

O.A. NO. 111 OF 2013 WITH M.A.NO. 105 OF 2013

[Gajanan M. Shikare Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 23.09.2016.

ORAL ORDER:

Heard Shri S.S. Halkude – learned Advocate for the Applicant, Smt. Resha S. Deshmukh – learned Presenting Officer for respondent Nos. 1 & 2, Shri A.D. Gadekar – learned Advocate for respondent No. 3 and Shri S.K. Sawangikar – learned Advocate for respondent No. 4.

2. At the request of learned Advocate for the respondent No. 3, S.O. to 26th October, 2016 for filing affidavit in reply.

MEMBER (J)

VICE CHAIRMAN (A)

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ORIGINAL APPLICATION NO. 461 OF 2015

[Vijay Laxman Tarode Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 23.09.2016.

ORAL ORDER:

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre – learned Advocate for the Applicant and Shri M.P. Gude – learned Presenting Officer for respondents.

2. Learned Presenting Officer states that regarding the same post of Assistant Professor in Public Administration at Government Arts & Science College, Aurangabad is pending before the Principal Seat of this Tribunal at Mumbai, where some other applicant is seeking claim to the very same post. This Original Application, therefore, has to be heard along with that Original Application.

3. Learned Presenting Officer states that on behalf of the State Government of Maharashtra prayer will be made before the Hon'ble Chairman of this Tribunal to transfer the present Original Application before the Principal Seat of this Tribunal at Mumbai to be heard along with Original Application No.

276/2010, which is pending before the Principal Seat of this Tribunal at Mumbai.

4. The present Original Application is accordingly adjourned to enable the respondents to file application for transfer of this Original Application.

MEMBER (J)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO.275/2012.

(P.D. Bhosle Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)
&
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 23.09.2016.

ORAL ORDER:-

Heard Shri RD Khadap, learned Advocate holding for Shri V. S. Kadam, learned Advocate for the Applicant and Smt SK Ghate Deshmukh, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the applicant, this matter is kept for final hearing as and when the Division Bench is available.

MEMBER (J)
23.09.2016-ATP (DB)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO.601/2012.

(Dr. Sheela R. Garkipati Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)
&
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 23.09.2016.

ORAL ORDER:-

Heard Shri S.V. Natu, learned Advocate for the Applicant and Shri DR Patil, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the Applicant the matter is kept for final hearing, as and when the Division Bench is available.

MEMBER (J)
23.09.2016-ATP (DB)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO.602/2012.

(Dr. Qureshi Sd. Inayatulla Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)
&
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 23.09.2016.

ORAL ORDER:-

Heard Shri S.V. Natu, learned Advocate for the Applicant and Shri DR Patil, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the Applicant this matter is kept for final hearing, as and when the Division Bench is available.

MEMBER (J)
23.09.2016-ATP (DB)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO.609/2012.

(Dr. Arun P. Deshpande & Ors. Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)
&
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 23.09.2016.

ORAL ORDER:-

Heard Shri S.V. Natu, learned Advocate for the Applicants and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the Applicant this matter is kept for final hearing, as and when the Division Bench is available.

MEMBER (J)
23.09.2016-ATP (DB)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO.492/2012.

(Dr. A.V. Awargaonkar Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)
&
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 23.09.2016.

ORAL ORDER:-

Heard Shri S.D. Munde, learned Advocate holding for Shri N.B. Khandare, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the applicant, this matter is kept for final hearing, as and when the Division Bench is available.

MEMBER (J)
23.09.2016-ATP (DB)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO. 305/2012.

(Chetan Narayanrao Adkatalwar Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)
&
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 23.09.2016.

ORAL ORDER:-

Heard Shri A.J. Deshpande, learned Advocate holding for Shri V.D. Gunale, learned Advocate for the Applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

2. This O.A. was filed seeking direction to the Respondents to allow the applicant to appear in the oral interview for the post of Asstt. Inspector of Motor Vehicle which were to be held from 17.4.2012 to 21.4.2012. The interviews are over long time back and it is not possible now to accede to the request of the applicant. The matter has become infructuous. The O.A. is accordingly disposed of as infructuous with no order as to costs.

MEMBER (J)
23.09.2016-ATP (DB)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO. 342/2012.

(Balkrishna Rangnath Bondar Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)
&
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 23.09.2016.

ORAL ORDER:-

None present for the Applicant. Heard Smt RS Deshmukh, learned Presenting Officer for the Respondents.

2. This matter was kept for hearing on 25.4.2013 when none was present for the applicant. However, the O.A. was admitted and it was listed for final hearing in due course of time. Accordingly it was placed before this Bench for final hearing on 21.09.2016 when none was present. The O.A. was therefore, posted for final hearing today and in the absence of applicant it was kept for dismissal. Today also none is present for the applicant. The O.A. is therefore, dismissed in default.

MEMBER (J)
23.09.2016-ATP (DB)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO. 402/2012.

(Vinod Rangnath Dandge Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)
&
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 23.09.2016.

ORAL ORDER:-

None present for the Applicant. Heard Smt RS Deshmukh, learned Presenting Officer for the Respondents.

2. This matter was kept for hearing on 14.3.2013 when none was present for the applicant. However, as the pleadings were completed the O.A. was admitted and it was listed for final hearing in due course of time. Accordingly it was placed before this Bench for final hearing on 21.09.2016 when none was present for the Applicant. Today also none is present for the applicant. The O.A. is therefore, dismissed in default.

MEMBER (J)
23.09.2016-ATP (DB)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO. 413/2012.

(Deorao Sambhaji Bhokare Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)
&
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 23.09.2016.

ORAL ORDER:-

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

2. This matter was kept for hearing on 19.6.2014 when Shri K.G. Salunke, learned Advocate was present for the applicant. The O.A. was admitted and it was directed that it may be placed for final hearing in due course of time. Accordingly it was placed before this Bench for final hearing on 21.09.2016 when none was present for the applicant. The O.A. was kept for dismissal before us today. Today also none is present for the applicant. The O.A. is therefore, dismissed in default.

MEMBER (J)
23.09.2016-ATP (DB)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO. 469/2012.

(Dattatrya Kishanrao Deshmukh Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)
&
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 23.09.2016.

ORAL ORDER:-

None present for the Applicant. Heard Shri DR Patil, learned Presenting Officer for the Respondents.

2. This matter was kept for hearing on 22.4.2013 when none was present for the applicant. Subsequently on 27.6.2013 and 22.7.2013 also none was present for the Applicant. The O.A. was admitted on 22.7.2013 and it was placed before this Bench for final hearing on 21.09.2016 when none was present for the Applicant. The O.A. was therefore, kept for dismissal today. However, today also none is present for the applicant. The O.A. is therefore, dismissed in default.

MEMBER (J)
23.09.2016-ATP (DB)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO. 422/2012.

(Sandeep Vishnu Jadhav Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)
&
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 23.09.2016.

ORAL ORDER:-

None present for the Applicant. Heard Shri DR Patil, learned Presenting Officer for the Respondents.

2. This O. A. was admitted on 23.07.2014 and it was directed to be placed before Division Bench whenever it was available. Accordingly it was placed before this Bench for final hearing on 21.09.2016 when none was present for the Applicant. The matter was therefore, posted today for dismissal. Today also none is present for the applicant. The O.A. is therefore, dismissed in default.

MEMBER (J)
23.09.2016-ATP (DB)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO.941/2010

(S.V.Apsingekar & Ors. V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice-Chairman (A)
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 23-09-2016

ORAL ORDER:-

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

2. Case is moved for speaking to minutes on behalf of the applicants seeking a clear mention in the operative part of the order that the applicants are entitled to reliefs sought by them in the relief clause 29 (b) & (c) of the O.A.

3. Learned Advocate Shri Deshmukh stated that the Tribunal has observed that judgment/s of the Hon'ble High Court in a group of Writ Petitions including Writ Petition No.8985/2011 dated 09-05-2014 is applicable in the case of the applicants and prayers in clause 29 (b) and (c) are necessary outcome of the order passed by the Hon'ble High Court.

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4. After hearing both the parties, it is directed that the following be added at the end of paragraph 9 of the order of Tribunal dated 14-03-2016, viz :-

“The applicant is entitled to the reliefs prayed in paragraph 29 (b) and (c) of this O.A. in accordance with the aforesaid order of the Hon’ble Bombay High Court”

5. Application for speaking to minutes is disposed of accordingly with no order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

YUK oral order 23-09-2016

M.A.No.178/2015 IN O.A.No.974/2009

(S.N.Laad V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice-Chairman (A)
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 23-09-2016

ORAL ORDER:-

Shri A.S.Golegaonkar learned Advocate for the applicant is **absent**. Smt. Deepali Deshpande learned Presenting Officer for respondents is present.

2. Since none is present for the applicant, this matter be placed before the next Division Bench, whenever it is available.

MEMBER (J)

VICE CHAIRMAN (A)

YUK oral order 23-09-2016

ORIGINAL APPLICATION NO.350/2012

(S.E.Bhombe V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice-Chairman (A)
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 23-09-2016

ORAL ORDER:-

None appears for the applicant. Shri S.K.Shirse learned Presenting Officer for respondents is present.

2. None was present for the applicant on 17th November, 2014, 17th January, 2015 and 5th March, 2015. On 5th March, 2015 Hon'ble Vice-Chairman of this Tribunal, who was sitting singly in the absence of Division Bench, directed that the matter may be placed before the Division Bench as and when it was available.

3. Thereafter, this matter came up on board on 21-09-2016 when none appeared for the applicant. Matter was kept for dismissal today. None is present for the applicant today also. This O.A., is therefore, dismissed in default.

MEMBER (J)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO.351/2012

(Dr. V.L.Paratwagh V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice-Chairman (A)
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 23-09-2016

ORAL ORDER:-

Shri R.S.Jondhale/S.L.Jondhale learned Advocate for the applicant (**absent**). Shri S.K.Shirse learned Presenting Officer for respondents is present.

2. This matter was heard on 18-03-2013 and the O.A. was admitted, though none was present for applicant. O.A. was directed to be finally heard in due course of time.

3. Accordingly, it was placed before us for final hearing on 21-09-2016. On that date also, none appeared for applicant. Matter was, therefore, kept for dismissal on today.

4. None appears for applicant even today. This O.A., is therefore, dismissed in default.

MEMBER (J)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO. 538 OF 2012

[Ravi S. Vyawahare Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 23.09.2016.

ORAL ORDER:

Shri Amol S. Gandhi . learned Advocate for the Applicant (**absent**). Shri N.U. Yadav. learned Presenting Officer for the respondents, present.

2. This matter was heard by this Tribunal on 10.06.2014, when none was present for the applicant. As the pleadings were complete, O.A. was admitted. It was directed to place the O.A. for final hearing in due course of time. Accordingly, it was placed before us for final hearing on 22.09.2016, when none was present for the applicant. The matter was posted on 23.09.2016 for dismissal.

3. Today, also none is present for the applicant. O.A. is, therefore, dismissed in default with no order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

23.09.2016-KPB(DB)

ORIGINAL APPLICATION NO. 580 OF 2012

[Bebi S. Rathod & Ors. Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 23.09. 2016.

ORAL ORDER:

Heard Shri G.K. Kshirsagar . learned Advocate for the Applicant and Shri V.R. Bhumkar. learned Presenting Officer for the respondents.

2. Learned Advocate Shri G.K Kshirsagar, seeks adjournment. This is a very old matter and we are reluctant to grant any adjournment. However, on insistence of learned Advocate Shri Kshirsagar this O.A. is adjourned. Therefore, this O.A. be kept for final hearing before the next Division Bench as and when it is available.

MEMBER (J)

VICE CHAIRMAN (A)

23.09.2016-KPB(DB)

ORIGINAL APPLICATION NO. 581 OF 2012

[Smt. Kavita K. Dhotre & Ors. Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 23.09. 2016.

ORAL ORDER:

Heard Shri G.K. Kshirsagar . learned Advocate for the Applicant and Shri M.P. Gude. learned Presenting Officer for the respondents.

2. Learned Advocate Shri G.K Kshirsagar, seeks adjournment. This is a very old matter and we are reluctant to grant any adjournment. However, on insistence of learned Advocate Shri Kshirsagar this O.A. is adjourned. Therefore, this O.A. be kept for final hearing before the next Division Bench as and when it is available.

MEMBER (J)

VICE CHAIRMAN (A)

23.09.2016-KPB(DB)

M.A. No. 3/15 in O.A. No. 635/2011

[Dr. Sandip R. Baheti Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 23.09.2016.

ORAL ORDER:

Heard Shri G.K. Kshirsagar . learned Advocate for the Applicant and Shri D.R. Patil . learned Presenting Officer for the respondents.

2. This Misc. Application is filed by the applicant for restoration of the O.A., which was dismissed in default by this Tribunal vide its order dated 19.11.2014. This Tribunal was not very happy with the fact that neither the applicant nor learned Advocate for the Applicant had attended the Tribunal during the hearing of the O.A. on numerous occasions and as a result O.A. was dismissed in default for which the Applicant himself is to be blamed. However, the M.A. is allowed in the interest of justice on the payment of costs of Rs. 1000/- as agreed to by the learned Advocate for the Applicant.

3. In view thereof, the M.A. stands disposed of with cost of Rs. 1000/- to be paid by the applicant and the same be remitted to the M.A.T. Bar Association.

MEMBER (J)
23.09.2016-KPB(DB)

VICE CHAIRMAN (A)

M.A. No. 216/13 in O.A. No. 717/2012

[Smt. Jayashree R. Sonkavade Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 23.09.2016.

ORAL ORDER:

Heard Shri A.J. Talhar . learned Advocate for the Applicant and
Shri I.S. Thorat . learned Presenting Officer for the respondents.

2. This Misc. Application is filed for restoration of O.A. which was dismissed in default by order dated 18.07.2013. The reason was that the applicant was allowed to amend the O.A. However, he failed to do so. The learned Advocate for the applicant stated that the O.A. may be allowed to be restored in the interest of justice. He agreed to pay costs of Rs. 1000/-,

3. Hence, M.A. is allowed subject to payment of costs of Rs. 1000/- to be remitted to the M.A.T. Bar Association.

MEMBER (J)

VICE CHAIRMAN (A)

23.09.2016-KPB(DB)

ORIGINAL APPLICATION NO. 597 OF 2012

[Manohar D. Deore & Ors. Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 23.09. 2016.

ORAL ORDER:

Heard Ms. Madhavi Ayyappan, learned Advocate holding for Shri S.B. Talekar . learned Advocate for the Applicant and Smt. P.R. Bharaswadkar . learned Presenting Officer for the respondents.

2. The matter was heard yesterday when learned Advocate Ms. Madhavi Ayyappan, had appeared and stated that her senior will argue the matter. Therefore, the matter was kept today. Today also, she seeks adjournment and asking that the matter may be postponed. We do not appreciate that for such old matters repeated adjournments are sought by the learned advocate for the applicant. This matter be kept before the next Division Bench whenever it is available.

MEMBER (J)

VICE CHAIRMAN (A)

23.09.2016-KPB(DB)

ORIGINAL APPLICATION NO. 427 OF 2015

{Shri Sajid H. Bagwan Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Heard Shri Asif Ali, learned Advocate holding for Smt. A.N. Ansari, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant states that, in view of contents of para 8 of the affidavit in reply filed by res. nos. 1 to 3, the cause is satisfied.
3. In view of the statement made by the learned Advocate for the applicant, the O.A. stands disposed of as has become infructuous. There shall be no order as to costs.

CHAIRMAN

ARJ 23.09.2016 (D.B.) HON. CHAIRMAN

ORIGINAL APPLICATION NO. 68 OF 2016

{ Sk. Liyakat s/o Sk. Dildar Vs. The State of Mah. & Ors. }

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Heard Shri V.P. Golewar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. The learned P.O. has tendered affidavit in reply on behalf of res. nos. 1, 2 & 4. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.
3. In the midst of the hearing the learned Advocate for the applicant states that foundation on which applicant's claim is based is not properly explored and explained.
4. The learned Advocate for the applicant, therefore, seeks permission to withdraw the O.A., with liberty to file the fresh.
5. Permission & liberty as prayed for is granted.
5. The O.A. stands disposed of as withdraw with liberty to the applicant to file fresh O.A. There shall be no order as to costs.

CHAIRMAN

ARJ 23.09.2016 (D.B.) HON. CHAIRMAN

ORIGINAL APPLICATION NO. 319 OF 2016

{Shri Shivaji P. Kokate Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. None appears for the applicant. Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents, is present.
2. This case was on yesterday's board, however, as applicant & his learned Advocate were absent, it was adjourned to today's date.
3. Today the applicant and his learned Advocate for the applicant are absent.
4. In view of above position, the interim relief granted by this Tribunal on 22.4.2016 is hereby vacated.
5. The original application is hereby admitted and it be placed for final hearing in due course of time.

CHAIRMAN

ARJ 23.09.2016 (D.B.) HON. CHAIRMAN

ORIGINAL APPLICATION NO. 567 OF 2016

{Shri Vijay K. Shirsat Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Admit.
3. At this state interim relief cannot be granted in favour of the applicant, however, in the event the applicant secures some record to demonstrate as to why his candidature was not considered by the Departmental Promotion Committee, the applicant is at liberty to circulate the matter.

CHAIRMAN

ARJ 23.09.2016 (D.B.) HON. CHAIRMAN

ORIGINAL APPLICATION NO. 568 OF 2016

{Shri Machindra K. Kale Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Heard Shri Vivek Pingle, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent nos. 1 to 3 and Shri V.B. Deshmukh, learned Advocate for respondent no. 4.
2. The learned P.O. tendered 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. The limited question involved in this case is whether denial of appointment to the applicant on the ground that he has more than 2 children on the date of making application for appointment.
4. The respondents have relied upon the provisions of Maharashtra Civil Services (Declaration of Small Family) Rules, 2005. Rule 3 thereof lays down that, having a small family shall be the mandatory & essential condition for getting appointment in Group - A, Group - B, Group - C or Group - D post in the Govt. service.
5. Thus, by applying any yardstick, the applicant is not entitled for the relief as prayed in the O.A. There is no merit in the O.A. and it deserves to be dismissed.

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O.A. NO. 568/16

6. Accordingly, the original application stands dismissed.
There shall be no order as to costs.

CHAIRMAN

ARJ 23.09.2016 (D.B.) HON. CHAIRMAN

MA 186/2016 IN CP ST. 672/2016 IN OA 422/2015

{Shri Vishal P. Ganadarghol Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Priya Bharaswadkar, learned Presenting Officer for the respondents.
2. Today, the res. nos. 1 to 4 has filed a common affidavit in reply in the contempt petition. It is taken on record & copy thereof has been served upon the learned Advocate for the applicant.
3. The document at page no. 33 of the paper book annexed with the affidavit in reply is a copy of the Medical Board's opinion. The Medical Board has furnished opinion on or about 29/6/2016.
4. At this juncture, the learned Advocate for the applicant seeks permission to withdraw the Misc. Application, which is filed for permission to proceed against the respondents for non compliance of the order of this Tribunal, and Contempt Petition itself. He also seeks leave of this Tribunal to file fresh C.P.
5. Accordingly, M.A. & C.P. stand disposed of as withdrawn, with liberty to the applicant to file fresh C.P.

CHAIRMAN

MA 331/2016 IN CP ST. 1500/2016 IN OA 16/2016

{Shri Suresh S. Dolas & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Heard Shri Vivek Pingle, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. It is seen that alleged contemnors have not been personal notices that they have failed to comply the order passed by this Tribunal in O.A. no. 16/2006 on 8.12.2014 and this is a disobedience of order of the Tribunal.
3. At this state, learned Advocate for the applicant prays for withdrawal of M.A. & C.P. with liberty to serve personal notice upon the alleged contemnors mentioning therein that the respondents shall comply the order in question within a period of one month. If they do not take appropriate action, then the applicant will file fresh C.P.
4. Leave as prayed for is granted.
5. The M.A. & C.P. stand disposed of as withdrawn with liberty as prayed for by the applicant. There shall be no order as to costs.

CHAIRMAN

MA 539/2015 IN OA ST. 1019/2015

{Shri Sunil S. Sonwane Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. None appears for the applicant. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, is present.
2. The learned P.O. states that the draft affidavit in reply is ready. She seeks one week's time for filing the final affidavit in reply on record.
3. Time granted as prayed for.
4. S.O. to 26.10.2016.

CHAIRMAN

MA 23/2016 IN O.A. NO. 259/2001

{Shri Pandurang M. Markad & Ors. Vs. State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Heard Shri Singare Patil, learned Advocate holding for Shri A.B. Shinde, learned Advocate for the applicant nos. 1 to 4 & 11, Shri Y.K. Bobade, learned Advocate for applicant nos. 5 to 6, Shri S.S. Shinde, learned Advocate for applicant nos. 12 to 19, Smt. Deepali Deshpande, learned Presenting Officer for the respondent nos. 1 & 2 and Shri Sham Patil, learned Advocate for respondent no. 3.
2. This M.A. is filed by the legal representatives of the original applicant no. 1 – Shri Pandurang Manikrao Markad – for bringing the applicant nos. 1-a to 1-c as legal heirs of the deceased applicant no. 1 - Shri Pandurang M. Markad, on record and also for condonation of delay of 1000 days in filing this M.A..
3. According to LRs they are ignorant as to what steps are to be taken in the matter and they are also not aware about the pendency of the O.A. no. 259/2001 before this Tribunal.
4. For the reasons stated by the applicant nos. 1-a to 1-C, the delay of 1000 in filing M.A. is condoned.
5. The learned Advocate for the applicants is permitted to bring the LRs on record of O.A. no. 259/2001.

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MA 23/2016 IN
O.A. NO. 259/2001

6. Accordingly, M.A. stands disposed of. There shall be no order as to costs.

CHAIRMAN

ARJ 23.09.2016 (D.B.) HON. CHAIRMAN

O.A. NO. 259/2001

{Shri Pandurang M. Markad & Ors. Vs. State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Heard Shri Singare Patil, learned Advocate holding for Shri A.B. Shinde, learned Advocate for the applicant nos. 1 to 4 & 11, Shri Y.K. Bobade, learned Advocate for applicant nos. 5 to 6, Shri S.S. Shinde, learned Advocate for applicant nos. 12 to 19, Smt. Deepali Deshpande, learned Presenting Officer for the respondent nos. 1 & 2 and Shri Sham Patil, learned Advocate for respondent no. 3.
2. Today, by passing separate order in M.A. the learned Advocate for the applicants is allowed to bring the LRs of applicant no. 1 - - Shri Pandurang Manikrao Markad - on record of the O.A.
3. The O.A. is already admitted. It be placed on board for final hearing in due course of time.

CHAIRMAN

O.A. NO. 707/2015

{Shri L.R. Dhage Vs. State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Heard Shri A.D. Gadekar – learned Advocate for the applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.
2. Learned Presenting Officer states that initially order passed by this Tribunal on 23.6.2016 was not communicated. Later on though order dated 26.7.2016 was communicated, the copy of order dated 23.6.2016 remained to be sent.
3. Learned Presenting Officer apologises for lapse on his part and prays for further time.
4. Time is granted by way of last chance and caution that such lapse should not recur.
5. S.O. to 24th November, 2016.

CHAIRMAN

ARJ 23.09.2016 (D.B.) HON. CHAIRMAN

**MA 278/2016 IN OA OA 368/2016 WITH
MA 279/2016 IN OA 369/2016**

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Heard Smt. Priya Bharaswadkar, learned Presenting Officer for the applicants in both these M.As. / respondents in O.As. and Dr. Smt. Kalpalata Patil Bharaswadkar, learned Advocate for the respondents in both these M.As. / applicants in O.As.
2. Both these M.As. are filed by the applicants / respondents in O.As. for extension of two months time from 5.7.2016 to comply the order of this Tribunal dated 5.5.2016 passed in O.As.
3. Today, the Smt. Priya Bharaswadkar, learned P.O. states that both the M.As. are become infructuous and, therefore, they be disposed of.
4. In view of the statement made by the learned P.O. the M.As. stand disposed of as have become infructuous. There shall be no order as to costs.

CHAIRMAN

**MA 273/16 IN OA 397/16 WITH MA 288/16 WITH
MA 274/16 IN OA 393/16 WITH WITH
MA 275/16 IN OA 398/16 WITH MA 289/16**

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Heard Dr. Smt. Kalpalata Patil Bharaswadkar, learned Advocate for the applicants in all these cases and S/shri M.S. Mahajan, I.S.Thorat & S.K. Shirse, learned C.P.O. & P.Os. for the respective respondents in the respective matters.
2. All these matters are removed from board with liberty to the applicants to circulate afresh.

CHAIRMAN

**MA 370/16 WITH MA 180/16 WITH MA 139/16 IN OA
32/16
MA 371/16 WITH MA 179/16 WITH MA 138/16 IN OA
835/15
MA 372/16 WITH MA 181/16 IN OA 67/16**

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Heard Dr. Smt. Kalpalata Patil Bharaswadkar, learned Advocate for the applicants in all these cases and Shri M.S. Mahajan, learned C.P.O. respondents in the respective matters.
2. Issue notices to the respondents in M.A. nos. 370/16, 371/16 and 372/16, returnable on 11.11.2016.
3. Tribunal may take the cases 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 M.As. 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

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along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.

7. S.O. 11.11.2016.
8. Steno copy & hamdust allowed to both the parties.

CHAIRMAN

ARJ 23.09.2016 (D.B.) HON. CHAIRMAN

O.A. NO. 363/2016

{ Shriram B. Jadhav & Ors. Vs. The State of Mah. & Ors. }

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Heard Shri P.K. Salve, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant prays for leave to amend the O.A. by deleting certain portion contained in para 27-A and also for deleting prayer clauses B & C, with liberty to re-agitate those claims as and when required.

3. Leave to amend as prayed for is granted. The applicant shall carry out the said amendment forthwith .

4. It is seen that the prayers after amendment of the present O.A. do not correspond with the prayers in the matter pending at principal seat of this Tribunal at Mumbai.

5. The respondent no. 1 – the Secretary, Industries, Energy & Labour Department, Mantralaya, Mumbai - and the respondent no. 4 – The Secretary, Finance Department, Mantralaya, Mumbai – are directed to file affidavit on following limited question, within a period of next 3 months from today :-

whether there exists any legal impediment in deciding the prayer clause – A of the present O.A.?

6. If there is no legal impediment, the decision be taken by the respondents within a period of one month.

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O.A. NO. 363/2016

7. If decision as mentioned above is taken within the prescribed timeframe, it is not necessary for them to file affidavit as directed above.

8. S.O. to 8.11.2016.

9. Steno copy & hamdast allowed for the use of both the sides.

CHAIRMAN

ARJ 23.09.2016 (D.B.) HON. CHAIRMAN

O.A. NO. 746/2016

{Shri Ganesh N. Bale Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Heard Shri K.S. Patil – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant prays for leave of this Tribunal to withdraw the present Original Application with liberty to file fresh Original Application for the same and/or proper relief.
3. Leave to withdraw the present Original Application is granted.
4. Accordingly, the present Original Application stands disposed of as withdrawn with liberty as sought by the applicant. There shall be no order as to costs.

CHAIRMAN

ARJ 23.09.2016 (D.B.) HON. CHAIRMAN

O.A. NO. 474/2015

{Shri N.K. Gaikwad Vs. State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

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. tendered affidavit in reply on behalf of the res. nos. 2 & 3. It is taken on record.
3. As none appears for the applicant, S.O. to 28.11.2016.

CHAIRMAN

ARJ 23.09.2016 (D.B.) HON. CHAIRMAN

MA 361/2014 IN OA ST. 996/2014

{Shri Jaysingh S. Meher Vs. State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Miss. 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. This M.A. is filed by the applicant for condonation of delay in filing the O.A. and also for declaration that there is no delay.
3. From the grounds mentioned in the M.A. for condonation of delay it is stated that it is a recurring cause of action and its applicant's right to get proper placement in the seniority as per the Govt. Rules. The applicant has placed reliance on the judgment of Hon'ble Supreme Court in the case of **M.R. GUPTA VS. THE UNION OF INDIA & ORS. {(1995) 5 SCC 628}**, for the said purpose.
4. In the aforesaid premises, the delay in filing the O.A. is duly explained and the same is hereby condoned. The office is directed to register the O.A.
5. Accordingly, M.A. stands disposed of with no order as to costs.

CHAIRMAN

OA ST. 996/2014

{Shri Jaysingh S. Meher Vs. State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Miss. 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. Issue notices before admission to the respondents, returnable on 28.11.2016.
3. Tribunal may take the cases for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. 28.11.2016.
8. Steno copy & hamdust allowed to both the parties.

CHAIRMAN

ARJ 23.09.2016 (D.B.) HON. CHAIRMAN

OA 576/2015

{Shri Chakresh M. Mahajan Vs. State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. None appears for the applicant. Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.
2. As none appeared for the applicant in the morning session, the matter was kept back and it is again called second time in second session, still none appeared for the applicant.
3. By way of last chance, S.O. to 28.11.2016.

CHAIRMAN

ARJ 23.09.2016 (D.B.) HON. CHAIRMAN

MA 372/2015 IN CP ST. 1375/2015 IN OA 723/2013

{Shri Vilas V. Teleng Vs. State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 24.11.2016.

CHAIRMAN

ARJ 23.09.2016 (D.B.) HON. CHAIRMAN

OA 80/2016

{Shri Devidas L. Ghuge Vs. State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 23.09.2016

Oral Order :-

1. Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. The learned P.O. on instructions of Shri Dattatraya D. Pawar, Inspector of Tribal Development, who is present in the court hall, states as follows :-
“The next meeting of D.P.C. is expected to be held in December, 2016 and case of the present applicant would be placed before it for consideration.”
3. The respondents are hereby directed that outcome of the next D.P.C. which is going to be held in December, 2016 be communicated to the applicant in writing and to this Tribunal also.
4. S.O. to 22.12.2016.

CHAIRMAN