

M.A. NO. 354/2016 IN OA ST. 1621/2016

(Shri Mohan R. Chaudhary Vs. the State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

1. Heard Shri A.D. Sugdare, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. Issue notice before admission to the respondents in M.A., returnable on 7.11.2016.
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 M.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. 7.11.2016.
8. Steno copy & hamdust allowed to both the parties.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

M.A. NO. 362/2016 IN OA ST. 1651/2016

(Shri Gopal D. Muley & Ors. Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

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

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

3. For the reasons stated in the M.A. and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid multiplicity, leave to sue jointly is granted, subject to payment of court fee stamps, unless it is paid already.

4. M.A. stands disposed of accordingly. There shall be no order as to costs.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

OA ST. 1651/2016

(Shri Gopal D. Muley & Ors. Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

1. Heard Shri A.S. Deshmukh, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. Issue notice before admission to the respondents, returnable on 7.11.2016.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. 7.11.2016.
8. Steno copy & hamdust allowed to both the parties.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

M.A. NO. 363/2016 IN OA ST. 1653/2016

(Shri Vasant T. Chobe & Ors. Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

1. Heard Shri A.S. Deshmukh, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

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

3. For the reasons stated in the M.A. and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid multiplicity, leave to sue jointly is granted, subject to payment of court fee stamps, unless it is paid already.

4. M.A. stands disposed of accordingly. There shall be no order as to costs.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

OA ST. 1653/2016

(Shri Vasant T. Chobe & Ors. Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

1. Heard Shri A.S. Deshmukh, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. Issue notice before admission to the respondents, returnable on 7.11.2016.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. 7.11.2016.
8. Steno copy & hamdust allowed to both the parties.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

M.A. NO. 364/2016 IN OA ST. 1658/2016

(Shri Nakul S. Mhaske & Ors. Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

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

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

3. For the reasons stated in the M.A. and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid multiplicity, leave to sue jointly is granted, subject to payment of court fee stamps, unless it is paid already.

4. M.A. stands disposed of accordingly. There shall be no order as to costs.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

OA ST. 1658/2016

(Shri Nakul S. Mhaske & Ors. Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

1. Heard Shri A.S. Deshmukh, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. Issue notice before admission to the respondents, returnable on 7.11.2016.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. 7.11.2016.
8. Steno copy & hamdust allowed to both the parties.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

OA NO. 472/2015

(Shamsundar M. Choudhari Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

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. This O.A. has been filed by the applicant for getting an amount of medical reimbursement bill. The affidavit in reply is also filed by the respondents.

3. Today, the learned P.O. has filed on record one communication dated 26.9.2016 received from res. no. 2, which is taken on record and marked as document 'X' for the purpose of identification. It seems from the said communication that medical reimbursement amounting to Rs. 3,39,559/- has been paid to the applicant through cheque. The Xerox copy of the said cheque is also annexed with the said communication.

4. In view thereof, nothing survives in the O.A. and hence, the same stands disposed of. There shall be no order as to costs.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

OA NO. 13/2016

(Shri Laxman R. Kulkarni Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

1. Heard Shri V.P. Golewar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply. Time granted as a most last chance.
3. S. O. to 13.10.2016.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

OA NO. 254/2016

(Sk. Hamid Dagdumiya & Ors. Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

1. Heard Shri Vivek Pingle, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply. Time granted.
3. S. O. to 27.10.2016.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

OA NO. 279/2016

(Shri Kalyan S. Pawar Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

1. Heard Shri Vivek Pingle, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply. Time granted.
3. S. O. to 27.10.2016.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

OA NO. 336/2016

(Shri Gokulsing E. Patil Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

1. Heard Shri Ajay D. Pawar, learned Advocate for the applicant, Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent nos. 1 to 3 and Shri S.S. Kulkarni, learned Advocate for respondent no. 4.

2. Shri Kulkarni, learned Advocate has filed affidavit in reply on behalf of res. no. 4. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. It seems from the record that res. nos. 1 to 3 have already filed affidavit in reply on record.

4. 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.

5. S.O. to 27.10.2016 for final hearing.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

OA NO. 337/2016

(Shri Shriram J. Shelke Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

1. Heard Shri Ajay D. Pawar, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 to 3 and Shri M.G. Biradar, learned Advocate holding for Shri G.A. Nagori, learned Advocate for respondent no. 4.

2. The learned Advocate for res. no. 4 submits that, he will file reply on behalf of res. no. 4 on the next date and also supply copy thereof to the learned Advocate for the applicant.

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.

5. S.O. to 27.10.2016 for final hearing.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

OA NO. 383/2016

(Shri Anil G. Tayade Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

1. Heard Shri Ajay D. Pawar, learned Advocate for the applicant, Smt. Sanjivani Deshmukh - Ghate, learned Presenting Officer for the respondent nos. 1 to 3 and Shri V.M. Jaware, learned Advocate for respondent no. 4.

2. The learned Advocate for res. no. 4 has filed affidavit in reply on behalf of res. no. 4. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. It seems from the record that res. nos. 1 to 3 have already filed affidavit in reply on record.

4. 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.

5. S.O. to 27.10.2016 for final hearing.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

OA NO. 429/2016

(Dr. Shripati K. Shinde Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 to 5 and Shri D.T. Devane, learned Advocate for respondent no. 6.
2. The learned P.O. as well as learned Advocate for res. no. 6 seeks time to file affidavits in replies on behalf of respective respondents. Time granted.
3. S.O. to 26.10.2016.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

OA NO. 473/2016

(Dr. Govind K. Reddy Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply. Time granted.
3. S.O. to 27.10.2016. The interim relief to continue till filing of affidavit in reply by the respondents.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

OA NO. 516/2016 with CAVEAT NO. 284/2016

(Shri A.G. Deshmukh Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

1. Heard Shri J.B. Choudhary, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 to 3 and Shri A.S. Deshmukh, learned Advocate for respondent no. 4.

2. Shri Deshmukh, learned Advocate has filed affidavit in reply on behalf of res. no. 4. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The learned Advocate for the applicant has filed rejoinder to the affidavit in reply filed by res. nos. 1 to 4. It is taken on record and copy thereof has been served upon the learned P.O. for the respondents.

4. 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.

5. S.O. to 8.11.2016 for final hearing.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

OA NO. 563/2016

(Shri Devidas K. Kardule Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

1. Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The learned P.O. has filed separate affidavits in replies on behalf of res. nos. 1 to 3 & 4. The same are taken on record and copies thereof have been served upon the learned Advocate for the applicant.

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. S.O. to 8.11.2016 for final hearing.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

OA NO. 565/2016

(Shri Ashok R. Kotwal Vs. The State of Mah. & Ors.)

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 27.09.2016

Oral Order :-

1. Heard Shri Vivek Pingle, learned Advocate for the applicant, Smt. Sanjivani Deshmukh - Ghate, learned Presenting Officer for the respondents.

2. The learned P.O. seeks time to file affidavit in reply on behalf of the res. nos. 1 to 4. Time granted.

3. S.O. to 8.11.2016.

MEMBER (J)

ARJ 27.09.2016 (S.B.)

3. Learned Advocate for the applicant submits that the applicant was getting provisional pension during the pendency of the criminal trial against him but since last three months the said pension is also stopped and therefore, he has requested that he may be granted provisional pension and the impugned order dated 27.07.2016 be stayed. The notices are already served with the respondents and the respondents have to file affidavit in reply.

4. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents.

5. The respondents are directed to file affidavit in reply within three weeks without fail. In the mean time, the impugned order dated 27.7.2016 is stayed. The respondents are also directed to make a statement as to why the provisional pension has been stopped.

6. S.O. to 20.10.2016.

MEMBER (J)

27.09.2016- Kpb(SB)

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

**M.A. No. 373/2016 in O.A. St. No. 1721/2016
[H.M. Kumbhar Vs. The State of Mah. & Ors.]**

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

DATE : 27.09. 2016.

ORAL ORDER:

Heard Shri Harshal P. Randhir, learned Advocate holding for Shri Vinod Patil- learned Advocate for the Applicant and Shri I.S. Thorat – learned Presenting Officer for respondents.

2. Issue notices to the respondents in M.A., returnable on 10.11.2016.

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 M.A.. 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)

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M.A. No. 373/2016 in
O.A. St. No. 1721/2016

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. Steno copy and Hamdast is allowed to both parties.

8. S.O. to 10.11.2016.

27.09.2016- Kpb(SB)

MEMBER (J)

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

ORIGINAL APPLICATION NO. 518 OF 2012

[V.F. Jondhale & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 27.09. 2016.

ORAL ORDER:

Heard Shri A.D. Gadekar – learned Advocate for the Applicant and Shri M.P. Gude – learned Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that he will think over to withdraw the O.A. on the next date and hence, seeks time. Time granted.

3. S.O. to 13.10.2016.

MEMBER (J)

27.09.2016- Kpb(SB)

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

ORIGINAL APPLICATION NO. 519 OF 2012

[Manik W. Ghodekar Vs. The State of Mah. & Ors.]

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

DATE : 27.09. 2016.

ORAL ORDER:

Heard Shri A.D. Gadekar – learned Advocate for the Applicant and Smt. Sanjivani K. Dehmukh-Ghate – learned Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that he will think over to withdraw the O.A. on the next date and hence, seeks time. Time granted.

3. S.O. to 13.10.2016.

MEMBER (J)

27.09.2016- Kpb(SB)

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

ORIGINAL APPLICATION NO. 338 OF 2013

[Hari N. Bhole & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 27.09. 2016.

ORAL ORDER:

Heard Shri A.D. Gadekar – learned Advocate for the Applicant and Smt. Deepali S. Deshpande – learned Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that he will think over to withdraw the O.A. on the next date and hence, seeks time. Time granted.

3. S.O. to 13.10.2016.

MEMBER (J)

27.09.2016- Kpb(SB)

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

ORIGINAL APPLICATION NO. 205 OF 2013

[Babu S Londhe Vs. The State of Mah. & Ors.]

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

DATE : 27.09. 2016.

ORAL ORDER:

Heard Shri D.N. Gilche, learned Advocate for the Applicant and Shri M.P. Gude – learned Presenting Officer for respondents.

2. As per order dated 8.9.2016, learned Presenting Officer was directed to take instructions as regards proposal/communication dated 14.09.2004.

3. Learned Presenting Officer seeks time to make a statement in this regard. Time granted.

4. S.O. to 14.10.2016.

27.09.2016-Kpb(DB)

MEMBER (J)

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

ORIGINAL APPLICATION NO. 647 OF 2013

[Dilip M. Kulkarni Vs. The State of Mah. & Ors.]

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

DATE : 27.09.2016.

ORAL ORDER:

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 3. It is taken on record and copy thereof has been served upon learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 20.10.2016.

27.09.2016-Kpb(DB)

MEMBER (J)

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

ORIGINAL APPLICATION NO. 707 OF 2013

[Dr. Rekha A. Salunkhe Vs. The State of Mah. & Ors.]

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

DATE : 27.09. 2016.

ORAL ORDER:

Heard Shri S.S. Shinde, learned Advocate holding for Shri H.P. Jadhav, learned Advocate for the Applicant and Shri N.U. Yadav – learned Presenting Officer for respondents.

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

3. S.O. to 08.11.2016.

MEMBER (J)

27.09.2016-Kpb(DB)

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

ORIGINAL APPLICATION NO. 708 OF 2013

[Dr. Rekha A. Salunkhe Vs. The State of Mah. & Ors.]

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

DATE : 27.09. 2016.

ORAL ORDER:

Heard Shri S.S. Shinde, learned Advocate holding for Shri H.P. Jadhav, learned Advocate for the Applicant and Shri V.R. Bhumkar – learned Presenting Officer for respondents.

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

3. S.O. to 08.11.2016.

MEMBER (J)

27.09.2016-Kpb(DB)

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

**O.A. Nos. 269, 270, 271, 272, 273, 274 and 275 ALL OF 2016
[S.C. Patil & Ors. Vs. The State of Mah. & Ors.]**

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

DATE : 27.09. 2016.

ORAL ORDER:

Heard Shri S.D. Joshi, learned Advocate for the Applicants in all the matters, Shri M.P. Gude, Smt. Sanjivani K. Deshmukh-Ghate, Smt. Deepali S. Deshpand, S/Shri D.R. Patil, I.S. Thorat, V.R. Bhumkar and S.K. Shirse learned Presenting Officers for respondent nos. 1 to 3 in respective O.As, Shri S.B. Sant, learned Advocate for respondent no. 4 in O.A. No. 274, Shri Sudhir Bhalerao, learned Advocate for respondent no. 4 in O.A. Nos. 269/16, 271/16 and Shri Vaibhav Patil, learned Advocate for respondent no. 4 in O.A. No. 272/16 and 273/16.

2. The learned Presenting Officers seeks time to file short affidavit in reply in reply. Time granted as a last chance.

3. S.O. to 07.10.2016.

MEMBER (J)

27.09.2016-Kpb(DB)

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

ORIGINAL APPLICATION NO. 204 OF 2015

[Sanjay D. Deshpande Vs. The State of Mah. & Ors.]

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

DATE : 27.09.2016.

ORAL ORDER:

Shri G.G. Suryawanshi, learned Advocate for the Applicant (**Absent**). Smt. Resha S. Deshmukh – learned Presenting Officer for respondents, present.

2. It seems that after the matter was transferred to Single Bench in view of the Circular dated 28/29.1.2016, the matter came up for hearing on 25.4.2016 and thereafter, on 24.6.2016 when none appeared for the applicant. Thereafter, the matter was again taken up for hearing on 2.9.2016 when nobody appeared for the applicant. Considering the fact that the matter was concerning compassionate appointment a last chance was granted in the interest of justice and the matter was posted today.

3. Today also, nobody appeared for the applicant. It seems that the applicant may not be interested in prosecuting the O.A. and hence, the same stands dismissed in default with no order as to costs.

MEMBER (J)

27.09.2016-Kpb(DB)

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

ORIGINAL APPLICATION NO. 792 OF 2015

[Dr. Prasad V. Kulkarni & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 27.09. 2016.

ORAL ORDER:

Shri Vishal Dhoble, learned Advocate for the Applicant and Smt. Deepali S. Deshpande – learned Presenting Officer for respondents.

2. S.O. to 26.10.2016. Interim relief to continue till then.

27.09.2016-Kpb(DB)

MEMBER (J)

ORIGINAL APPLICATION NO. 569 OF 2016

[Subhash C. Dahale Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 27.09. 2016.

ORAL ORDER:

Heard Shri D.D. Choudhari – learned Advocate for the Applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 8th November, 2016.

MEMBER (J)

27.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 712 OF 2016

[Ashok Vasantryao Dahiwal Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 27.09. 2016.

ORAL ORDER:

Heard Shri Manoj Shelke, learned Advocate holding for Shri S.M. Mundlik – learned Advocate for the Applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. Learned Presenting Officer submits that he has not received copy of the Original Application.
3. The learned Advocate for the applicant submits that he will supply the copy of the O.A. today itself.
4. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
5. S.O. to 10th November, 2016.

MEMBER (J)

27.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 648 OF 2016

[Ahmednagar Zilla Van Kamgar Union Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 27.09. 2016.

ORAL ORDER:

Shri A.S. Shelke – learned Advocate for the Applicant (**absent**). Mrs. Priya R. Bharaswadkar – learned Presenting Officer for respondent No. 1, Shri S.S. Shinde, learned Advocate holding for Shri Vivek Bhavthankar – learned Advocate for respondent Nos. 2 to 4. None appears for the other respondents.

2. Learned Presenting Officer, as well as, learned Advocate for respondent Nos. 2 to 4 seek time to file affidavit in reply. Time granted.

3. S.O. to 9th November, 2016.

MEMBER (J)

27.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 631 OF 2016

[Vaidya Ujwala D/o. Ashokrao Jadhao Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 27.09. 2016.

ORAL ORDER:

Shri Tukaram M. Venjane – learned Advocate for the Applicant (**absent**). Shri D.R. Patil – learned Presenting Officer for the respondents, present.

2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 9th November, 2016.

MEMBER (J)

27.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 586 OF 2016

[Ramchandra M. Baviskar Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 27.09. 2016.

ORAL ORDER:

Heard Shri A.D. Sugdare – learned Advocate for the Applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 9th November, 2016.

MEMBER (J)

27.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 571 OF 2016

[Vishnu Karbhari Hagwane Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 27.09. 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. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 8th November, 2016.

MEMBER (J)

27.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 658 OF 2016

[Mahendra Eknath Mali Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 27.09. 2016.

ORAL ORDER:

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

2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 9th November, 2016.

MEMBER (J)

27.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 659 OF 2016

[Deepak Santosh Patil Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 27.09. 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. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 9th November, 2016.

MEMBER (J)

27.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 660 OF 2016

[Namdeo Ramchandra Patil Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 27.09. 2016.

ORAL ORDER:

Heard Shri V.B. Wagh – learned Advocate for the Applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 9th November, 2016.

MEMBER (J)

27.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 693 OF 2016

[Dattatraya Maruti Borude Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 27.09. 2016.

ORAL ORDER:

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

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

3. S.O. to 9th November, 2016. Interim order passed by this Tribunal earlier to continue till then.

MEMBER (J)

27.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 721 OF 2016

[Pradeep Vishwambharrao Marwale Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 27.09. 2016.

ORAL ORDER:

Heard Shri V.B. Wagh – learned Advocate for the Applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 9th November, 2016. Interim order passed by this Tribunal earlier to continue till then.

MEMBER (J)

27.09.2016-HDD(DB).doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.318/2016

(N.E.Wagh V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 27-09-2016.

ORAL ORDER:-

Heard Shri C.J.Jadhav learned Advocate for the applicant, Smt. Deepali Deshpande learned Presenting Officer for respondent nos.1 to 3 and Shri S.D.Joshi learned Advocate for respondent no.4.

2. Learned Advocate files reply on behalf of respondent no.4. It is taken on record. Copy thereof has been served on the other side.

3. S.O. 27-10-2016.

ds yuk sb

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.468/2016

(P.S.Ghodke V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 27-09-2016.

ORAL ORDER:-

Shri Nilesh Patil learned Advocate for the applicant is **absent**. Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Learned P.O. files affidavit in reply on behalf of the respondent nos.2 and 3. It is taken on record. She undertakes to serve copy of the reply on the other side.

3. S.O. 27-10-2016.

MEMBER (J)

ds yuk sb

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.376/2016 IN O.A.No.633/2016

(R.S.Goski V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 27-09-2016.

ORAL ORDER:-

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

2. M.A. has been filed for amendment in the O.A. Proposed amendment may not change the nature of the relief claimed in the O.A., and therefore, it is allowed in the interest of justice and equity.

3. Learned Advocate for the applicant shall carry out the amendment forthwith. Accordingly, M.A. stands disposed of.

MEMBER (J)

ds yuk sb

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION No.633/2016
(R.S.Goski V/s. The State of Mah. & Ors.)

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

DATE : 27-09-2016.

ORAL ORDER:-

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

2. In this O.A. applicant has challenged the impugned order of transfer dated 31-05-2016 passed by respondent no.1 whereby the applicant has been transferred from the post of Senior Geologist, G.S.D.A., Ahmednagar to G.A.D.A., Latur. Main contention of the applicant is that post at Latur was not vacant, and therefore, he was not relieved from the post, and therefore, he claimed stay to the impugned order.

3. Instead of issuing notice in the matter, learned P.O. was directed vide order dated 12-08-2016 to state as to whether the post at Latur has become vacant or not. Learned P.O. was earlier directed to take instruction as to why the applicant was not accommodated at Latur.

4. This order was passed on 12-08-2016 but no instruction was taken till 01-09-2011 when the matter came up on board. Thereafter, O.A. was fixed today. Today, learned P.O. has placed on record one communication dated 26-09-2016 along with order dated 23-09-2016, which is collectively marked as Exhibit "X" and further submitted that the applicant has been relieved after office hours on 26-09-2016.

5. It seems from order dated 23-09-2016 that Shri Shaikh, Senior Geologist in the office of G.S.D.A., Latur has been transferred to Osmanabad, and therefore, post at Latur become vacant. In view of this vacancy, applicant has been relieved.

6. Learned Advocate for the applicant submits that the applicant has not yet received relieving order and the said order has been passed in his absence without his notice and that too belatedly on 26-09-2016 i.e. yesterday.

7. From the aforesaid facts, it seems to be an admitted fact that the applicant was not relieved when the matter

was taken up for hearing before this Tribunal on 12-08-2016 when the applicant insisted for stay to his order. Today, applicant has amended the O.A. and added paragraph 12-A to 12-I thereby giving additional grounds for considering the case of the applicant for transfer at Nashik.

8. Learned Advocate for the applicant admitted that the applicant has completed his tenure at Ahmednagar. His only claim is that, applicant if relived, as per the order dated 26-09-2016, he will have to join at Latur, immediately. He is occupying Government quarter at Ahmednagar, his daughter is taking education in 5th Standard. Admittedly, this relieving order is mid-term. Alternatively, he submits that even after the applicant is accommodated till the end of the academic year, purpose will be served.

9. Learned Advocate for the applicant has placed reliance on the order passed by Hon'ble the Apex Court reported in [**1994 Supp (2) Supreme Court Cases 666**] in the matter of Director of School Education, Madras &

Others V/s. O. Karuppa Thevan and Another. Relevant observation is as under:

"2. The tribunal has erred in law in holding that the respondent employee ought to have been heard before transfer. No law requires an employee to be heard before his transfer when the authorities make the transfer for the exigencies of administration. However, the learned counsel for the respondent contended that in view of the fact that the respondent's children are studying in school, the transfer should not have been effected during mid-academic term. Although there is no such rule, we are of the view that in effecting transfer, the fact that the children of an employee are studying should be given due weight, if the exigencies of the service are not urgent. The learned counsel appearing for the appellant was unable to point out that there was such urgency in the present case that the employee could not have been accommodated till the end of the current academic year. We, therefore, while setting aside the impugned order of the Tribunal, direct that the appellant should not effect the transfer till the end of the current academic year. The appeal is allowed accordingly with no order as to costs. "

10. It is true that, the applicant is not responsible for whatever delay caused in relieving him. On the contrary, had he been relieved in May/June, 2016 at the time of passing of impugned transfer order, he would not have claimed such extension. Admittedly, nobody is posted in place of applicant at Ahmednagar. Considering this fact, it will be in the interest of justice and equity to continue the applicant at Ahmednagar till reply affidavit is filed by the applicant in this case. Case of the applicant and the defense whatever may come, can be considered on merits.

11. In view thereof, issue notice to the respondents, returnable on 08-11-2016. In the meantime, respondents are directed to allow the applicant to work in his present post at Ahmednagar till filing reply of the respondents.

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

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

14. 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.

15. 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.

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

17. S.O. 08-11-2016.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.607/2016

(A.S.Solanke V/s. The 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 : 27-09-2016.

ORAL ORDER:-

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

2. Learned P.O. prays for time for filing affidavit in reply on behalf of the respondents. Time granted.

3. S.O. 13-10-2016.

ds yuk sb

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.608/2016

(A.S.Solanke V/s. The 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 : 27-09-2016.

ORAL ORDER:-

Heard Shri S.D.Joshi learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Learned P.O. prays for time for filing affidavit in reply on behalf of the respondents. Time granted.

3. S.O. 13-10-2016.

MEMBER (J)

ds yuk sb

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A.No.141/2016 IN C.P.St.No.401/2016 IN
O.A.No.669/2015**

(M.F.Jadhav V/s. The 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 : 27-09-2016.

ORAL ORDER:-

Heard Shri A.S.Deshmukh learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for respondents.

2. Learned P.O. prays for time for filing affidavit in reply on behalf of the respondents. Time granted.

3. S.O. 18-10-2016.

MEMBER (J)

ds yuk sb

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A.No.165/2016 IN C.P.St.No.611/2016 IN
O.A.No.487/2014**

(Dr. S.S.Kulkarni V/s. The 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 : 27-09-2016.

ORAL ORDER:-

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

2. This M.A. has been filed for permission to prosecute the respondents under contempt for non-compliance of the order passed in O.A.No.487/2014 on 15-04-2015. Vide said order, it was declared that the petitioner stood voluntarily retired from Government service from 29-01-2014 pursuant to his notice for voluntary retirement dated 01-11-2013. The respondents were directed to consider the said date of retirement i.e. 29-01-2014 and to extend pensionary benefits of retiring pension as provided under Rule 62(2) and 64 of the Maharashtra Civil Services (Pension) Rules, 1982.

=2=

M.A.No.165/2016 IN C.P.St.No.611/2016 IN
O.A.No.487/2014

3. It seems that the State had filed Writ Petition No.11486/2015 against the said order and Hon'ble Bombay High Court Bench at Aurangabad vide order dated 21-01-2016 was pleased to reject the Writ Petition. In view thereof, there remains nothing for the respondents but to submit papers for regular pension.

4. Learned P.O. submits that he will file a short affidavit mentioning therein about all the steps respondents have taken for making such statement. In view thereof, S.O.14-10-2016.

ds yuk sb

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A.No.198/2016 IN C.P.St.No.746/2016 IN
O.A.No.318/2014**

(I.A.A. Patel V/s. The 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 : 27-09-2016.

ORAL ORDER:-

Heard Shri A.S.Deshmukh learned Advocate for the applicant, Smt. Deepali Deshpande learned Presenting Officer for respondents and Smt. Ujjwal Agarwal learned Advocate holding for Shri Vinod Joshi learned Advocate for respondent no.4.

2. Smt. Ujjwal Agarwal learned Advocate for respondent no.4 files reply on behalf of respondent no.4. It is taken on record. Copy thereof has been served on the other side.

3. At the request of learned P.O., S.O.14-10-2016.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A.No.325/2016 IN C.P.St.No.1514/2016 IN
O.A.No.956/2016**

(A.R.Vyavhare & Ors. V/s. The 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 : 27-09-2016.

ORAL ORDER:-

Heard Shri R.K.Temkar learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for respondents.

2. At the request of learned P.O., S.O. 21.10.2016.

MEMBER (J)

ds yuk sb