

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

**ORIGINAL APPLICATION NO.452/2018  
(Mahadeo Nagargoje V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri Dinesh Manwatkar learned Advocate holding for Shri Prasad Jarare learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 30-07-2018.

YUK ORAL ORDER 19-07-2018 F

**MEMBER (J)**

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

**ORIGINAL APPLICATION NO.520/2018  
(Sunil Wagh V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri Manish Tripathi learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Issue notice to the respondents, returnable on 24-08-2018.

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

8. S.O.to 24-08-2018.

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

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**ORIGINAL APPLICATION NO.523/2018  
(Ravindra Deshmukh V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri Vinayak H. Solanke learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents.

2. Issue notice to the respondents, returnable on 24-08-2018.

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

8. S.O.to 24-08-2018.

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

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**ORIGINAL APPLICATION ST. NO.1120/2018  
(Shubham Myadarwad V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri G.J.Karne learned Advocate for the applicant and Shri B.S.Deokar learned Presenting Officer for respondents.

2. It seems that there is delay in filing the present O.A. Learned Advocate for the applicant states that he will file M.A. for condonation of delay caused for filing the O.A.

3. In view of the submission of the learned Advocate for the applicant, till the M.A. is filed, matter be removed from the board.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**ORIGINAL APPLICATION NO.740/2017  
(Vishal Goje V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri M.B.Kolpe learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer, S.O. to 10-08-2018 for filing affidavit in reply on behalf of the respondents.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**ORIGINAL APPLICATION NO.764/2017  
(Vijaykumar Raut V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri S.D.Dhongde learned Advocate for the applicant, Smt. Deepali Deshpande learned Presenting Officer for respondents and Shri S.B.Mene learned Advocate for the respondent no.4.

2. At the request of the parties, case is adjourned till 16-08-2018.

YUK ORAL ORDER 19-07-2018 F

**MEMBER (J)**



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

**ORIGINAL APPLICATION NO.765/2017  
(Ravindra Patel V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri S.D.Dhongde learned Advocate for the applicant, Shri M.P.Gude learned Presenting Officer for respondents and Shri S.B.Mene learned Advocate for the respondent no.4.

2. At the request of the parties, case is adjourned till 16-08-2018.

YUK ORAL ORDER 19-07-2018 F

**MEMBER (J)**

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

**ORIGINAL APPLICATION NO.776/2017  
(Moni Varghase V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri M.R.Kulkarni learned Advocate for the applicant and Smt. M.S.Patni learned Presenting Officer for respondents.

2. Learned Advocate for the applicant files affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O. 27-08-2018.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**ORIGINAL APPLICATION NO.901/2017  
(Dr. Ashok Jadhav V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri J.S.Deshmukh learned Advocate for the applicant, Shri N.U.Yadav learned Presenting Officer for respondents and Shri S.P.Dhoble learned Advocate for respondent nos.4 and 5.

2. Learned Advocate for the applicant on instructions from the applicant states that grievance of the applicant is redressed and he does not wish to proceed with the O.A., and therefore, he prayed to dispose of the O.A. accordingly.

3. Learned P.O. as well as the learned Advocate for respondent nos.4 and 5 prayed to dispose of the O.A.

4. In the circumstances, since the applicant does not wish to proceed with the O.A. as his grievance is redressed, O.A. stands disposed of accordingly. There shall be no order as to costs.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**ORIGINAL APPLICATION NO.902/2017  
(Dr. Rajeshwar Fuke V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri J.S.Deshmukh learned Advocate for the applicant, Shri N.U.Yadav learned Presenting Officer for respondents and Shri S.P.Dhoble learned Advocate for respondent nos.4 and 5.

2. Learned Advocate for the applicant on instructions from the applicant states that grievance of the applicant is redressed and he does not wish to proceed with the O.A., and therefore, he prayed to dispose of the O.A. accordingly.

3. Learned P.O. as well as the learned Advocate for respondent nos.4 and 5 prayed to dispose of the O.A.

4. In the circumstances, since the applicant does not wish to proceed with the O.A. as his grievance is redressed, O.A. stands disposed of accordingly. There shall be no order as to costs.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**ORIGINAL APPLICATION NO.903/2017  
(Dr. Vijay Waikar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri J.S.Deshmukh learned Advocate for the applicant, Shri N.U.Yadav learned Presenting Officer for respondents and Shri S.P.Dhoble learned Advocate for respondent nos.4 and 5.

2. Learned Advocate for the applicant on instructions from the applicant states that grievance of the applicant is redressed and he does not wish to proceed with the O.A., and therefore, he prayed to dispose of the O.A. accordingly.

3. Learned P.O. as well as the learned Advocate for respondent nos.4 and 5 prayed to dispose of the O.A.

4. In the circumstances, since the applicant does not wish to proceed with the O.A. as his grievance is redressed, O.A. stands disposed of accordingly. There shall be no order as to costs.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**ORIGINAL APPLICATION NO.83/2018  
(Vyankat More & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri T.B.Bhosle learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

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

3. S.O. 26-07-2018.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**ORIGINAL APPLICATION NO.151/2018  
(Rajendra Sonawane V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri S.B.Pawar learned Advocate for the applicant and Smt. Deepali Deshpande 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. 10-08-2018.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**ORIGINAL APPLICATION NO.187/2018  
(Mukesh Gunjal V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri R.D.Khadap learned Advocate  
for the applicant and Shri B.S.Deokar learned  
Presenting Officer for respondents.

2. At the request of learned Advocate for the  
applicant, S.O. to 10-08-2018.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F



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

**ORIGINAL APPLICATION NO.343/2018  
(Jayant Fadake V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

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

2. At the request of learned Advocate for the applicant, S.O. to 13-08-2018 for filing affidavit in reply on behalf of the respondents.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**ORIGINAL APPLICATION NO.382/2018  
(Sayanna Aadpod V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri Asif Ali learned Advocate holding for Smt. A.N.Ansari learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. Shri N.S.Kadam learned Advocate has filed Vakalatnama on behalf of respondent nos.2 and 3. It is taken on record.

3. Learned P.O. as well as the learned Advocate for respondent nos.2 and 3 prayed for time for filing affidavit in reply. Time is granted.

4. S.O. 13-08-2018.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**ORIGINAL APPLICATION NO.398/2018  
(Dnyaneshwar Sanap V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri V.G.Pingle learned Advocate for the applicant and Shri S.K.Shirse 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. 21-08-2018.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**M.A.No.110/2018 IN O.A.St.No.410/2018  
(Digambar Chavan V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri S.B.Mene learned Advocate  
holing for Shri Ajay Deshpande learned Advocate  
for the applicant and Shri D.R.Patil 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. 24-08-2018.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**M.A.No.111/2018 IN O.A.St.No.412/2018  
(Abdul Rakhib Nabi V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri S.B.Mene learned Advocate  
holing for Shri Ajay Deshpande learned Advocate  
for the applicant and Shri D.R.Patil 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. 24-08-2018.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**M.A.No.968/2017 WITH M.A.No.969/2017 IN O.A.No.970/2017  
(Kailas Jadhav & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri A.S.Shelke learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that while deciding the O.A.No.795/2010 this Tribunal has given liberty to the applicant nos.2, 3 and 4 that in case missing record is traced, they shall have liberty to request the respondent authorities to re-examine their cases.

3. He has submitted that in view of the said liberty given by this Tribunal, applicant wants to approach the respondent authorities. Therefore, they do not want to proceed with the M.As. and O.A., therefore, he prayed for leave to withdraw the matter with liberty to approach the concerned authorities.

4. Learned P.O. has submitted that necessary order may be passed.

5. On going through the order passed in O.A.No.795/2010 filed by the present applicants, it reveals that this Tribunal by order dated 10-11-2012 allowed application of the applicant no.1 and dismissed application of respondent nos.2, 3 and 4. However, liberty was given to the respondent nos.2, 3 and 4 to approach the respondent authorities with a request to re-examine their cases, in case, missing record is traced out.

6. Applicant no.2, 3 and 4 have not availed said liberty, and therefore, they want to approach the respondent authorities with a request to re-examine their cases, if record is traced out. Therefore, they prayed for to withdraw the M.As. and O.A.

7. Leave as prayed for is granted to the applicants in M.As. and O.A. with liberty to approach respondent authorities as per direction

=3=

M.A.No.968/2017 WITH M.A.No.969/2017 IN O.A.No.970/2017

given in O.A.No.795/2010. M.A.No.968/2017,  
M.A.No.969/2017 and O.A.No.970/2017 are  
disposed of accordingly with no order as to costs.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F



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

**O.A.NO.347/2015 WITH O.A.No.802/2015  
(Dipak Edke& Ors & Raosaheb Mhaske V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri A.S.Shelke learned Advocate for the applicants and Shri V.R.Bhumkar learned Presenting Officer for respondents in both cases.

2. Learned Advocate for the applicants prays for time to file M.A. for amending the O.A. Time is granted.

3. S.O. 01-08-2018.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**ORIGINAL APPLICATION NO.779/2016  
(Md. Munawar Dastagir V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri S.D.Dhongde learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 26-07-2018.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**ORIGINAL APPLICATION NO.597/2017  
(Sanjay Ramod V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Smt. Bharatee Sathe-Sohoni  
learned Advocate holding for Shri A.S.Deshmukh  
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 13-08-2018.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**ORIGINAL APPLICATION NO.951/2017  
(Smt. Ram Subamma Channe Reddy V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B.P.PATIL, MEMBER (J)**

**DATE : 19.07.2018**

**ORAL ORDER :**

Heard Shri S.D.Joshi learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer, S.O. to 25-07-2018.

**MEMBER (J)**

YUK ORAL ORDER 19-07-2018 F

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

**ORIGINAL APPLICATION NO. 736 OF 2017**

[Shri Sanjay U. Kale Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Heard Shri S.S. Thombre, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks accommodation. At his request, S.O. to 27<sup>th</sup> August, 2018. The interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS19.07.2018-HDD

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

**ORIGINAL APPLICATION NO. 363 OF 2015**

[Shri Prabhu N. Ambad Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**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. Upon hearing both the sides and going through the affidavit in reply, it appears that the concerned respondents have not responded to the filing of the copy of the judgment delivered by the Maharashtra Administrative Tribunal Bench at Mumbai in number of OAs bearing O.A. No. 296/2012 and Group, Exhibit 'E', page-36, and have not averred as to whether the said decision was challenged by the respondents in the Hon'ble High Court, if any.
3. In the circumstances, the respondents are directed to make submissions on the above line regarding challenge, if any in the above decision and result, if any thereof, by filing additional documents, if required.
4. S.O. to 29<sup>th</sup> August, 2018 for making submissions by the respondents on the above line. Learned Presenting Officer to act on steno copy.

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

**ORIGINAL APPLICATION NO. 62 OF 2015**

[Shri Manoj B. Patil Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Heard Shri Rakesh C. Brambankar, learned Advocate holding for Shri V.Y. Patil, learned Advocate for the applicant and Shri B.S. Devkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks adjournment. It is to be noted that on 1.11.2017, learned Advocate for the applicant remained absent. Thereafter, on 10.7.2018, learned Advocate for the applicant appeared and sought adjournment. Today, also adjournment is sought on behalf of the applicant on the ground that Advocate Shri V.Y. Patil for the applicant is out of station.

3. In the circumstances, as a last chance, S.O. to 29<sup>th</sup> August, 2018 either for hearing or for passing necessary orders in default.

**MEMBER (A)**  
ORAL ORDERS19.07.2018-HDD

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 882 OF 2016**

[Shri Pradeep M. Koushike Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. Though officer Shri D.H. Chavan, Special Auditor, Class-II, Aurangabad present today in the Court, however, he could not clarify as to why roster point though available was not filled in, despite observations made by the Deputy Commissioner, Backward Cell on 1.1.2015. Learned Presenting Officer was also directed to produce the relevant GAD Circular dated 6.5.2004 & 4.8.2011.
3. S.O. to 10<sup>th</sup> August, 2018.

**MEMBER (A)**

ORAL ORDERS19.07.2018-HDD



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

**ORIGINAL APPLICATION NO. 65 OF 2017**

[Shri Kundan V. Deshmukh Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. At the request of learned Presenting Officer for the respondents, S.O. to 10<sup>th</sup> August, 2018.

**MEMBER (A)**

ORAL ORDERS19.07.2018-HDD

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

**ORIGINAL APPLICATION NO. 44 OF 2015**

[Sow. Sulbha A. Dnyate Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Mrs. S.J. Kulkarni, learned Advocate for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondents, present.

2. It appears from the proceedings that on the last date also nobody appeared for the applicant. In the circumstances, S.O. to 27<sup>th</sup> August, 2018 either for hearing or for passing necessary orders in default.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS19.07.2018-HDD

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

**ORIGINAL APPLICATION NO. 624 OF 2013**

[Shri Yogesh P. Ghuge & Ors. Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Shri M.C. Ghode, learned Advocate for the applicants (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondents, present.
2. Learned Presenting Officer has filed true copy of the order passed by the Hon'ble Supreme Court in Special Leave to Appeal (Civil) No(s) 12181-12182/2013 and the same is accepted and taken on record and marked as document 'X' for the purposes of identification.
3. On perusal of the aforesaid order would show that the stay is granted to the decision rendered by the Hon'ble High Court and the copy of the said decision is also annexed to the aforesaid order rendered by the Hon'ble Supreme Court.
4. In view of the above, S.O. to 11<sup>th</sup> December, 2018 for reporting further progress.

**MEMBER (A)**

**VICE CHAIRMAN**

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

**M.A.ST. 537/2018 IN O.A.NO. 402/2017**

[Shri Bhagwan R. Chitrak & Ors. Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Heard Shri D.T. Devane, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.
2. Learned Advocate Shri D.T. Devane submits that the present applicants have taken away the papers from him and they will give instructions to some other Advocate.
3. In the circumstances, S.O. to 28<sup>th</sup> August, 2018.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS19.07.2018-HDD

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

**M.A. 235/18 IN M.A.ST.1148/18 IN O.A. 44/13**

[Dr. Rashmi P. Dhale Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Heard Shri A.D. Shinde, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.
2. Issue common notice in M.A. No. 235/2018 & M.A.St. No. 1148/2018, returnable on 4<sup>th</sup> September, 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 both MAs 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

**M.A. 235/18 IN M.A.ST.1148/18  
IN O.A. 44/13**

the Registry within one week. Applicants are 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, both MAs shall stand dismissed without reference to Tribunal and papers be consigned to the record.

8. S.O. to 4<sup>th</sup> September, 2018.

9. 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**

**M.A.NO. 59/2018 IN O.A.ST.NO. 284/2018**

[Shri Bapu L. Shinde & Anr. Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Heard Mrs. Preeti R. Wankhade, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. Learned Presenting Officer seeks time to file affidavit in reply.
3. Learned Advocate for the applicants submits that the concerned respondents however, has differently interpreted the order dated 27.02.2018 granting permission to schedule meeting of Departmental Promotion Committee as if the permission was granted to consider the cases of the other employees and not of the applicant. With these observations, time is granted as a last chance to file affidavit in reply.
4. S.O. to 29<sup>th</sup> August, 2018. In case no affidavit in reply is file on the next date this Tribunal would be constrained to impose heave costs on the concerned respondents or to take coercive action as may be deemed fit.
5. Learned Presenting Officer to act upon steno copy.

**MEMBER (A)**

**VICE CHAIRMAN**

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

**M.A.NO. 491/2017 IN O.A.NO. 708/2017**

[Shri Sanjay U. Kale Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Heard Shri P.D. Bachate, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondent Nos. 1 to 3. Smt. Chaitali R. Chavdhary, learned Advocate for respondent No. 4 (**absent**).

2. Learned Presenting Officer seeks time to file affidavit in reply. It is to be noted that already sufficient chances are granted to the respondents to file affidavit in reply. In the circumstances, S.O. to 28<sup>th</sup> August, 2018. In case no affidavit in reply is filed by the respondents on the next date, the present M.A. No. 491/2017 would be heard on its own merit.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS19.07.2018-HDD



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

**ORIGINAL APPLICATION NO. 100 OF 2018**

[Shri Ramrao T. Rathod Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Shri K.B. Jadhav, learned Advocate for the applicant (**absent**). Shri N.U. Yadav, learned Presenting Officer for the respondents, present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record. He seeks time to file affidavit in reply on behalf of respondent No. 4. Time granted.

3. S.O. to 29<sup>th</sup> August, 2018 for filing affidavit in reply on behalf of respondent No. 4.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS19.07.2018-HDD

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

**ORIGINAL APPLICATION NO. 74 OF 2018**

[Shri Bhagwan B. Chemate Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Shri Sandeep Munde, learned Advocate for the applicant (**absent**). Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents, present.
2. Learned Advocate Shri S.S. Kulkarni, learned Advocate appeared today and submits that now he has instructions to appear for the applicant and he will file VAKALATNAMA on or before the next date in the office of this Tribunal. He submits that rejoinder, if any would be filed on the next date.
3. S.O. to 23<sup>rd</sup> August, 2018 for filing rejoinder, if any.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS19.07.2018-HDD

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

**ORIGINAL APPLICATION NO. 65 OF 2018**

[Smt. Shivkanya R. Chopde Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Heard Smt. Shubhangi D. More, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for respondent Nos. 1 to 3, Shri M.B. Kolpe, learned Advocate for respondent Nos. 4 to 8 and Smt. Sanghmitra B. Wadmare, learned Advocate for respondent No. 9

2. Learned Advocate for the respondent No. 9 has filed affidavit in reply and the same is taken on record and the copy thereof has been served on the other side.

3. Both the sides submit that the present application may be placed for hearing. In the circumstances, S.O. to 29<sup>th</sup> August, 2018 for hearing.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS19.07.2018-HDD

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

**C.P.NO. 19/2018 IN O.A.NO. 500/2014**

[Shri Dattatraya D. Parte Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Shri P.V. Suryawanshi, learned Advocate for the applicant has filed leave note. Shri M.P. Gude, learned Presenting Officer for the respondents, present.

2. In the circumstances, S.O. to 20<sup>th</sup> August, 2018 for making submissions on the line of the order dated 6.6.2018.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS19.07.2018-HDD

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

**ORIGINAL APPLICATION NO. 810 OF 2017**

[Shri Shaligram M. Sonawane Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Heard Shri S.D. Dhongde, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant makes a statement that the applicant did not receive any communication regarding departmental enquiry and not even termination order, a copy of which is annexed to the additional reply. The said order would show that the copy was sent to the present applicant and was also published on the notice board.

3. Learned Presenting Officer is, therefore, directed to file additional affidavit to show that in fact in what manner the termination order was served on the present applicant as found in the termination order dated 1.9.2014 and shall file documents, if any, in this regard on the next date.

**O.A. NO. 810 OF 2017**

4. Upon perusal of the affidavit in reply, the issue of non-filing of the departmental appeal i.e. of not availing equally efficacious remedy would be considered.
5. S.O. to 27<sup>th</sup> August, 2018 for compliance of this order.
6. 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. 636 OF 2014**

[Shri Govind S. Rathod Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By the present Original Application, the applicant is claiming following relief :-

“(B) By issuing an appropriate order the removal order dated 07.12.2007 issued by respondent No. 2 may kindly be quashed and set aside.

“(C) Further by issuing an appropriate order, respondent authorities be directed to absorb the applicant in service and regularize his services in view G.R. dated 31.01.1996, G.R. dated 16.10.2012 by giving him benefits of permanency and other consequential financial benefits.”

3. Upon hearing both the sides, it is clear that the present applicant is placing reliance on the G.R. dated 16.10.2012, which *inter alia* grants benefits to the daily wage labourer, who had worked under the Social Forestry but not under the Employment Guarantee Scheme. The experience certificate produced by the applicant himself (page-45 of the OA) would show that he worked under the Employment Guarantee Scheme. Therefore, naturally the

**O.A. NO. 636 OF 2014**

provisions of the G.R. dated 16.10.2012 would not be applicable in the present case. Hence, the following order: -

**ORDER**

The present Original Application is dismissed without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**



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

**ORIGINAL APPLICATION NO. 189 OF 2015**

[Shri Salim Shah Mohamod Shah Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Heard Shri R.P. Bhumkar, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By the present Original Application the applicant is seeking the following reliefs : -

“B) To direct the respondent No. 3 to decide the representation dated 13.11.2013, in view of the communication dated 17.12.2013 made by the respondent No. 2 as per the provisions made in the persons with the Disabilities (Equal Protection and Participation) Act, 1995 within period of 4 weeks from the passing of order.

C) Pending hearing and final disposal of this application to direct the respondent no. 3 to appoint the applicant on class iv post as per provisions made in the persons with the Disabilities (Equal Protection and Participation) Act, 1995 within period of 4 weeks from the passing of order.

D) To direct the respondent No. 3 to appoint the applicant from the blind disable reservation category on the class-4 post as per provisions made in the persons with the Disabilities (Equal Protection and Participation) Act, 1995 within period of 4 weeks from the passing of order.”

**O.A. NO. 189 OF 2015**

3. Admittedly, the present applicant participated in the selection process held by the respondents. The affidavit in reply of the respondents and more particularly paragraph No. 10 of the same would show that in all 5 candidates appeared for the oral examination form Blind / Low Vision Category. The other 4 candidates obtained more marks than the present applicant in both the written, as well as, oral examination and, as such, the applicant is not selected on merit.

4. In view of the statement made on oath by Mr. Dipak Padamsing Girase, the then Tahsildar (Revenue), Collector Office, Jalgaon, that the present applicant could not be selected on merit, we do find any substance in the present Original Application and, therefore, the same is dismissed without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

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

**O.A.NOS. 623, 624, 634 ALL OF 2017 & 135 OF 2018**  
[Smt. Priti T. Waghmare & Ors. Vs. State of Maharashtra and Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.07.2018.**

**ORAL ORDER :**

1. Heard Shri S.S. Thombre, learned Advocate for the applicants in all these cases and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents in all these cases.

2. By the present Original Applications the applicants are seeking candidature to the post of Staff Nurse in pursuance of the advertisement issued by the concerned respondents vide Annexure 'A-1', page-14. The said advertisement provides that, the candidate, who holds a degree in B.Sc. (Nursing) or P.B.B.Sc. (Nursing) would be eligible. The last date of filing of application was 25.1.2016. Admittedly, the mark-sheet of the last year of B.Sc. was issued to the applicants on 5.3.2016, page-43 and, therefore, on the last date of filing of the application, the applicants were neither holding the degree nor even mark-sheet of the last year.

3. Learned Advocate for the applicants relied on the decision of the Bombay Hon'ble High Court Bench at Aurangabad in W.P. No. 6821/2014 with W.P. No. 6826/2014, Annexure 'A-5', page-113. In those cases however, though the applicants therein did not hold the degree on the last date of filing of the

**O.A.NOS. 623, 624, 634  
ALL OF 2017 & 135 OF  
2018**

application, they had actually passed 4<sup>th</sup> year of the B.Sc. and were holding the mark-sheet/s.

4. In that view of the matter, the present Original Applications cannot be allowed. In the result, the following order: -

**ORDER**

The present Original Applications are hereby dismissed without any order as to costs. Interim relief granted earlier in favour of the applicants stands vacated.

**MEMBER (A)**

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 519/2018  
(Vishwanath U. Chaudhary V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.7.2018**

**ORAL ORDER :**

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

2. Issue notice before admission to the respondents, returnable on 20.8.2018.

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. Applicant is directed to file Affidavit of compliance and notice.

7. 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.

**8. Considering the fact that the previously no posts were advertised from the category of S.T. (vuqlqfpr tekrrh) (Annex. A. 3 page 17), however, now by issuing fresh declaration for the same advertisement, the posts are now declared for the said category (Annex. A. 4 page 21) and this mistake should have been rectified as has been done by the respondent M.P.S.C. in some other cadres as can be seen from (Annex. A. 7 page 39), interim relief in terms of prayer clause (E) of the O.A., which reads as under, is hereby granted :-**

**“E. Pending hearing and final disposal of original application, effect, execution**

**and implementation of the impugned Declaration dated 7.7.2018 and 12.7.2018 may kindly be stayed.”**

**9. Without filing any detailed affidavit in reply, the respondent M.P.S.C. is hereby directed to go through the above observations and more particularly (Annex. A. 7 page 39) and take corrective steps in the present matter.**

**In case the respondent M.P.S.C. come to the conclusion that no corrective steps can be taken in the matter, then short affidavit explaining reasons therefor be filed on the next date.**

10. S.O. to 20.8.2018.

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

**MEMBER (A)**

**VICE CHAIRMAN**

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

**M.A. 241/2018 IN O.A. ST. NO. 1205/2018  
(Manoj S. Gavhane & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.7.2018**

**ORAL ORDER :**

Heard Shri A.S. Shelke, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. The present M.A. has been filed by the applicants for grant of leave to sue jointly the accompanied O.A.

3. For the reasons stated in the M.A. it is allowed and disposed of without any order as to costs and the applicants are permitted to sue jointly the O.A., subject to requisite court fees.

4. The office of register the O.A. on due scrutiny.

**MEMBER (A)**

**VICE CHAIRMAN**



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

**O.A. ST. NO. 1205/2018  
(Manoj S. Gavhane & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.7.2018**

**ORAL ORDER :**

Heard Shri A.S. Shelke, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Issue notice before admission to the respondents, returnable on 20.8.2018.

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. 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. 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.

**8. Upon hearing the learned Advocate for the applicants, it appears that, independent post is included in the declaration dtd. 12.7.2018 (Annex. A. 4 page 27), which was not earlier notified vide advertisement dtd. 7.3.2018 (Annex. A. 2 page 22) and in similar circumstances for different cadres, the respondent M.P.S.C. has taken step for cancellation of said declaration, interim relief in terms of prayer clause (E), which reads as under, is hereby granted :-**

**“(E) Pending hearing and final disposal of original application, effect, execution and implementation of the impugned**

**Declaration dated 7.7.2018 and  
12.7.2018 may kindly be stayed.”**

**9. Without filing any detailed affidavit in reply, the respondent M.P.S.C. is hereby directed to go through the above observations and more particularly through the declaration dtd. 12.7.2018 (Annex. A. 4 page 27) and take corrective steps in the present matter.**

**In case the respondent M.P.S.C. come to the conclusion that no corrective steps can be taken in the matter, then short affidavit explaining reasons therefor be filed on the next date.**

10 S.O. to 20.8.2018.

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

**MEMBER (A)**

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 525/2018**  
(Dr. Sunita B. Patil V/s. State of Maharashtra & Ors.)  
**A N D**

**ORIGINAL APPLICATION NO. 526/2018**  
(Dr. Prachi K. Haridas V/s. State of Maharashtra & Ors.)  
**A N D**

**ORIGINAL APPLICATION NO. 527/2018**  
(Dr. Hanumant D. Pakhare V/s. State of Maharashtra & Ors.)

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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

**DATE : 19.7.2018**

**ORAL ORDER :**

Heard Shri J.S. Deshmukh, learned Advocate for the applicants in all these matters and Shri D.R. Patil and Smt. Priya R. Bharaswadkar, learned Presenting Officers for the respondents in respective matters.

2. Issue notice before admission to the respondents in all these 3 matters, returnable on 27.8.2018.

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.As. 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. 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.

8. S.O. to 27.08.2018. All these matters be kept together

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

**MEMBER (A)**

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 439/2010  
(Dilip S. Karle V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.7.2018**

**ORAL ORDER :**

Heard Smt. Sangeeta Nenwani, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. In response to the order of the Tribunal dtd. 10.7.2018, Smt. Sangeeta Nanwani, learned Advocate holding for Shri Talekar, learned Advocate for the applicant submits that, though promotion is granted to the present applicant, still the issue of grant of deemed date of promotion along with arrears of pay applicable to the promoted post would remain there in view of prayer clauses D & E of the present O.A. In order to claim even the arrears of pay, the learned Advocate relies on the ratio laid down by the Hon'ble Supreme Court of India in the case of **Union of India etc. etc. Vs. K.V. Jankiraman etc. etc. [AIR 1991 SC 2010]** and more particularly para 7 thereof.

3. Both the sides seek time to elaborate on the above line. At their request, S.O. to 27.8.2018 for hearing on the above line.

**MEMBER (A)**

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 218/2015  
(Kalpeshkumar M. Sharma V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.7.2018**

**ORAL ORDER :**

None appears for the applicant. Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.

2. Learned P.O. points towards the order of the Tribunal dtd. 7.2.2018 and submits that the applicant was required to satisfy the query raised by the Tribunal vide the said order. However, it appears that, none had appeared for the applicant on the last date. Today also the applicant and his learned Advocate are absent. In the circumstances, without going into the merit of the present O.A., it is hereby dismissed in default without any order as to costs.

**MEMBER (A)**  
ARJ ORAL ORDERS 19-7-2018

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 576/2015  
(Chakresh M. Mahajan V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.7.2018**

**ORAL ORDER :**

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

2. Learned P.O. files on record a true copy of the order of this Tribunal dtd. 20.6.2018 passed in O.A. no. 937/2017, wherein Shri S.P. Dhoble, learned Advocate himself was representing for the applicant. It is taken on record and marked as document 'X' for the purpose of identification. The said decision would show that as Hon'ble Supreme Court has declared the requirement of being graduate under rule 7 (2) of the Recruitment Rules, the Limited Competitive Departmental Examination held on 8.8.2015 not valid.

3. The learned Advocate for the applicant submits that, in fact, in the present matter the Limited Competitive Departmental Examination was of the year 2014 and, therefore, the above decision of Hon'ble Supreme Court would not applicable. The said submissions are not acceptable.



4. In the earlier matter i.e. O.A. no. 927/2017 Shri Dhoble, learned Advocate for the applicant had placed on record copy of decision of Hon'ble Supreme court in Civil Appeal no. 17974/2017 arising out of S.L.P. (C) no. 19262/2016. Para no. 18 thereof is as under :-

“18. Rule 7 (2) of the Recruitment Rules to the extent that it imposes the requirement of being a graduate is declared unconstitutional. However, this judgment shall not affect the promotions already made. But for further promotions, the LDCE shall be held afresh granting opportunity to all eligible Forest Guards.”

5. In our view, the date of holding the Limited Competitive Departmental Examination is not relevant. It is clear from the above declaration of the Hon'ble Supreme Court that the qualification of being graduate for appearance to the Limited Competitive Departmental Examination is held to be unconstitutional. However, Hon'ble Supreme Court further declared that the said judgment shall not affect the promotions already made.

6. In the present matter a Limited Competitive Departmental Examination was held on 1.6.2014, however, no promotion up to this date is effected. Therefore, the above declaration of Hon'ble Supreme Court would be applicable in the present case. In the circumstances, the

present O.A. is dismissed without any order as to costs.

**MEMBER (A)**  
ARJ ORAL ORDERS 19-7-2018

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 192/2016  
(Maroti S. Koli V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.7.2018**

**ORAL ORDER :**

Heard Shri Zahed Sayyed Ali, learned Advocate holding for Shri A.S. Golegaonkar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned P.O. seeks four weeks time on the basis of communication received to her from the concerned respondent, which is taken on record and marked as document 'X' for the purpose of identification. It is to be noted that, vide order dtd. 7.4.2018 eight weeks time was already granted to the concerned respondents to take decision on the representations of the applicant dtd. 14.9.2015 & 28.9.2015. After the said period was over, even one more chance was also granted on 2.7.2018 therefor. Now again time is sought by the res. nos. 2 & 3 on the ground that decision is awaited from the res. no. 1. It is to be noted that the res. no. 1 is a party respondent to the present matter and is duty bound to take a decision.

3. In the circumstances, as a last chance to take a decision on the line of order dtd. 7.4.2018 by the concerned respondents, S.O. to 29.8.2018, with a forewarning that, if the decision is not taken by the next date, the Tribunal would be compelled to take such a coercive action against the concerned respondents including imposing heavy costs thereon.

4. Steno copy allowed for the use of learned P.O.

**MEMBER (A)**  
ARJ ORAL ORDERS 19-7-2018

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 582/2017  
(Sanjay B. Kikate & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.7.2018**

**ORAL ORDER :**

Heard Shri A.S. Shelke, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned P.O. files on record a copy of communication dtd. 16.7.2018 received to him from the concerned respondent, which is taken on record and marked as document 'X' for the purpose of identification. He submits that, as there is some defect in the earlier affidavit in reply and, therefore, the concerned respondents want to file additional affidavit in reply. They are permitted to do so. In the circumstances, at the request of learned P.O., S.O. to 27.8.2018 for filing additional affidavit in reply.

**MEMBER (A)**

ARJ ORAL ORDERS 19-7-2018

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 720/2013  
(Uddhav V. Padgilwar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.7.2018**

**ORAL ORDER :**

Heard Shri Prafulla Bodade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. Shri Bodade, learned Advocate holding for Shri Choudhary, learned Advocate for the applicant submits that the applicant does not want to proceed with the present matter and wants to withdraw the same.

3. In the circumstances, the present O.A. is disposed of as withdrawn without any order as to costs.

**MEMBER (A)**

ARJ ORAL ORDERS 19-7-2018

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 600/2014  
(Amolsinh P. Gour V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.7.2018**

**ORAL ORDER :**

Heard Shri Zahed Sayyed Ali, learned Advocate holding for Shri A.S. Bayas, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Shri Zahed Ali, learned Advocate holding for Shri Bayas, learned Advocate for the applicant submits that, the applicant has given instructions for arguing the matter. He seeks time to go through the matter and argue the matter. At his request, S.O. to 27.8.2018 for final hearing.

**MEMBER (A)**

ARJ ORAL ORDERS 19-7-2018

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 630/2014  
(Dinkar P. Saudagar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.7.2018**

**ORAL ORDER :**

Heard Shri A.N. Nagarkar, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of Shri Nagarkar, learned Advocate holding for Shri Wagh, learned Advocate for the applicant, S.O. to 9.8.2018.

**MEMBER (A)**  
ARJ ORAL ORDERS 19-7-2018

**VICE CHAIRMAN**



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

**ORIGINAL APPLICATION NO. 383/2018  
(Meraj Begum Sd. Abdul Khalak V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.7.2018**

**ORAL ORDER :**

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

2. At the request of learned P.O., S.O. to 20.8.2018 for filing affidavit in reply.

**MEMBER (A)**  
ARJ ORAL ORDERS 19-7-2018

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO. 622/2017  
(Sagar C. Nemanee V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.7.2018**

**ORAL ORDER :**

Heard Shri A.M. Nagarkar, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Shri Nagarkar, learned Advocate submits that Shri Wagh, learned Advocate for the applicant is ill and, therefore, he is unable to file written notes of arguments today.

3. In view of the fact that the present D.B. would not be available for next 5 weeks, S.O. to 23.8.2018 for fresh hearing. The interim relief granted earlier to continue till then. The present matter shall not to be treated as part heard.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 19-7-2018

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

**ORIGINAL APPLICATION NO. 442/2017  
(Sunil Prabhakar Wakchaure V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 19.7.2018**

**ORAL ORDER :**

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

2. By the present O.A. the applicant is seeking following reliefs :-

*“B) By appropriate order, direction, the impugned order dated 24.11.2015 be held to be illegal and contrary to the G.R. dated 19.10.1996 and the same be quashed and set aside.*

*C) By appropriate order, the respondent authorities be directed to issue the order of regularization of the applicant on the basis of Government Resolution dated 19.10.1996 with effect from 1.11.1994 with all consequential benefits.”*

3. It is an admitted fact that the Government vide G.R. dtd. 19.10.1996 (Annex. A-3 page 17) took a decision to regularize the services of social forestry labourers (lkekftd ouhdj.k etqj), who had worked for 240 days in each year as on 1.11.1994. The present applicant admittedly had worked during that period. However, he was not actually on work for 240 days as he was

terminated from service by the concerned respondent. It is also an admitted fact that stay to the said termination was granted by the competent Court of law and still the applicant was not allowed to join the duty by the concerned respondents. Not only this, but the applicant was required to file a contempt proceeding before the Hon'ble High Court therefor and on the basis of directions of Hon'ble High Court he was paid the wages of that period. However, finding that the present applicant has not worked actually during the said period, the benefit of regularization was not granted to him by the respondents. Later on, in view of subsequent G.R. issued on 31.10.2013 (Annex. A. 6 page 30), the applicant was regularized in service w.e.f. 1.6.2012. In the circumstances, the applicant challenged this date i.e. 1.6.2012 of his regularization and the decision dtd. 24.11.2015 taken by the concerned respondents not to give benefit of earlier G.R. to him.

4. The only contention of the respondents is that the present applicant has not actually worked during the relevant period and at the time of his regularization he has executed a bond to the effect that, he would not claim the benefit of the decision rendered by the competent Court earlier and that he would not file subsequent proceedings in any Court of law.

5. Upon hearing both the sides, in our view, the impugned decision dtd. 24.11.2015 is not sustainable. In fact, the respondents did not abide by the decision of the competent Court of law. Because of illegality of the respondents, the applicant was prevented to work during the said period. In view of order of Hon'ble High Court in the contempt proceeding filed by the applicant, the respondents were required to pay the wages of the said period. Therefore, only for the wrong committed by the respondents, the applicant cannot be deprived of the benefit as per G.R. dtd. 19.10.1996 (Annex. A.3 page 17).

6. Argument that the applicant has executed a bond as per the condition of G.R. also does not hold much water. The said G.R. would show that, unless such bond is executed, the concerned Labour would not be regularized. This condition that the applicant shall forgo his whatever benefits he has received as per the order of competent Court of law and he should not approach any Court of Law is contrary to law. In the circumstances, we pass the following order:-

**ORDER**

(i) The Original Application is allowed without any order as to costs.

(ii) The concerned respondents are directed to take a decision on the line of above observations and extend the applicant the benefits of regularization from 1.11.1994 as per G.R. dtd. 19.10.1996 (Annex. A. 3 page 17).

(iii) This exercise shall be completed by the concerned respondents within a period of four months from the date of this order.

**MEMBER (A)**  
ARJ ORAL ORDERS 19-7-2018

**VICE CHAIRMAN**