

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

**ORIGINAL APPLICATION NO. 740/2017
(Vishal B. Goje V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

DATE : 06.03.2018

ORAL ORDER :

Heard Shri M.B. Kolpe, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. At the request of learned P.O. as a last chance S.O. to 11.4.2018 for filing affidavit in reply of the respondents.

MEMBER (J)

ARJ ORAL ORDERS 06-03-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 910/2017
(Subhash S. Rathod V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

DATE : 06.03.2018

ORAL ORDER :

None appears for the applicant. Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, is present.

2. The learned C.P.O. has filed affidavit in reply of res. nos. 1 to 3 and the same is taken on record. He undertakes to serve copy of affidavit in reply upon the learned Advocate for the applicant.

3. S.O. to 20.3.2018.

MEMBER (J)

ARJ ORAL ORDERS 06-03-2018

FARAD CONTINUATION SHEET

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

ORIGINAL APPLICATION NO. 14/2018

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

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

DATE : 06.03.2018

ORAL ORDER :

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

2. At the request of learned P.O. S.O. to 20.3.2018 for filing affidavit in reply of the respondents.

MEMBER (J)

ARJ ORAL ORDERS 06-03-2018

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO. 913/2017
(Dilipkumar R. Patil V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

DATE : 06.03.2018

ORAL ORDER :

None appears for the applicant. Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents, is present.

2. The applicant has not collected the notices since 29.1.2018. In view of this, it reveals that the applicant is not willing to conduct the matter. Hence the O.A. stands dismissed in default with no order as to costs.

MEMBER (J)

ARJ ORAL ORDERS 06-03-2018

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

**M.A. 361/2017 IN O.A. 586/2017
(Shaikh Fasiuddin Mohammad Gowsoddin V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

DATE : 06.03.2018

ORAL ORDER :

Heard Ms. Pratibha Khanderao, learned Advocate holding for Shri Naseem R. Shaikh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. No affidavit in reply is filed by the respondents in the M.A. In the O.A. the applicant is challenging the order dtd. 2.7.2014 passed by the res. no. 2 – Special Inspector General of Police, Nanded Region, Nanded. The applicant has challenged the said order by filing revision application before the res. no. 1 – the Additional Director General of Police (Administration), M.S., Mumbai and the said revision application was rejected on 23.6.2017. It reveals that, from the date of passing of order dtd. 23.6.2017 by the res. no. 1 in the Revision application, the O.A. is within time. Moreover, the reasons mentioned in the M.A. are sufficient to condone the delay of 2 years, 1 month and 21 days caused in filing the O.A. for challenging the order dtd. 2.7.2014 of res. no. 2 in the appeal of the applicant.

3. Consequently the M.A. is allowed and the delay of 2 years, 1 month and 21 days caused in filing the O.A. is condoned. There shall be no order as to costs.

4. The office to register the O.A. after due scrutiny.

MEMBER (J)

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

O.A. 586/2017

(Shaikh Fasiuddin Mohammad Gowsoddin V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

DATE : 06.03.2018

ORAL ORDER :

Heard Ms. Pratibha Khanderao, learned Advocate holding for Shri Naseem R. Shaikh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. Issue notices to the respondents in the present O.A., returnable on 12.4.2018.

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 O.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 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. to 12.4.2018.

8. Steno copy / hamdast allowed to the both the sides.

MEMBER (J)

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

**M.A. 459/2017 WITH M.A. 332/2017 IN O.A. 340/2014
(Gajanan R. Jawale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

DATE : 06.03.2018

ORAL ORDER :

Heard Shri V.D. Dongre, learned Advocate holding for Shri Ganesh Gadhe, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. At the request of learned P.O. S.O. to 22.3.2018 for filing affidavit in reply of the respondents in M.A. 459/2017.

MEMBER (J)

ARJ ORAL ORDERS 06-03-2018

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

**M.A. 460/2017 WITH M.A. 331/2017 IN O.A. 48/2013
(Saheb R. Vede V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

DATE : 06.03.2018

ORAL ORDER :

Heard Shri V.D. Dongre, learned Advocate holding for Shri Ganesh Gadhe, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. At the request of learned P.O. S.O. to 22.3.2018 for filing affidavit in reply of the respondents in M.A. 460/2017.

MEMBER (J)

ARJ ORAL ORDERS 06-03-2018

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

**ORIGINAL APPLICATION NO. 59/2018
(Umesh C. Parte V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

DATE : 06.03.2018

ORAL ORDER :

Heard Smt. Juee Palekar - Parlikar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. At the request of learned P.O. S.O. to 28.3.2018 for filing affidavit in reply of the respondents.

MEMBER (J)

ARJ ORAL ORDERS 06-03-2018

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

**ORIGINAL APPLICATION NO. 528/2017
(Prakash T. Vaichale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

DATE : 06.03.2018

ORAL ORDER :

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

2. At the request and by the consent of both the sides, S.O. to 8.3.2018 for final hearing. The interim relief granted earlier to continue till then.

MEMBER (J)

ARJ ORAL ORDERS 06-03-2018

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

**ORIGINAL APPLICATION NO. 782/2017
(Nitin K. Dighule & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

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

DATE : 06.03.2018

ORAL ORDER :

Heard Shri Amol B. Chalak Patil, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. The learned Advocate for the applicants has filed on record certain authorities. The same are taken on record and copies thereof are supplied to the learned C.P.O.

3. At the request and by the consent of both the sides, S.O. to 10.4.2018.

MEMBER (J)

ARJ ORAL ORDERS 06-03-2018

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.137/2018
(Ku. Seema Jaysing Bisen V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

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

DATE : 06.03.2018

ORAL ORDER :

1. Heard Smt. Suchita A. Dhongde learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.
2. Issue notice to the respondents, returnable on 05-04-2018.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. In case notice is not collected within 3 days or service report on affidavit is not filed 3 days before returnable date, O.A. shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. Heard on the point of interim relief. What transpires after hearing is as follows:

- (a) Applicant's candidature is rejected by Maharashtra Public Service Commission (MPSC) on the day of viva voce, and process of viva voce is completed by excluding the applicant, though applicant did not claim or avail concession of relaxation in standard applicable to open merit.
- (b) Rejection of applicant's candidature is on the ground that applicant belongs to VJ category, however she had applied in open category.
- (c) MPSC's stance of basing its rejection on the said ground/reason has been deplored by this Tribunal as well by Hon'ble High Court in various cases based on the

judgment of Hon'ble the Supreme Court. Despite, MPSC is firm rather stubborn on its misbelief.

9. It is settled law that in open merit competition, a candidate belonging to any category for whom reservation is provided and who did not avail any concession in standards of passing is entitled to compete with all candidates in open merit. This right to contest in open merit category is available to all candidates irrespective of their caste/category for whom constitutional or special reservation is available under the extant policy of State, regime of law and precedent.

10. Hence, for protecting ends of justice suitable order of ex-parte ad-interim relief deserves to be granted. Applicant has made out a case for this end.

11. Hence, in the interest of justice following ad-interim ex-parte relief is granted:

- (a) MPSC is restrained from forwarding to the Government the list of selected candidates, for appointments furtherance to Advertisement No.14 of 2017, Annexure A-2, page 12 of the O.A.
- (b) In case, list of selected candidates is already dispatched, and received by the

Government, State may process to take all steps, however issue of appointment orders is hereby stayed.

- (c) In case appointment orders are already issued, last candidate in merit should not be permitted to join till next date.
- (d) Irrespective as to whether list of selected candidates is sent, MPSC shall be free to conduct applicant's interview and take necessary corrective action in case applicant secures position on her own merit, and if the facts do so warrant.

12. Reply, if any, be filed one week before due date.

13. S.O.to 05-04-2018.

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

CHAIRMAN

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

**M.A.No.405/2017 in M.A.St.No.1446/2017 IN O.A.No.772/2013
(Shri Ramesh Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

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

DATE : 06.03.2018

ORAL ORDER :

1. Heard Smt. Juee Palekar-Parlikear learned Advocate holding for Shri Ashish Rajkar learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 10-04-2018.

CHAIRMAN

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

**M.A.No.35/2018 IN O.A.St.No.97/2018
(Shri Nilesh Tagad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

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

DATE : 06.03.2018

ORAL ORDER :

1. Heard Shri S.R.Shirsat learned Advocate holding for Shri S.S.Jadhavar learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant prays for leave to amend and substitute memo of M.A. and M.A. with Annexures etc. of O.A.
3. Leave to substitute as prayed is granted.
4. Amendment be carried out within 2 weeks.
5. After amendment is carried out, issue notice to the respondents, returnable on 10-04-2018.
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 the case. 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. In case notice is not collected within 3 days or service report on affidavit is not filed 3 days before returnable date, O.A. shall stand dismissed without reference to Tribunal and papers be consigned to record.

11. S.O.to 10-04-2018.

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

CHAIRMAN

FARAD CONTINUATION SHEET

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

ORIGINAL APPLICATION NO. 614/2017

(Shri Jeevan N. Wader V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).
**(This matter is placed before the
Single Bench due to non-availability of
Division Bench.)**

DATE : 06.03.2018.

ORAL ORDER :

Shri H.V. Patil, learned Advocate holding for
Shri P.P. Uttarwar, learned Advocate for the
applicant and Shri M.S. Mahajan, learned Chief
Presenting Officer for respondents.

2. At the request of learned Chief Presenting
Officer, S.O. to 16.03.2018 for filing affidavit in
reply on behalf of respondent No. 2.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 489 & 492 BOTH OF 2017
(Shri Mahadu R. Munmane & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).
**(This matter is placed before the
Single Bench due to non-availability of
Division Bench.)**

DATE : 06.03.2018.

ORAL ORDER :

Shri Deepanjan Dutta Roy, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant in O.A. No. 489/2017. Shri S.K. Mathpati, learned Advocate for the applicant in O.A. No. 492/2017 (**Absent**). Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents in both the O.As., present.

2. At the request of learned P.O., S.O. to 26.03.2018 for taking instructions from the concerned respondents on the line of the order dated 20.12.2017.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 513/2017
(Shri Dinkar R. Bhosrekar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).
**(This matter is placed before the
Single Bench due to non-availability of
Division Bench.)**

DATE : 06.03.2018.

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the
applicant and Smt. Deepali S. Deshpande,
learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed
affidavit in reply on behalf of respondent Nos. 1 &

3. Same is taken on record and the copy thereof
has been served on the learned Advocate for the
applicant.

3. S.O. to 23.03.2018.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 262/2017
(Shri Trimbak G. Phasle V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).
**(This matter is placed before the
Single Bench due to non-availability of
Division Bench.)**

DATE : 06.03.2018.

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the
applicant and Shri M.P. Gude, learned Presenting
Officer for respondents.

2. Learned Presenting Officer has filed
separate affidavit in replies on behalf of
respondent Nos. 1 & 2 respectively. Same are
taken on record and the copies thereof have been
served on the learned Advocate for the applicant.

3. S.O. to 23.03.2018.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 439/2010
(Shri Dilip S. Karle V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).
**(This matter is placed before the
Single Bench due to non-availability of
Division Bench.)**

DATE : 06.03.2018.

ORAL ORDER :

Shri Deepanjan Dutta Roy, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 26.03.2018 for compliance of the earlier order dated 1.11.2017.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 226/2017
(Shri Baliram S. Kakde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).
**(This matter is placed before the
Single Bench due to non-availability of
Division Bench.)**

DATE : 06.03.2018.

ORAL ORDER :

Shri A.M. Nagarkar, learned Advocate holding for Shri K.M. Nagarkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

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

3. S.O. to 12.04.2018.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 133/2018
(Shri Uttam S. Varpade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).
**(This matter is placed before the
Single Bench due to non-availability of
Division Bench.)**

DATE : 06.03.2018.

ORAL ORDER :

Shri P.B. Rakhunde, learned Advocate for
the applicant and Smt. Priya R. Bharaswadkar,
learned Presenting Officer for respondents.

2. At the request of learned Advocate for the
applicant, S.O. to 14.03.2018.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 203/2017
(Shri Shamrao G. Wagatkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 11.04.2018.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 236/2017
(Smt. Yamuna L. Bhosale & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 11.04.2018.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 721/2017
(Shri Subhash K. Parlikar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate holding for Smt. S.A. Dhongde (Upadhyay), learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 11.04.2018.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 142/2017
(Shri Bajirao V. Chaudhari V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant, Smt. Resha S. Deshmukh, learned Presenting Officer for respondent No. 1 and Shri S.D. Dhongde, learned Advocate for respondent Nos. 2 to 4.

2. At the request and by consent of both the parties, S.O. to 09.04.2018.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

**M.A. No. 228/2017 in O.A. St. No. 842/2017
(Dr. Preeti Singh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

Shri Deepanjan Dutta Roy, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 05.04.2018.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 799/2016
(Shri Bhura R. Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

Shri H.A. Joshi, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 10.04.2018 for filing rejoinder affidavit.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 600/2016
(Shri Sadashiv J. Daware V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

Shri A.M. Nagarkar, learned Advocate holding for Shri K.M. Nagarkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has filed affidavit in rejoinder. Same is taken on record and the copy thereof has been served on the learned Presenting Officer for the respondents.

3. S.O. to 12.04.2018.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 764/2016
(Shri Baswaraj M. Swami & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

Shri A.M. Nagarkar, learned Advocate holding for Shri K.M. Nagarkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has filed affidavit in rejoinder. Same is taken on record and the copy thereof has been served on the learned Presenting Officer for the respondents.

3. S.O. to 12.04.2018.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 116/2017
(Dr. Dhanraj W. Kendre V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

Shri S.K. Sawangikar, learned Advocate for the applicant (**Leave Note**). Smt. Resha S. Deshmukh, learned Presenting Officer for respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 11.04.2018.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

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

**ORIGINAL APPLICATION NO. 123/2018
(Shri Shrikant T. Mahajan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

Heard Shri Prasad Jarare, learned Advocate holding for Smt. Trupti Mahajan, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 10.04.2018.

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

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

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

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

7. S.O. to 10.04.2018.

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

MEMBER (J)

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

**M.A. No. 55/2018 in Review St. No. 194/2018 in O.A.No. 176/2017
(The State of Maharashtra & Ors. Vs. Shri Jalindar G. Ubale & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

Heard Shri M.P. Gude, learned Presenting Officer for the applicants/original respondents and Shri K.G. Salunke, learned Advocate for respondent No. 1/original applicant.

2. Issue notices to the respondents in M.A., returnable on 11.04.2018.

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

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

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

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

7. S.O. to 11.04.2018.

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

MEMBER (J)

FARAD CONTINUATION SHEET

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

**M.A. No. 70/2018 in O.A. St. No. 305/2018
(Shri Sunil B. Sangewar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned Advocate for the applicant seeks time to argue the matter on the point of maintainability of the present O.A. in view of the provisions of Section 19 of the Administrative Tribunals Act, 1985. Time granted.

3. S.O. to 14.03.2018.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

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

**ORIGINAL APPLICATION ST. NO. 1901/2017
(Shri Popat D. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

Heard Shri Prashant Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The applicant has amended the prayer clause of the O.A. and challenged the decision of the D.P.C. dated 06.09.2017 refusing to grant second benefit of Assured Career Progression Scheme and therefore, from that date the present O.A. is within limitation. The objection regarding maintainability of the O.A. is overruled.

3. Hence, issue notices to the respondents, returnable on 11.04.2018.

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

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

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

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

8. S.O. to 11.04.2018.

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

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION ST. NO. 121/2018
(Smt. Kalpana D. Kulkarni V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

Heard Smt. Juee Palekar-Prlikar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the applicant is going to file application for condonaiton of delay during the course of the day.

3. S.O. to 14.03.2018.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 189/2017
(Shri Sambhaji K. Mande V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

Shri V.D. Solanke, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Learned Presenting Officer has submitted that he will file affidavit in reply on behalf of respondent Nos. 1 & 2 during the course of the day.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent No. 3. Time granted as a most last chance.

4. S.O. to 05.04.2018.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

FARAD CONTINUATION SHEET

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

ORIGINAL APPLICATION NO. 425/2017

(Shri Prasad F. Pawar & Anr. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

Dr. Swapnil Tawshikar, 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 14.03.2018. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 06-03-2018

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

**ORIGINAL APPLICATION NO. 466/2017
(Shri Shamsundarrao Pande V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant states that the name of the applicant has been wrongly mentioned as "Sham Sundarrao Pande" instead of "Shyamsundar Ramrao Pande" in the O.A. and therefore, he prayed to grant leave of this Tribunal to correct the name of the applicant by amending the present O.A.

3. Leave as prayed for by the applicant is granted. The applicant shall amend the O.A. within a week.

4. S.O. to 13.03.2018.

MEMBER (J)

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 705/2016
(Smt. Panchfulabai R. Shirsath V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J).

DATE : 06.03.2018.

ORAL ORDER :

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

2. The applicant has approached this Tribunal with a prayer to direct the respondent Nos. 1 and 2 to decide the recommendation forwarded by the respondent No. 4 to the respondent No. 2 on his application for recording her correct date of birth as "13.02.1966" instead of "14.08.1958" published in the seniority list, by filing the present Original Application.

3. The respondent Nos. 2 to 5 have filed their common affidavit in reply and contended that the date of birth of the applicant cannot be corrected due to several reasons, but the respondents have admitted the fact that the application filed by the applicant for correction of date of birth recorded

in the service record is still pending and no decision has been taken by the respondent No. 2 on it.

4. Learned Advocate for the applicant has submitted that the applicant was regularized in the year 2012 and immediately after her regularization, she moved an application mentioning her correct date of birth and prayed to correct the date of birth in the service record. Not only this, but thereafter in the year 2014 again she had filed an application with the similar prayer as her incorrect date of birth has been recorded in the seniority list published on 25.10.2012. He has submitted that on the basis of her application, the respondent No. 4 sent his proposal to the respondent No. 2 on 29.10.2014 for recording correct date of birth of the applicant in the service record. But the respondent No. 2 had not taken decision on the same and therefore, the applicant has approached this Tribunal and prayed to direct the respondent No. 2 to decide the application of the applicant for correcting the date of birth in the service record.

5. Learned Presenting Officer has submitted that the request of the applicant cannot be considered for several reasons as mentioned in the affidavit in reply. He has submitted that the recommendation/proposal sent by the respondent No. 4 to the respondent No. 2 is still pending and no decision has been taken on it.

6. On perusal of documents, it reveals that the applicant had moved an application to correct her date of birth in the service record in the year 2012 as well as in the year 2014. Certain queries were raised by the respondent No. 2 in the proposal sent by the respondent No. 4. The respondent No. 4 had complied with the queries and sent the proposal/recommendation to the respondent No. 2 to correct the date of birth by his communication dated 24.10.2014. But the respondent No. 2 had not taken decision on the said proposal.

7. In these circumstances, it is just and proper to direct the respondent No. 2 to take decision on the proposal/recommendation sent by the

respondent No. 4 on the application of the applicant for correcting her date of birth in the service record.

8. In view of this, the respondent No. 2 is directed to take decision on the application of the applicant as per rules within a period of two months from the date of this order and communicate the decision thereon to the applicant in writing.

9. Accordingly, the O.A. stands disposed of with no order as to costs.

MEMBER (J)

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

C.P.NO. 8/2018 IN O.A.NO. 998/1994

[Shri Motilal M. Asalkar & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

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

DATE : 06.03.2018.

ORAL ORDER :

Heard Shri G.J. Kore, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicants, S.O. to 20.03.2018 for compliance of earlier order dated 25.01.2018.

MEMBER (J)

ORAL ORDERS 06.03.2018-HDD

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

C.P.NO. 9/2018 IN T.A.NO. 2997/1991

[Shri Premchand Z. Sarvade Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

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

DATE : 06.03.2018.

ORAL ORDER :

Heard Shri G.J. Kore, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 20.03.2018 for compliance of earlier order dated 25.01.2018.

MEMBER (J)

ORAL ORDERS 06.03.2018-HDD

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

ORIGINAL APPLICATION NO. 700 OF 2012

[Shri Atharoddin A. Siddique Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

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

DATE : 06.03.2018.

ORAL ORDER :

Shri Y.P. Deshmukh, learned Advocate for the applicant (**absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, present.

2. S.O. to 27.03.2018.

MEMBER (J)

ORAL ORDERS 06.03.2018-HDD

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

**O.A.NO. 599/16 WITH M.A. 317/17 IN O.A.ST. 985/17 WITH
M.A.318/17 IN O.A.ST. 986/17 WITH M.A. 45/18 IN O.A.ST.168/18**
[Sunita R. Bahiram & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

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

DATE : 06.03.2018.

ORAL ORDER :

None appears for the applicants. Shri M.S. Mahajan & Mrs. Priya R. Bharaswadkar, learned Chief Presenting Officer & Presenting Officer for the respective respondents in respective cases.

2. Since nobody appears for the applicants, S.O. to 28.03.2018.

MEMBER (J)

ORAL ORDERS 06.03.2018-HDD

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

ORIGINAL APPLICATION NO. 103 OF 2017

[Shri Navnath A. Matsagar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

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

DATE : 06.03.2018.

ORAL ORDER :

Heard Smt. Juee Palekar-Parlikar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The learned Presenting Officer has filed additional affidavit in reply in view of order passed by this Tribunal dated 14.12.2017 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. S.O. to 15.03.2018.

MEMBER (J)

ORAL ORDERS 06.03.2018-HDD

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

ORIGINAL APPLICATION NO. 104 OF 2017

[Shri Vitthal S. Pawal Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

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

DATE : 06.03.2018.

ORAL ORDER :

Heard Smt. Juee Palekar-Parlikar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. S.O. to 15.03.2018 for filing additional affidavit in reply.

MEMBER (J)

ORAL ORDERS 06.03.2018-HDD

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

ORIGINAL APPLICATION NO. 274 OF 2017

[Shri Anil A. Beedkar & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

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

DATE : 06.03.2018.

ORAL ORDER :

Shri Y.P. Deshmukh, learned Advocate for the applicants (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. In view of absent of the learned Advocate for the applicants, S.O. to 27.03.2018 for compliance of earlier order dated 25.01.2018.

MEMBER (J)

ORAL ORDERS 06.03.2018-HDD

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

M.A.NO. 8/2018 IN O.A.NO. 55/2017

[Shri Narsing R. Thakur Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

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

DATE : 06.03.2018.

ORAL ORDER :

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

2. It appears from the proceeding that notices not collected by the applicant. In the circumstances, S.O. to 27.03.2018 for taking steps for collection of notices.

MEMBER (J)

ORAL ORDERS 06.03.2018-HDD

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

M.A.NO. 22/2018 IN O.A.NO. 486/2017

[Smt. Vijeta M. Ade Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

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

DATE : 06.03.2018.

ORAL ORDER :

Heard Shri S.G. Magare, learned Advocate holding for Shri M.D. Godhamgaonkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 21.03.2018.

MEMBER (J)

ORAL ORDERS 06.03.2018-HDD

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

M.A.NO. 87/2017 IN O.A.ST.NO. 280/2017

[Shri Punamchand S. Bainade Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

DATE : 06.03.2018.

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 16th April, 2018.

MEMBER (J)

ORAL ORDERS 06.03.2018-HDD

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

ORIGINAL APPLICATION NO. 882 OF 2016

[Shri Pradeep M. Koushike Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

DATE : 06.03.2018.

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 16th April, 2018.

MEMBER (J)

ORAL ORDERS 06.03.2018-HDD

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

ORIGINAL APPLICATION NO. 892 OF 2016

[Smt. Babita Ulhas Rathod Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J)

DATE : 06.03.2018.

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. The applicant has filed the present Original Application seeking direction to the respondents to grant family pension and to release the pensionary benefits to her on account of death of her husband namely Ulhas Rathod, who was serving as a Clerk with the respondents. It is the contention of the applicant that her husband joined the service in the year 1986 and he was in service continuously till his removal i.e. till the year 2003. Her husband died on 25.4.2004 due to illness. It is her contention that during the life time of her husband a departmental enquiry has been initiated against him on the charges that he remained absent unauthorizedly for considerable period. It is her contention that in the enquiry he was held guilty and he was punished and thereafter he has been removed from the service by an order dated 19.7.2003. It is her contention that after death of her husband she moved an

application dated 9.1.2015 to grant her family pension and to release the pensionary benefits to her. The respondent No. 3 submitted his report in that regard to the respondent No. 1 on 31.3.2015, but the respondent No. 1 has not taken decision on her application till today. It is her contention that she is entitled to get family pension after death of her husband. Therefore, she has filed the present Original Application.

3. The respondents resisted the contention of the applicant that on the ground that husband of the applicant has been removed from the service and thereafter he died. Husband of the applicant has not challenged the order of removal and, therefore, the applicant is not entitled to get family pension. Therefore, they prayed to reject the present Original Application.

4. Learned Advocate for the applicant has submitted that the application filed by the applicant on 9.1.2015, for granting pension and pensionary benefits to her, is pending with the respondent No. 1. He has submitted that respondent No. 1 has not decided the said application and, therefore, he prayed to direct the respondent No. 1 to decide the application of the applicant and to dispose of the present O.A.

5. Learned Presenting Officer for the respondents has submitted that since the husband of the applicant has been removed from

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the service, the applicant is not entitled to get family pension. She has fairly admitted that the application of the applicant dated 9.1.2015 is pending with the respondent No. 1 and it is not yet decided. She prayed to pass the necessary orders.

6. On going through the record, it reveals that the husband of the applicant was serving with the respondents from the year 1986. A departmental enquiry has been initiated against him and in the enquiry he was held guilty and accordingly he was punished. He was removed from the service w.e.f. 19.7.2003. Husband of the applicant has not challenged the said order. Thereafter, he died on 25.4.2004 due to illness. Thereafter, the applicant moved an application dated 9.1.2015 for granting her family pension as her husband rendered continuous service from the year 1986 till the year 2003 i.e. till the date of his termination/removal, but the said application of the applicant has not yet been decided by respondent No. 1. Therefore, it is necessary to direct the respondent No. 1 to take appropriate decision on the application of the applicant dated 9.1.2015 as per rules within a period of two months from today and to communicate its decision to the applicant in writing. Therefore, I direct the respondent No. 1 to decide the application of the applicant dated 9.1.2015 within a period of two months from today and to

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communicate the decision thereon to the applicant in writing.

7. With the above directions the present Original Application is disposed of with no order as to costs.

MEMBER (J)