

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 758/2017
(Shri Baburao K. Kamble V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 10.07.2017.

ORAL ORDER:-

Heard Shri K.U. More, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. The learned Advocate for the applicant has submitted that the applicant does not want to proceed with the present O.A., as he intends to file application before the concerned authority and therefore, he seeks leave of this Tribunal to withdraw the present O.A. with liberty to approach this Tribunal as and when cause of action arose.

3. Since, the applicant does not want to proceed with the present O.A., hence, the same stands disposed of as withdrawn with liberty to file application before the concerned authority. There shall be no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**O.A. No. 419/2017 with Caveat No. 18/2017 with
M.A. No. 234/2017
(Shri Bhaskar V. Waghmare V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 10.07.2017.

ORAL ORDER:-

Heard Shri V.B. Wagh, learned Advocate for the applicant, Smt. Priya R. Bhraswadkar, learned Presenting Officer for respondents and Shri A.S. Deshmukh, learned Advocate for the Caveator.

2. At the request of learned Presenting Officer, S.O. to 11.07.2017.

MEMBER (J)

KPB ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 536/2016
(Shri Baliram B. Patil V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 10.07.2017.

ORAL ORDER:-

Shri A.D. Sugdare, learned Advocate for the applicant and Shri I.S. Throrat, learned Presenting Officer for respondent nos. 1 & 2. Shri S.D. Dhongde, learned Advocate for respondent nos. 3 & 4, absent.

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

3. S.O. to 02.08.2017.

MEMBER (J)

KPB ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 268/2016
(Shri Kailas D. Patil V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 10.07.2017.

ORAL ORDER:-

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

2. Leaned Presenting Officer and learned Advocate for the applicant both have submitted that the relief claimed in the present O.A. and relief claimed in O.A. No. 536/2016 are different, but the present O.A. has been tagged with the O.A. No. 536/2016 due to mistake. Therefore, they prayed to keep the both matters independently.

3. Hence, the present matter be kept independently on 02.08.2017.

3. S.O. to 2.8.2017.

MEMBER (J)

KPB ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 652/2016
(Shri Bhimraj R. Thorat V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 10.07.2017.

ORAL ORDER:-

Shri H.U. Dhage, learned Advocate for the applicant
(**Absent**). Shri S.K. Shirse, learned Presenting Officer for
respondents, present.

2. As none present for the applicant, S.O. to
04.08.2017.

MEMBER (J)

KPB ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 846/2016
(Shri Kishor A. Bagul V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 10.07.2017.

ORAL ORDER:-

Shri A.B. Katkar/A.C. Deshpande, learned Advocate for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 07.08.2017.

MEMBER (J)

KPB ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 853/2016
(Shri Sunil P. Gavit V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 10.07.2017.

ORAL ORDER:-

Shri Y.B. Bolkar, learned Advocate for the applicant
(**Absent**). Shri I.S. Thorat, learned Presenting Officer for
respondents, present.

2. As none present for the applicant, S.O. to
03.08.2017.

MEMBER (J)

KPB ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 863/2016
(Shri Babarao D. Tathe V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 10.07.2017.

ORAL ORDER:-

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

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

3. S.O. to 4.8.2017.

MEMBER (J)

KPB ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 22/2017
(Shri Pradeep V. Kale V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 10.07.2017.

ORAL ORDER:-

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 1 & 2. Same is taken on record and the copy thereof has been served upon the learned Advocate for the applicant.

3. S.O. to 4.8.2017.

MEMBER (J)

KPB ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 939/2016
(Shri Rajendra B. Salvi V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 10.07.2017.

ORAL ORDER:-

Heard Shri J.B. Choudhary, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

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

3. S.O. to 4.8.2017.

MEMBER (J)

KPB ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 57/2017
(Shri Kiran S. Mashale V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 10.07.2017.

ORAL ORDER:-

Heard Shri S.S. Dambe, 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 26.07.2017.

MEMBER (J)

KPB ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 55/2017 in O.A. St. No. 167/2017
(Shri Abhimanyu S. Kalyan V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 10.07.2017.

ORAL ORDER:-

Heard Shri Abhimanyu S. Kalyan, party in person and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. At the request of party in person, S.O. to 31.07.2017.

MEMBER (J)

KPB ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 945/2016
(Shri Desai C. Rathod V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 10.07.2017.

ORAL ORDER:-

Heard Shri D.R. Irale Patil, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The learned Advocate for the applicant has submitted that the applicant does not want to proceed with the present O.A. and he wants to withdraw the same with liberty to file fresh O.A., on fresh cause of action.

3. Since, the applicant does not want to proceed with the present O.A., the same stands disposed of as withdrawn with liberty as prayed for. There shall be no order as to costs.

MEMBER (J)

KPB ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 69/2017
(Shri Amarsing S. Kamthekar V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 10.07.2017.

ORAL ORDER:-

Shri H.B. Pawar, learned Advocate holding for Shri H.V. Tungar, 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 09.08.2017.

MEMBER (J)

KPB ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 193/2017

(Shri Dnyaneshwar K. Sanap & Ors. V/s. State of Maharashtra & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 10.07.2017.

ORAL ORDER:-

Shri Vivek G. Pingle, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

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

3. S.O. to 08.08.2017.

MEMBER (J)

KPB ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 216/2017
(Shri Tajkhan S. Pathan V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 10.07.2017.

ORAL ORDER:-

Shri A.D. Sugdare, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 02.08.2017.

MEMBER (J)

KPB ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 305/2017
(Smt. Rajmudra M. Khillare V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 10.07.2017.

ORAL ORDER:-

Ms. Ashlesha Raut, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that she will file rejoinder affidavit during the course of the day.

3. S.O. to 17.07.2017. Status-quo granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.354/2017

(Shri Devendra Tukaram Katke V/s.
The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 10-07-2017

ORAL ORDER:-

Heard Ku. Ashlesha Raut learned Advocate holding for Shri S.B.Talekar learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed a short affidavit on behalf of the applicant. 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 the respondents. Time granted.
4. S.O.28-07-2017.
5. Interim relief granted earlier to continue till then.

MEMBER (J)

YUK ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.32/2017 IN O.A.St.No.883/2016
(Dwarkabai Ramteke V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 10-07-2017

ORAL ORDER:-

Dr. Kalpalata Patil-Bharaswadkar learned Advocate for the applicant is **absent**. Smt. Priya Bharaswadkar learned Presenting Officer for the respondents is present.

2. None is present for the applicant.

3. S.O. 31-07-2017 for passing appropriate order.

MEMBER (J)

YUK ORAL ORDER 10-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.155/2016

(Dr. Jaisinh Shivajirao Veer V/s.
The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 10-07-2017

ORAL ORDER:-

Shri J.S.Deshmukh learned Advocate for the applicant is **absent**. Shri S.N.Rodge learned Advocate for respondent nos.5 and 6 is also **absent**.

Shri M.P.Gude learned Presenting Officer for the respondents is present.

2. Learned P.O. submits that he has received a communication dated 10th July, 2017 from Deputy Secretary, Health Department, Government of Maharashtra with a request to seek 4 weeks' time for filing affidavit in reply on the ground that parawise remarks are pending with the Government for approval. Learned P.O. sought time as a last chance to file reply on behalf of the respondents.

3. On perusal of the proceedings, it reveals that already last chance was given to the respondents to file reply on 23-02-2017, 27-03-2017 and 06-06-2017 but the respondents failed to file affidavit in reply. Ample opportunities are given to the respondents to file their reply but they are not diligent to take any steps in the matter.

4. In these circumstances, in the interest of justice last chance is granted to the respondents to file reply on payment of costs of Rs.5000/-.

5. S.O. 14-08-2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..**

MA 93/2017 IN MA 409/2014 IN OA St.1452/2014.

(Miss M. B. Deshpande Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 10-07-2017

ORAL ORDER:-

None present for the applicant. Smt R. S. Deshmukh learned Presenting Officer for the respondents is present.

2. The record would show that, since long nobody is attending the case on behalf of the applicant. In the circumstances, as a last chance, S. O. to 08.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 10-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

MA NO.64/2017 IN OA NO.100/2017.
(Shri M. V. Sonkamble Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-07-2017

ORAL ORDER:-

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

2. The learned P.O. submits that the applicant wants parity with the order passed in the O.A. No.539/2016 in the present O.A., but the respondents wants to challenge the order in OA No.539/2016 before the Hon'ble High Court. Therefore, she seeks time. At her request, S. O. to 28.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 10-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

MA NO.132/17 IN CP ST.397/17 IN OA 539/16.
(Shri A. K. Kakde & Ors. Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 10-07-2017

ORAL ORDER:-

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

2. The learned P.O. seeks time on the ground that, the Respondents are processing the matter to file a Writ Petition in the Hon'ble High Court.

3. It is to be noted that, the order was passed on 15.12.2016. Thereafter, since the order was not complied the applicant had issued legal notice.

4. As despite the notice the order was not complied this application for permission to file contempt petition was filed and only when notices in the present application are served on the Respondents, the above statement is made.

5. The original order appears to have been passed in view of the G.R. dated 25.07.2002 and affirmation of

the said G.R. in the judgment of the Division Bench of the Hon'ble High Court has already referred in para no.6 of the judgment (page No.13).

6. Despite this the respondents are making a statement that, they want to challenge the order in the Hon'ble High Court.

7. Therefore, with the caveat that, in case either the Respondents by name or by present Official holding the post are not serious in the matter despite adverting the attention to para no.6 of the judgment in filing the writ petition heavy costs will be imposed on the Respondents and or permission to file contempt petition will be granted.

8. S. O. to 25.08.2017.

9. The learned P.O. is directed to act on the Steno copy of this order.

VICE CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.404/2017.
(Shri R. R. Mungale Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-07-2017

ORAL ORDER:-

Heard Shri J. B. Choudhary learned Advocate for the applicant and Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. Issue notice to the Respondents, returnable on 22nd August, 2017. Until further orders the effect of operation and implementation of punishment in terms of prayer clause (b), which runs as under :-

(b) Pending hearing and final disposal of this Original application, the execution, operation and implementation of the impugned punishment order dated 25.4.2017, issued by the respondent No.3, imposing the punishment upon the applicant may kindly be stayed.”

3. The affidavit in reply shall contain as to whether any notice prior to the imposition of the inflicted punishment was issued to the present applicant and whether any separate reasons are recorded for each of the charge and more particularly for charge No.2.

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 M.A. Respondent is 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 question 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. 22.8.2017.

9. Steno copy & hamdust allowed to both the parties.

VICE CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.689/2015.
(Dr. S. B. Tambe Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-07-2017

ORAL ORDER:-

Heard Miss Ashlesha Raut learned Advocate holding
for Shri S. B. Talekar learned Advocate for the applicant,
Shri N. U. Yadav learned Presenting Officer for the
respondents and Shri V. B. Wagh learned Advocate for
the Respondent no.6. None present for the Respondent
no.5.

2. Miss Ashlesha Raut learned Advocate holding for
Shri S. B. Talekar learned Advocate for the applicant
seeks time. As a last chance time is granted.

3. S. O. to 18.07.2017.

VICE CHAIRMAN.

ORAL ORDERS 10-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.587/2016.
(Shri V. H. Bagul Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-07-2017

ORAL ORDER:-

Heard Shri A. D. Gadekar learned Advocate for the applicant and Shri D. R. Patil learned Presenting Officer for the respondents no.1 & 2. None present for the Respondent no.3.

2. At the request of the learned P.O. last chance is granted to file short affidavit as directed vide order dated 21.02.2017. In case no short affidavit is filed on the next date heavy costs will be saddled on the responsible Officer.

3. S. O. to 2.8.2017 as a last chance to comply with the order dated 21.2.2017.

VICE CHAIRMAN.

ORAL ORDERS 10-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.739/2016.
(Shri D. B. Mukhade Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-07-2017

ORAL ORDER:-

Heard Shri S. P. Dhobale learned Advocate holding for Shri A. V. Patil learned Advocate for the applicant and Shri V. R. Bhumkar learned Presenting Officer for the respondents.

2. Upon hearing both sides, it appears that, vide page no.16 the qualification for the post of Senior Clerk is prescribed by the Respondent as a Graduate and having the experience in clerical cadre in Administrative or Account subject. The applicant claims to be a Coordinator in a scheme of literacy. Further reliance is placed in G.R. dated 15.10.2010 at page no.37 and more particularly page no.40 where the duties of the Coordinator mentioned wherein the main work is of carrying survey etc. regarding literacy and duty no.6 is keeping the account.

3. The learned Advocate for the applicant seeks time to file affidavit in rejoinder. Considering the fact that, two chances were already granted to the applicant, as a last chance, S.O. to 02.08.2017 for filing affidavit in rejoinder.

VICE CHAIRMAN.

ORAL ORDERS 10-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.803/2016.
(Shri Sayyed Kalim Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-07-2017

ORAL ORDER:-

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

2. The learned P.O. files on record affidavit of the Respondent in response to the earlier order which would show that, after much persuasion from this Tribunal and after passing various orders ultimately the respondent is rectifying the apparent mistake.

3. In the circumstances, the affidavit is hereby accepted. The matter is fixed for compliance on 22.8.2017.

4. considering the unnecessary wastage of time and purposeful protraction of the case either by Respondent no.1 S.P. Parbhani or any of his junior it is directed that,

the respondent shall deposit cost of Rs.10,000/- by Govt. cheque which shall be forfeited to the State Treasury.

5. The Respondent no.1 the learned S. P. would be at liberty to recover the said amount from the erring Official.

6. S. O. to 22.8.2017 for both compliance.

VICE CHAIRMAN.

ORAL ORDERS 10-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.352/2017.
(Shri Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-07-2017

ORAL ORDER:-

Heard Shri Deepak K. Rajput learned Advocate holding for Shri A. S. Bayas learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. At the request of the learned P.O., S. O. to 21.8.2017 to take the corrective steps as directed by para no.4 of the order dated 12.06.2017. Interim relief to continue until further order.

VICE CHAIRMAN.

ORAL ORDERS 10-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.191/2017.
(Shri A. S. Mane Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-07-2017

ORAL ORDER:-

Heard Shri V. B. Wagh learned Advocate for the applicant and Shri N. U. Yadav learned Presenting Officer for the respondents.

2. Shri V. B. Wagh the learned Advocate for the applicant seeks time to file service affidavit. At his request S. O. to 02.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 10-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

MA NO.183/2016 IN CP ST.686/2016
IN OA 352/2014.

(Shri Rohidas S. Jadhav Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 10-07-2017

ORAL ORDER:-

It is reported that Shri J. S. Deshmukh learned Advocate for the applicant has filed leave note.

2. Heard Shri S. K. Shirse learned Presenting Officer for the respondents.

3. The learned P.O. points towards the fact that vide order dated 24.07.2017 the statement was made on behalf of the Respondents that, the order in O.A. is already complied. The learned Advocate for the applicant sought time to take instructions in this regard. Thereafter, the learned Advocate for the applicant again sought time on 15.06.2017.

3. In view of the leave note filed by the learned

//2//

Advocate for the applicant, S. O. to 25.7.2018 either for making statement from the applicant's side or to pass necessary orders.

ORAL ORDERS 10-07-2017-ATP

VICE CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

MA NO.31/2017 IN CP ST.77/2017 IN OA 500/2014.
(Shri D. B. Parte Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-07-2017

ORAL ORDER:-

Heard Shri P. V. Suryawanshi learned Advocate for
the applicant and Smt R. S. Deshmukh learned
Presenting Officer for the respondents.

2. The learned P. O. seeks time. At her request, as a
last chance, S. O. to 10.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 10-07-2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 217 OF 2000
(Dr. Subhash P. Kumbhare Vs. The State of Maha. and
Ors.)**

**CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI,
VICE CHAIRMAN
[This matter is placed before the Single Bench
due to non-availability of Division Bench].**

DATE : 10.07. 2017.

ORAL ORDER:

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

2. Learned Advocate for the applicant has filed copy of judgment passed in Writ Petition Nos. 3055 & 3966 delivered by the Division Bench of Hon'ble Bombay High Court Bench at Nagpur dated 27th June, 2017. The copy of the said judgment is taken on record and marked as document 'X' for identification purposes.

3. On perusal of the aforesaid judgment, it reveals that the present applicant was the petitioner in Writ Petition No. 3966/2000 and the Hon'ble High Court finally ordered regarding him as under: -

“So far as the petitioner-Dr. Subhash S/o. Pundlik Kumbhare in Writ Petition No. 3966 of 2000 is concerned, he would be entitled to protection of his service on the post of Associate Professor at Government Dental College, effected by an order dated 25.8.1988, and would accordingly be entitled to all consequential benefits. However, if he was not promoted thereafter to further post prior to 15.6.1995 on substantive basis, he would not be entitled to it as a candidate belonging to Scheduled Tribe category.”

O.A. NO. 217 OF 2000

4. Learned Advocate for the applicant submits that he will take instructions as to whether the applicant was promoted on substantive basis between 25th August, 1988 and 15th June, 1995. He submits that if there is no promotion on substantive basis of the present applicant during the above period, then the present Original Application may not survive. However, in case of substantive promotion, the same shall stand already protected in view of the aforesaid judgment of the Hon'ble High Court.

5. In the circumstances, at the request of learned Advocate for the applicant, S.O. to 10th August, 2017 for taking instructions as above.

6. Learned Chief Presenting Officer also seeks time to take instructions regarding judgment delivered by the Hon'ble High Court in the aforesaid Writ Petition. Time granted.

7. Learned Chief Presenting Officer to act upon the steno copy.

VICE CHAIRMAN

ORAL ORDERS 10.07.2017-HDD-DB

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 523 OF 2013
(Shri Dilip B. Sangle Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI,
VICE CHAIRMAN
[This matter is placed before the Single Bench
due to non-availability of Division Bench].**

DATE : 10.07. 2017.

ORAL ORDER:

1. Shri B.G. Sgade Patil – learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar – learned Presenting Officer for the respondent Nos. 1 & 2 and Shri Kakasaheb.B. Jadhav – learned Advocate for respondent No. 3, were present.
2. Learned Presenting Officer as well as learned Advocate for respondent No. 3, submit that challenge to the appointment of the respondent No. 3 as Kotwal is made in the present Original Application only on the ground that the respondent No. 3 is not resident of the village Jainpur Tq. Newasa, Dist. Ahmednagar, where Kotwal is to be appointed. They further point towards the Recruitment Rules (page-50 of the p.b. of O.A.), wherein condition No. 10 regarding residence is only to the extent that the person appointed as a Kotwal of a village must have knowledge of the local conditions of the village, and must be prepared to stay in the village of his appointment. Thus, according to them, there is no condition prescribed that the person to be appointed should be resident of the said village.
3. In view of the absence of the learned Advocate for the applicant, S.O. to 8th August, 2017.

VICE CHAIRMAN

ORAL ORDERS 10.07.2017-HDD-DB

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 533 OF 2013
(Shri Shashikant N. Tidke Vs. The State of Maha. and
Ors.)**

**CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI,
VICE CHAIRMAN
[This matter is placed before the Single Bench
due to non-availability of Division Bench].**

DATE : 10.07. 2017.

ORAL ORDER:

1. Heard Shri Kakasaheb B. Jadhav – learned Advocate for the applicant, Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for respondent Nos. 1 to 3 and Shri V.B. Wagh – learned Advocate for respondent Nos. 4 to 10.
2. Learned Advocate for the applicant submits that the affidavit in rejoinder remained to be filed in the present Original Application though the same is admitted and was adjourned *sine die* for final hearing.
3. At the request of learned Advocate for the applicant, permission to file affidavit in rejoinder is hereby granted.
4. S.O. to 10th August, 2017 for filing affidavit in rejoinder, as well as, for ascertaining the issues.

VICE CHAIRMAN

ORAL ORDERS 10.07.2017-HDD-DB

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 542 OF 2013
(Shri Babasaheb N. Gawade Vs. The State of Maha. and
Ors.)**

**CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI,
VICE CHAIRMAN
[This matter is placed before the Single Bench
due to non-availability of Division Bench].**

DATE : 10.07. 2017.

ORAL ORDER:

1. Shri M.U. Shelke – learned Advocate for the applicant (**absent**). Shri M.G. Gude – learned Presenting Officer for the respondents, present.

2. It appears from the record that though the next of the selection process upon cancellation of the first selection process to the post of Talathi is challenged in the present Original Application, no stay was granted to the second selection process, by this Tribunal. In the circumstances, second selection process was continued.

3. Learned Presenting Officer, therefore, submits that the present Original Application may have become infructuous. However, in view of the absence of the learned Advocate for the applicant, S.O. to 8th August, 2017.

VICE CHAIRMAN

ORAL ORDERS 10.07.2017-HDD-DB

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 548 OF 2013
(Smt. Pratibha J. Ghodke Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI,
VICE CHAIRMAN
[This matter is placed before the Single Bench
due to non-availability of Division Bench].**

DATE : 10.07. 2017.

ORAL ORDER:

1. Shri J.S. Deshmukh – learned Advocate for the applicant has filed leave note. Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for respondents, present.
2. In view of the leave note filed by the learned Advocate for the applicant, S.O. to 25th July, 2017.

VICE CHAIRMAN

ORAL ORDERS 10.07.2017-HDD-DB

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 886 OF 2017
(Smt. Shreya B. Mamode Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI,
VICE CHAIRMAN
[This matter is placed before the Single Bench
due to non-availability of Division Bench].**

DATE : 10.07. 2017.

ORAL ORDER:

1. Heard Ms. Bhavna Panpatil, learned Advocate holding for Shri S.B. Talekar – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 11th July, 2017.

VICE CHAIRMAN

ORAL ORDERS 10.07.2017-HDD-DB

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 454 OF 2015
(Ms Shobha R. Choudhary Vs. The State of Maha. and
Ors.)**

**CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.07. 2017.

ORAL ORDER:

1. Heard Shri D.K. Rajput, learned Advocate holding for Shri S.M. Avhad – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 27th July, 2017.

VICE CHAIRMAN

ORAL ORDERS 10.07.2017-HDD-DB

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 308 OF 2014
(Shri Ambadas N. Paikrao & Ors. Vs. The State of Maha.
and Ors.)**

**CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.07. 2017.

ORAL ORDER:

1. Heard Shri K.M. Nagarkar, learned Advocate holding for Shri R.S. Shejule – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.
2. Learned Presenting Officer seeks time to comply with the earlier order as according to him the earlier orders were not communicated inadvertently to the respondents. In the situation, S.O. to 8th August, 2017 for taking instructions, if any.
3. Learned Presenting Officer to act upon on steno copy.

VICE CHAIRMAN

ORAL ORDERS 10.07.2017-HDD-DB

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.ST.NO.1338/2015 IN O.A.ST.NO.811/2015
(Shri Chandrakant B. Kadam Vs. The State of Maha. and
Ors.)**

**CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.07. 2017.

ORAL ORDER:

1. Heard Shri A.A. Shelke, learned Advocate holding for Shri P.D. Suryawanshi – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks short adjournment to comply with the earlier order dated 28th June, 2017.
3. In the result, as a last chance S.O. to 17th July, 2017 for complying with the earlier order by the learned Advocate for the applicant.

VICE CHAIRMAN

ORAL ORDERS 10.07.2017-HDD-DB

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 965 OF 2016
(Shri Shivdas K. Mangle Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.07. 2017.

ORAL ORDER:

1. Heard Shri Kakasaheb B. Jadhav – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks permission to file copy of substituted Original Application, since entire file is destroyed by this Tribunal, in view of the fact that the present Original Application was disposed of long back and thereafter it was restored to the file of this Tribunal. Permission to file copy of substituted Original Application is hereby granted.
3. Learned Presenting Officer seeks time to secure file of the Original Application from the respondents or from the then learned Counsel on panel for verification.
4. Learned Advocate for the applicant to serve the copy of the substituted Original Application on the learned Presenting Officer.
5. S.O. to 22nd August, 2017 for compliance.
6. Learned Presenting Officer to act upon steno copy.

VICE CHAIRMAN

ORAL ORDERS 10.07.2017-HDD-DB