

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.760/2012

(P.N.Patil V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Heard Shri V.G.Pingle learned Advocate for the Applicant and Smt. Resha Deshmukh learned Presenting Officer for respondents.

2. On instruction, learned Advocate for the Applicant seeks leave of the Tribunal to withdraw the O.A. as the Applicant is no longer desirous to pursue the same.

3. Leave as prayed for is granted. O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

VICE CHAIRMAN

YUK DB ORAL ORDER 18-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.412/2016 IN O.A.St.No.1843/2016

(T.N.Satpute & Ors. V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Heard Shri S.K.Mathpati learned Advocate for the Applicants and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Prayers in the O.A. are same. As the Applicants are agitating identical issues, M.A. for sue jointly is allowed subject to payment of Court Fees, if not already paid, and also subject to removal of office objections.

3. M.A.No.412/2016 stands disposed of accordingly.

MEMBER (J)

VICE CHAIRMAN

YUK DB ORAL ORDER 18-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A.St.No.1843/2016

(T.N.Satpute & Ors. V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D

Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Heard Shri S.K.Mathpati learned Advocate for the Applicants and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Issue notices returnable on 25-11-2016.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book. 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. Applicants are directed to file affidavit of compliance and notice.
7. Steno copy and Hamdast is allowed to both parties.
8. S.O.25-11-2016.

MEMBER (J)

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.735/2012

(C.S.Jadhav V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Heard Smt. Kalpalata Patil-Bharaswadkar learned Advocate for the Applicant and Smt. Resha Deshmukh learned Presenting Officer for respondents.

2. Learned Advocate for the applicant requested for adjournment till 21-10-2016. Adjournment granted.

3. S.O.21-10-2016.

MEMBER (J)

VICE CHAIRMAN

YUK DB ORAL ORDER 18-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.738/2012

(C.S.Jadhav V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Heard Smt. Kalpalata Patil-Bharaswadkar learned Advocate for the Applicant and Smt. Resha Deshmukh learned Presenting Officer for respondents.

Heard Smt. Kalpalata Patil-Bharaswadkar learned Advocate for the Applicant and Smt. Resha Deshmukh learned Presenting Officer for respondents.

2. Learned Advocate for the applicant requested for adjournment till 21-10-2016. Adjournment granted.

3. S.O.21-10-2016.

MEMBER (J)

VICE CHAIRMAN

YUK DB ORAL ORDER 18-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.633/2012

(S.S.Unawane & Ors. V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D

Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Heard Shri Y.P.Deshmukh learned Advocate holding for Shri H.A.Joshi learned Advocate for the Applicant and Smt. Resha Deshmukh learned Presenting Officer for respondents.

2. Learned Advocate for the applicant states that the matter is pending before Hon'ble the Supreme Court and the judgment given by the Tribunal which was upheld by the Hon'ble High Court has been stayed by Hon'ble the Supreme Court. As a result, persons who have qualification of Construction Supervisor, which is the qualification of the present applicants also, have not yet been considered by the Respondents for the appointment on the post of Civil Engineering Assistant.

3. Learned Advocate for the applicant requested that the matter be kept pending till the decision of Hon'ble the Supreme Court.

4. Hence, the matter be kept in *sine die* list with liberty to the parties to mention the O.A., after decision in the matter by Hon'ble the Supreme Court.

MEMBER (J)

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.146/2016

(R.A.Thakre V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

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

2. It is seen that affidavit in reply has not been filed by the respondents though the O.A. is filed in February, 2016.

3. Learned P.O. states that she will file affidavit in reply within 2 weeks.

4. It is made clear that if reply is not filed till next date, costs will be imposed on the respondents.

5. S.O.07-11-2016.

MEMBER (J)

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.495/2000

(Syed Akbar Syed Ahmed V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Heard Shri J.B.Choudhary learned Advocate for the Applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. It is seen that similarly situated persons had filed Writ Petition No.4676 of 2008 before the Hon'ble Bombay High Court Bench at Aurangabad. By judgment dated 9th July, 2013, Hon'ble High Court has dismissed the Writ Petition observing that the persons in O.A.No.389/2000, who were claiming relief on the basis of order passed by the Tribunal in O.A.No.938/1996, are not entitled to any relief. In fact, order of the Tribunal in O.A.No.938/1996 has been termed as 'per-incurium'.

3. In view thereof, no relief can be granted to the applicant in this O.A. Hence, O.A. stands dismissed. There shall be no order as to costs.

MEMBER (J)

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.544/2000

(B.M.Khandelwal V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Heard Shri J.B.Choudhary learned Advocate for the Applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. It is seen that similarly situated persons had filed Writ Petition No.4676 of 2008 before the Hon'ble Bombay High Court Bench at Aurangabad. By judgment dated 9th July, 2013, Hon'ble High Court has dismissed the Writ Petition observing that the persons in O.A.No.389/2000, who were claiming relief on the basis of order passed by the Tribunal in O.A.No.938/1996, are not entitled to any relief. In fact, order of the Tribunal in O.A.No.938/1996 has been termed as 'per incurium'.

3. In view thereof, no relief can be granted to the applicant in this O.A. Hence, O.A. stands dismissed. There shall be no order as to costs.

MEMBER (J)

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.673/2012

(U.K.Tandale V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Heard Shri S.B.Mene learned Advocate holding for
Shri Ajay Deshpande learned Advocate for the Applicant and
Shri V.R.Bhumkar learned Presenting Officer for respondents.

2. Learned Advocate for the applicant requested for
adjournment till 21-10-2016. Adjournment granted.

3. S.O.21-10-2016.

MEMBER (J)

VICE CHAIRMAN

YUK DB ORAL ORDER 18-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.702/2012

(A.B.Veer V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Heard Shri A.D.Gadekar learned Advocate for the Applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Learned Advocate for the applicant requested for adjournment till tomorrow. Adjournment granted.

3. S.O.19-10-2016.

MEMBER (J)

VICE CHAIRMAN

YUK DB ORAL ORDER 18-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.705/2012

(N.A.Naduf V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Heard Shri Dhananjay Mane learned Advocate holding for Shri Milind Patil learned Advocate for the Applicant and Shri I.S.Thorat learned Presenting Officer for respondents. Shri S.G.Chapalgaonkar and Shri Pravin Kadam learned Advocates for respondent nos.3 and 4, respectively, are **absent**.

2. Learned Advocate for the applicant requested for adjournment till 19-10-2016. Adjournment granted.

3. S.O.19-10-2016.

MEMBER (J)

VICE CHAIRMAN

YUK DB ORAL ORDER 18-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.713/2012

(P.T.Fawade V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Heard Shri R.P.Adgaonkar learned Advocate for the Applicant and Shri M.P.Gude learned Presenting Officer for respondents. Shri S.N.Patne learned Advocate for respondent no.4 is **absent**.

2. Learned Advocate for the applicant requested for adjournment till 19-10-2016. Adjournment granted.

3. S.O.19-10-2016.

MEMBER (J)

VICE CHAIRMAN

YUK DB ORAL ORDER 18-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.720/2012

(Dr. M.M.Kadam & Ors. V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Heard Shri Dhananjay Mane learned Advocate holding for Shri Milind Patil learned Advocate for the Applicant and Smt. Sanjivani Ghate learned Presenting Officer for respondents.

2. Learned Advocate for the applicant requested for adjournment till 19-10-2016. Adjournment granted.

3. S.O.19-10-2016.

MEMBER (J)

VICE CHAIRMAN

YUK DB ORAL ORDER 18-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.721/2012

(A.P.Latpate & Ors. V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Heard Shri A.S.Deshmukh learned Advocate for the Applicant and Shri V.R.Bhumkar learned Presenting Officer for respondents.

2. It appears that when the matter was heard by Hon'ble High Court the State was asked about the procedure to fill up Class-IV posts, which was not brought to the notice of the Hon'ble High Court.

3. We recall that there is some Government Resolution regarding appointment of Class-IV posts which is based on written examination or marks obtained in the examination of 4th standard. Learned P.O. should bring on record a copy of the said G.R. and also a copy of recruitment rules for the post of Multipurpose Employees.

4. A circular issued by the Joint Director of Health, Malaria and Filariasis dated 29-08-2003 has been placed on record at paper book page 131 by the respondents. It states that, 50% posts should

have been filled as per recruitment rules from the persons appointed on temporary basis, 10% by promotion of Class-IV employees and rest 40% have to be filled by Muster Assistants. Break-up of the selected candidates be provided.

5. Records and proceedings of the selection committee whereby the applicants were selected also be placed on record with an appropriate affidavit.

6. Learned P.O. seeks 4 weeks' time to place all these documents on record supported with affidavit.

7. S.O.25-11-2016.

MEMBER (J)

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.487/2013

(P.K.Tupe & Ors. V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Heard Shri A.S.Deshmukh learned Advocate for the Applicant and Shri V.R.Bhumkar learned Presenting Officer for respondents.

2. It appears that when the matter was heard by Hon'ble High Court the State was asked about the procedure to fill up Class-IV posts, which was not brought to the notice of the Hon'ble High Court.

3. We recall that there is some Government Resolution regarding appointment of Class-IV posts which is based on written examination or marks obtained in the examination of 4th standard. Learned P.O. should bring on record a copy of the said G.R. and also a copy of recruitment rules for the post of Multipurpose Employees.

4. A circular issued by the Joint Director of Health, Malaria and Filariasis dated 29-08-2003 has been placed on record at paper book page 131 by the respondents (in O.A.No.721/12). It states that,

50% posts should have been filled as per recruitment rules from the persons appointed on temporary basis, 10% by promotion of Class-IV employees and rest 40% have to be filled by Muster Assistants. Break-up of the selected candidates be provided.

5. Records and proceedings of the selection committee whereby the applicants were selected also be placed on record with an appropriate affidavit.

6. Learned P.O. seeks 4 weeks' time to place all these documents on record supported with affidavit.

7. S.O.25-11-2016.

MEMBER (J)

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.752/2012

(L.D.Jadhav V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Heard Shri S.S.Dambe learned Advocate holding for
Shri H.B.Shinde learned Advocate holding for the Applicant and
Shri S.K.Shirse learned Presenting Officer for respondents.

2. Learned Advocate for the applicant requested for
adjournment till 22-11-2016. Adjournment granted.

3. S.O. 22-11-2016.

MEMBER (J)

VICE CHAIRMAN

YUK DB ORAL ORDER 18-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.772/2012

(S.Y.Dhumal V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Lt. Col. K.A. Kashid learned Advocate for the Applicant is **absent.** Shri I.S.Thorat learned Presenting Officer for respondents is present.

2. Applicant as well as his learned Advocate both are absent.

Hence, the matter be kept for dismissal on Friday i.e.21-10-2016.

3. S.O.21-10-2016.

MEMBER (J)

VICE CHAIRMAN

YUK DB ORAL ORDER 18-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.774/2012

(S.P.Kulkarni V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Shri Chandrakat Patil learned Advocate for the Applicant is **absent.** Shri N.U.Yadav learned Presenting Officer for respondents is present.

2. Applicant as well as his learned Advocate both are absent.

Hence, the matter be kept for dismissal on Friday i.e.21-10-2016.

3. S.O.21-10-2016.

MEMBER (J)

VICE CHAIRMAN

YUK DB ORAL ORDER 18-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.792/2012

(S.R.Ghodkar V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice Chairman
A N D
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 18-10-2016

ORAL ORDER:-

Shri G.R.Syed learned Advocate for the Applicant is **absent**.

Shri D.R.Patil learned Presenting Officer for respondents is present.

2. Applicant as well as his learned Advocate both are absent.

Hence, the matter be kept for dismissal on Friday i.e.21-10-2016.

3. S.O.21-10-2016.

MEMBER (J)

VICE CHAIRMAN

YUK DB ORAL ORDER 18-10-2016

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

**O A. Nos.639, 640, 676, 681, 682, 803, 860, 864, 897, 905, 906,
907, 908, 909, & 910 of 2012.**

(I.J. Shinde & Others.Vs. State of Mah.&Ors.)

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)
&
HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 18.10.2016.

ORAL ORDER:-

Heard Shri SS Dambe, learned Advocate for the Applicants in all matters and S/Shri IS Thorat, SK Shirse, DR Patil and Smt. PR Bharaswadkar, learned Presenting Officers for the Respondents in respective matters.

2. The learned Advocate for the Applicants seek time. Time granted.

3. All these matters be kept for final hearing as and when the Division Bench is available.

MEMBER (J)
18.10.2016-ATP (DB)(ak)

VICE CHAIRMAN (A)

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

ORIGINAL APPLICATION NO.799/2012.

(R. G. Mali Vs. State of Mah.&Ors.)

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 18.10.2016.

ORAL ORDER:-

None present for the Applicant. Heard Shri DR Patil, learned Presenting Officer for the Respondents.

2. The matter be kept for dismissal on 21.10.2016.

3. S.O. to 21.10.2016.

MEMBER (J)
18.10.2016-ATP(DB)(ak)

VICE CHAIRMAN (A)

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

ORIGINAL APPLICATION NO.798/2012.

(R.P. Navthar Vs. State of Mah. &Ors.

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 18.10.2016.

ORAL ORDER:-

Heard Shri A.D. Sugdare, learned Advocate for the Applicant and Shri NU Yadav, learned Presenting Officer for the Respondents.

2. Learned Advocate Shri A.D. Sugdare for the applicant seeks leave of the Tribunal to withdraw the O.A. Leave granted to withdraw the application. Accordingly, O.A. is disposed of, as withdrawn, with no order as to costs.

MEMBER (J)
18.10.2016-ATP(DB)(ak)

VICE CHAIRMAN (A)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

- 1) T.A.No.11/1999 (WP No.3251/1993)
- 2) T.A.No.12/1999 (WP No.653/1994)
- 3) T.A.No.19/1999 (WP No.2311/1994)
- 4) T.A.No.26/1999 (WP No.2772/1993)
- 5) T.A.No.47/1999 (WP No.776/1993)

(Marathwada Sarva Shramik Sanghathana through

Its Joint Secretary, M.S. Sonwane Vs.State of Mah. &Ors.)

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 18.10.2016.

ORAL ORDER:-

Heard Shri A.S. Shelke, learned Advocate for the Applicants in all matters and Smt. PR Bharaswadkar, S/Shri VR Bhumkar, SK Shirse, Smt. DS Deshpande, Smt SK Ghate Deshmukh and Shri NU Yadav, learned Presenting Officers for the Respondent no.1 in respective matters.

2. Learned Advocate Shri Vivek Bhavthankar for the Respondents no.2 & 3 seeks time to file reply. He claims that this affidavit is to be filed as per order of this Tribunal dated 5.8.2016. The affidavit may be filed as and when convenient and the matter may be placed before the Division Bench as and when it is available.

MEMBER (J)
18.10.2016-ATP(DB)(ak)

VICE CHAIRMAN (A)

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

ORIGINAL APPLICATION No.800/2016.

(MP Sapkale Vs. State of Mah.&Ors.)

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)
&
HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 18.10.2016.

ORAL ORDER:-

Heard Shri AC Deshpande, learned Advocate for the Applicant and Shri SK Shirse, learned Presenting Officers for the Respondents.

2. Learned Advocate Shri Deshpande is seeking interim relief. However, it is seen that, no notice has been served on the M.P.S.C. the Respondent no.2. In absence of notice being served on the Respondent no.2 this petition for interim relief can not be considered at this stage.

3. Issue notice to the Respondents, returnable on 25.10.2016.

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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

8. The respondents are free to file reply affidavit before due date, if they wish to do so.

9. S.O. 25.10..2016.

10. Steno Copy and Hamdust allowed to both parties.

MEMBER (J)
18.10.2016-ATP (DB)(ak)

VICE CHAIRMAN (A)

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

ORIGINAL APPLICATION NO. 804 OF 2016

[Shri Sunil G. Gadhe Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 18.10. 2016.

ORAL ORDER:

Shri S.D. Joshi – learned Advocate for the Applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.

2. Learned Presenting Officer submits that he has taken instructions from Shri Pawar (R.D.C., Nandurbar) and it is informed that one Smt. Neema Arora is appointed in place of the applicant and there is likelihood that she may join within 2-3 days and thereafter the applicant will be relieved.

3. In view thereof, issue notices to the respondents, returnable on 7th November, 2016.

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

5. Applicants are 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

8. Heard learned counsel for the respective parties on the point of interim relief.

9. The applicant apprehends that the post, where he has been transferred i.e. S.D.O., Khed-Rajgurunagar, may be filled up by appointing somebody else and, therefore, he is claiming interim relief to that effect.

10. The applicant is ready to join at Khed-Rajgurunagar and he was insisting that he be relieved for joining at the transferred place.

11. In view thereof, respondent No. 1 is directed not to appoint anybody except applicant as S.D.O., Khed-Rajgurunagar till further orders.

12. S.O. to 7th November, 2016.

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

MEMBER (J)

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

ORIGINAL APPLICATION NO. 809 OF 2016

[Shri Vishnu U. Jadhav Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 18.10. 2016.

ORAL ORDER:

Heard Shri D.T. Devane – learned Advocate for the Applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Learned Advocate for the Applicant has invited my attention to payment history chart in respect of pension being paid to the applicant from which it seems that from May, 2016, the applicant was being paid monthly pension of Rs. 23,161/-, but in the month of September, an amount of Rs. 11,991/- was only disbursed. The applicant has, therefore, filed representation to the Treasury Officer, Aurangabad on 1.4.2016 as per Annexure-‘C’.

3. Today, learned Advocate for the Applicant has placed on record a copy of one communication dated 13th October, 2016, which he has received yesterday. The copy of the said communication is taken on record and marked as document ‘X’ for the purposes of identification.

4. Perusal of the aforesaid communication will reveal that the Treasury Officer has deducted an amount on the ground that excess amount was paid due to wrong pay fixation of 6th pay commission and that the said amount is being recovered @ Rs. 3000/- per month from September, 2016. Admittedly, no notice has been issued to the applicant before deduction of such amount.

O.A. NO. 809 OF 2016

5. In view thereof, respondent No. 2 is directed not to deduct any excess amount from the pension of the applicant till further orders.

6. In the meantime, issue notices to the respondents returnable on 22nd November, 2016.

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

8. Applicants are 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. Respondent is 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 question 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. Applicants are directed to file affidavit of compliance and notice.

11. S.O. to 22nd November, 2016.

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

MEMBER (J)

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

ORIGINAL APPLICATION NO. 784 OF 2016

[Shri Shaikh Mehboob Yakubsab Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 18.10.2016.

ORAL ORDER:

Shri Girish N. Kulkarni – learned Advocate for the Applicant (**absent**). Shri N.U. Yadav – learned Presenting Officer for the respondents, present.

2. The applicant has claimed stay to the recovery of excess amount being deducted from his pensionary benefits. Hence, issue notices to the respondents, returnable on 25th November, 2016.

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

4. Applicants are 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with

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affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.

7. S.O. to 25th November, 2016.

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

MEMBER (J)

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

**M.A.NO. 409/2016 IN O.A.ST.NO. 1662/2016
[Shri Mohan Yamaji Sanap Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 18.10. 2016.

ORAL ORDER:

Heard Shri Ashish Rajkar, learned Advocate holding for Shri K.B. Jadhav – learned Advocate for the Applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the Applicant, S.O. to 26th October, 2016.

MEMBER (J)

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