

**ORIGINAL APPLICATION NO. 294 OF 2015**

**[Dr. B.M. Bhawar Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)**

**DATE : 16.09.2016.**

**ORAL ORDER:**

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

2. The learned Presenting Officer has filed affidavit in reply to the amended O.A. and the same is taken on record and the copy thereof has been served upon the learned Advocate for the applicant.

3. The learned Advocate for the applicant submits that he will go through the affidavit filed by the respondents today and seeks time. Time granted.

4. S.O. to 19<sup>th</sup> October, 2016.

**MEMBER (J)**

16.09.2016-HDD.doc

**ORIGINAL APPLICATION NO. 472 OF 2015**

**[S.M. Choudhari Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)**

**DATE : 16.09.2016.**

**ORAL ORDER:**

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

2. The learned Presenting Officer submits that the Government has granted sanction to the medical reimbursement bill. He has placed on record the copy of the order dated 3<sup>rd</sup> September, 2016, which is marked as document 'X' for the purposes of identification and submits that the amount will be paid to the applicant within a week.

3. Hence, S.O. to 27<sup>th</sup> September, 2016.

**MEMBER (J)**

16.09.2016-HDD.doc

**ORIGINAL APPLICATION NO. 08 OF 2016**

**[Sunderrao K. Kokate Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)**

**DATE : 16.09.2016.**

**ORAL ORDER:**

Heard Shri P.M. Shinde, learned Advocate holding for Shri N.L. Jadhav – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 4 & 5 and the same has been taken on record and the copy thereof has been served upon the learned Advocate for the applicant.

3. The learned Advocate for the applicant submits that he will go through the affidavit in reply filed for respondent Nos. 4 & 5 and seeks time.

4. The learned Presenting Officer submits that there is no necessity to file affidavit in reply on behalf of other respondents.

5. Hence, S.O. to 19<sup>th</sup> October, 2016.

**MEMBER (J)**

16.09.2016-HDD.doc

**ORIGINAL APPLICATION NO. 87 OF 2016**

**[Rahul A. Dabhade Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)**

**DATE : 16.09.2016.**

**ORAL ORDER:**

Heard Shri P.M. Shinde – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to file affidavit in rejoinder. Time granted.

3. S.O. to 19<sup>th</sup> October, 2016.

**MEMBER (J)**

16.09.2016-HDD.doc

**ORIGINAL APPLICATION NO. 110 OF 2016**

**[Archana U. Tiwari Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)**

**DATE : 16.09.2016.**

**ORAL ORDER:**

Heard Shri A.S. Sawant – learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that he will collect the copy of the affidavit in reply today and he will file rejoinder affidavit, if necessary and seeks time. Time granted.

3. S.O. to 19<sup>th</sup> October, 2016.

**MEMBER (J)**

16.09.2016-HDD.doc

**ORIGINAL APPLICATION NO. 208 OF 2016**

**[Sanket P. Sable Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)**

**DATE : 16.09.2016.**

**ORAL ORDER:**

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

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

3. S.O. to 30<sup>th</sup> September, 2016.

**MEMBER (J)**

16.09.2016-HDD.doc

**ORIGINAL APPLICATION NO. 263 OF 2016**

**[Bhagwat M. Betkar Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)**

**DATE : 16.09. 2016.**

**ORAL ORDER:**

Shri J.M. Murkute – learned Advocate for the applicant (**absent**). Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents, present.

2. The learned Presenting Officer seeks time to file affidavit in reply. Time granted.

3. S.O. to 19<sup>th</sup> October, 2016.

**MEMBER (J)**

16.09.2016-HDD.doc

**ORIGINAL APPLICATION NO. 276 OF 2016**

**[Girjabai H. Khandagale & Ors. Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)**

**DATE : 16.09.2016.**

**ORAL ORDER:**

Shri D.G. Kamble – learned Advocate for the applicant (**absent**). Shri N.U. Yadav – learned Presenting Officer for the respondents, present.

2. It appears from the proceeding that the affidavit in reply has been already filed on behalf of the respondent No. 3.

3. In that view of the matter and considering the cause made out in the present OA, it is admitted with liberty to the applicant to file rejoinder, if any.

4. S.O. to 20<sup>th</sup> October, 2016 for final hearing.

**MEMBER (J)**

16.09.2016-HDD.doc



**ORIGINAL APPLICATION NO. 302 OF 2016**

**[Narendra K. Ashtikar Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)**

**DATE : 16.09.2016.**

**ORAL ORDER:**

Heard Shri Avinash S. Deshmukh – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents, present.

2. It appears from the proceeding that the affidavit in reply has been already filed on behalf of the respondent No. 1.
3. In that view of the matter and considering the cause made out in the present OA, it is admitted.
4. S.O. to 6<sup>th</sup> October, 2016 for final hearing.

**MEMBER (J)**

16.09.2016-HDD.doc

**ORIGINAL APPLICATION NO. 320 OF 2016**

**[Meena N. Bengal Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)**

**DATE : 16.09.2016.**

**ORAL ORDER:**

Heard Shri P.M. Shinde, learned Advocate holding for Shri V.P. Golewar – learned Advocate for the applicant, Shri D.R. Patil – learned Presenting Officer for the respondent Nos. 1 to 4 and Shri M.S. Dhapate – learned Advocate for respondent No. 5.

2. At the request of learned Advocate for respondent No. 5, S.O. to 20<sup>th</sup> October, 2016.

**MEMBER (J)**

16.09.2016-HDD.doc

**ORIGINAL APPLICATION NO. 381 OF 2016**

**[Nitu M. Chingalwar Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)**

**DATE : 16.09.2016.**

**ORAL ORDER:**

Shri Suhas B. Ghute – learned Advocate for the applicant (**absent**). Shri M.P. Gude – learned Presenting Officer for the respondents, present.

2. At the request of learned Presenting Officer, S.O. to 20<sup>th</sup> October, 2016.

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**MEMBER (J)**

**ORIGINAL APPLICATION NO. 386 OF 2016**

**[Govind D. Tarkase Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)**

**DATE : 16.09.2016.**

**ORAL ORDER:**

Hears Smt. Ashwini Kale, 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. The learned Chief Presenting Officer submits that he will file affidavit in reply during the course of the day and seeks time. Time granted.

3. S.O. to 19<sup>th</sup> October, 2016.

**MEMBER (J)**

16.09.2016-HDD.doc

**ORIGINAL APPLICATION NO. 374 OF 2016**

**[David S. Gantur and Ors. Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)**

**DATE : 16.09.2016.**

**ORAL ORDER:**

Heard Shri Shejul, learned Advocate holding for Shri K.M. Nagarkar – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.

2. The 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 upon the learned Advocate for the applicant.

3. The learned Advocate for the applicant seeks time to file rejoinder affidavit, if any. Time granted.

4. S.O. to 20<sup>th</sup> October, 2016.

**MEMBER (J)**

**16.09.2016-HDD.doc**

ORIGINAL APPLICATION NO.479/2016.

( D.R. Bhalerao Vs. State of Mah. & Ors.)

CORAM : HON<sup>Ø</sup>BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

None present for the applicant. Smt PR Bharaswadkar,  
learned Presenting Officer for the Respondents no. 1 to 3.

2. Smt. S.R. Bhilegaonkar, files Vakalatnama on behalf of  
Respondent no.4 i.e. Amol Hari Bhalegao. Same is taken on record.

3. Learned P.O. seeks time to file reply affidavit. Time granted.

4. S.O. 20.10.2016.

MEMBER

(J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION No.503/2016.

( B.M. Ghaywat Vs. State of Mah. & Ors.)

CORAM : HON<sup>Ø</sup>BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

Heard Shri KB Jadhav, learned Advocate for the applicant and Smt PR Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned P.O. submits that, she will file reply affidavit during course of the day.

3. S.O. 6.10.2016.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.508/2016.

( Dr. SR Phadnis Vs. State of Mah. & Ors.)

CORAM : HON<sup>Ø</sup>BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

Heard Shri MS Dhapate, learned Advocate holding for Shri RP Bhumkar, learned Advocate for the applicant and Shri DR Patil, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 20.10.2016.

MEMBER (J)

08.09.2016-ATP (SB)



ORIGINAL APPLICATION NO.585/2016.

( PM Raner Vs. State of Mah. & Ors.)

CORAM : HON<sup>BLE</sup> SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

None present for the applicant. Heard Shri , learned Presenting Officer for the Respondents no.1 to 4 and Shri AS Deshmukh, learned Advocate for the Respondent no.5.

2. Learned C.P.O. for the Respondents no.1 to 4 and Shri AS Deshmukh, learned Advocate for the Respondent no.5 seek time to file reply affidavits. Time granted.

3. S.O. 17.10.2016.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.650/2016.

(RK Ratnaparkhi Vs. State of Mah. & Ors.)

CORAM : HON<sup>BLE</sup> SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

Heard Shri AS Deshmukh, learned Advocate for the applicant and Smt PR Bharaswadkar, learned Presenting Officer for the Respondents.

2. At the request of the learned P.O. Smt. PR Bharaswadkar, the matter is adjourned till Monday i.e. on 19.9.2016. Hence, S.O. to 19.9.2016.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.662/2016.

( Dr. LP Durgawad Vs. State of Mah. & Ors.)

CORAM : HON<sup>BLE</sup> SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

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

2. Learned C.P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 30.9.2016.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.692/2016.

( PT Vaichal Vs. State of Mah. & Ors.)

CORAM : HON<sup>BLE</sup> SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

Heard Shri AS Deshmukh, learned Advocate for the applicant and Smt PR Bharaswadkar, learned Presenting Officer for the Respondents.

2. The only relief claimed in this OA is that, the D.E. which is pending since 2008 shall be completed within stipulated period. Learned P.O. is directed to take instructions as to within how many days the said D.E. will be completed and file a short affidavit to that effect.

3. S.O. to 3.10.2016.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.694/2016.

( S. K. Gaikwad Vs. State of Mah. & Ors.)

CORAM : HON<sup>BLE</sup> SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

Heard Shri SR Sapkal, learned Advocate for the applicant and Shri SK Shirse, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant files service affidavit. Same is taken on record. The learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 20.10.2016.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.701/2016.

(BS Narwade Vs. State of Mah. & Ors.)

CORAM : HON<sup>Ø</sup>BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

Heard Shri VB Wagh, learned Advocate for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. The only relief claimed by the applicant in this O. A. is for direction to the Respondent no.1 to give approval to the recommendation of the Civil Services Board for the transfer of the applicant from the office of Senior Geologist, G.S.D.A., Jalna to the office of Senior Geologist, G.S.D.A. Aurangabad on the post of Senior Clerk as per the proposal dated 6.6.2016. The said proposal dated 6.6.2016 is pending. The learned C.P.O. is therefore, directed to take instructions on it as to within how many days the decision will be taken on the said proposal dated 6.6.2016.

3. S.O. to 3.10.2016.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.711/2016.

( Shri O.D. Mane Vs. State of Mah. & Ors.)

CORAM : HON<sup>BLE</sup> SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri DR Patil, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.
3. S.O. to 3.10.2016.

MEMBER (J)

08.09.2016-ATP (SB)

MA NO.285/2016 WITH MA 144/16 IN OA ST.NO.1950/15.

(NG Jadhav & Ors. Vs. State of Mah. & Ors.)

CORAM : HON<sup>BLE</sup> SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

Heard Shri SD Dhongde, learned Advocate for the applicant and Smt RS Deshmukh, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of Respondent no.2 in M.A. Same is taken on record. Its copy is served on the applicant. She seeks time to file reply affidavit on behalf of other respondents, if necessary.

3. S.O. to 7.10.2016.

MEMBER (J)

08.09.2016-ATP (SB)



MA NO.383/13 IN OA ST.NO.1287/2015.

(SV Jadhav Vs. State of Mah. & Ors.)

CORAM : HON<sup>BLE</sup> SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

Heard Shri SR Patil, learned Advocate for the applicant and Smt RS Deshmukh , learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the Applicant, S.O. to 21.10.2016.

MEMBER (J)

08.09.2016-ATP (SB)

MA NO.46/16 IN OA ST.NO.1938/2015.

(RS Khodade Vs. State of Mah. & Ors.)

CORAM : HON<sup>BLE</sup> SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

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

2. Learned P.O. seeks time to file reply affidavit in M.A. Time granted.

3. S.O. to 24.10.2016.

MEMBER (J)

08.09.2016-ATP (SB)

M.A.NO.80/2016 IN OA ST.NO.157/2016.

( BS Bawiskar Vs. State of Mah. & Ors.)

CORAM : HON<sup>BLE</sup> SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

Heard Shri BN Patil, learned Advocate for the applicant and Smt DS Deshmukh, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of Respondent no.4. Same is taken on record. Its copy is served on the applicant. She seeks time to file reply on behalf of other respondents. Time granted.

3. S.O. 24.10.2016.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION No.496/2012.

(SD Waghmare Vs. State of Mah. & Ors.)

CORAM : HON<sup>Ø</sup>BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

None present for the applicant. Shri NU Yadav, learned Presenting Officer for the Respondents.

2. Since nobody appears for the applicant, S.O. to 21.10.2016 for final hearing.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION No.98/2014.

( SR Shaikh Vs. State of Mah. & Ors.)

CORAM : HON<sup>BLE</sup> SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

Heard Shri PB Rakhunde, learned Advocate holding for Shri SB Bhapkar, learned Advocate for the applicant and Shri SK Shirse, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 27.9.2016 for final hearing.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION No.542/2014.

(SK Kulkarni Vs. State of Mah. & Ors.)

CORAM : HON<sup>BLE</sup> SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

Heard Miss PR Wankhade, learned Advocate for the applicant and Shri NU Yadav, learned Presenting Officer for the Respondents.

2. The learned P.O. files short affidavit on behalf of Respondents no.1 to 3 in view of the observations made in order dated 23.8.2016. The same is taken on record. Its copy is served on the applicant.

3. The learned Advocate for the applicant submits that, she will go through the short affidavit and seeks time. Time granted.

4. S.O. to 7.10.2016. Treated as Part Heard.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION No.36/2015.

( RG Jakulwar Vs. State of Mah. & Ors.)

CORAM : HON<sup>BLE</sup> SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

None present for the applicant. Heard Shri MP Gude, learned Presenting Officer for the Respondents.

2. As per order dated 04.08.2016 learned P.O. was directed to take instructions as to whether the criminal case is still pending and also the status of the inquiry.

3. Learned P.O. placed on record copy of the communication dated 7.9.2016, which is marked at Exh.X for the purpose of identification. From which it seems that, criminal case under Sections 409, 201 IPC is pending and the same has been fixed on 13.10.2016 for evidence.

4. S.O. to 7.10.2016.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION No.280/2016.

(Vijaykumar Pandurang Kulkarni Vs. State of Mah. & Ors.)

CORAM : HON<sup>Ø</sup>BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

Heard Shri AS Deshmukh, learned Advocate for the applicant and Shri NU Yadav, learned Presenting Officer for the Respondents.

2. The applicant has retired on superannuation on 31.7.2016 during pendency of this O.A. The learned Advocate for the applicant submits that, in the similar case the superior Officer of the applicant namely Dnyaneshwar Ramrao Jadhav has filed OA No.236/2016 and the same was disposed of by this Tribunal vide order dated 16.6.2016 with liberty to file representation for revocation of suspension. The learned Advocate for the applicant submits that the O.A. shall be disposed of in terms of those directions in OA No.236/2016.

3. The learned P.O. submits that still D.E. is pending against the applicant and charge sheet in the D.E. has been served.

4. All the above circumstances can be considered by the Respondents if the representation is filed, according to its own merits and as per rules. Since the applicant has already retired on superannuation this OA becomes infructuous. Therefore, the OA is disposed of with following directions :-

i .2.

-2- ORIGINAL APPLICATION No.280/2016.

i) The applicant is given liberty to file representation for considering regularization of his suspension period or for other reliefs, and if such representation is filed the respondent authority shall consider the same in view of the facts and circumstances and in view of the guidelines issued by Govt. vide G.R. dated 14.10.2011 and also in view of the guidelines issued



by Hon'ble Apex Court from time to time, under which the employee can be kept under suspension. If the representation is filed, the same shall be decided within one month from the date of this order.

ii) No order as to costs.

MEMBER (J)

08.09.2016-ATP (SB)

MA NO.536/15 IN OA ST.NO.1422/2015.

(SV Jagtap Vs. State of Mah. & Ors.)

CORAM : HON<sup>BLE</sup> SHRI J.D. KULKARNI, MEMBER (J).

DATE :--16.09.2016.

ORAL ORDER:-

Heard Shri PB Patil, learned Advocate for the applicant and Smt SK Ghate Deshmukh , learned Presenting Officer for the Respondents.

2. Issue notice to the respondents in M.A., returnable on 21.10.2016.
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 Rev. Application. 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.

-2- MA NO.536/15 IN OA ST.NO.1422/2015.

7. S.O. 3.10.2016.

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

MEMBER (J)

08.09.2016-ATP (SB)

**ORIGINAL APPLICATION NO. 726/2016**

**(Dattatray B. Kharat Vs. The State of Mah. & Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

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

**DATE : 16.09.2016.**

**ORAL ORDER:-**

Heard Shri K.B. Jadhav, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. The applicant has applied for the post of Clerk-Typists (Marathi) as per the advertisement dated 8.7.2015. It is stated that the applicant and respondent no. 3 both are contestant from O.B.C.-General category and both got 168 marks each in written examination out of 200 marks. It is stated that the name of respondent no. 3 has been recommended; whereas the applicant's name is not recommended. The G.R. dated 27.06.2008 has been followed which gives preference to the person who is highly qualified. However, in the G.R. dated 5.10.2015, it has been clearly mentioned that the person who is senior in age shall be considered in case the candidates got equal marks. The applicant's date of

birth is 10.12.1981; whereas that of respondent no. 3 is 4.11.1986 and therefore, applicant should have been preferred. The material point to be considered in this case is whether the G.R. dated 5.10.2015, is applicable or whether that earlier G.R. dated 27.06.2008 will be applicable?

3. Admittedly, the modified G.R. has been issued on 5.10.2015 i.e. after the advertisement was published. In View thereof, it is necessary to obtain say of the respondents and unless the respondents are heard, it will be not proper to pass any interim order.

4. The learned Advocate for the applicant submits that the G.R. dated 5.10.2015 has been issued in view of the some directions given by the Hon'ble High Court in W.P. No. 4723/2013. In the peculiar circumstances, whether the said judgment and the G.R. is applicable to the present set of facts will have to be considered on merits. In view thereof, if the appointment is made, as per the advertisement dated 8.7.2015 to the post of Clerk-Typists (Marathi) for O.B.C.-General it shall be subject to outcome of this O.A.

5. Hence, issue notices to the respondents, returnable on 17.10.2016.

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

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

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

//4//

O.A. NO. 726/2016

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

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

11. S.O. to 17.10.2016.

**MEMBER (J)**

16.09.2016-KPB(DB)

**ORIGINAL APPLICATION NO. 730/2016**

**(Dipak K. Bahir Vs. The State of Mah. & Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

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

**DATE : 16.09.2016.**

**ORAL ORDER:-**

Heard Shri N.K. Tungar, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The applicant in response to advertisement dated 26.08.2014 has applied for the post of Clerk- Typist. It is stated that 5% posts are reserved out of 130 posts for Project Affected Persons. The applicant has applied from the said category of Project Affected Person and his application clearly states that he belongs to ESBC- Economically and Socially Backward Category.

3. According to the applicant, merit list was published in which the applicant was shown as person belongs to General Category, but not to the category of "Project Affected Person". In fact, the some candidates have been clearly shown belonging to Project Affected



Category. In the merit list, the candidates who are shown Project Affected Persons have got less marks than the applicant. Had the applicant being shown as candidate of Project Affected Category, his name should have appeared in the merit list and therefore, the applicant is claiming stay to the further proceeding of selection of post of Clerk-Typist.

4. In order to know as to why the applicant's name has not been shown in the Project Affected Category, it is necessary to obtain say of the respondents.

5. The selection process so far as to the post of Clerk-Typist from Project Affected Category shall be subject to outcome of the present O.A.

6. The learned Advocate for the applicant submits that he be permitted to add the persons selected to call for verification of documents as party respondents. He is permitted to do so.

7. Hence, issue notices to the respondents, returnable on 18.10.2016.

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

9. 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.

10. 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.

11. 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.

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O.A. No. 730/2016

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

13. S.O. to 18.10.2016.

**MEMBER (J)**

16.09.2016-KPB(DB)

**ORIGINAL APPLICATION NO. 191/2015**

**(Smt. Surekha C. Hazari Vs. The State of Mah. & Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

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

**DATE : 16.09.2016.**

**ORAL ORDER:-**

Heard Ms. Ashwini Kale, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 1 to 4. It is taken on record and the copy thereof has been served upon the learned Advocate for the applicant.

3. The learned Advocate for the applicant seeks time to go through the said affidavit in reply and will file rejoinder affidavit, if necessary. Time granted.

4. S.O. to 19.10.2016.

**MEMBER (J)**

**M.A. 356/2016 IN C.P. St. 1518/2016 IN O.A.NO. 396/1998**

**(C.G. Seth & Ors. Vs. State of Mah. & Ors.)**

**CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)**  
**(This matter is placed before the Single Bench**  
**due to non-availability of Division Bench.)**

**DATE : 16-09-2016**

**ORAL ORDER :-**

1. Heard Shri Girish Nagori – learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. The applicant is alleging for noncompliance of the order passed in O.A. No. 396/1998 decided on 4.12.2015. It is stated that the said order is not yet complied. The applicant is seeking permission to file Contempt Petition.

3. In view thereof, issue notices to the respondents in M.A. returnable on 17.10.2016.

**MEMBER (J)**

16.09.2016-KPB (DB)

**M.A. 357/2016 IN C.P. St. 1644/2016 IN O.A.NO. 663/2014**

**(C.G. Seth & Ors. Vs. State of Mah. & Ors.)**

**CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)**  
**(This matter is placed before the Single Bench**  
**due to non-availability of Division Bench.)**

**DATE : 16-09-2016**

**ORAL ORDER :-**

1. Heard Shri V.B. Wagh- learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. In O.A. No. 663/2014, the direction was given as per paragraph no. 4 as under:-

*“5. We therefore, direct that if the post of Stenographer reserved for S.T. is still vacant, the respondents may take action to fill up the same within a period of three months from the date of this order by issuing advertisement and give adequate publicity to that advertisement.”*

3. The learned Advocate for the applicant submits that the post reserved for S.T. Stenographer is still vacant.

3. In view thereof, issue notices to the respondents in M.A. returnable on 17.10.2016.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 729/2016**

**(Lalaji B. Diwane Vs. State of Mah. & Ors.)**

**CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

**DATE : 16.09.2016.**

**ORAL ORDER**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. The applicant has challenged the order dated 12.09.2016, whereby he has been transferred from the post of Range Forest Officer (T.), Hingoli Forest Division to the post of Plantation Officer, Paranda Social Forestry Division, Dist. Osmanabad. It is stated that the said order is mid-term, since the same has been passed in the month of September. Perusal of the order shows that the order is mid-term and the same has been passed as per the provisions of Section 4(4) and 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short Transfer Act 2005).

3. The learned Advocate for the applicant submits that the respondent no. 4 Shri B.B. Deore, was earlier transferred but he has challenged his order of transfer in O.A.

No. 437/2016 and got it withdrawn on 2.9.2016 and the impugned order has been passed only with an intention to accommodate the applicant. However, on this count the O.A. will be considered on merits, prima-facie the order seems to have been issued under the provisions of Section 4(4) and 4(5) of the Transfer Act, 2005 and therefore, issue notices to the respondents, returnable on 03.10.2016.

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.

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.



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O.A. No. 729/2016

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. Steno copy and Hamdast is allowed to both parties.

9. S.O. to 03.10.2016.

**MEMBER (J)**

16.09.2016-KPB(SB)

**ORIGINAL APPLICATION NO. 471/2016**

**(Smt. Pratibha S. Desale Vs. State of Mah. & Ors.)**

**CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

**DATE : 16.09.2016.**

**ORAL ORDER**

Heard Smt. Ujjwal Agarwal, learned Advocate holding for Shri B.R. Warma, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the Respondents.

2. The applicant is Police Patil of village Dahivad (Bu.) Taluka Amalner Dist. Jalgaon. She has been kept under suspension vide impugned order dated 18.03.2016. According to the applicant, the show cause notice was alleged to be issued to the applicant on 16.11.2013 but in fact, she did not receive that notice. She has also filed application on 19.02.2016 making clear that she has not received the notice and the documents and therefore, requested that the documents be supplied to her. On 9.3.2016, she was directed to collect the documents but the said notice was actually received by her on 23.03.2016 after the impugned order was served. Prior to that, she has filed another application on 14.03.2016 for supply of document but the same was not considered. In fact, the show cause notice was not served in time and no opportunity was given to her to submit say to the notice.

3. It is true that for keeping an employee under suspension, it is not necessary that the employee shall be served show cause notice. However, if the notice is issued by the respondents, it is their duty to consider the defence made out by the employee. In this case, it seems that the show cause notice was not served to the applicant and therefore, the applicant could not keep his case before the competent authority.

4. The learned Presenting Officer submits that the applicant should have filed appeal against the order of suspension. Admittedly, no appeal is filed against the order of suspension.

5. The learned Advocate for the applicant submits that she may be permitted to file appeal and direction may be issued to take decision on the said appeal within the stipulated period. With this request, she has requested that she may be permitted to withdraw the O.A. In view thereof, I pass following order:-

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O.A. NO. 471/2016

**ORDER**

1. The Original Application stands disposed of as withdrawn.
2. The applicant is given opportunity to file appeal against the order of suspension dated 18.03.2016. The applicant will file appeal within a week.
3. If the appeal is filed by the applicant, the respondent authorities shall take decision on said appeal within one month from the date of receipt of such appeal.

There shall be no order as to costs.

**MEMBER (J)**

16.09.2016-KPB(SB)

**ORIGINAL APPLICATION NO. 663 OF 2016**

{Shri Sadanand N. Latpate Vs. State of Mah. & Ors.}

**CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)**  
**(This matter is placed before the Single Bench**  
**due to non-availability of Division Bench.)**

**DATE :- 16.09.2016**

**Oral Order :-**

1. Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri Deepak R. Patil, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply of the respondents. Time granted.
3. S.O. to 20.10.2016. The interim relief to continue till then.

**MEMBER (J)**

ARJ 16.09.2016 (D.B.)

**T.A. NO. 4/2016 (W.P. NO. 3181/2015)**

{Shri Sandip M. Sherkar Vs. State of Mah. & Ors.}

**CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)**  
**(This matter is placed before the Single Bench due to non-availability of Division Bench.)**

**DATE :- 16.09.2016**

**Oral Order :-**

1. Heard Shri P.D. Tambde, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. The learned P.O. for the respondents has already filed affidavit in reply.
3. In that view of the matter and considering the cause made out in the O.A., the same is admitted, with liberty to the applicant to file rejoinder, if any.
4. The Division Bench is not available.
5. The learned Presenting Officer stated that, he has no instructions from the concerned authority to give consent, and therefore, he declines to give consent to dispose of the present matter finally on merits before this Single Bench dealing with the matters of the Division Bench, in the absence of Division Bench, as per the Office Order bearing no. MAT/MUM/ESTT/898/2015, dated 3.3.2015, issued by Hon'ble the Chairman, M. A. T., Mumbai.
6. This matter be placed before the D.B. for final hearing, whenever the same is available.

**MEMBER (J)**

ARJ 16.09.2016 (D.B.)

**MA NO. 183/2016 IN CP ST. 686/2016 IN OA NO. 352/2014**

{Shri Rohidas S. Jadhav Vs. State of Mah. & Ors.}

**CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)**  
**(This matter is placed before the Single Bench due to non-availability of Division Bench.)**

**DATE :- 16.09.2016**

**Oral Order :-**

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

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

3. At the request of learned Advocate for the applicant S.O. to 18.10.2016 for filing rejoinder, if any.

**MEMBER (J)**

ARJ 16.09.2016 (D.B.)

**MA 350/2016 WITH M.A. NO. 424/2015 IN OA NO. 628/2015**

{Shri Vijay W. Chahakar Vs. State of Mah. & Ors.}

**CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)**  
**(This matter is placed before the Single Bench due to non-availability of Division Bench.)**

**DATE :- 16.09.2016**

**Oral Order :-**

1. Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. The learned P.O. for the respondents seeks time to file reply affidavit. Time granted.
3. S.O. to 20.10.2016. The interim relief to continue till then.

**MEMBER (J)**

ARJ 16.09.2016 (D.B.)