getting the said post the decision was reversed. He further submits that, there is no merit in the application. However, in the absence of the learned Advocate for the applicant without going into merit, the application is dismissed in default.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 31.08.2017.



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

**O. A. NO.613/2017.  
(Shri R. N. Deshpande 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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri P. P. Dawalkar, learned counsel for the applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Issue notices to the Respondents, returnable on 27<sup>th</sup> September, 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.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 31.08.2017.

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

**O. A. NO. 615/2017.  
(Shri S. C. Nemane 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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri A. B. Dhongde, learned Advocate for the applicant and Shri S. K. Shirse, learned Presenting Officer for the Respondents with consent.

2. The learned Advocate for the applicant submits that, now the decision is rendered by the Respondent no.2 and therefore, on instructions of the applicant the present application may be allowed to be withdrawn with liberty to file fresh application. Allowed to withdrawn and disposed of with liberty as prayed for, in accordance with Law.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 31.08.2017.

**FARAD CONTINUATION SHEET**

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

**O. A. NO. 614/2017.**

**(Shri J. N. Wader 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 : 31.08.2017.**

**ORAL ORDER :**

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

2. At the request of the learned Advocate for the applicant, S.O. to 04.09.2017.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 31.08.2017.

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

**ORIGINAL APPLICATION NO. 563 OF 2017  
(Smt. Pushpalata Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

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

**DATE : 31.08.2017.**

**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 Advocate Shri M.R. Kulkarni appeared today before this Tribunal and states that he is appearing on behalf of respondent No. 4 and he has filed **VAKALATNAMA** on his behalf. He prays for time for filing affidavit in reply on his behalf.

3. Learned Chief Presenting Officer also prays for time for filing affidavit in reply on behalf of respondent Nos. 1 to 3. Time granted.

4. S.O. to 29<sup>th</sup> September, 2017.

**MEMBER (J)**

ORAL ORDERS 31.08.2017-HDD

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

**ORIGINAL APPLICATION NO. 505 OF 2017  
(Shri Vijaykumar Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

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

**DATE : 31.08.2017.**

**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 prays for time for filing affidavit in reply. Time granted.
3. S.O. to 11<sup>th</sup> September, 2017.

**MEMBER (J)**

ORAL ORDERS 31.08.2017-HDD



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

**ORIGINAL APPLICATION NO. 378 OF 2017  
(Smt. Vasanti Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

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

**DATE : 31.08.2017.**

**ORAL ORDER :**

Shri V.R. Jain, learned Advocate for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the Respondents, present.

2. Since nobody appears for the applicant, S.O. to 5<sup>th</sup> October, 2017.

**MEMBER (J)**

ORAL ORDERS 31.08.2017-HDD

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

**ORIGINAL APPLICATION NO. 354 OF 2017  
(Shri DevendraVs.The State of Mah. &Ors.)**

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OFFICE ORDER

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

**DATE : 31.08.2017.**

**ORAL ORDER :**

Heard Ms. AshleshaRaut, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted as a last chance.

3. S.O. to 8<sup>th</sup> September, 2017. Interim relief granted earlier to continue till then.

**MEMBER (J)**

ORAL ORDERS 31.08.2017-HDD

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

**ORIGINAL APPLICATION NO. 179 OF 2017  
(Smt. VidyaVs.The State of Mah. &Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS

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

**DATE : 31.08.2017.**

**ORAL ORDER :**

Heard Shri S.P. Dhoble, learned Advocate holding for Shri N.L. Choudhari, 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 16<sup>th</sup> September, 2017.

**MEMBER (J)**

ORAL ORDERS 31.08.2017-HDD

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

**ORIGINAL APPLICATION NO. 158 OF 2017  
(Dr. SurekhaVs.The State of Mah. &Ors.)**

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OFFICE ORDER

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

**DATE : 31.08.2017.**

**ORAL ORDER :**

Heard Shri AvinashDeshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1, 3 & 4 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. Learned Presenting Officer prays for time for filing affidavit in reply on behalf of respondent No. 2. Time granted as a most last chance.

4. S.O. to 20<sup>th</sup> September, 2017. Interim relief granted earlier to continue till then.

**MEMBER (J)**

ORAL ORDERS 31.08.2017-HDD

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

**R.A.NO. 06/2017 IN O.A.NO.110/2017  
(Shri Dinesh Vs.The State of Mah.&Ors.)**

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OFFICE ORDER

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

**DATE : 31.08.2017.**

**ORAL ORDER :**

Heard Shri AvinashDeshmukh, 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 W.P. Nos. 4977 & 4978 both of 2004 involving similar issue are pending before the Hon'ble Bombay High Court Bench at Aurangabad and the said Writ Petitions are fixed today itself for final hearing. Therefore, he sought time to argue the present case. Time granted.

3. S.O. to 29<sup>th</sup> November, 2017.

**MEMBER (J)**

ORAL ORDERS 31.08.2017-HDD

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

**R.A.NO. 07/2017 IN O.A.NO.111/2017  
(Shri Ramesh Vs.The State of Mah.&Ors.)**

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OFFICE ORDER

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

**DATE : 31.08.2017.**

**ORAL ORDER :**

Heard Shri AvinashDeshmukh, learned Advocate for the applicant and Smt. SanjivaniDeshmukh-Ghate, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant has submitted that W.P. Nos. 4977 & 4978 both of 2004 involving similar issue are pending before the Hon'ble Bombay High Court Bench at Aurangabad and the said Writ Petitions are fixed today itself for final hearing. Therefore, he sought time to argue the present case. Time granted.

3. S.O. to 29<sup>th</sup> November, 2017.

**MEMBER (J)**

ORAL ORDERS 31.08.2017-HDD

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

**ORIGINAL APPLICATION NO. 585 OF 2017  
(Shri AnandidasVs.The State of Mah. &Ors.)**

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OFFICE ORDER

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

**DATE : 31.08.2017.**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant has placed on record a copy of order dated 14.03.2017 passed by this Tribunal in O.A. No. 515 of 2016 [Anandidas B. PandeVs. the State of Mah. &Ors.]. The copy of the said order is taken on record and marked as document 'X' for the identification purpose.

3. Issue notices to the respondents, returnable on 5<sup>th</sup> October, 2017.

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

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

**O.A. NO. 585 OF 2017**

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.
8. The respondents are directed to file affidavit in reply within a period of four weeks.
9. S.O. to 5<sup>th</sup> October, 2017.
10. Steno copy and hamdust is allowed to both the parties.

**MEMBER (J)**

ORAL ORDERS 31.08.2017-HDD



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

**M.A. 337/17 WITH M.A.ST.973/17 IN O.A.ST.974/17  
(Shri Abdul Jabbar&Ors.Vs.The State of Mah.&Ors.)**

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OFFICE ORDER

TRIBUNAL'S ORDERS

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

**DATE : 31.08.2017.**

**ORAL ORDER :**

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. At the request of learned Advocate for the applicant, S.O. to 10<sup>th</sup> October, 2017.

**MEMBER (J)**

ORAL ORDERS 31.08.2017-HDD

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

**ORIGINAL APPLICATION NO. 565 OF 2017  
(Smt. VandanaVs.The State of Mah. &Ors.)**

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OFFICE ORDER

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

**DATE : 31.08.2017.**

**ORAL ORDER :**

Heard Shri Chetan T. Jadhav, 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 seeks leave of this Tribunal to withdraw the present Original Application with liberty to file appropriate proceeding before the appropriate forum.

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

4. Accordingly, the present Original Application stands disposed of as withdrawn with liberty as prayed for by the learned Advocate for the applicant. There shall be no order as to costs.

**MEMBER (J)**

ORAL ORDERS 31.08.2017-HDD

FARAD CONTINUATION SHEET

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD

ORIGINAL APPLICATION NO.358/2017  
(SapnaJawkar 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 : 31.08.2017.

ORAL ORDER :

Shri V.R.Jain learned Advocate for the applicant is **absent**. Shri M.P.Gude learned Presenting Officer for respondents is present.

2. Since none is present for the applicant, S.O. to 08-09-2017 for passing appropriate order.

YUK ORAL ORDER 31-8-2017 F

MEMBER (J)

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

**ORIGINAL APPLICATION NO.359/2017  
(SaraswatiLakhmaji 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 : 31.08.2017.**

**ORAL ORDER :**

Shri V.R.Jain learned Advocate for the applicant is **absent**. Shri V.R.Bhumkar learned Presenting Officer for respondents is present.

2. Since none is present for the applicant, S.O. to 08-09-2017 for passing appropriate order.

YUK ORAL ORDER 31-8-2017 F

**MEMBER (J)**

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

**M.A.No.56/2017 IN O.A.St.No.86/2017  
(Shri SudhakarGoswami 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 : 31.08.2017.**

**ORAL ORDER :**

Shri Y.P.Deshmukh learned Advocate for the applicant is **absent**. Shri M.P.Gude learned Presenting Officer for respondents is present.

2. Learned P.O. seeks time to file reply on behalf of the respondents. Time granted.

3. S.O. to 05-10-2017.

YUK ORAL ORDER 31-8-2017 F

**MEMBER (J)**

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

**M.A.No.261/2017 IN O.A.St.No.528/2017  
(Shri DeoraoDawane 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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri V.P.Golewar learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents is present.

2. Learned P.O. has filed affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 06-10-2017.

YUK ORAL ORDER 31-8-2017 F

**MEMBER (J)**

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

**M.A.No.331/2017 IN O.A.No.48/2013  
(Shri SahebVede 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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri M.V.Thorat learned Advocate holding for Shri Ganesh Gadhe learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. 04-10-2017.

YUK ORAL ORDER 31-8-2017 F

**MEMBER (J)**

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

**M.A.No.332/2017 IN O.A.No.340/2014  
(Shri GajananJawale 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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri M.V.Thorat learned Advocate holding for Shri Ganesh Gadhe learned Advocate for the applicant and Smt. SanjivaniGhate learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. 04-10-2017.

YUK ORAL ORDER 31-8-2017 F

**MEMBER (J)**



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

**ORIGINAL APPLICATION NO.13/2016  
(Shri LaxmanKulkarni 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 : 31.08.2017.**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant seeks time to file G.R. dated 16-09-2016 on record and argue the matter finally.

3. S.O. to 06-09-2017.

YUK ORAL ORDER 31-8-2017 F

**MEMBER (J)**

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

**ORIGINAL APPLICATION NO.554/2016  
(Shri RamdasSangle 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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri V.B.Wagh learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. Learned Advocate for the applicant prays for leave to make amendment in paragraph 1 of the O.A. by substituting "Assistant" instead of "Police". Leave as prayed for is granted. Amendment be carried out forthwith.

3. At the request of learned P.O., S.O. to 19-09-2017 for taking instruction from the respondents and arguing the matter finally.

**MEMBER (J)**

YUK ORAL ORDER 31-8-2017 F

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

**ORIGINAL APPLICATION NO.577/2016  
(Dr. BabanJadhav 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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri J.S.Deshmukh learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents. Shri H.P.Jadhav learned Advocate for respondent no.4 is **absent**.

2. At the request of learned CPO, S.O.20-09-2017 for arguing the matter finally and for producing relevant G.R. on record.

**MEMBER (J)**

YUK ORAL ORDER 31-8-2017 F

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

**ORIGINAL APPLICATION NO.946/2016  
(Shri KrushnaEdke 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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri S.A.Deshmukh learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. Learned P.O. has submitted that then Collector Jalna passed impugned order dated 05-12-2016 in view of the provisions of Section 4(1) of the Maharashtra Government Servants Regulation of Transfer and Prevention of Delay in Discharge of Official Duties Act, 2005 ("Transfer Act"for short). He has submitted that the Deputy Commissioner, Revenue, Aurangabad had approved the transfer order passed by the Collector, Jalna by granting ex-post facto sanction as per Section 5(3) of the Transfer Act in view of the communication dated 31-12-2016.

3. One Pranali Trimbak Tayade, Naib Tahsildar filed an affidavit on behalf of the respondent nos.1 to 3 and reiterated the facts regarding issuance of impugned order by the Collector Jalna and approval to it by the Divisional Commissioner, Aurangabad.

4. On going through the provisions of Transfer Act it reveals that Section 4(1) of the Transfer Act provides that no Government servant shall ordinarily be transferred unless he has completed his tenure of posting as provided in section 3. Said provisions does not empower the transferring authority to issue transfer order of Government employees. There is no provision in the Act which provides and empowers the competent authority to approve the transfers effected by the competent transferring authorities by according ex-post facto sanction. Not only this, but there is no Section 5(3) in the Transfer Act as quoted by the Deputy Commissioner (Revenue) in his order. This shows that both Collector and Deputy Commissioner have not gone through the provisions of Transfer Act and without considering the provisions of the Transfer Act they have passed the impugned orders.

5. On enquiry, learned P.O. has submitted that following officers were working as Collector, Jalna and Deputy Commissioner (Revenue), Aurangabad at the relevant time.

- (i) Shri Shivajirao Jondhale – Collector, Jalna.
- (ii) Shri Pralhad Kachare – Deputy Commissioner (Revenue).

6. In view of the abovesaid facts it is necessary to direct the abovesaid officers i.e. Collector, Jalna and Deputy Commissioner, Aurangabad to file their personal affidavit and to explain under which provision they effected the transfer of the applicant and passed the impugned order/s and under which provisions they are justifying their orders.

7. S.O. to 06-09-2017.

YUK ORAL ORDER 31-8-2017 F

**MEMBER (J)**

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

**ORIGINAL APPLICATION NO.579/2017  
(Shri GokulBundele 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 : 31.08.2017.**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant has submitted that the applicant is serving as Assistant Police Inspector (A.P.I.) Class-II Gazetted officer. He has submitted that the applicant's application for correction of his date of birth has been rejected by Special Inspector General of Police in the office of respondent no.2 on the ground that the application was not moved by the applicant within 5 years from the date of his joining service. He has submitted that the respondent no.2 Director General of Police has no authority to pass the order on the application moved by the applicant in view of the provisions of Rule 38 (2) Instruction (3). He has submitted that respondent no.2 ought to have forwarded the matter to General Administration Department and Finance Department before passing the said order in view of the provisions of Rule 38 (2) Instruction (3) of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981.

3. He has further submitted that the respondent no.2 has not considered the said provisions, and therefore, he prayed to quash the impugned order and remand the matter back to respondent no.2 to decide it in view of the provisions of Instruction (3) to sub rule 2 of Rule 38 of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981.

4. Learned P.O. submits that necessary order may be passed.

5. On going through the record, it reveals that the applicant moved applications dated 23-12-2013 and 09-03-2017 for correction of date of birth in his service book. Respondent no.2 rejected his application by communication dated 15-07-2017 on the ground that the application was not moved within 5 years from the date of his joining the service.

6. The applicant is serving as Assistant Police Inspector Class II Gazetted officer. In order to decide the applications of Class-II gazetted officer, for correction in the date of birth, provision of Rule 38(2)(instruction 3) is relevant. Said Rule reads as under:

***"38. Procedure for writing the events and recording the date of birth in the service book.-***

*(1)....*



*(2) While recording the date of birth, the following procedure should be followed : -*

*(a) .. .. .*

*(b) .. .. .*

*(c) .. .. .*

*(d) .. .. .*

*(e) .. .. .*

*(f) .. .. .*

*Instruction.-(1).. .. .*

*Instruction.-(2).. .. .*

*Instruction.-(3) All cases relating to alterations of dates of birth of Gazetted Government servants and such of the requests of Non-gazetted Government servants above, should invariably be referred to the General Administration Department and Finance Department through the Administrative Department concerned.*

7. In view of this, it is evident that the Respondent no.2 ought to have referred the matter to General Administration Department and Finance Department before passing the order in view of the said Instruction (3) to sub rule (2) of Rule 38 of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981 but without referring the matter to G.A.D. and Finance Department as provided in the rule, he has decided the application of the applicant at his level. Therefore, it is just and proper to

quash and set aside the impugned order and send the matter to respondents and decide the application of the applicant afresh.

8. In these circumstances, O.A. requires to be allowed. Therefore, I proceed to pass the following order:

**ORDER**

- (i) O.A. is allowed.
- (ii) Communication dated 15-07-2017 issued by respondent no.2 is quashed and set aside and matter is remanded back to the respondent no.2 to take decision and decide application of the applicant afresh in view of the provisions of Rule 38(2) Instruction (3) of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981 on merit within 3 months from the date of the order.
- (iii) No order as to costs.

**MEMBER (J)**

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

**O. A. NO. 156/2017  
(Raufkhan 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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri A.D. Sonar, learned for the applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. The learned P.O. has filed additional affidavit in reply of res. no. 1 as per the earlier order of the Tribunal dtd. 11.4.2017. It is taken on record & copy thereof has been served upon the learned Adv. for the applicant.

3. Arguable case is made out. Hence, O.A. is admitted. it is removed from the board for the time being with a direction to the Office to place the matter before the D.B. for final hearing, as and when it is available.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 31.8.2017

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

**O. A. NO. 182/2017  
(Shripatrao 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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. At the request of learned P.O., S.O. to 28.9.2017 for filing affidavit in reply of the respondents.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 31.8.2017

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

**O. A. NO. 490/2017  
(Ganesh 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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri Sandeep N. Lute, learned for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. At the request of learned Adv. for the applicant, S.O. to 6.9.2017 for advancing his submissions.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 31.8.2017

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

**MA 176/2017 IN OA 154/2017  
(Naseem Banu 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 : 31.08.2017.**

**ORAL ORDER :**

None appears for the applicant. Shri N.U. Yadav, learned Presenting Officer for the Respondents, is present.

2. The learned P.O. seeks time to submit the copy of the Resolution of the Waqf Board as directed by the Tribunal vide order dtd. 3.8.2017. At his request, S.O. to 3.102017.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 31.8.2017

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

**O. A. NO. 743/2016  
(Rakesh 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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri D.K. Rajput, learned for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. The learned P.O. has filed on record separate additional affidavit in replies of res. no. 3 and 4 & 5 respectively. The same are taken on record and copies thereof have been served upon the learned Adv. for the applicant.

3. The learned Adv. for the applicant seeks time to file rejoinder along with documents, if any. At his request, S.O. to 26.9.2017 for filing rejoinder of the applicant.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 31.8.2017

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

**O. A. NO. 524/2014  
(Yeshpal 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 : 31.08.2017.**

**ORAL ORDER :**

None appears for the applicant. Shri N.U. Yadav, learned Presenting Officer for the Respondents, is present.

2. The learned P.O., on instructions of the respondents submits that affidavit in sur-rejoinder of the respondents to the affidavit in rejoinder filed by the applicant is necessary. However, upon going through the case papers, it revealed that the applicant is merely seeking implementation of the prevailing Govt. Resolutions for considering his case for appointment in Group – C category upon being available as for want of post, he was earlier appointed in Group – D category on compassionate ground. The said pleadings are made on the strength of the judgment of Division Bench of the Hon'ble Bombay High Court, Bench at Aurangabad in W.P. no. 233/2012 dtd. 20.1.2012 (Annex. A.6 paper book page 38). In the circumstances, no sur-rejoinder of the



respondents to the rejoinder of the applicant is necessary.

3. The respondents are directed to consider the Govt. Resolutions in this regard and also the judgment rendered by the Division Bench of the Hon'ble High Court as cited supra and to take corrective steps according to law and file the report on the next date.

4. In case the concerned respondents come to the conclusion that the G.Rs. or the decision of the Hon'ble High Court is not applicable, a short affidavit explaining the reasons be filed on the next date.

5. S.O. to 3.10.2017 for taking appropriate steps by the respondents.

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

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 31.8.2017

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

**O. A. NO. 534/2014  
(Madhukar 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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri A.S. Deshmukh, learned for the applicant and Smt. Sanjivani Deshmukh - Ghate, learned Presenting Officer for the Respondents.

2. At the request of learned Adv. for the applicant, S.O. to 13.9.2017.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 31.8.2017

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

**O. A. NO. 549/2014  
(Dattatraya 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 : 31.08.2017.**

**ORAL ORDER :**

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

2. It appears that the decision on merit would be required by the Division Bench in this matter. Hence, the matter is removed from the board with a direction to the Office to place it before the Division Bench for final hearing, as and when it is available.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 31.8.2017

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

**O. A. NO. 85/2017  
(Nikita 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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri J.M. Murkute, learned for the applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. Affidavit of Shri Maruti Pandurang Jadhav, Under Secretary, M.P.S.C., Mumbai is taken on record and the explanation tendered therein is accepted.

3. S.O. to 3.10.2017 at the request of learned Adv. for the applicant.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 31.8.2017

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

**O. A. NO. 227/2014  
(Jijabro 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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri N.B. Jadhav, learned for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondent nos. 1 to 3. Shri P.B. Patil, learned Adv. for respondent no. 4 **(absent)**.

2. The learned Adv. for the applicant submits that, in fact, he has communicated the change of date to Shri P.B. Patil, learned Adv. for res. no. 4. However, today Shri P.B. Patil, learned Adv. for res. no. 4 is absent.

3. In the circumstances, the present matter be placed on board on the date already fixed i. e. 11.9.2017.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 31.8.2017

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

**O. A. NO. 619/2017  
(Sidheshwar 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 : 31.08.2017.**

**ORAL ORDER :**

Heard Shri S.P. Salgare, learned for the applicant and Shri M.S. Mahajan learned Chief Presenting Officer for the Respondents.

2. Upon hearing both the sides, it appears that, postal delay appears to be caused for delayed service of letter from res. no. 3. The Annex. D page 21 would show that the res. no. 3 may have issued the said communication to the applicant by email, Telephone and Message / S.M.S. In the circumstances, the res. no. 3 is directed to file short affidavit along with documents, which would show that email, telephonic call, S.M.S. was sent to the applicant in that regard.

3. Issue notices to the respondents in the orig. application, returnable on 28.9.2017.

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

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

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

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

8. S.O. to 28.9.2017.

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

**VICE CHAIRMAN.**