

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

**ORIGINAL APPLICATION NO. 425/2017
(Shri Prasad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 08.02.2018.

ORAL ORDER :

Shri P.D. Deshmukh, learned Advocate holding for Dr. Swapnil Tawshikar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. Learned Presenting Officer files affidavit in reply on behalf of respondent Nos. 1 to 3. Same is take on record and the copy thereof has been served on the learned Advocate for the applicant.

3. S.O. to 06.03.2018. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

KPB ORAL ORDER 08-02-2018

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

**M.A. No. 475/2017 in O.A. No. 224/2017
(Shri Devidas V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
(This matter is placed before the Single
Bench due to non-availability of
Division Bench.)**

DATE : 08.02.2018.

ORAL ORDER :

Shri A.S. Shelke, learned Advocate for the
applicant, Smt. Resha S. Deshmukh, learned
Presenting Officer for respondent Nos. 1 & 2 and
Ms. Preeti R. Wankhade, learned Advocate for
respondent No. 3.

2. S.O. to 14.02.2018. Interim relief granted
earlier to continue till then.

VICE CHAIRMAN

KPB ORAL ORDER 08-02-2018

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

**ORIGINAL APPLICATION NO. 823/2017
(Namdev D. Londhe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

Heard Shri H.V. Tungar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents, with consent.

2. The present O.A. is not maintainable. The learned Advocate for the applicant relied on ratio of UNION OF INDIA VS. HASMUKHBHAI P. RAIJADA [2004 (2) GLH 437]. The reading of said judgment would show that ordinarily the O.A. shall not be admitted if there are alternative remedies. The learned Advocate for the applicant has not put forth special circumstances for admission of the present matter by the Tribunal. The learned Advocate for the applicant made an attempt to take me through the merit of the present matter to show how the impugned order is wrong. This can be agitated before the right forum and the same cannot be cited as special circumstances.

3. In the circumstances, the present O.A. is dismissed without any order as to costs with

liberty to the applicant to file necessary application / appeal etc. before the proper forum.

VICE CHAIRMAN

ARJ ORAL ORDERS 08-02-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 961/2017
(Manoj J. Agale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

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

2. The learned P.O. submitted that though the order dtd. 4.1.2018 is communicated to the concerned respondents, the instructions therefrom are still awaited.

3. The learned Advocate for the applicant files on record a true copy of a declaration from website of the respondents. The same is taken on record and marked as document 'X' for the purpose of identification. He submits that despite the order dtd. 4.1.2018, the concerned respondent instead of taking any corrective steps, started counseling of the second round, however, the present applicant is not called therefor.

4. In the circumstances, it is hereby directed that one post in O.B.C. category from the post of Multipurpose Worker 50% shall be kept vacant until further orders.

5. At the request of learned P.O. S.O. to 20.3.2018 for filing affidavit in reply.
6. Steno copy & hamdast allowed for the use of both the sides.

VICE CHAIRMAN

ARJ ORAL ORDERS 08-02-2018

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

**M.A. 446/2012 IN C.P. ST. 1507/2012 IN O.A. 239/1998 &
11/2003**

(Pawan A. Landge V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

Shri S.D. Dhongde learned Advocate for the
applicant **(leave note)**. Shri V.R. Bhumkar,
learned Presenting Officer for respondents, is
present.

2. In view of leave note of learned Advocate for
the applicant S.O. to 13.3.2018.

VICE CHAIRMAN

ARJ ORAL ORDERS 08-02-2018

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

**ORIGINAL APPLICATION NO. 484/2013
(Nagnath S. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate
for the applicant and Shri S.K. Shirse, learned
Presenting Officer for respondents.

2. The learned Advocate for the applicant
submits that he will have to go through the
relevant law or precedents to find out the effect of
Full Bench Decision on the present matter. At
his request S.O. to 12.3.,2018 for satisfying the
query raised by the Tribunal vide order dtd.
6.7.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 08-02-2018

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

**ORIGINAL APPLICATION NO. 126/2016
(Anjanabai H. Suryawanshi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate for the applicant (**leave note**). Smt. Resha S. Deshmukh, learned Presenting Officer for respondents, is present.

2. In view of leave note of learned Advocate for the applicant S.O. to 19.3.2018 for satisfying the query raised by the Tribunal vide order dtd. 9.1.2018.

VICE CHAIRMAN

ARJ ORAL ORDERS 08-02-2018

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

**ORIGINAL APPLICATION NOS. 488 & 489 BOTH OF 2016
(Sukhdev S. Chitte & Ors and Abaji S. Jadhav & Ors. V/s. State of Maharashtra
& Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate for the applicants in both the matters has filed leave note. Shri M.P. Gude, learned Presenting Officer for respondents in both the matters, is present.

2. In view of leave note of learned Advocate for the applicants, S.O. to 27.3.2018 for hearing on admission.

VICE CHAIRMAN

ARJ ORAL ORDERS 08-02-2018

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

**C.P. NO. 14/2018 IN O.A. NO. 893/2011
(Ramrao D. Misal V/s. State of Maharashtra & Ors.)**

A N D

**C.P. NO. 15/2018 IN O.A. NO. 892/2011
(Baburao V. Sanap V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

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

2. The learned Advocate submits that in both the cases the applicants are already superannuated from the service and their cases are required to be considered for notional benefits by the departmental promotion committee in view of the order of the Division Bench dated 20.10.2016 passed in O.As.

3. In that view of the matter issued notices in both the contempt petitions to the respondent nos. 1 & 2 only, returnable on 14.3.2018.

VICE CHAIRMAN

ARJ ORAL ORDERS 08-02-2018

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 08.02.2018

ORAL ORDER :

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

2. The learned Advocate for the applicant submits that he is ready with amendment. It be filed in the office and the O.A. be amended accordingly. S.O. to 6.3.2018 for hearing on the point of limitation.

VICE CHAIRMAN

ARJ ORAL ORDERS 08-02-2018

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

**M.A. 36/2018 IN O.A. 952/2017
(Nivrutti S. Mali V/s. Vilas G. Shirolkar & State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 08.02.2018

ORAL ORDER :

Heard Shri R.K. Ashtekar, learned Advocate for the applicant, Shri Avinash Deshmukh, learned Advocate for respondent no. 1 and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondent nos. 2 to 4 in the present M.A.

2. By filing the present M.A., the applicant is seeking intervention in O.A. no. 952/2017 filed by Shri Vilas G. Shirolkar. It is to be noted that the applicant in M.A. has no locus standi since he has no cause of action. So far as the present O.A. is concerned the applicant in misc. application claims to be a complainant on whose complaint the applicant in O.A. is transferred.

3. In view of limited scope of jurisdiction of the Maharashtra Administrative Tribunal, the present M.A. for intervention cannot be entertained and the same is dismissed without any order as to costs.

VICE CHAIRMAN

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

**O.A. 952/2017
(Vilas G. Shirolkar V.S. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 08.02.2018

ORAL ORDER :

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

2. S.O. to 15.2.2018 for hearing. The matter would be heard positively on that date.

VICE CHAIRMAN

ARJ ORAL ORDERS 08-02-2018

FARAD CONTINUATION SHEET

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

O.A. 583/2015

(Sambhaji S. Khaladkar Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 08.02.2018

ORAL ORDER :

Heard Shri R.K. Ashtekar, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The learned P.O. submits that affidavit in reply to the amended O.A. is required. In the circumstances the present matter is removed from the final hearing category. At the request of learned P.O. S.O. to 14.3.2018 for filing affidavit in reply to the amended O.A.

VICE CHAIRMAN

ARJ ORAL ORDERS 08-02-2018

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

**Original Application No.103/2017
(Navnath Matsagar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

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

2. Learned P.O. submits that additional affidavit
in reply is ready, however, he wants to study the
same and file it later on.

3. S.O. to 06-03-2018 for filing additional affidavit
in reply.

VICE CHAIRMAN

YUK ORAL ORDER 08-02-2018 VC F

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

**Original Application No.104/2017
(Vitthal Pawal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

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

2. Learned P.O. submits that additional affidavit
in reply is ready, however, she wants to study the
same and file it later on.

3. S.O. to 06-03-2018 for filing additional affidavit
in reply.

VICE CHAIRMAN

YUK ORAL ORDER 08-02-2018 VC F

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

**Original Application No.143/2017
(Udalsing Naglot V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

Heard Shri V.G.Pingle learned Advocate for the
applicant and Shri S.K.Shirse learned Presenting
Officer for respondents.

2. In reference to the order dated 08-01-2018,
learned P.O. files on record additional affidavit in
reply on behalf of respondent nos.1 and 2, to which
the judgment of the Division Bench of the Hon'ble
High Court is annexed. It is taken on record. Copy
thereof has been served on the learned Advocate for
the applicant.

3. Shri V.G.Pingle learned Advocate for the
applicant submits that he would go through the
additional affidavit in reply and documents filed with
it.

4. S.O. to 05-03-2018 for making submission on
the above line.

VICE CHAIRMAN

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

**Original Application No.361/2017
(Ratnamal Gangul V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

Heard Shri S.S.Kulkarni learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents.

2. Heard with consent of both the parties. Present applicant is seeking direction to the respondent no.2 to consider application of the present applicant for the post of Dental Assistant.

3. The affidavit in reply of the respondent nos.2 and 3 alongwith documents would show that this post was available only from Open category. Present applicant is from reserved category. The upper age limit in the case was 38 years. Present applicant was more than 39 years at the prescribed date, and therefore, he could not have been considered for the Open category selection.

4. In that view of the matter, the application is dismissed without any order as to costs.

VICE CHAIRMAN

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

**Original Application No.384/2017
(Ramesh Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

Heard Shri Pareshsing B. Patil learned
Advocate for the applicant and Smt. Deepali
Deshpande learned Presenting Officer for
respondents.

2. Learned P.O. files a short affidavit in reply on
behalf of respondent nos.1 and 2. It is taken on
record. Copy thereof has been served on the other
side.

3. Admit. Case be placed before the Division
Bench as and when it is available.

VICE CHAIRMAN

YUK ORAL ORDER 08-02-2018 VC F

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

**Original Application No.537/2017
(Parimala Ubale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

Heard Shri J.S.Deshmukh learned Advocate for
the applicant and Shri D.R.Patil learned Presenting
Officer for respondents. Shri B.R.Kedar learned
Advocate for respondent no.4 is **absent**.

2. Learned P.O. seeks time to file affidavit in reply
on behalf of the respondents. Time is granted.

3. S.O. to 28-03-2018.

VICE CHAIRMAN

YUK ORAL ORDER 08-02-2018 VC F

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

**Original Application No.622/2017
(Sagar Nemane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

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

2. Upon hearing both sides, it appears that there is some confusion in the mind of the respondents regarding placing of the applicant viz-a-viz respondent no.3.

3. It is an admitted fact that the respondent no.3 has entered service on 06-07-2012 after attaining 45 years of his age. Therefore, as per rules, he is required to be placed in the seniority list on the date he joined service. Present applicant whose name finds place at Sr.No.106 (paper book page 30) has joined on 23-06-2008 i.e. before attaining age of 45 years.

4. The record would show that he passed the requisite departmental examination in November, 2013 as prescribed, and therefore, there is

no question of losing his seniority to the respondent no.3, who has joined service on 06-07-2012.

5. In the circumstances, respondents are directed to reconsider the issue and take corrective steps in the light of the above facts and file report regarding the same on record. In case, respondents come to a conclusion that according to rules no corrective steps can be taken then a short affidavit explaining the statement be filed on record.

6. At the request of learned P.O., S.O. to 12-03-2018 for taking corrective steps, if any.

7. Interim relief granted earlier to continue till then.

8. Parties to act on steno copy/authenticated copy of the order.

VICE CHAIRMAN

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

**Original Application No.655/2017
(Sujata Hingole V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

Heard Shri S.S.Kulkarni learned Advocate holding for Shri G.K.Kshirsagar learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. Learned P.O. files affidavit in reply on behalf of the respondent nos.1 to 3. It is taken on record. Copy thereof has been served on the other side.

3. Learned P.O. seeks time to file affidavit in reply on behalf of other respondents, if any.

4. S.O. to 13-03-2018.

VICE CHAIRMAN

YUK ORAL ORDER 08-02-2018 VC F

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

**Original Application No.713/2017
(Venkat Mundhe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

Shri K.G.Salunke learned Advocate for the
applicant is **absent**. Smt. Priya Bharaswadkar
learned Presenting Officer for respondents is present.

2. It is evident that service affidavit is filed on
record and respondents are duly served.

3. Learned P.O. seeks time to file affidavit in reply
on behalf of the respondents. Time is granted.

4. S.O. to 26-03-2018.

VICE CHAIRMAN

YUK ORAL ORDER 08-02-2018 VC F

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

**Original Application No.717/2017
(Dwarka Khade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

Heard Shri P.G.Tambde learned Advocate holding for Shri S.S.Jadhavar learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Learned P.O. submits that corrective steps as directed by the Tribunal on 06-10-2017 have already been taken.

3. Learned Advocate on instructions from the applicant submits that applicant does not wish to proceed with the application and he wants to withdraw the O.A.

4. As the applicant does not wish to proceed with the O.A., it stands disposed of as withdrawn without any order as to costs.

VICE CHAIRMAN

YUK ORAL ORDER 08-02-2018 VC F

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

**Original Application No.723/2017
(Anant Nemade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

Shri K.G.Salunke learned Advocate for the
applicant is **absent**. Shri S.K.Shirse learned
Presenting Officer for respondents is present.

2. Learned P.O. submitted that in fact grievance
of the present applicant is already redressed,
therefore, nothing survives in the present original
application.

3. Record would show that since 4th October,
2017, no steps are taken for serving notices upon the
respondents.

4. In the circumstances, O.A. is hereby dismissed
in default without any order as to costs.

VICE CHAIRMAN

YUK ORAL ORDER 08-02-2018 VC F

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

**Original Application No.743/2017
(Subhash Dhokane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

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

2. Upon hearing both sides, it appears that respondents are not properly interpreting the ratio in the case of **R. Jeevaratnam V/s. The State of Madras** as quoted in paragraph 9-b) (paper book page 62) of the affidavit in reply. It is, in fact, case of the applicant that the order of dismissal of service, after conviction in a criminal case, cannot be with retrospective effect.

3. In that view of the matter, interim relief in terms of prayer clause (E) is granted only to the extent of staying recovery of the monthly subsistence allowance granted to the applicant till decision of the O.A.

4. Since arguable case is made out, O.A. is admitted. It may be removed from the board and be placed before the Division Bench as and when it is available.

5. Parties to act on the steno copy/authenticated copy of the order.

VICE CHAIRMAN

YUK ORAL ORDER 08-02-2018 VC F

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

**Original Application Nos.445, 446, 447, 449, 450, 451, 452, 453, 454,
455, 456, 457, 458, 459, and 494 all of 2017
(Maharashtra Van va Samajik Vanikaran Rojandari Va Kayam Kamgare –
Karmachari Va Sarva Shramik Sanghatana & Ors.
V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

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

DATE : 08.02.2018

ORAL ORDER :

Heard Shri A.S.Shelke learned Advocate for the
applicants and Shri M.S.Mahajan learned Chief
Presenting Officer for respondents for respective
parties.

2. Learned CPO seeks time to file affidavit in reply
on behalf of the respondents. Time is granted.

3. S.O. to 28-03-2018 for filing affidavit in reply
on behalf of the respondents.

VICE CHAIRMAN

YUK ORAL ORDER 08-02-2018 VC F

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

ORIGINAL APPLICATION NO. 31 OF 2018

[Shri Dattatraya N. Trimukhe Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018.

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant, as well as, learned Presenting Officer for the respondents seek time to file written notes of arguments along with synopsis, authorities, if any. The present Presiding Officer would be on circuit sitting for a period of two weeks. In the circumstances, S.O. to 27.02.2018 for filing written notes of arguments.

VICE CHAIRMAN

ORAL ORDERS 08.02.2018-HDD

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

ORIGINAL APPLICATION NO. 72 OF 2018

[Shri Anant J. Hange Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018.

ORAL ORDER :

Heard Shri P.K. Wagh, learned Advocate holding for Shri A.D. Aghav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. From the copy of the application, Annexure 'A-2', page-19, it is clear that the present applicant has deposited an amount of Rs. 220/- towards the concession fees meant for the reserved category candidates for participation in the selection process. However, by the present application, the applicant claims that he should have been considered for Open Project Affected Person Category. This however, could not be done, as the present applicant did not seek option to compete for the Open Category quota also in view of availing concession in payment of fees for reserved category candidates. The present Original Application, therefore, prima facie would not be maintainable.

O.A. NO. 72 OF 2018

3. However, the detail hearing from the side of Advocate on this issue on the basis of laws, authorities, if any is required.

4. In the circumstances, S.O. to 5th March, 2018 for making further submissions by the learned Advocate for the applicant on the above line.

VICE CHAIRMAN

ORAL ORDERS 08.02.2018-HDD

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

ORIGINAL APPLICATION NO. 80 OF 2018

[Shri Lokesh S. Phulpagare Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018.

ORAL ORDER :

Heard Shri R.D. Khadap, learned advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 6th March, 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 questions such as limitation and alternate remedy are kept open.

O.A. NO. 80 OF 2018

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

7. S.O. to 6th March, 2018.

8. Selection process, if any, shall be subject to the decision in the present Original Application.

9. Steno copy and hamdust is allowed to both the parties.

VICE CHAIRMAN

**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 R. Tagad Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018.

ORAL ORDER :

Heard Shri P.G. Tambade, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. From the record, it is clear that two candidates from NT-C female candidates are already recommended by the respondent No. 2 to respondent No. 1. It appears that as no woman candidate from NT-C category was found eligible for waiting list, no such candidate is recommended by the respondent No. 2.

3. The applicant is a male NT-C candidate. From the merit list it appears that he even could not be at Sr. No. 1 for recommendation even from waiting list. Though the original select list is of 26th September, 2016, the applicant has no knowledge as to whether regularly selected two candidates have joined the services or not. In the circumstances, the Original Application is not prima facie maintainable.

:: - 2 - ::

**M.A.NO. 35/2018 IN
O.A.ST.NO. 97/2018**

4. Learned Advocate for the applicant however, may go through all the situations and make further submissions in the case.

5. S.O. to 6th March, 2018 for making submissions on the above line.

VICE CHAIRMAN

ORAL ORDERS 08.02.2018-HDD

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

C.P.NO. 13/2018 IN O.A.NO. 633/2014

[Dr. Ashok R. Jadhav Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018.

ORAL ORDER :

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

2. Issue notices to the respondents in C.P. No. 13/2018, returnable on 12th March, 2018.

VICE CHAIRMAN

ORAL ORDERS 08.02.2018-HDD

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

ORIGINAL APPLICATION NO. 461 OF 2015

[Shri Vijay L. Tarode Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018.

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of both the sides, S.O. to 7th March, 2018 for compliance.

VICE CHAIRMAN

ORAL ORDERS 08.02.2018-HDD

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

ORIGINAL APPLICATION NO. 576 OF 2015

[Shri Chakresh M. Mahajan Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018.

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 12th March, 2018 for filing affidavit in reply to the amended O.A.

VICE CHAIRMAN

ORAL ORDERS 08.02.2018-HDD

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

ORIGINAL APPLICATION NO. 622 OF 2015

[Shri Rameshwar K. Munde Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018.

ORAL ORDER :

Heard Shri Vivek Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, by consent.

2. Short Affidavit in reply of respondent No. 1 would show that in the selection process of 2013 now no post is available. It is to be noted from the said selection process that the certificate on which the present applicant has relied was found to be invalid. The applicant by the present O.A. sought permission for tendering another certificate. However, by that time the process of selection itself is completed

3. Learned Advocate for the applicant submits that though the said selection process is completed now 39 posts of Police Constables are available. However, that cannot be a ground for directing the respondents to consider the case of the present applicant.

:: - 2 - ::

O.A. NO. 622 OF 2015

4. In that view of the matter, the present Original Application is dismissed without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 08.02.2018-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**

[Sunita R. Bahiram & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018.

ORAL ORDER :

Heard Shri D.J. Patil for himself and holding for Shri S.N. Suryawanshi, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases.

2. At the request of learned Advocate for the applicant, S.O. to 6th March, 2018 for making further submissions that in next of the selection process the applicants can be considered.

VICE CHAIRMAN

ORAL ORDERS 08.02.2018-HDD

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

M.A.NO. 410/2017 IN O.A.NO. 93/2016

[Shri Dhondiba A. Shinde Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018.

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent No. 1 and Shri Shamsundar B. Patil, learned Advocate for respondent Nos. 2 to 4.

2. For the reasons stated in the present M.A. No. 410/2017, the same is allowed and the legal heirs be brought on record by making necessary amendment in the title clause of the O.A. No. 93/2016. No order as to costs.

VICE CHAIRMAN

ORAL ORDERS 08.02.2018-HDD

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

**O.A.NOS. 86, 88, 89, 90, 92, 93, 148, 149, 150 ALL OF 2016 AND
O.A.NO. 226 OF 2015**

[Shri Bankat N. Ghule & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018.

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicants in all these cases, Shri D.R. Patil, learned Presenting Officer for the respondent No. 1 in all these cases, Shri Shamsundar B. Patil, learned Advocate for respondent Nos. 2 to 4 in O.A. Nos. 86, 88, 89, 90, 92 & 93/2016, for respondent No. 2 only in O.A. Nos. 148, 149 & 150/2016 and Shri G.N. Patil, learned Advocate for respondent Nos. 2 to 4 in O.A. No. 226/2015.

2. Upon hearing both the sides, it appears that the arguable case is made out. Hence, **admit**. The present cases be removed from the board and the same be placed before the Division Bench, as and when it is available.

VICE CHAIRMAN

ORAL ORDERS 08.02.2018-HDD

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

O.A.NO. 931 WITH O.A.NO. 930 BOTH OF 2016
[Shri Chudaman Daga Pawar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018.

ORAL ORDER :

Heard Shri Shrikant Patil, learned Advocate for the applicants in both the cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in both the cases.

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

VICE CHAIRMAN

ORAL ORDERS 08.02.2018-HDD

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

ORIGINAL APPLICATION NO. 614 OF 2017

[Shri Jeevan N. Wader Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 08.02.2018.

ORAL ORDER :

Heard Shri H.V. Patil, learned Advocate holding for Shri P.P. Uttarwar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 6th March, 2018 for filing affidavit in reply on behalf of respondent No. 2.

VICE CHAIRMAN

ORAL ORDERS 08.02.2018-HDD