

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 913/2016
(Shri Rameshwr S. Waghmare V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

Heard Shri S.D. Hiwrekar, learned Advocate for the applicant and Shri Mahajan, learned Chief Presenting Officer for respondents.

2. Learned Chief Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1 & 3. Time granted as a most last chance. If the respondents failed to file affidavit in reply on behalf of respondent Nos. 1 & 3 on the next date, the matter will be heard finally without affidavit in reply of respondent Nos. 1 & 3.

3. S.O. to 05.02.2018.

MEMBER (J)

KPB ORAL ORDER 12-01-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 54/2017
(Shri Balaji V. Malchpure V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1 &

3. Time granted as a most last chance. If the respondents failed to file affidavit in reply on behalf of respondent Nos. 1 & 3 on the next date, the matter will be heard finally without affidavit in reply of respondent Nos. 1 & 3.

3. S.O. to 05.02.2018.

MEMBER (J)

KPB ORAL ORDER 12-01-2018

FARAD CONTINUATION SHEET

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD

T.A. No. 04/2017 in W.P. No. 10375/2016
(Shri Ramesh B Sonawane V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

Shri P.D. Bachate, 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 20.02.2018.

MEMBER (J)

KPB ORAL ORDER 12-01-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 356/2017
(Dr. Shrikrishna R. Wani V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

Ms. Ashwini Sahasrabudhe, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 3. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1 & 2. Time granted.

4. S.O. to 05.02.2018.

MEMBER (J)

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 421/2017
(Dr. Shamrao L. Sawant V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for respondents, present.

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

3. S.O. to 21.02.2018.

MEMBER (J)

KPB ORAL ORDER 12-01-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 422/2017
(Dr. Shamrao M. Narwade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant (**Absent**). Shri M.P. Gude, learned Presenting Officer for respondents, present.

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

3. S.O. to 21.02.2018.

MEMBER (J)

KPB ORAL ORDER 12-01-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 423/2017
(Dr. Pandurang G. Pawde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for respondents, present.

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

3. S.O. to 21.02.2018.

MEMBER (J)

KPB ORAL ORDER 12-01-2018

FARAD CONTINUATION SHEET

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD

ORIGINAL APPLICATION NO. 473/2017
(Dr. Manoj G. Ghadsing V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for respondents, present.

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

3. S.O. to 23.02.2018.

MEMBER (J)

KPB ORAL ORDER 12-01-2018

FARAD CONTINUATION SHEET

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

ORIGINAL APPLICATION NO. 502/2017
(Public Prosecutors' Association V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

Ms. Ashwini Sahasrabudhe, learned Advocate holding for Shri A.S. Deshmukh, 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 and 3. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

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

4. S.O. to 15.02.2018.

MEMBER (J)

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 626/2017
(Shri Ashok S. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

Shri S.A. Wakure, 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 31.01.2018.

MEMBER (J)

KPB ORAL ORDER 12-01-2018

FARAD CONTINUATION SHEET

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD

ORIGINAL APPLICATION NO. 648/2017
(Shri Bhaskar S. Patil V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

Shri A.D. Sugdare, learned Advocate for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for respondents, present.

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

3. S.O. to 05.02.2018.

MEMBER (J)

KPB ORAL ORDER 12-01-2018

FARAD CONTINUATION SHEET

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD

ORIGINAL APPLICATION NO. 844/2017
(Shri Sunil R. Kharat V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

Smt. Amruta Paranjape, learned Advocate for the applicant (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, present.

2. Learned Chief Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted as a last chance.

3. S.O. to 30.01.2018.

MEMBER (J)

KPB ORAL ORDER 12-01-2018

FARAD CONTINUATION SHEET

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD

ORIGINAL APPLICATION NO. 960/2017
(Shri Pralhad D. Lahane V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

Shri S.D. Munde, learned Advocate for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for respondents, present.

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

3. S.O. to 16.02.2018.

MEMBER (J)

KPB ORAL ORDER 12-01-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 534/2017
(Shri Ganesh S. Chopwad & another V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

Shri N.S. Kadam, learned Advocate for the applicant (**Absent**). Shri M.P. Gude, learned Presenting Officer for respondents, present.

2. It transpires from the proceedings that the notices are not served by the applicant since long.

3. Hence, S.O. to 16.02.2018 for passing necessary orders.

MEMBER (J)

KPB ORAL ORDER 12-01-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 774/2017
(Shri Faroqui sahed Latif V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

Shri Mohsin Khan, learned Advocate for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for respondents, present.

2. It transpires from the proceedings that the notice on respondent No. 2 has not been served since long.

3. As none present for the applicant, S.O. to 22.02.2018.

MEMBER (J)

KPB ORAL ORDER 12-01-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 573/2015
(Shri Ajinath K. Kharat V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

Ms. Bhavna Panpatil, 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 seeks time to argue the matter. Time granted as a last chance.

3. S.O. to 16.02.2018.

MEMBER (J)

KPB ORAL ORDER 12-01-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 193/2017
(Shri Dnyaneshwar K. Sanap V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks time to argue the matter. Time granted as a last chance.

3. S.O. to 20.02.2018.

MEMBER (J)

KPB ORAL ORDER 12-01-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 733/2017
(Shri Nandlal G. Vaishnav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018.

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. On instructions, the learned Advocate for the applicant has submitted that the applicant does not want to proceed with the present O.A., since the relief sought by the applicant has been satisfied.

3. Learned Presenting Officer has submitted that the necessary orders may be passed.

4. In view of the submissions made on behalf of the applicant, the O.A. stands disposed of without any order as to costs.

MEMBER (J)

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

ORIGINAL APPLICATION NO. 19 OF 2018

[Shri Sayyad Asad Vs. State of Maharashtra & Others]

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 : 12.01.2018.

ORAL ORDER :

Heard Ms. Ashwini Saharsbude, learned Advocate holding for Shri Avinash Deshmukh, 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 16th January, 2018.

VICE CHAIRMAN

ORAL ORDERS 12.01.2018-HDD

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

C.P.NO. 06/2018 IN O.A.NO. 166/2016

[Shri Gautam P. Padghane & Ors. Vs. State of Maharashtra & Others]

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 : 12.01.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that the notices may be issued to the respondent Nos. 1, 2, 5 & 7 only.

3. In the circumstances, issue notices to the respondent Nos. 1, 2, 5 & 7 only in the C.P. No. 06/2018, returnable on 16th February, 2018.

VICE CHAIRMAN

ORAL ORDERS 12.01.2018-HDD

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

M.A.NO. 121/2017 IN O.A.NO. 364/2017

[Shri Sachin R. Salve Vs. State of Maharashtra & Others]

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 : 12.01.2018.

ORAL ORDER :

Heard Mrs. Suchita Amit Dhongde, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for respondent Nos. 1 to 3 and Shri S.B. Bhosale, learned Advocate for respondent Nos. 4 & 5.

2. This is an application filed by the applicant for condonation of delay of about 58 days caused in filing accompanying Original Application.

3. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record and the copy thereof has been served on the other side.

4. For the reasons stated in the present Miscellaneous Application, the same is allowed without any order as to costs and the delay of about 58 days caused in filing accompanying Original Application is hereby condoned. The office to register the O.A. after due scrutiny.

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 364 OF 2017

[Shri Sachin R. Salve Vs. State of Maharashtra & Others]

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 : 12.01.2018.

ORAL ORDER :

Heard Mrs. Suchita Amit Dhongde, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for respondent Nos. 1 to 3 and Shri S.B. Bhosale, learned Advocate for respondent Nos. 4 & 5.

2. Upon registration of the present Original Application, issue notices to the respondents, returnable on 21st February, 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.

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 5th February, 2018.

8. 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. 08/2018 IN O.A.NO. 55/2017**

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

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 : 12.01.2018.

ORAL ORDER :

Heard Shri P.B. Salunke, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in M.A. No. 08/2018, returnable on 2nd February, 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 M.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

6. The service may be done by Hand delivery, speed post, courier and 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 2nd February, 2018.

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

VICE CHAIRMAN

ORAL ORDERS 12.01.2018-HDD

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

T.A.NO. 10/2003 (W.P. NO. 5976/2003)

[Shri Shrihari D. Ghogare Vs. State of Maharashtra & Others]

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 : 12.01.2018.

ORAL ORDER :

Shri B.A. Dhengle, learned Advocate for the applicant (**absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 3, present. Shri Sudhir K. Chavan, learned Advocate for respondent No. 4 (**absent**).

2. Learned Presenting Officer seeks time to throw the light on the issue involved in the present Original Application. At his request, S.O. to 24th January, 2018.

VICE CHAIRMAN

ORAL ORDERS 12.01.2018-HDD

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

T.A.NO. 01/2011 (W.P. NO. 2246/2009)

[Dr. Santosh L. Munde & Ors. Vs. State of Maharashtra & Others]

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 : 12.01.2018.

ORAL ORDER :

Shri A.N. Irpatgire, learned Advocate for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to throw the light on the issue involved in the present Original Application. At his request, S.O. to 24th January, 2018.

VICE CHAIRMAN

ORAL ORDERS 12.01.2018-HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO. 18 OF 2018**

[Dr. Baliram R. Pandve Vs. State of Maharashtra & Others]

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 : 12.01.2018.

ORAL ORDER :

Heard Shri J.S. Deshmukh, 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 15th February, 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 M.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and 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 15th February, 2018.
8. Steno copy and hamdust is allowed to both the parties.

VICE CHAIRMAN

ORAL ORDERS 12.01.2018-HDD

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

M.A.NO. 118/2017 IN O.A.ST.NO. 346/2017
[Shri Udhav B. Pavale Vs. State of Maharashtra & Others]

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 : 12.01.2018.

ORAL ORDER :

Heard Shri J.R. Patil, learned Advocate for the applicant, Mrs. Deepali S. Deshpande, learned Presenting Officer for respondent Nos. 1 to 3 and Shri Shamsundar B. Patil, learned Advocate for respondent Nos. 4 to 6.

2. Learned Advocate for respondent Nos. 4 to 6 has filed affidavit in reply on their behalf and the same is taken on record and the copy thereof has been served on the other side.

3. At the request of learned Presenting Officer, S.O. to 21st February, 2018 for filing affidavit in reply on behalf of respondent Nos. 1 to 3.

VICE CHAIRMAN

ORAL ORDERS 12.01.2018-HDD

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

T.A.NO. 02/2012 (W.P. NO. 9902/2011)

[Smt. Radha N. Choure Vs. State of Maharashtra & Others]

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 : 12.01.2018.

ORAL ORDER :

Heard Shri P.G. Tambade, learned Advocate holding for Shri A.L. Tikle, 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 21st February, 2018

VICE CHAIRMAN

ORAL ORDERS 12.01.2018-HDD

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

ORIGINAL APPLICATION 122 OF 2012

[Shri Jalindhar K. Rathod Vs. State of Maharashtra & Others]

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 : 12.01.2018.

ORAL ORDER :

Heard Shri P.G. Tambade, 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. At the request of learned Advocate for the applicant, S.O. to 21st February, 2018

VICE CHAIRMAN

ORAL ORDERS 12.01.2018-HDD

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

ORIGINAL APPLICATION 123 OF 2012

[Shri Datta K. Darade Vs. State of Maharashtra & Others]

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 : 12.01.2018.

ORAL ORDER :

Heard Shri P.G. Tambade, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 & 2. Shri K.M. Nagarkar, learned Advocate for respondent No. 3 (**absent**).

2. At the request of learned Advocate for the applicant, S.O. to 21st February, 2018

VICE CHAIRMAN

ORAL ORDERS 12.01.2018-HDD

FARAD CONTINUATION SHEET

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

**O.A. NOS. 670, 671, 672, 675, 679, 680, 681, 682, 659, 674, 695,
683, 700 AND 779 ALL OF 2017**

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 : 12.1.2018

ORAL ORDER:

Heard S/shri S.S. Thombre, A.R. Tapse, and M.L. Muthal, learned Advocates for the applicants in respective matters and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents in respective matters.

2. All the applicants in the present Original Applications are seeking interim relief pending the O.As., seeking stay to the effect and execution of the common order dtd. 6th September, 2017 passed by the res. no. 3 – the Additional Collector, Beed. Vide said order there nomination certificates nominating them for employment with the State Government as dependants of respective freedom fighters came to be cancelled. All the applicants were appointed on respective posts as detailed in each of the application long back. *Exparte* interim relief was granted. After receipt of affidavit in reply, both the sides were heard at length for continuation of the relief till the decision in the Original Applications.

3. All the present applicants at different point of time had secured employment under the State of Maharashtra from the reserved category of nominees / dependents of respective freedom fighters. However, the claim of their guardians / forefathers of being freedom fighters was ultimately found to be false in view of the recommendations of a judicial Commission. In the circumstances vide the G.R. dtd. 21.3.2007 the claims of them being freedom fighter was annulled by the State Government. The present applicants were, however, already appointed on different posts as enumerated in the respective matters on the basis of certificates held by these so called freedom fighters.

The contest regarding the claim of being a freedom fighter was tried to be established by various writ petitions in the Hon'ble High Court. At different point of time by separate judgments, the writ petitions of these persons were dismissed. Ultimately, these people challenged the said decision before the Hon'ble Supreme Court. Hon'ble Supreme Court in various decisions though found the claim of these so-called freedom fighters to be bogus, considering their age etc. the Hon'ble Supreme Court directed that they shall continue to have the benefit of pension only. Specifically in Civil Appeal Nos. 10624-10636 all of 2013 (page 106

of O.A. no. 659/2017) in para 6 & 7 following directions were given :-

"6. In our opinion, keeping in view the age of the appellants and also keeping in view the fact that at this old age, if small benefit that was already granted to them is withdrawn, it may be difficult for them to sustain themselves. In that view of the matter, in the peculiar facts and circumstances of the case, the impugned judgment and order passed by the High Court requires to be set aside.

7. Accordingly, we allow these appeals and set aside the impugned judgment and order passed by the High Court. We further direct that the pensionary benefits granted by the State Government will ensure only to the benefit of the appellants and not to their legal heirs/ representatives. After the bereavement of the appellant (s), the pensionary benefit so granted by the State Government will come to an end."

4. In view of finding that the claim of being freedom fighter was negated as necessary corollary, the issue of cancellation of nominations of the dependants / nominees of these persons i.e. the present applicants' came for consideration before the State Government. Finding that, no action was taken by the State Government, W.P. no. 2246/2008 was filed by one Shri Bhaurao and others. Hon'ble High Court directed in the said W.P. to the Chief Secretary, Government of Maharashtra to look into the subject and take a decision within a

period of 4 months from the date of said order. In that view of the matter, the State Government decided to hear the present applicants and other nominees and thereafter passed the order dtd. 6.9.2017 (Annex. A.8 page 119 of O.A. 659/2017) cancelling nomination certificates. Hence, the present O.As.

5. Shri Thombre & other learned Advocates for the applicants submitted before me that it is not the case that the applicants themselves have committed any fraud in obtaining nomination certificates. The certificates of the forefathers of the applicants were found to be false. All the applicants are not only appointed to the respective posts, but their appointment is already regularized as they have completed more than 12 years in service. Some have secured promotions. They have their respective family to support and thus they would suffer hardship in case eventually their appointment is cancelled. Hon'ble Supreme Court in such a situation had taken very lenient view in many of the cases where caste/tribe certificates were invalidated, though in those cases it was found that fraud was committed by the applicants therein themselves. At this stage termination of the present applicants from the employment would cause serious problems to them. Hence, they submitted that interim relief granted earlier

be continued till the decision in the respective O.As.

6. On the other hand, Smt. Priya R. Bharaswadkar, learned P.O. for the respondents submitted that the reliance of the present applicants on the ratio of decisions of Hon'ble Supreme Court is misconceived. **Chairman and Managing Director F.C.I., and Others VS. Jagdish Balaram Bahira and Others (Civil Appeal No. 8928/2015 Etc. Etc.)** decided by 3 Judges Bench of Hon'ble Supreme Court on 6.7.2017 is a pronounced answer to all the pleas of the present applicants. She submitted that in this case the Hon'ble Supreme Court has taken survey of all the earlier decisions of itself as well as of Bombay High Court, including the cases relied on by the present applicants. She submitted that in **Chairman and Managing Director F.C.I., and Others**(supra) the apex court held that equity has no role to play in such cases and observed that in some cases, Hon'ble Supreme Court under the powers under Article 142 of the Constitution of India has granted relief in individual cases in the facts and circumstances detailed therein.

7. Shri Thombre, learned Advocate for the applicants relied on the ratio of **A.P. Ramtekar and Others Vs. Union of India & Ors** along with

other writ petitions decided by the Division Bench of Hon'ble Bombay High Court, Bench at Nagpur on 1.11.2012. The copy of the said judgment would show that Hon'ble Division Bench had relied on the ratio of **Kavita Solunke Vs. State of Maharashtra (2012 (5) Mh. L.J. 921)** and the constitution Bench judgment of the Hon'ble Supreme Court in the case of **State of Maharashtra Vs. Milind Katware & Others (2001 (1) Mh. L.J. 1)**. The Division Bench also relied on the ratio of **Dattu Namdeo Thakur Vs. State of Maharashtra [(2012) 1 SCC 549]**.

Hon'ble Division Bench of Bombay High Court heavily relying on the decision of Constitution Bench of Hon'ble Supreme Court in the case of **Milind Katware** (supra) held that the petitioners in writ petition whose caste / tribe claims were invalidated by the Caste Scrutiny Committee would be entitled for protection in continuation of their respective education/employment.

8. Hon'ble Supreme Court in **Chairman and Managing Director F.C.I.** (supra) had an occasion to revisit all these authorities and also many more decisions of Hon'ble High Court & Hon'ble Supreme Court. It was found that the cases like **Milind Katware**, wherein confusion regarding particular caste or tribe being included as a reserved caste had arisen only

after confirmation of the particular employees in the services, therefore they would be entitled for protection at the hands of Hon'ble Supreme Court in exercise of powers conferred by article 142 of the Constitution of India. It was further observed that in some other cases protection was granted in individual cases exercising the same jurisdiction under Article 142 of the Constitution.

Final conclusion given by the apex court is as under :-

"57 For these reasons, we hold and declare that

(i) The directions which were issued by the Constitution Bench of this Court in paragraph 38 of the decision in **Milind** were in pursuance of the powers vested in this Court under Article 142 of the Constitution;

(ii) Since the decision of this Court in **Madhuri Patil** which was rendered on 2 September 1994, the regime which held the field in pursuance of those directions envisaged a detailed procedure for (a) the issuance of caste certificates; (b) scrutiny and verification of caste and tribe claims by Scrutiny Committees to be constituted by the State Government; (c) the procedure for the conduct of investigation into the authenticity of the claim; (d) Cancellation and confiscation of the caste certificate where the claim is found to be false or not genuine; (e) Withdrawal of benefits in terms of the termination of an appointment, cancellation of an

admission to an educational institution or disqualification from an electoral office obtained on the basis that the candidate belongs to a reserved category; and (f) Prosecution for a criminal offence;

(iii) The decisions of this Court in **R. Vishwanatha Pillai** and in **Dattatray** which were rendered by benches of three Judges laid down the principle of law that where a benefit is secured by an individual – such as an appointment to a post or admission to an educational institution – on the basis that the candidate belongs to a reserved category for which the benefit is reserved, the invalidation of the caste or tribe claim upon verification would result in the appointment or, as the case may be, the admission being rendered *void* or *non est*.

(iv) The exception to the above doctrine was in those cases where this Court exercised its power under Article 142 of the Constitution to render complete justice;

(v) By Maharashtra Act XXIII of 2001 there is a legislative codification of the broad principles enunciated in **Madhuri Patil**. The legislation provides a statutory framework for regulating the issuance of caste certificates (Section 4); constitution of Scrutiny Committees for verification of claims (Section 6); submission of applications for verification of caste certificates (Section 6(2) and 6(3); cancellation of caste certificates (Section 7); burden of proof (Section 8); withdrawal of benefits obtained upon the invalidation of the claim

(Section 10); and initiation of prosecution (Section 11), amongst other things;

(vi) The power conferred by Section 7 upon the Scrutiny Committee to verify a claim is both in respect of caste certificates issued prior to and subsequent to the enforcement of the Act on 18 October 2001. Finality does not attach to a caste certificate (or to the claim to receive benefits) where the claim of the individual to belong to a reserved caste, tribe or class is yet to be verified by the Scrutiny Committee;

(vii) Withdrawal of benefits secured on the basis of a caste claim which has been found to be false and is invalidated is a necessary consequence which flows from the invalidation of the caste claim and no issue of retrospectively would arise;

(viii) The decisions in **Kavita Solunke** and **Shalini** of two learned Judges are overruled. **Shalini** in so far as it stipulates a requirement of a dishonest intent for the application of the provision of Section 10 is, with respect, erroneous and does not reflect the correct position in law;

(ix) *Mensrea* is an ingredient of the penal provisions contained in Section 11. Section 11 is prospective and would apply in those situations where the act constituting the offence has taken place after the date of its enforcement;

(x) The judgment of the Full Bench of the Bombay High Court in **Arun Sonone** is manifestly erroneous and is overruled; and

(xi) Though the power of the Supreme Court under Article 142 of the Constitution is a constitutional power vested in the court for rendering complete justice and is a power which is couched in wide terms, the exercise of the jurisdiction must have due regard to legislative mandate, where a law such as Maharashtra Act XXIII of 2001 holds the field."

9. From the above discussion of the facts as well as analysis of the decisions of Hon'ble High Court as well as Hon'ble Supreme Court, it is clear that the nomination of the services of the applicants have been cancelled on the strength of concluded fact that nominators were not entitled to nominate them. Their own claim of being freedom fighters was found fraudulent one. The decision of the respondents regarding cancellation of nomination certificates cannot be assailed. The only question that would remain as to whether due to the fact of being employed since long, having family to maintain, protection can be granted to them.

10. In view of declaration of Hon'ble Supreme Court that grant of such protection is referable to power which can be exercised by the Hon'ble Supreme Court on the strength of article 142 of the Constitution of India, the principle of equity would not be a factor in granting any protection. In the circumstances, I pass following order :-

ORDER

- (i) The prayer of all the applicants seeking stay to the effect and execution of the impugned order dtd. 6.9.2017 during the pendency of the present O.As.is hereby rejected.
- (ii) The ex parte interim relief granted in each of the cases stands vacated.

11. At this stage Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicants in respective matters, Shri D.K. Borkar, learned Advocate holding for Shri A.R. Tapse, learned Advocate for applicants in respective matters and Shri Mahesh K. Bhosale, learned Advocate holding for Shri M.L. Muthal, learned Advocate for the applicants in respective matters submit that the interim relief that was granted earlier be continued for availing opportunity to the applicants to file writ petition/s and to seek interim relief from Hon'ble High Court.

12. The learned C.P.O. opposes above plea of learned Advocates for the applicants.

13. Taking into consideration the fact that the present applicants are in the employment of State of Maharashtra, the interim relief granted earlier shall continue till 29.1.2018 only.

::-12-::
O.A. NO. 670/17 & Ors.

S.O. to 29.1.2018.

Both the sides to act upon Steno /
authenticated copy of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 12.01.2018

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

**ORIGINAL APPLICATION NO.843/2017
(Deepesh Nagzire V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018

ORAL ORDER :

Smt. Amruta Paranjape learned Advocate for the applicant is **absent**. Smt. Sanjivani Ghate learned Presenting Officer for respondents.

2. It seems that notices are already issued but service affidavit has not been filed on record.

3. S.O. to 30-01-2018 for taking steps.

MEMBER (J)

YUK ORAL ORDER 12-01-2018 F

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

**M.A.No.490/2017 IN O.A.No.573/2017
(Mukesh Gunjal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018

ORAL ORDER :

Shri R.D.Khadap learned Advocate for the applicant is **absent**. Shri D.R.Patil learned Presenting Officer for respondents is present.

2. Record shows that the applicant has not collected the notices till date. It seems that the applicant is not interested in prosecuting the O.A. Hence, it may be kept for passing appropriate order on 16-02-2018.

MEMBER (J)

YUK ORAL ORDER 12-01-2018 F

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

**ORIGINAL APPLICATION NO.284/2016
(Dr. Usha Bholane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018

ORAL ORDER :

Shri K.A.Ingle learned Advocate for the applicant and Shri B.S.Deshmukh learned Advocate for respondent no.4, are **absent**.

Shri I.S.Thorat learned Presenting Officer for respondents is present.

2. Learned P.O. states that he will file affidavit along with documents during the course of the day. He also undertakes to serve copy of the same on the other side.

3. S.O. to 15-02-2018.

MEMBER (J)

YUK ORAL ORDER 12-01-2018 F

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

**ORIGINAL APPLICATION NO.416/2016
(Ramhari Gosavi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018

ORAL ORDER :

Shri M.B.Kolpe learned Advocate for the applicant is **absent**. Shri S.K.Shirse learned Presenting Officer for respondents is present.

2. At the request of learned P.O., S.O. to 20-02-2018.

YUK ORAL ORDER 12-01-2018 F

MEMBER (J)

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

**ORIGINAL APPLICATION NO.534/2016
(Lalu Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018

ORAL ORDER :

Shri M.B.Kolpe learned Advocate for the applicant is **absent**. Shri I.S.Thorat learned Presenting Officer for respondents is present.

2. At the request of learned P.O., S.O. to 20-02-2018.

YUK ORAL ORDER 12-01-2018 F

MEMBER (J)

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

**ORIGINAL APPLICATION NO.510/2017
(Santosh Vetal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 12.01.2018

ORAL ORDER :

Heard Shri A.B.Katkar learned Advocate holding for Shri I.G.Durani 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 15-01-2018.

YUK ORAL ORDER 12-01-2018 F

MEMBER (J)