

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.360/2016 IN O.A.St.No.1544/2016

(R.B.Pawar 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 : 29-09-2016

ORAL ORDER:-

Heard Shri C.R.Thorat learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Learned Advocate for the applicant requested that in the prayer clause of M.A., it is wrongly mentioned that the applicant is seeking appointment on compassionate and he prays for leave to delete said words.

3. Leave as prayer for is granted. Applicant is allowed to delete unwanted words from the prayer clause, immediately.

4. Issue notice to the respondents in the M.A., returnable on 24-10-2016.

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

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M.A.No.360/2016 IN O.A.St.No.1544/2016

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 M.A. 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. Steno copy and Hamdast is allowed to both parties.

10. S.O. 24-10-2016.

MEMBER (J)

YUK ORAL ORDER 29-09-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.374/2016 IN C.P.St.No.1692/2016 IN
O.A.No.74/2016**

(Dr. M.N.Gude 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 : 29-09-2016

ORAL ORDER:-

Shri G.K.Kshirsagar learned Advocate for the applicant is **absent**. Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Since none present for the applicant, S.O.13-10-2016.

YUK ORAL ORDER 29-09-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.461/2013

(V.V.Paratwagh 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 : 29-09-2016

ORAL ORDER:-

Heard Ku. Bhavana Panpatil learned Advocate holding for Shri S.B.Talekar learned Advocate for the applicant, Shri D.R.Patil learned Presenting Officer for respondent nos.1 to 3. Smt. Geeta Deshpande learned Advocate for respondent no.4 and Ku. Preeti Wankhade learned Advocate for the respondent no.5, are **absent**.

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

3. Since the pleadings are complete, matter is admitted. This case may be kept before Division Bench whenever it is available.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.243/2015 IN C.P.St.No.921/2015 IN
O.A.No.619/2003**

(Siraz Nizamoddin & 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 : 29-09-2016

ORAL ORDER:-

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

2. Learned P.O. files affidavit in reply on behalf of respondent no.3. It is taken on record. Copy thereof has been served on the other side.

3. Learned Advocate for the applicant prays for time for filing affidavit in rejoinder, if necessary. Time granted.

4. S.O.24-10-2016.

YUK ORAL ORDER 29-09-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.171/2016 IN C.P.St.No.626/2016 IN
O.A.No.417/2014**

(P.M.Barde 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 : 29-09-2016

ORAL ORDER:-

Heard Shri V.B.Wagh learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. At the request of learned P.O., **S.O.13-10-2016** for filing affidavit in reply on behalf of the respondents.

MEMBER (J)

YUK ORAL ORDER 29-09-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.336/2016 IN O.A.St.No.1567/2016

(B.P.Gosavi 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 : 29-09-2016

ORAL ORDER:-

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

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

3. S.O.25-10-2016.

MEMBER (J)

YUK ORAL ORDER 29-09-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.324/2016 IN M.A.St.No.1348/2016 WITH
M.A.No.115/2012 IN O.A.No.1179/2009**

(Dr. D.B.Mote & Anr. 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 : 29-09-2016

ORAL ORDER:-

Heard Shri Sham Patil learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

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

3. S.O.20-10-2016.

MEMBER (J)

YUK ORAL ORDER 29-09-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.337/2016 IN C.P.St.No.1547/2016 IN
O.A.No.519/2014**

(A.B.Chavan 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 : 29-09-2016

ORAL ORDER:-

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

2. As per order passed in O.A.No.519/2014 dated 14-07-2015, respondents were directed to reinstate the applicant in service with full back wages.

3. Learned Advocate for the applicant submits that vide order dated 4th December, 2015, applicant has been reinstated in service but till today, back wages and arrears thereof have not been paid.

4. Learned CPO prays for time for filing reply on behalf of the respondents.

5. Learned CPO is directed to take instruction as to in how many days such wages will be paid to the applicant.

6. S.O.17-10-2016.

MEMBER (J)

YUK ORAL ORDER 29-09-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.358/2016 IN O.A.No.414/2015

(A.I.Jarwal/B.B.Thombre 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 : 29-09-2016

ORAL ORDER:-

Heard Shri A.D.Gadekar learned Advocate for the Misc. Applicant (original respondent no.4), Shri N.U.Yadav learned Presenting Officer for respondent nos.1 to 3. Shri S.V.Chandole learned Advocate for respondent no.4 (Original Applicant) is **absent**.

2. Issue notice to the respondents in the M.A., returnable on 25-10-2016.

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

4. 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

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M.A.No.358/2016 IN O.A.No.414/2015

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) 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. 25-10-2016.

MEMBER (J)

YUK ORAL ORDER 29-09-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.379/2016 IN O.A.No.249/2016

(P.R.Rankhamb 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 : 29-09-2016

ORAL ORDER:-

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

2. Learned P.O. files affidavit in reply in the O.A. on behalf the respondents. It is taken on record. Copy thereof has been served on the other side.

3. By filing M.A.No.379/2016 applicant has challenged show cause notice dated 21-09-2016 and requested that the said notice be quashed and set aside and in the meantime, it may be stayed.

4. Vide impugned show cause notice, the applicant has been called upon to explain about misbehavior mentioned in the notice within 10 days. No action as yet been taken on the said notice. There is no reason as to why the applicant without giving any reply wants to stay this notice. Therefore, it is not a fit case to stay the show cause notice as the applicant is at liberty to approach the competent authority and file his explanation.

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M.A.No.379/2016 IN O.A.No.249/2016

5. Hence, issue notice to the respondents in the M.A., returnable on 25-10-2016.

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

7. 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 M.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.

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. 25-10-2016.

MEMBER (J)

ORIGINAL APPLICATION NO. 533 OF 2016

{Shri Motiram T. Nikam Vs. the State of Mah. & Ors.}

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

DATE :- 29.09.2016

Oral Order :-

1. Heard Shri V.V. Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The learned Adv. for the applicant seeks permission to amend the O.A. Permission as sought for is granted. The O.A. be amended suitably by the next date.

3. S.O. to 13.10.2016.

MEMBER (J)

ARJ 29.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 546 OF 2016

{Smt. Sandhya N. Londhe Vs. the State of Mah. & Ors.}

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

DATE :- 29.09.2016

Oral Order :-

1. 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 file affidavit in reply. Time granted.
3. S.O. to 8.11.2016.

MEMBER (J)

ARJ 29.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 548 OF 2016

{Shri Dadasaheb B. Warule Vs. the State of Mah. & Ors.}

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

DATE :- 29.09.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. The learned P.O. has filed affidavit in reply on behalf of res. nos. 1 & 2. It is taken on record and copy thereof has been supplied to the learned Advocate for the applicant.
3. At the request of learned Advocate for the applicant, S.O. to 10.11.2016.

MEMBER (J)

ARJ 29.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 576 OF 2016

{Shri Rohidas B. Zunzar Vs. the State of Mah. & Ors.}

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

DATE :- 29.09.2016

Oral Order :-

1. None appears for the applicant. Shri M.P. Gude, learned Presenting Officer for the respondents, is present.
2. The learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted.
3. S.O. to 10.11.2016.

MEMBER (J)

ARJ 29.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 639 OF 2016

{Shri Arjun M. Pawar Vs. the State of Mah. & Ors.}

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

DATE :- 29.09.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. The learned C.P.O. seeks time to file affidavit in reply of the respondents. Time granted.
3. S.O. to 10.11.2016.

MEMBER (J)

ARJ 29.09.2016 (D.B.)

MA 34/2016 IN O.A. 427/2016

{Dr. D.B. Mote Vs. the State of Mah. & Ors.}

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

DATE :- 29.09.2016

Oral Order :-

1. Heard Shri M.B. Kolpe, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply in M.A. & O.A. Time granted.
3. S.O. to 13.10.2016.

MEMBER (J)

ARJ 29.09.2016 (D.B.)

MA 69/2016 IN O.A. ST. NO. 132/2016

{Smt. Shantibai B. Bidve Vs. the State of Mah. & Ors.}

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

DATE :- 29.09.2016

Oral Order :-

1. Heard Shri Suresh Dhongde, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.
2. The learned P.O. filed affidavit in reply on behalf of res. nos. 2 & 3 in M.A. 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 submits that, he will go through the reply affidavit and will make his submissions.
4. In that view of the matter, S.O. to 21.10.2016.

MEMBER (J)

ARJ 29.09.2016 (D.B.)

O.A. NO. 39/2015

{Shri Trimbak B. Jadhav Vs. the State of Mah. & Ors.}

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

DATE :- 29.09.2016

Oral Order :-

1. Heard Shri S.S. Jadhavar, learned Advocate holding for Shri R.K. Jadhavar, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.
2. Shri S.S. Jadhavar learned Advocate for the applicant submits that, he will intimate Shri R.K. Jadhavar, learned Advocate for the applicant about the next date.
3. S.O. to 6.10.2016.

MEMBER (J)

ARJ 29.09.2016 (D.B.)

O.A. NO. 663/2015

{Shri Prabhakar B. Chaudhari Vs. the State of Mah. & Ors.}

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

DATE :- 29.09.2016

Oral Order :-

1. Heard Shri A.D. Sugdare, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 & 2 and Shri Suresh Dhongde, learned Advocate for respondent nos. 3 & 4.

2. Shri Dhongde, learned Advocate has filed affidavit in reply on behalf of res. nos. 3 & 4. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. By consent of all parties, S.O. to 25.10.2016.

MEMBER (J)

ARJ 29.09.2016 (D.B.)

MA 4/2016 with M.A. 480/2015 IN O.A. ST. 1421/2015

{Shri B.M. Swami & Ors. Vs. the State of Mah. & Ors.}

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

DATE :- 29.09.2016

Oral Order :-

1. Heard Shri Kiran Nagarkar, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The misc. application no. 4/2016 has been filed by the applicants for condonation of delay in approaching this Tribunal.

3. From perusal of M.A. and as emerge from the arguments it seems that the applicant has approached earlier to the Labour Court, Latur for continuation of his services. The order of Labour Court was challenged by the applicant before the Industrial Court, Latur by filing ULP no. 1/2012 and vide order dated 7.3.2013 the matter was remanded back by the Industrial Court to Labour Court.

4. After remand the Labour Court passed order on 9.7.2013 in complaint ULP No. 38/2002 and observed that the dispute was not coming under the provisions of Industrial Disputes Act and the complainant has remedy to go to proper forum for seeking appropriate relief. In view of this order the applicant filed representation to the competent authority on 20.4.2015 and since no response has been

received to his representation, he has approached this Tribunal by filing O.A.

5. The learned Advocate for the applicants submits that so called delay caused in filing O.A. is because the applicant has approached to the wrong forum and it was not intentional.

6. The learned P.O. submits that the applicant is not an employee appointed either temporarily or on contract basis and, therefore, there is no relationship as employee and employer in between the applicant and the respondent authorities, however, this point can be considered on merits in O.A. He submits that the delay shall not be condoned.

7. Considering the fact that the applicant is fighting for his cause from 2002 and the delay caused in filing the O.A. is not intentional and deliberate. The so called delay in filing O.A. is condoned in the interest of justice and equity. M.A. for condonation stands allowed. There shall be no order as to costs.

MEMBER (J)

M.A. 480/2015 IN O.A. ST. 1421/2015

{Shri B.M. Swami & Ors. Vs. the State of Mah. & Ors.}

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

DATE :- 29.09.2016

Oral Order :-

1. Heard Shri Kiran Nagarkar, 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 29.09.2016 (D.B.)

O.A. ST. 1421/2015

{Shri B.M. Swami & Ors. Vs. the State of Mah. & Ors.}

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

DATE :- 29.09.2016

Oral Order :-

1. Heard Shri Kiran Nagarkar, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 9.11.2016.
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. 9.11.2016.
8. Steno copy & hamdust allowed to both the parties.

MEMBER (J)

ARJ 29.09.2016 (D.B.)

MA 167/2016 IN OA 217/2016

{Smt. Rohini M. Patil Vs. the State of Mah. & Ors.}

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

DATE :- 29.09.2016

Oral Order :-

1. Heard Shri A.I. Deshmukh, learned Advocate for the applicant in M.A., Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 2 to 4 and Smt. Ujjal Agarwal, learned Advocate for respondent no. 1 in the M.A. / applicants in O.A.

2. This M.A. has been filed by the applicant for intervention in the O.A.

3. The intervenor – Smt. Rohini M. Patil – and the applicant in O.A. - Smt. Tanuja d/o R. Patil @ Sau. Tanuja w/o Uday Patil – appeared in the recruitment process for appointment of Police Patil. It seems that the applicant in O.A. got highest marks in the written test and, therefore, she was to be called for oral interview. The proposed intervenor Sau Rohini objected for calling the applicant in O.A. Smt. Tanuja for oral interview and on the basis of her complaint the competent authority came to the conclusion that the applicant Smt. Tanuja in O.A. has not completed 25 years of age on the given date i. e. 2.11.2015.

4. As per the advertisement the candidate eligible to be appointed for the post of Police Patil must have complete 25 years of age and should not be more than 35 years of age on 2.11.2015. Since the applicant in the O.A. Smt. Tanuja was below the age of 25 years, the competent authority decided

to not to call her for oral interview and the said order is challenged by her in the O.A.

5. The respondent no. 1 in the M.A. / applicant in O.A. has filed reply in the M.A. and it is stated that in the recruitment process the applicant in O.A. has got 40 marks, whereas one Sangita Ashok Patil got 32 marks and the applicant in M.A. Smt. Rohini got only 28 marks and, therefore, said Smt. Rohini has no locus-standi to intevain in the O.A. The candidate Smt. Sangita Ashok Patil – who is next below to applicant in O.A. Smt. Tanuja is not party in this litigation and, therefore, naturally her defence is not known.

6. In any case, if on merit it is found that the applicant in O.A. – Smt. Tanuja – is not eligible, the applicant in M.A. – Smt. Rohini – and said Smt. Sangita may be competent to be appointed on the post of Police Patil.

7. Considering the above aspect, I am of the opinion that the applicant in M.A. – Smt. Rohini – has locus standi to intervene in O.A. and, therefore, M.A. stands allowed and disposed of. There shall be no order as to costs.

8. The learned Advocate for the applicant Smt. Tanuja is directed to make necessary amendment in the O.A.

9. The O.A. to come on board on 20.10.2016.

MEMBER (J)

ORIGINAL APPLICATION NO. 796 OF 2015

{Shri Waman R. Bhoigand Vs. the State of Mah. & Ors.}

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

DATE :- 29.09.2016

Oral Order :-

1. Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The Applicant is claiming direction to the respondents to pay the amounts of commutation value of pension, G.P.F., G.I.S. and also to grant benefit of time bound promotion scheme after completion of 12 years continuous service on the post of Sr. Clerk with all consequential benefits.

3. Affidavit in reply has already been filed in this matter on behalf of the respondent nos. 1 to 3.

4. Today, the learned P.O. has placed on record the letter dated 1.6.2016 issued by res. no. 3 to the res. no. 4, whereby the claim of the applicant has been accepted and the proposal has also been sent for sanction to the Accountant General-II, Nagpur. The said letter along with proposal is already placed on record along with the reply affidavit.

5. The learned P.O. also placed on record the copy of the proposal sent to the Accountant General at Nagpur for grant of benefit of time bound scheme to the applicant. He further submits that, reminder has also been sent to the Accountant General in this regard on 26.7.2016 and copy thereof has

been taken on record and marked as document 'X' for the purpose of identification. He further submits that the matter is pending with the Accountant General, Nagpur.

7. The learned Advocate for the applicant submits that the O.A. can be disposed of, however, directions be given to the res. no. 4 – the Accountant General, Nagpur – to act upon the proposal submitted by the res. no. 3 within a prescribed timeframe.

8. The learned P.O. also agrees for issuance of such directions. Hence, I pass following order :-

ORDER

(i) The O.A. stands disposed of with following direction :-

The res. no. 4 – the Accountant General, Nagpur is directed to take appropriate decision on the proposals received from res. no. 3 within a period of 2 months from the date of passing of this order.

There shall be no order as to costs.

MEMBER (J)

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

ORIGINAL APPLICATION NO. 751 OF 2016

[Bharat P. Sonawane Vs. The State of Mah. & Ors.]

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

DATE : 29.09. 2016.

ORAL ORDER:

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

2. Learned Advocate for the applicant seeks permission to add District Health Laboratory, Ahmednagar as a party respondent, since the said authority is not allowing applicant to join on the post of transfer.

3. Permission to add party respondent is granted.

4. Learned Advocate for the applicant submits that he will add the party respondent forthwith.

5. Hence, issue notices to the respondents, returnable on 07.11.2016.

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.

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 07.11.2016.

MEMBER (J)

29.09.2016- Kpb(SB)

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

ORIGINAL APPLICATION NO. 797 OF 2015

[Vasantsingh S. Patil Vs. The State of Mah. & Ors.]

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

DATE : 29.09. 2016.

ORAL ORDER:

Heard Shri Kailas B. Jadhav – learned Advocate for the Applicant and Shri M.P. Gude – learned Presenting Officer for respondents.

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

3. S.O. to 27.10.2016.

MEMBER (J)

29.09.2016- Kpb(SB)

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

ORIGINAL APPLICATION NO. 802 OF 2015

[Raosaheb J Mhaske Vs. The State of Mah. & Ors.]

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

DATE : 29.09. 2016.

ORAL ORDER:

Heard Shri M.B. Kolpe – learned Advocate holding for Shri A.S. Shelke - learned Advocate for the Applicant and Shri M.P. Gude – learned Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that the similar matter has been kept for final hearing on 5.10.2016 and therefore, this matter be kept on 5.10.2016.

3. Learned Presenting Officer seeks time to file affidavit in reply. He is directed to file affidavit in reply on or before 5.10.2016.

4. Hence, S.O. to 5.10.2016

MEMBER (J)

29.09.2016- Kpb(SB)

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

ORIGINAL APPLICATION NO. 184 OF 2016

[Smt. Lata D. Shirsath Vs. The State of Mah. & Ors.]

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

DATE : 29.09. 2016.

ORAL ORDER:

Heard Shri K.B. Jadhav – learned Advocate for the Applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for respondents.

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

3. S.O. to 27.10.2016.

MEMBER (J)

29.09.2016- Kpb(SB)

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

ORIGINAL APPLICATION NO. 195 OF 2016

[Gita B. Shejwal Vs. The State of Mah. & Ors.]

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

DATE : 29.09. 2016.

ORAL ORDER:

Heard Shri A.D. Sonar – learned Advocate holding for
Shri V.B. Patil – learned Advocate for the Applicant and Shri S.K.
Shirse – learned Presenting Officer for respondents.

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

3. S.O. to 15.11.2016.

MEMBER (J)

29.09.2016- Kpb(SB)

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

ORIGINAL APPLICATION NO. 264 OF 2016

[Vedprakshsingh A. Chaudhari Vs. The State of Mah. & Ors.]

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

DATE : 29.09. 2016.

ORAL ORDER:

Shri M.M. Bhokarikar – learned Advocate for the Applicant (**Absent**). Shri S.K. Shirse – learned Presenting Officer for respondents, present.

2. The affidavit in reply has already been filed by the respondents. Pleadings are complete and the O.A. is admitted and it be kept for final hearing.

3. S.O. to 9.11.2016.

MEMBER (J)

29.09.2016- Kpb(SB)

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

ORIGINAL APPLICATION NO. 301 OF 2016

[Nagesh G. Patil Vs. The State of Mah. & Ors.]

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

DATE : 29.09. 2016.

ORAL ORDER:

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

2. Learned Advocate for the applicant has received the copy of the affidavit in reply on behalf of respondent nos. 1 to 3 today.

3. Learned Presenting Officer submits that he will take instructions to file affidavit in reply on behalf of respondent no. 4, if necessary, on the next date.

4. Learned Advocate for the applicant submits that he will file rejoinder affidavit, if necessary.

5. S.O. to 7.11.2016.

MEMBER (J)

29.09.2016- Kpb(SB)

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

ORIGINAL APPLICATION NO. 346 OF 2016

[Shailesh A. Meghle Vs. The State of Mah. & Ors.]

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

DATE : 29.09. 2016.

ORAL ORDER:

Heard Shri K.B Jadhav – learned Advocate for the Applicant, Shri M.S. Mahajan – learned Chief Presenting Officer for respondent nos. 1 & 2 and Shri B.G. Sagade Patil, learned Advocate for Respondent no. 3.

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent nos. 1 & 2. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant and learned Advocate for respondent no. 3.

3. The matter is therefore, admitted with liberty to the applicant to file rejoinder affidavit, if any. If applicant files rejoinder affidavit, he may serve the copy of the same on the other side well in advance.

4. This matter be kept for final hearing on 21.10.2016.

MEMBER (J)

29.09.2016- Kpb(SB)

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

ORIGINAL APPLICATION NO. 352 OF 2016

[Sow. Sangita B. Sangle Vs. The State of Mah. & Ors.]

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

DATE : 29.09. 2016.

ORAL ORDER:

Heard Shri S.P. Koli – learned Advocate for the Applicant and Shri I.S. Thorat – learned Presenting Officer for respondents.

2. The learned Presenting Officer submits that he has not received the copy of the amended O.A. till today.

3. However, learned Advocate for the applicant undertakes to give the copy of the amended O.A. The applicant is also directed to replace the copy of entire amended O.A. Amended copy be served within one week.

3. S.O. to 06.10.2016.

MEMBER (J)

29.09.2016- Kpb(SB)

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

ORIGINAL APPLICATION NO. 431 OF 2016

[Miss Archana D. Lathkar Vs. The State of Mah. & Ors.]

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

DATE : 29.09. 2016.

ORAL ORDER:

Heard Shri A.M. Nagarkar – learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate – learned Presenting Officer for respondents.

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

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent no. 1. Time granted.

4. S.O. to 07.11.2016.

MEMBER (J)

29.09.2016- Kpb(SB)

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

ORIGINAL APPLICATION NO. 484 OF 2016

**[Shaikh Rasheed Shaikh Junmohammad Vs. The State of Mah.
& Ors.]**

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

DATE : 29.09. 2016.

ORAL ORDER:

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

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

3. After hearing the matter considerable time, it is closed for orders.

MEMBER (J)

29.09.2016- Kpb(SB)

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

ORIGINAL APPLICATION NO. 492 OF 2016

[Kumar T. Pawar Vs. The State of Mah. & Ors.]

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

DATE : 29.09. 2016.

ORAL ORDER:

Heard Shri V.B. Wagh – learned Advocate for the Applicant and Smt. Deepali S. Deshpande – learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has filed rejoinder affidavit to the affidavit in reply filed by the respondent nos. 1 to 3. It is taken on record and copy thereof has been served upon the learned Presenting Officer.

3. Learned Presenting Officer seeks time to go through the rejoinder affidavit. Time granted.

4. S.O. to 21.10.2016.

MEMBER (J)

29.09.2016- Kpb(SB)

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

ORIGINAL APPLICATION NO. 515 OF 2016

[Anandidas B. Pande Vs. The State of Mah. & Ors.]

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

DATE : 29.09. 2016.

ORAL ORDER:

Heard Shri S.B. Ghute – learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar – learned Presenting Officer for respondent nos. 1 & 2.

2. Shri Vivek Bhavthankar, learned Special counsel has filed VAKALATNAMA on behalf of respondent nos. 3 to 5. It is taken on record. He seeks time to file affidavit in reply on behalf of respondent nos. 3 to 5. Learned Presenting Officer also seeks time to file affidavit in reply on behalf of respondent nos. 1 & 2.

3. S.O. to 10.11.2016.

MEMBER (J)

29.09.2016- Kpb(SB)

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

ORIGINAL APPLICATION NO. 556 OF 2016

[Deepak D. Pujari Vs. The State of Mah. & Ors.]

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

DATE : 29.09. 2016.

ORAL ORDER:

Heard Shri S.D. Joshi – learned Advocate for the Applicant and Shri I.S. Thorat – 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 the learned advocate for the applicant.

3. Learned Presenting Officer is directed to produce original record on the next date.

4. At the request and by consent of both the parties, S.O. to 06.10.2016.

MEMBER (J)

29.09.2016- Kpb(SB)

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

ORIGINAL APPLICATION NO. 433 OF 2016

[Samiuddin Shafiuddin Ansari Vs. The State of Mah. & Ors.]

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

DATE : 29.09. 2016.

ORAL ORDER:

Heard Shri J.S. Deshmukh – learned Advocate for the Applicant and Smt. Deepali S. Deshpande – learned Presenting Officer for respondents.

2. Vide order dated 14.09.2016, the respondents were directed to state whether there are any other posts vacant in Beed District including Talkhed.

3. Today, Shri R.J. Kokni, is present on behalf of respondent no. 4 in the Court and he states that the information has been sought from respondent no. 2 in this regard. The said answer cannot be accepted for the simple reason that Beed comes within the jurisdiction of the Deputy Director of Health Services, Latur Circle, Latur.

4. The Deputy Director Health Services, Latur Circle, Latur is therefore, directed to file short affidavit giving information as directed by this Tribunal in the order dated 14.9.2016 within one week.

5 S.O. to 06.10.2016.

MEMBER (J)

29.09.2016- Kpb(SB)

**MA 302/2016 with M.A. 207/2016 with M.A. 281/2016 IN O.A. 370/16 with
MA 303/2016 with M.A. 208/2016 with M.A. 280/2016 IN O.A. 371/16 with
M.A. 277/2016 in O.A. 361/2016 with
O.A. 400/2016 and 490/2016 with
O.A. Nos. 388 to 392 all of 2016 with
O.A. NO. 368/2016 with
O.A. NO. 369/2016**

(Sudhakar O. Jadhav and Ors. Vs. 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 : 29.09.2016.

ORAL ORDER:-

Heard Dr. Smt. Kalpalata Patil-Bharaswadkar and Shri V.B. Wagh, learned Advocates for the applicants in respective matters and S/Shri M.S. Mahajan, I.S. Thorat, S.K. Shirse, D.R. Patil, M.P. Gude, V.R. Bhumkar and Smt. Priya R. Bharaswadkar, Resha S. Deshmukh, Deepali S. Deshpande and Sanjivani K. Deshmukh-Ghate, learned Chief Presenting Officer and learned Presenting Officers for the Respondents in respective matters.

2. Learned Presenting Officers submits that the State has filed W.P. before the Hon'ble High Court, Bench at Aurangabad and it is to be fixed on 1.11.2016.

3. Learned Advocate for the applicant submits that he wants to file rejoinder affidavit. She is allowed to file rejoinder affidavit. She undertakes to serve the copy of the same in advance to the learned Presenting Officers.

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4. The other similar matters are already fixed on 11.11.2016 and hence, all these matters be kept on 11.11.2016.

MEMBER (J)

29.09.2016-KPB(SB)