

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

**ORIGINAL APPLICATION NO. 297/2018
(Ajay R. Umale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.6.2018

ORAL ORDER :

Heard Shri Vijay V. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate points towards para 10 of the O.A. He submits that as attestation form was filed by the applicant long back i.e. at the time of appointment, the applicant is not aware about the fact whether in the attestation form he mentioned the fact regarding crime, which was pending against him details of same are given in page 30.

3. In the circumstances, issue notice before admission to the respondents, returnable on 30.7.2018.

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

5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along

with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

9. Without filing any detailed affidavit in reply, the concerned respondents are hereby directed to file on record copy of document like attestation form etc. which would show that the applicant has not disclosed the fact regarding crime registered against him.

10. S.O. to 30.7.2018.

11. Steno copy / humdast allowed for both the sides.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 14-6-2018

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

**ORIGINAL APPLICATION NO. 670/2013
(Jivan J. Sathe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.6.2018

ORAL ORDER :

None appears for the applicant. Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, is present.

2. Applicant and his learned Advocate are absent. On the last date also nobody has appeared. In the circumstances, S.O. to 27.7.2018 either for final hearing or for passing necessary orders.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 14-6-2018

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

**ORIGINAL APPLICATION NO. 48/2016
(Digambar B. Deshmukh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.6.2018

ORAL ORDER :

None appears for the applicant. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. Applicant and his learned Advocate are absent. On the last date also nobody has appeared. In the circumstances, S.O. to 27.7.2018 either for final hearing or for passing necessary orders.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 14-6-2018

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

**ORIGINAL APPLICATION NO. 852/2016
(Ankush K. Tekale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.6.2018

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. During hearing the learned P.O. seeks liberty of the Tribunal to file affidavit in reply of the res. no. 1 to the amended the O.A. It is accepted on record and copy thereof has been served upon the learned Advocate for the applicant. Learned Advocate for the applicant submits that he would go through the said affidavit in reply and also find out whether relevant seniority lists are available. In the circumstances, at the request of learned Advocate for the applicant S.O. to 25.6.2018 for final hearing. The matter be treated as a part heard.

MEMBER (A)

VICE CHAIRMAN

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

**M.A. 152/2018 IN O.A. 240/2018
(Swamidas V. Chobe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.6.2018

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. The learned P.O. seeks time to file affidavit in reply. At her request S.O. to 3.8.2018 for filing affidavit in reply of the respondents.

3. Though returnable date is given in the matter, the learned Advocate for the applicant is continuing with his arguments. It is to be noted that the applicant has come to the Tribunal after a period of 6 years for redressal of his grievance and still the applicant is pressing for early date. The submissions of the learned Advocate for the applicant are very very unreasonable. Hence, place the matter on board on 3.8.2018.

MEMBER (A)

VICE CHAIRMAN

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

**M.A. ST. 643/2018 IN O.A. ST. 591/2018
(Balasaheb P. Hon & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.6.2018

ORAL ORDER :

Heard Shri D.V. Katneshwarkar, learned Advocate holding for Shri N.P. Wangikar, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. After hearing both the sides, the learned Advocate, on instructions from the applicants, submits that the applicants wish to withdraw the present M.A. & O.A., however, a liberty to file independent proceedings with proper forum may be granted.

3. In the circumstances, the present M.A. & O.A. are disposed of as withdrawn with liberty to applicants to file independent proceedings with proper forum. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 696/2016
(Palinidas Dhanaji Ahirrao V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)

DATE : 14.6.2018

ORAL ORDER :

Heard Shri M.R. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The main issue involved in the present matter is regarding granting promotion to the juniors of the applicant. Copy of the seniority list dtd. 1.1.2010 (Annex. A. C page 44) would show that the applicant was placed at sr. no. 37 in the said seniority list, while res. nos. 5 & 6 were placed at sr. nos. 41 & 42 respectively. Surprisingly enough in the interim proposed seniority list dtd. 1.1.2015 (Annex. A.F page 54), the res. no. 5 – Shri C.A. Dhum – is placed at sr. no. 4, while the present applicant was placed at sr. no. 9.

3. A liberty to explain the above fact was given to the concerned respondents by the Tribunal vide earlier orders dtd. 21.10.2016, 20.2.2017 & 6.4.2017. In response to these orders additional affidavit in reply is filed by Shri Yogesh

Ramchandra Nagare, Regional Dairy
Development Officer, Nashik on 17.4.2017. In

::-2-::
O.A. NO. 696/2016

the said additional reply following statements are
made :-

“As per Government resolution dated 16.12.2003 total 227 employees were found surplus along with applicant, and out of 227 employees 146 employees were absorbed in other department and 81 employees were absorbed in Dairy Development Department in the office of Regional Dairy Development Office, Nasik and other milk Schemes. As explain above in affidavit file by the respondents on dated 29.11.2016. As explained above total 81 employees were absorbed in the same Department and their seniority list were prepared on the basis of principle laid down in the Government Resolution dated 10.09.2001 and its clause-20. It is mention here that out of 81 employees only applicant was taken objection on the seniority list. The preparation of seniority list of surplus staff is starts from 2003 and if applicant will promoted as per his prayer then other 81 employees will be demanded the same”.

4. Reference of clause 20 of the G.R. dtd. 10.9.2001 is made in the above additional affidavit in reply. The copy of said G.R. is filed by the applicant at Annex. B page 20. The relevant clause 20 is at page 36, which would show that initial date of regular appointment of the employee would be a factor for considering the seniority.

5. Both the seniority lists filed on record (supra) would show that the applicant was

::-3-::
O.A. NO. 696/2016

appointed earlier to res. nos. 5 & 6. This fact is clear from the seniority list of 2010. Surprisingly enough in the seniority list of 2015 the applicant is shown junior to res. nos. 5 & 6. Still Shri Yogesh Ramchandra Nagare, Regional Dairy Development Officer, Nashik has made a statement on oath in the additional affidavit in reply that clause 20 of the G.R. is adhered to while preparing the seniority list. This statement appears to be wrong / false in the teeth of above facts.

6. In the circumstances, learned P.O. seeks time to take instructions from Shri Yogesh Ramchandra Nagare, Regional Dairy Development Officer, Nashik regarding filing of wrong / false affidavit and to make further clarification in this regard. At her request S.O. to 26.6.2018 for filing explanation, if any, of Shri Yogesh Ramchandra Nagare, Regional Dairy Development Officer, Nashik.

7. Steno copy allowed for the use of learned P.O. for the respondents.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO.103/2018
(Sk Gafar Sk Abdul V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018

ORAL ORDER :

Shri V.V.Tarde learned Advocate for the applicant is **absent**. Shri V.R.Bhumkar learned Presenting Officer for respondents is present.

2. None appeared for the applicant. Case be placed for passing appropriate on 26-06-2018.

3. S.O. 26-06-2018.

MEMBER (J)

YUK ORAL ORDER 14-06-2018 F

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

**ORIGINAL APPLICATION NO.188/2018
(Gangadhar Kulkarni V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018

ORAL ORDER :

Heard Shri V.G.Pingle learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

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

3. S.O. 13-07-2018.

YUK ORAL ORDER 14-06-2018 F

MEMBER (J)

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

**ORIGINAL APPLICATION NO.229/2018
(Arun Thakur V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018

ORAL ORDER :

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

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

3. S.O. 03-07-2018.

MEMBER (J)

YUK ORAL ORDER 14-06-2018 F

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

**ORIGINAL APPLICATION NO.167/2018
(Nishikant Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018

ORAL ORDER :

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

2. Learned Advocate for the applicant has submitted that notice to the respondent no.5 has been served but delivery report is not available with him.

3. Learned P.O. has submitted that respondent no.5 approached her and she is appearing on behalf of respondent no.5. In view thereof she waives notice.

4. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted. S.O. 04-07-2018.

MEMBER (J)

YUK ORAL ORDER 14-06-2018 F

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

**M.A.No.97/2017 in O.A.St.No.162/2017
(Bhanudas Vaishnav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018

ORAL ORDER :

Heard Ku. Sangeeta Nenwani learned Advocate holding for Shri S.B.Talekar learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for respondents.

2. Learned Advocate for the applicant requested for adjournment to study the matter and make submission on the point delay and tenability of the matter. Adjournment is granted.

3. S.O. 06-07-2018.

MEMBER (J)

YUK ORAL ORDER 14-06-2018 F

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

**M.A.No.141/2018 IN O.A.St.No.555/2018
(Bhaurao Gophane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018

ORAL ORDER :

Heard Shri K.B.Jadhav learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Learned P.O. files affidavit in reply on behalf of the respondent no.2. 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 respondent nos.1 and 3. Time is granted.

4. S.O. 04-07-2018.

MEMBER (J)

YUK ORAL ORDER 14-06-2018 F

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

**ORIGINAL APPLICATION NO.33/2017
(Bharat Kharat V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the applicant, Shri S.K.Shirse learned Presenting Officer for respondent no.1 and Shri O.D.Mane learned Advocate for respondent nos.2 and 3.

2. Learned P.O. seeks time to produce relevant record in respect of Confidential Reports of the applicant from the year 2001 to 2003. Learned P.O. undertakes to inform the Collector, Ahmednagar to produce the relevant record without fail on or before the next.

3. At the request of learned P.O. short time is granted with an understanding to the respondent no.1 i.e. Collector, Ahmednagar to produce relevant record on or before next date.

4. In case of failure to produce the record till next date, heavy costs would be saddled on the Collector, Ahmednagar holding him personally

responsible for the same and costs will be recovered from his personal pocket as the matter is being adjourned since one year for want of record.

5. S.O. to 05-07-2018.

YUK ORAL ORDER 14-06-2018 F

MEMBER (J)

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

**ORIGINAL APPLICATION NO.600/2017
(Lata Darade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018

ORAL ORDER :

Heard Smt. Vidya Taksal learned Advocate holding for Shri Avinash Deshmukh 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 time is granted as a last chance to argue the matter finally.

3. S.O. 18-07-2018.

MEMBER (J)

YUK ORAL ORDER 14-06-2018 F

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

**ORIGINAL APPLICATION NO.395/2018
(Manohar Kundlik Bade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018

ORAL ORDER :

Heard Shri J.S.Deshmukh learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted the applicant is serving as a Group D employee and he has been transferred in contravention of the provisions of Section 3(2) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official duties Act, 2005. (Hereinafter referred to as "Transfer Act" for short). He has submitted that complaint of serious nature has not been filed against the applicant and same has not been mentioned by the respondents while making the transfer. The applicant is still working on his post and he has

not yet been relieved. Therefore, he prayed to grant stay to the impugned order.

3. Learned P.O. submits that inspite of attempt made by her respondent no.2 has not responded to her and has not submitted instructions in the matter. She has submitted that transfer of the applicant has been made on administrative ground. Therefore, the transfer order is issued in accordance with Section 3(2) of the Transfer Act. Therefore she has prayed to reject the interim relief.

4. On perusal of the impugned order, it transpires that the applicant is a Group D employee and transfer has been made on administrative ground. Section 3(2) of the Transfer Act provides that transfer of Group D employees can be made only on their request, request for mutual transfer or if complaint of serious nature is received against the Group D employee.

5. Prima facie, the impugned order seems to be in contravention of the provisions of Section 3(2) of the Transfer Act. It is, therefore, just and proper to stay the execution of the impugned order till filing of the reply. Accordingly, the execution and operation of impugned order is stayed till filing of reply of the respondents.

6. Issue notice to the respondents, returnable on 30-07-2018.

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

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

9. 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.

10. 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.

11. If notice is not collected within 7 days or service proof is not produced before 3 days of the next date, O.A. shall automatically stand dismissed without further reference to the Tribunal.

12. S.O.to 30-07-2018.

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

MEMBER (J)

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

**ORIGINAL APPLICATION NO.396/2018
(Shamsundar Matre V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018

ORAL ORDER :

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

2. Learned Advocate for the applicant has submitted the applicant is serving as a Group D employee and he has been transferred in contravention of the provisions of Section 3(2) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official duties Act, 2005. (Hereinafter referred to as "Transfer Act" for short). He has submitted that complaint of serious nature has not been filed against the applicant and same has not been mentioned by the respondents while making the transfer. The applicant is still working on his post and he has

not yet been relieved. Therefore, he prayed to grant stay to the impugned order.

3. Learned P.O. submits that inspite of attempt made by her respondent no.2 has not responded to her and has not submitted instructions in the matter. She has submitted that transfer of the applicant has been made on administrative ground. Therefore, the transfer order is issued in accordance with Section 3(2) of the Transfer Act. Therefore she has prayed to reject the interim relief.

4. On perusal of the impugned order, it transpires that the applicant is a Group D employee and transfer has been made on administrative ground. Section 3(2) of the Transfer Act provides that transfer of Group D employees can be made only on their request, request for mutual transfer or if complaint of serious nature is received against the Group D employee.

5. Prima facie, the impugned order seems to be in contravention of the provisions of Section 3(2) of the Transfer Act. It is, therefore, just and proper to stay the execution of the impugned order till filing of the reply. Accordingly, the execution and operation of impugned order is stayed till filing of reply of the respondents.

6. Issue notice to the respondents, returnable on 30-07-2018.

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

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

9. 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.

10. 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.

11. If notice is not collected within 7 days or service proof is not produced before 3 days of the next date, O.A. shall automatically stand dismissed without further reference to the Tribunal.

12. S.O.to 30-07-2018.

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

MEMBER (J)

FARAD CONTINUATION SHEET

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

ORIGINAL APPLICATION NO. 394/2018
(Shri Sadashiv V. Choudhari V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Heard Shri M.B. Bharaswadkar, 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 the applicant is serving in the Tribal and Naxalite area and therefore, in view of the G.Rs. dated 11.07.2000 and 06.08.2002, the applicant is entitled to be appointed at the place of his choice. He has submitted that the applicant has submitted the application well in advance before the competent authority giving names of places of his choice for transferring him. But the competent authority has not considered the said aspect and transferred him at Headquarter of Thane Rural. He has submitted that he is going to retire on 31.01.2019. He has submitted that the impugned order of transfer is in contraventions of the guidelines of G.Rs. issued by the Government from time to time and therefore, he prayed to stay the operation and execution of the impugned order and to retain the applicant till his

retirement at Kinwat. He has submitted that the applicant has also made representation with the respondents on 11.06.2018 and the same is pending.

3. Learned Chief Presenting Officer has submitted that the transfer of the applicant effected in view of the choices given by him by following guidelines of the G.Rs. dated 11.07.2000 and 06.08.2002 and there is no violation of rules. Therefore, he prayed to reject the interim relief as prayed for by the applicant.

4. On perusal of the record, it reveals that the applicant is due for transfer. He served at Kinwat, Dist. Nanded which is Tribal and Naxalite area for more than two years. He is entitled to get benefits of G.R. dated 11.07.2000 and 06.08.2002. Accordingly, he has submitted his names of three choices of places in different district before the General Transfers of the year 2018 and requested to the competent authority to post him there. The competent authority considered the said options given by the applicant and considering the provisions of the G.Rs. dated 11.07.2000 and 06.08.2002 posted him at Headquarter Thane Rural. There is no violation of provisions and above cited G.Rs. The applicant opted for Thane Rural District, but he has specifically claimed posting at Sub Division Shahapur, Dist. Thane. The respondents posted

him at Headquarter Thane Rural. Therefore, in my opinion, there is no violation of provisions of above said G.Rs. Therefore, it is not a fit case to grant interim relief as prayed for by the applicant. Hence, the interim relief is rejected.

5. Issue notices to the respondents, returnable on 17.07.2018.

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

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

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

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

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

11. Reply be filed on or before 17-07-2018.

12. S.O. 17-07-2018.

13. Steno copy and hamdust is allowed to both the sides.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

**M.A. No. 143/2018 in O.A. St. No. 548/2018
(Shri Sawairam D. Rathod V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Shri G.S. Shembole, learned Advocate holding for Shri G.N. Kulkarni, 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, O. to 24.07.2018.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

**M.A. No. 144/2018 in O.A. St. No. 546/2018
(Shri Baliram D. Waghmare V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Shri G.S. Shembole, learned Advocate holding for Shri G.N. Kulkarni, 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, O. to 24.07.2018.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

**M.A. No. 05/18 with M.A. St. No. 11/18 in O.A. No. 943/2016
(Shri Uttam L. Bahirwad (LRs) & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Shri G.S. Shembole, learned Advocate holding for Shri G.N. Kulkarni, 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, O. to 24.07.2018.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

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

**M.A. No. 517/2017 in O.A. St. No. 1462/2017
(Shri Anant R. Gawali V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Heard Shri V.D. Solanke, learned Advocate holding for Shri R.D. Khadap, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. Issue fresh notices to the respondents in M.A., returnable on 27.07.2018.

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

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

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

//2//

MA 517/17 in
OA St. 1462/17

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

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

8. Reply be filed on or before 27-07-2018.

9. S.O. 27-07-2018.

10. Steno copy and hamdust is allowed to both the sides.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

ORIGINAL APPLICATION NO. 748/2017

(Shri Parasram N. Sonawane V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Ms. Sangita Nenwani, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 25.07.2018 for filing rejoinder affidavit.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 364/2018
(Shri Balu B. Hile V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 28.06.2018.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

ORIGINAL APPLICATION NO. 384/2018

(Smt. Panchphulabai R. Shrisath V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 27.07.2018.

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

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

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

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

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

8. Reply be filed on or before 27-07-2018.

9. S.O. 27-07-2018.

10. Steno copy and hamdust is allowed to both the sides.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

**MA 268/17 with MA St. 943/17 with MA St. 912/17 in OA 521/14
(Shri Satish C. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Heard 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 M.As. as well as O.A. and wants to withdraw the same. Therefore, he sought leave of this Tribunal to withdraw the M.As. as well as O.A..

3. Leave as prayed for by the applicant is granted. Since the applicant does not want to proceed with the M.As. as well as O.A., the same are disposed of as withdrawn with no order as to costs.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 199/2018
(Shri Gajanan D. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Heard Shri M.B. Sandanshiv, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant seeks time to file application for condonation of delay. Time granted.

3. S.O. to 21.06.2018.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

**M.A. No. 149/2018 in O.A. St. No. 445/2018
(Shri Prasad D. Mule V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Heard Shri G.R. Gotewal, learned Advocate holding for Shri A.R. Shinde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Issue notices to the respondents in M.A., returnable on 25.07.2018.

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

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

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

//2//

MA 149/2018 in
OA St. 445 /2018

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

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

8. Reply be filed on or before 25-07-2018.

9. S.O. 25-07-2018.

10. Steno copy and hamdust is allowed to both the sides.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

**M.A. St. No. 887/2018 in O.A. St. No. 888/2018
(Shri Sainath J. Korpakwad & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicant (**Absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 21.06.2018.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 944/2016
(Shri Sinil V. Jagtap V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Heard Shri C.P. Patil, learned Advocate holding for Shri P.B. Patil, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file short affidavit in view of the order passed by this Tribunal on 25.04.2018. Time granted.

3. S.O. to 10.07.2018.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 214/2017
(Shri Chetan V. Kangarkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Shri N.P. Bangar, learned Advocate for the applicant and Shri I.S. Thorat, 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 10.07.2018.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 265/2017
(Dr. Suresh M. Karamunge V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Shri R.R. Bangar, learned Advocate holding
for Shri I.D. Maniyar, learned Advocate for the
applicant and Shri V.R. Bhumkar, learned
Presenting Officer for respondents.

2. At the request of learned Advocate for the
applicant, S.O. to 17.07.2018.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

ORIGINAL APPLICATION NO. 275/2017

(Shri Mohd. Asfiouddin Mohd. Bashiruddin & Anr. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Shri R.R. Bangar, learned Advocate holding for Shri I.D. Maniyar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent Nos. 1 to 3. Shri S.E. Madne, learned Advocate for respondent No. 4, absent.

2. At the request of learned Advocate for the applicant, S.O. to 17.07.2018.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 789/2017
(Shri Tejrao P. Wagh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Shri V.G. Salgare, learned Advocate for the
applicant (**Absent**).

Heard Shri N.U. Yadav, learned Presenting
Officer for respondents.

2. Pleadings are complete. The O.A. is
admitted and it be kept for final hearing on
27.07.2018.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 790/2017
(Shri Gulab S. Khandare V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Shri V.G. Salgare, learned Advocate for the
applicant (**Absent**).

Heard Shri V.R. Bhumkar, learned
Presenting Officer for respondents.

2. Pleadings are complete. The O.A. is
admitted and it be kept for final hearing on
27.07.2018.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION NO. 791/2017
(Shri Bhikaji D. Gadekar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Shri V.G. Salgare, learned Advocate for the applicant (**Absent**).

Heard Shri M.P. Gude, learned Presenting Officer for respondents.

2. Pleadings are complete. The O.A. is admitted and it be kept for final hearing on 27.07.2018.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

ORIGINAL APPLICATION NO. 792/2017

(Shri Syed Abdul Wahid Sayed Abdul Hakim V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Shri V.G. Salgare, learned Advocate for the applicant (**Absent**).

Heard Shri M.P. Gude, learned Presenting Officer for respondents.

2. Pleadings are complete. The O.A. is admitted and it be kept for final hearing on 27.07.2018.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

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

**O.A.NO. 884/17 WITH O.A. 885/17 WITH O.A. 886/17 WITH O.A.
887/17 WITH O.A. 888/17 WITH M.A. 97/18 WITH O.A. 889/17
WITH O.A. 890/17 WITH O.A. 891/17 WITH O.A. 892/17 WITH
M.A. 92/18 WITH O.A. 893/17 WITH M.A. 99/18 WITH O.A. 894 &
895/2017**

(Shri Prabhakar D. Mali & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

1. Heard Shri S.G. Chapalgaonkar, learned Advocate for the applicants in all these cases, S/Shri M.S. Mahajan, S.K. Shirse, N.U. Yadav, V.R. Bhumkar, M.P. Gude, I.S. Thorat & Smt. Priya Bharaswadkar, Smt. S.G. Ghate, Smt. Deepali S. Deshpande & Smt. Resha S. Deshmukh, learned Chief Presenting Officer and learned Presenting Officers for the respondent Nos. 1 to 4 in respective cases and Shri Vivek Deshmukh, learned Advocate for respondent No. 5 in O.A. Nos. 884, 888, 892 & 893/2017, Shri N.K. Tungar, learned Advocate for respondent No. 5 in O.A. No. 886 & 895/2017. None appears for respondent No. 5 in O.A. Nos. 887 & 891

2. Learned Chief Presenting Officer and learned Presenting Officers seek time for filing affidavit in reply in all these cases. Time granted.

3. S.O. to 09.07.2018.

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 397/2018
(Shri Surjeetsingh C. Tabelewale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant has submitted that the applicant is a physically disabled person and he is appointed in that cadre. He is serving at Nanded. He has completed his normal tenure of posting. He has exercised his options and submitted places of his choices for posting him at the time of transfer, but the respondents have not considered his request as well as G.R. dated 15.04.2004 issued by the Government. He has further submitted that the applicant is going to retire within next three years and therefore, respondents ought to have posted him near his native place in view of the provisions of above said G.R. But the respondents posted him at Pune in contraventions of the said G.R. and therefore, he prayed to stay the operation and execution of the impugned order of transfer.

3. Learned Presenting Officer has submitted that the applicant is serving at Nanded since the

year 2014 and prior to that also he served at Nanded. He was due for transfer and no post in the cadre, in which the applicant is serving is vacant near his native place and therefore, he has been posted at Pune. There is no violation of the G.R. and therefore, he prayed to reject the interim relief as prayed for by the applicant.

4. On perusal of the record, it reveals that the applicant has been appointed as a Clerk Typist in the year 1991 and since then he is serving at Nanded except the period from 05.01.2002 to 29.08.2004. The applicant is serving at Nanded district since beginning, except the above said period for two years and 6 months. He has transferred to Pune, as he is due for transfer. On considering the options given by the applicant, it reveals that none of the post claimed by the applicant is vacant or the employee serving on the post cited by the applicant has been transferred. It seems that the options given by the applicant have been considered by the respondents and he has been posted at Pune, as the applicant cannot be accommodated at the place of his choices. There is no violation of the G.R. and Circular. In these circumstances, in my opinion, it is not a fit case to grant interim relief as claimed by the applicant. Hence, the interim relief is rejected.

5. Issue notices to the respondents, returnable on 27.07.2018.

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

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

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

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

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

11. Reply be filed on or before 27-07-2018.
12. S.O. 27-07-2018.
13. Steno copy and hamdust is allowed to both the sides.

MEMBER (J)

KPB ORAL ORDER 14-06-2018

FARAD CONTINUATION SHEET

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

**ORIGINAL APPLICATION ST. NO. 644/2018
(Shri Trimbak D. Susar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 14.06.2018.

ORAL ORDER :

Heard Shri S.P. Dhoble, learned Advocate holding for Shri N.L. Choudhari, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. The applicant is seeking directions of this Tribunal to the respondents to extend the benefits of G.R. dated 27.02.2009 on the ground that he retired from the service w.e.f. 28.02.2006. The applicant has not claimed the relief in stipulated time i.e. on the date of G.R. and therefore, the present O.A. is barred by limitation.

3. Hence, the O.A. St. No. 664/2018 is cannot be admitted and consequently, the same stands rejected. There shall be no order as to costs.

MEMBER (J)

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

M.A.NO. 93/2017 M.A.NO. 409/2014 IN O.A.ST.1452/2014
[Smt. Manjushree B. Deshpande Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.06.2018.

ORAL ORDER :

1. Heard Shri H.A. Joshi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 2nd July, 2018 for making submissions on the line of the order dated 20.03.2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 14.06.2018-HDD

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

ORIGINAL APPLICATION ST. NO. 776 OF 2018

[Shri Rama L. Rathod Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.06.2018.

ORAL ORDER :

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks liberty to correct the name of respondent No. 2. Liberty is hereby granted. The applicant shall carry out the correction during the course of the day.
3. Learned Advocate for the applicant seeks time to satisfy the query as to how the respondent No. 2 can be added in the present Original Application for seeking promotion, as respondent No. 2 appears to be from NT Category, page No. 18, Sr. No. 68, while the present applicant appears to be from Open Category, page-17, Sr. No. 44.
4. At the request of learned Advocate for the applicant, S.O. to 5th July, 2018 for satisfying the above query.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 226 OF 2017

[Shri Baliram S. Kakade Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.06.2018.

ORAL ORDER :

1. Shri K.M. Nagarkar, learned Advocate for the applicant (**absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, present.

2. It appears from the proceedings that the affidavit in rejoinder is not filed by the applicant. In the circumstances, S.O. to 27th June, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 14.06.2018-HDD

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

ORIGINAL APPLICATION NO. 254 OF 2017

[Shri Raju S. More Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.06.2018.

ORAL ORDER :

1. Shri R.R. Joharapurkar, learned Advocate for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, present.

2. It appears from the proceedings that for last 5 dates nobody is appearing for the applicant. In the circumstances, S.O. to 3rd July, 2018, either for hearing on admission or for passing necessary order in default.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 14.06.2018-HDD

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

ORIGINAL APPLICATION NO. 429 OF 2017

[Shri Krushna L. Basar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.06.2018.

ORAL ORDER :

1. Heard Shri F.R. Tandale, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 4 and the 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 other respondents. Time granted as a last chance.
4. S.O. to 3rd July, 2018 for filing affidavit in reply on behalf of other respondents.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 14.06.2018-HDD

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

ORIGINAL APPLICATION NO. 503 OF 2017

[Shri Panchamlal L. Salve Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.06.2018.

ORAL ORDER :

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate Shri M.B. Bharaswadkar appeared and submits that he has received instructions from respondent No. 3 to appear on his behalf. He undertakes to file **VAKALATNAMA** and affidavit in reply on his behalf on the next date.

3. Learned Presenting Officer submits that presently reply of respondent No. 1 is not required. Hence, S.O. to 2nd July, 2018 for filing VAKALATNAMA and affidavit in reply of respondent No. 3.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 14.06.2018-HDD

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

ORIGINAL APPLICATION NO. 689 OF 2017

[Shri Babasaheb N. Andhale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.06.2018.

ORAL ORDER :

1. Heard Shri R.D. Khadap, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 4th July, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 14.06.2018-HDD

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

M.A.NO. 450/2017 IN O.A.ST.1587/2017

[Smt. Madhuri C. Pathak Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.06.2018.

ORAL ORDER :

1. Dr. (Smt.) Kalpalata Patil Bharaswadkar, learned Advocate for the applicant has filed leave note. Shri M.P. Gude, learned Presenting Officer for the respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 10th August, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 14.06.2018-HDD

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

ORIGINAL APPLICATION NO. 921 OF 2017

[Dr. Atul A. Deshmukh Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.06.2018.

ORAL ORDER :

1. Shri Ajay Deshpande, learned Advocate for the applicant (**absent**). Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents, present.

2. Learned Presenting Officer submits that despite sending several communications to the concerned respondents, there are no instructions for filing affidavit in reply.

3. In the circumstances, in the interest of justice as a last chance, S.O. to 2nd July, 2018 subject to costs of Rs. 5,000/- each to be paid by respondent Nos. 1 to 3 by a Government cheque, on the next date.

4. It is made clear that if this order is not followed by the respondent Nos. 1 to 3, this Tribunal would be constrained to take such penal action against them as may be deemed fit, on that date.

5. Learned Presenting Officer to act on steno copy.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 366 OF 2018

[Syed Ajim Syed Mehabub Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.06.2018.

ORAL ORDER :

1. Heard Shri S.D. Dhongde, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant makes a statement that in the DPC meeting dated 29.10.2016, Annexure 'A-4', page-15, no employee was selected for appointment on promotion to the post of Senior Clerk at Government Medical College, Aurangabad, though 2 posts were available as can be seen from page-18, Sr. No. 23.
3. He further submits that in the undertaking, page-13, the applicant has declared that he may be given posting on promotion as per his option i.e. at Aurangabad and in case no post would be vacant at Aurangabad he would be ready to forgo his seniority.
4. Considering all these facts, issue notices to the respondents, returnable on 30th July, 2018.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly

O.A. NO. 366 OF 2018

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.

7. 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.

8. 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.

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

10. S.O. to 30th July, 2018.

11. Steno copy and hamdust is allowed to both the sides.

MEMBER (A)

VICE CHAIRMAN

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

C.P.NO. 16/2017 IN O.A.NO. 396/1998

[Shri Chandulal G. Sheth Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.06.2018.

ORAL ORDER :

1. Heard Shri G.A. Nagori, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that retiral benefits those are received by the applicant are not as per the rules and regulations. He, therefore, seeks time to file a detailed statement regarding due and received amount on each head.

3. At the request of learned Advocate for the applicant, S.O. to 3rd July, 2018 for filing statement on oath.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 14.06.2018-HDD

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

C.P. 46/18 IN O.A. 207/15 WITH M.A. 166/18 IN REV.ST.639/18

[Bhika D. Tawshikar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 14.06.2018.

ORAL ORDER :

1. Heard Shri Sk. Mazhar A. Jahagirdar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that he has instructions to appear in delay condonation application, as well as, review application. He seeks time to file reply to the delay condonation application.

3. S.O. to 28th June, 2018 for filing affidavit in reply to the delay condonation application.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 14.06.2018-HDD