

ORIGINAL APPLICATION NO. 222 OF 2016

{Sandeep s/o Kailas Patil Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. Heard Shri S.R. Sapkal, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. After going through the record, it seems that the applicant is claiming that the selection of res. no. 3 Shri Ishwar s/o Jotmal Chavan be quashed and set aside. The record, however, does not show that the res. no. 3 has been served in the matter. The applicant is, therefore, directed to file service affidavit in respect of res. no. 3.

3. S.O. to 1.12.2016

MEMBER (J)

ORAL ORDER ARJ 21.11.2016

ORIGINAL APPLICATION NO. 877 OF 2016

{R.N. Ahire Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

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

2. The learned Advocate for the applicant submits by the order dated 16.11.2016 his earlier posting at Kolhapur has been cancelled and now he has been posted at Dhule. He further states that, though he has been posted at Dhule by the order dated 16.11.2016, the res. no. 2 the Dean, Dr. Bahusaheb Hire Govt. Medical Hospital & College, Dhule is not allowing the applicant to join at Dhule.

3. In view thereof, the learned C.P.O. is directed to take instructions from the concerned respondent as to why the applicant is not allowed to join at Dhule in view of the order dated 16.11.2016.

4. S.O. to 23.11.2016.

MEMBER (J)

ORAL ORDER ARJ 21.11.2016

REV. 10/2016 IN OA 58/2016

{Manyabai L. Mundfale & Anr. Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to take instructions from the respondents. Time granted.
3. S.O. to 4.1.2017.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

MA 50/2016 IN OA ST. 1894/2015

{D.R. Bhosrekar Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. None appears for the applicant. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 4 and Shri P.R. Tandale, learned Advocate for res. no. 5, are present.
2. The learned C.P.O. has filed affidavit in reply on behalf of res. nos. 1 & 3 in the M.A. It is taken on record.
3. The M.A. no. 50/2016 has been filed by the applicant for condonation of 365 days delay in filing the O.A.
4. Perused the M.A. and considered the contentions.
5. For the reasons stated in M.A. and also considering the fact that the applicant is a retired person, the M.A. for condonation of 365 days in filing O.A. is allowed.
6. The M.A. stands disposed of with no order as to costs.
7. The office to register the O.A.

MEMBER (J)

ORAL ORDER ARJ 21.11.2016

OA ST. 1894/2015

{D.R. Bhosrekar Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. None appears for the applicant. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 4 and Shri P.R. Tandale, learned Advocate for res. no. 5, are present.
2. Issue notice before admission to the respondents, returnable on 11th January, 2017.
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. 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 affidavit of compliance in the Registry before due

::-2-::
OA ST. 1894/2015

date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 11th January, 2017.

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

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 250 OF 2016

{Ashabai K. Kulkarni Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. Heard Shri S.K. Mathpati, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. The learned C.P.O. has filed affidavit in reply on behalf of res. no. 4. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.
3. The O.A. is admitted, with liberty to the applicant to file rejoinder, if any.
4. The O.A. be posted for final hearing on 11.1.2017.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 479 OF 2016

{D.R. Bhalerao Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. Heard Shri G.M. More, learned Advocate holding for Shri G.A. Nagori, learned Advocate for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent nos. 1 to 3. Smt. S.R. Bhilegaonkar, learned Advocate for respondent no. 4 **(leave note)**.

2. The learned P.O. has filed affidavit in reply on behalf of res. nos. 2 & 3. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The O.A. is admitted, with liberty to the applicant to file rejoinder, if any.

4. The O.A. be posted for final hearing on 13.1.2017.

MEMBER (J)

ORAL ORDER ARJ 21.11.2016

ORIGINAL APPLICATION NO. 117 OF 2016

{R.T. Zade Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondent no. 1 and Shri S.S. Shinde, learned Advocate holding for Shri Vivek Bhavthankar, learned special Counsel for respondent nos. 2 to 4, are present.
2. The learned P.O. has filed affidavit in reply on behalf of res. nos. 1 & 2. It is taken on record. He undertakes to serve copy of reply upon the learned Advocate for the applicant.
3. The O.A. is admitted, with liberty to the applicant to file rejoinder, if any.
4. The O.A. be posted for final hearing on 13.1.2017.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 329 OF 2016

{Z.M. Khan Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. Heard Shri A.B. Rajkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. The learned P.O. has filed short affidavit in reply on behalf of res. no. 3. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.
3. The O.A. is admitted, with liberty to the applicant to file rejoinder, if any.
4. The O.A. be posted for final hearing on 12.1.2017.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 529 OF 2015

{G.N. Shirsath Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. Heard Shri P.R. Bhumkar, learned Advocate holding for Shri V.R. Bhumkar, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply. Time granted.
3. S.O. to 11.1.2017.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 19 OF 2016

{Dr. B.A. Daule Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply. Time granted.
3. S.O. to 11.1.2017.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 30 OF 2016

{Dr. G.C. Hon Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. Heard Shri A.D. Shinde, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply. Time granted.
3. S.O. to 12.1.2017.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 45 OF 2016

{Dr. D.D. Gund Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply. Time granted.
3. S.O. to 12.1.2017.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 77 OF 2016

{Anil P. Ghodke Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. None appears for the applicant. Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.
2. It seems from the record the res. no. 2 has already filed affidavit in reply in the matter.
3. In view thereof, the matter is admitted, with liberty to the applicant to file rejoinder, if any.
4. S.O. to 12.1.2017 for final hearing.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 226 OF 2016

{A.K. Kulkarni Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. None appears for the applicant. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, is present.
2. It seems from the record the respondents have already filed affidavit in reply in the matter.
3. In view thereof, the matter is admitted, with liberty to the applicant to file rejoinder, if any.
4. S.O. to 13.1.2017 for final hearing.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 286 OF 2016

{Sagar K. Bhingardive & Anr. Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. None appears for the applicant. Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.
2. It seems from the record the res. nos. 1 to 4 have already filed affidavit in reply in the matter.
3. In view thereof, the matter is admitted, with liberty to the applicant to file rejoinder, if any.
4. S.O. to 13.1.2017 for final hearing.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 349 OF 2016

{V.S. Padhye Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. None appears for the applicant. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 to 3, is present. None appears for respondent no. 4.
2. It seems from the record the respondent nos. 1 to 3 have already filed affidavit in reply in the matter.
3. In view thereof, the matter is admitted, with liberty to the applicant to file rejoinder, if any.
4. S.O. to 13.1.2017 for final hearing.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 425 OF 2016

{Dr. S.A. Kokare Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

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

2. At the request of learned P.O., S.O. to 11.1.2017 for filing affidavit in reply of the respondents.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 522 OF 2016

{A.K. Waghmare Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. None appears for the applicant. Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents, is present.
2. It seems from the record the res. no. 2 has already filed affidavit in reply in the matter.
3. In view thereof, the matter is admitted, with liberty to the applicant to file rejoinder, if any.
4. S.O. to 13.1.2017 for final hearing.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 533 OF 2016

{M.T. Nikam Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. Shri V. V. Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. By consent, S.O. to 13.1.2017.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 542 OF 2016

{Smt. Vaishali A. Kathar Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. Heard Shri A.D. Gadekar, learned Advocate for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent nos. 1 to 3 and Shri D.T. Devane, learned Advocate for respondent no. 4.
2. It seems from the record the respondents have already filed affidavit in reply in the matter.
3. In view thereof, the matter is admitted, with liberty to the applicant to file rejoinder, if any.
4. S.O. to 11.1.2017 for final hearing.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 627 OF 2016

{Laxman N. Lahane Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. None appears for the applicant. Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents, is present.

2. At the request of learned P.O., S.O. to 12.1.2017 for filing affidavit in reply.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 793 OF 2016

{R.R. Pathade Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. Heard Shri Vivek Pingle, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned P.O. S.O. to 12.1.2017 for filing affidavit in reply.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 637 OF 2016

{P.K. Sarode Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. None appears for the applicant. Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.

2. As per the directions in the order dated 14.10.2016, the learned P.O. has filed reply of res. no. 4. It is taken on record. He undertakes to supply copy of the said reply to the learned Advocate for the applicant.

3. As none appears for the applicant today, S.O. to 12.1.2017.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 636 OF 2016

{B.V. Lone & Ors. Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. None appears for the applicants. Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.
2. As per the directions in the order dated 14.10.2016, the learned P.O. has filed reply of res. no. 2. It is taken on record. He undertakes to supply copy of the said reply to the learned Advocate for the applicant.
3. As none appears for the applicant today, S.O. to 12.1.2017.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 702 OF 2016

{S.G. Gaikwad Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

2. As per the directions in the order dated 14.10.2016, the learned P.O. has filed reply of res. no. 4. It is taken on record. He undertakes to supply copy of the said reply to the learned Advocate for the applicant.

3. As none appears for the applicant today, S.O. to 12.1.2017.

MEMBER (J)

ORAL ORDER ARJ 21.11.2016

ORIGINAL APPLICATION NO. 666 OF 2016

{V.R. Thorat Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. Smt. Vidhya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. Today the learned P.O. has filed reply of res. nos. 2 and 3. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.
3. The matter is admitted, with liberty to the applicant to file rejoinder, if any.
4. S.O. to 7.12.2016 for final hearing.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 642 OF 2016

{Dr. Sanjay Ghogre & Ors. Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

1. Shri J..S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned P.O., S.O. to 12.1.2017 for filing affidavit in reply of the respondents.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

ORIGINAL APPLICATION NO. 18 OF 2016

{Dr. L.S. Pawar Vs. The State of Mah. & Ors.}

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

DATE :- 21.11.2016

Oral Order :-

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

2. At the request of learned P.O., S.O. to 7.12.2016 for filing affidavit in reply of the respondents. The interim relief to continue till then.

ORAL ORDER ARJ 21.11.2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 64/2016 IN O.A.ST.NO. 1991/2015
[Shri Appa Dadarao Chikte Vs. The State of Mah. & Ors.]**

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

DATE : 21.11.2016.

ORAL ORDER:

Shri D.B. Gaikwad – learned Advocate for the Applicant (**absent**). Shri M.S. Mahajan – learned Chief Presenting Officer for respondents, present.

2. The learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 in M.A. No. 64/2016 and the same has been taken on record. The copy thereof could not be served as nobody appeared for the applicant.

3. S.O. to 11th January, 2017.

MEMBER (J)

ORAL ORDER 21.11.2016-HDD(SB).doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 398/2016 IN O.A.ST.NO. 1814/2016
[Shri Ramesh Nivruti Shrimangale Vs. The State of Mah. &
Ors.]**

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

DATE : 21.11.2016.

ORAL ORDER:

Shri A.D. Sugdare – learned Advocate for the Applicant
(**absent**). Mrs. Priya R. Bharaswadkar – learned Presenting
Officer for respondents, present.

2. The learned Presenting Officer seeks time to file affidavit
in reply on behalf of the respondents. Time granted.
3. S.O. to 11th January, 2017.

MEMBER (J)

ORAL ORDER 21.11.2016-HDD(SB).doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 205 OF 2013
[Shri Babu Shetiba Londhe Vs. The State of Mah. & Ors.]**

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

DATE : 21.11.2016.

ORAL ORDER:

Heard Shri D.N. Gilche – learned Advocate for the Applicant and Shri M.P. Gude – learned Presenting Officer for respondents.

2. The learned Presenting Officer submits that he has received telephonic instructions that the decision will be taken in view of the observations in order passed by this Tribunal on 8.9.2016 within a week, and therefore, he seeks one week's time. Time granted as prayed for.

3. S.O. to 28th November, 2016.

MEMBER (J)

ORAL ORDER 21.11.2016-HDD(SB).doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 199 OF 2016
[Jayshree Amrat Landge Vs. The State of Mah. & Ors.]**

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

DATE : 21.11.2016.

ORAL ORDER:

Shri Sharad S. Ambore – learned Advocate for the Applicant (**absent**). Mrs. Deepali S. Deshpande – learned Presenting Officer for respondent No. 1 and Shri D.M. Shinde – learned Advocate for respondent No. 2, were present.

2. It appears from the proceedings that on last three occasions i.e. on 29.7.2016, 8.9.2016 and 7.10.2016, none was appeared for the applicant. However, today also nobody appeared for the applicant.

3. In view of the above, it appears that the applicant is not interested in prosecuting the present Original Application. Hence, this case be kept for dismissal on 30th November, 2016.

MEMBER (J)

ORAL ORDER 21.11.2016-HDD(SB).doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 315 OF 2016
[Nital d/o Digambar Jadhav Vs. The State of Mah. & Ors.]**

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

DATE : 21.11.2016.

ORAL ORDER:

Heard Shri Santosh S. Dambe – learned Advocate for the Applicant and Shri I.S. Thorat – learned Presenting Officer for respondents.

2. At the request of learned advocate for the applicant, S.O. to 28th November, 2016.
3. This case be treated as part heard.

MEMBER (J)

ORAL ORDER 21.11.2016-HDD(SB).doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 443 OF 2016
[Shri Nandkishor Kaniram Rathod Vs. The State of Mah. &
Ors.]**

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

DATE : 21.11.2016.

ORAL ORDER:

Heard Shri K.B. Jadhav – learned Advocate for the Applicant, Shri V.R. Bhumkar – learned Presenting Officer for respondent Nos. 1 & 2 and Shri Masood C. Syed – learned Advocate for respondent No. 3.

2. At the request of learned advocate for the applicant, S.O. to 19th December, 2016.

MEMBER (J)

ORAL ORDER 21.11.2016-HDD(SB).doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 883 OF 2016

[Shri Dahraj Sukdev Mahale Vs. The State of Mah. & Ors.]

**[In view of Circulation Note filed by the learned Advocate
for the applicant, this matter is taken on board]**

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

DATE : 21.11.2016.

ORAL ORDER:

Heard Shri K.G. Salunke – learned Advocate for the Applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for respondents.

2. At the request and by consent of both the parties, S.O. to 23rd November, 2016.

MEMBER (J)

ORAL ORDER 21.11.2016-HDD(SB).doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 22 OF 2013
[Shri Devaji S/o Uttam Borse Vs. The State of Mah. & Ors.]**

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

DATE : 21.11.2016.

ORAL ORDER:

Heard Shri S.S. Dambe, learned Advocate holding for Shri A.H. Koralkar – learned Advocate for the Applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for respondents.

2. In the present Original Application, the applicant has prayed that directions be issued to the respondent Nos. 1 & 2 to consider the his case for promotion of the cadre of Class-I and to grant him deemed date of such promotion from the date on which his junior Shri Ajay Shamrao Raut i.e. respondent No.3 was promoted. The learned Advocate for the applicant submits that the applicant has been promoted to the said post during the pendency of this Original Application on 5.7.2014, and therefore, the question remains of deemed date of promotion only i.e. from the date on which respondent No. 3 was promoted i.e. on 17.6.2008.

3. The learned Presenting Officer submits that from various correspondence and litigations, it seem that Shri Ajay Shamrao Raut (R-3) was wrongly promoted and, therefore, the respondents have issued order, whereby Shri A.S. Raut's promotion has been cancelled and he has been demoted. If so

is the fact, the learned Presenting Officer is directed to file a copy of order of demotion of Shri A.S. Raut.

4. Since nobody is appearing on behalf of Shri Ajay Shamrao Ratu (R-3), the learned Presenting Officer is directed to file copy of demotion of Shri Ajay Shamrao Raut within a period of three weeks.

5. Hence, **S.O. to 14th December, 2016.**

6. The present Original Application be treated as part heard.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 341/2016 IN O.A.NO. 427/2016
[Dr. Dilip Banshirao Mote Vs. The State of Mah. & Ors.]**

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

DATE : 21.11.2016.

ORAL ORDER:

Heard Shri M.B. Kolpe – learned Advocate for the Applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for respondents.

2. Learned Advocate Shri L.M. Kulkarni has appeared and submitted that he is appearing on behalf of Shri S.B. Shinde, who has been transferred in place of the applicant and, therefore, he has been affected in view of the impugned order of transfer.

3. The learned Advocate for the applicant frankly admits that he is interested party and seeks permission of this Tribunal to join him as a party respondent No. 4.

4. The learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 in **M.A. No. 341/2016** and also in **O.A. No. 427/2016**. The copies of the same are placed on record and copies thereof have been served on the other side.

5. Learned Advocate Shri L.M. Kulkarni for respondent No. 4 submits that he will file affidavit in reply within one week.

:: - 2 - ::

M.A. 341/16 IN O.A. 427/16

6. In view of the above, S.O. to 28th November, 2016 for filing affidavit in reply by the respective respondents.

MEMBER (J)

ORAL ORDER 21.11.2016-HDD(SB).doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**CONTEPT PETITION NO.102/2007
IN
ORIGINAL APPLICATION NO.631/2003**

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN
(This case is placed before the Single Bench
due to non-availability of Division Bench)**

DATE : 21-11-2016.

ORAL ORDER:

1. Heard Shri R.R.Bangar learned Advocate for the applicant and Shri S.B.Mene learned Advocate holding for Shri A.S.Deshpande learned Special Counsel for the respondents.

2. Learned Advocate for the Contemnor states as follows:

- (a) A.G. office has issued revised Pension Order.
- (b) Bills for payment of arrears have been submitted.
- (c) Payment is expected to be made in the end of November, 2016.
- (d) Total compliance would be reported on the next date, which may be fixed in December, 2016.

3. S.O. 05-12-2016.

CHAIRMAN

YUK ORAL ORDER 21-11-2016 CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.458/2016

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN
(This case is placed before the Single Bench
due to non-availability of Division Bench)**

DATE : 21-11-2016.

ORAL ORDER:

1. Heard Shri V.B.Wagh learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant states that this case would lie before Single Bench as per allocation done under the recent order of the Hon'ble Chairman.
3. Accordingly, Registrar is directed to place this matter before Single Bench, as early as possible.

CHAIRMAN

YUK ORAL ORDER 21-11-2016 CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.768/2012

CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN
**(This case is placed before the Single Bench
due to non-availability of Division Bench)**

DATE : 21-11-2016.

ORAL ORDER:

1. Heard Shri A.S.Deshmukh learned Advocate for the applicant, Smt. Sanjivani Ghate learned Presenting Officer for the respondent nos.1 and 2 and Shri G.N.Patil learned Advocate for respondent no.3.

2. Admit. Case to come up for final hearing in the next session of Division Bench.

3. Heard both sides. What transpires from the respondents' pleadings is as follows:

Categoric averments contained in ground 8(III) (page 15-16) have been replied by Shri Mukesh Kullar, Principal Secretary (Services), G.A.D. in paragraph 10 of his affidavit (page 86-87).

4. Shri Mukesh Khullar, Principal Secretary (Services), G.A.D. is directed to call for papers of the case, examine the matter once again and record satisfaction as to whether the present case is fit to contest and that ground 8(III) as referred above is meritless.

5. If Shri Mukesh Khullar records such satisfaction, he shall file affidavit answering ground 8(III) incorporating therein reasons in support of his view.

6. Affidavit be filed on or before 5th December, 2016.

7. If necessary, thereafter O.A. shall be listed for final hearing.

8. Learned P.O. is directed to communicate this order to the respondents, for which steno copy is granted.

9. Case to be listed on 5th December, 2016.

CHAIRMAN

YUK ORAL ORDER 21-11-2016 CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.73/2015

CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN
(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 21-11-2016.

ORAL ORDER:

1. Heard Shri Gajanan Kadam learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondent no.2 and Shri S.D.Dhongde learned Advocate for respondent nos.1 and 3 to 5.
2. Learned Advocate for the applicant states that he would like to reorganize the pleadings and substitute the O.A. He prays for leave to substitute the memo of O.A., and if necessary, replace index and synopsis. For this purpose, he prayed for 2 weeks' time.
3. Leave as prayed for, is granted. Though 2 weeks' time is prayed for, 3 weeks' time is granted.
4. If substitution of O.A. is carried out, list the case for admission hearing on 14-12-2016.
5. If substitution as above is not carried out till 14-12-2016, O.A. will stand dismissed without automatically without passing further order.
6. S.O. 14-12-2016.

CHAIRMAN

YUK ORAL ORDER 21-11-2016 CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.648/2015

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN
(This case is placed before the Single Bench
due to non-availability of Division Bench)**

DATE : 21-11-2016.

ORAL ORDER:

1. Heard Shri J.S.Deshmukh learned Advocate for the applicant, Smt. Deepali Deshpande learned Presenting Officer for the respondent nos.1 to 3 and Shri P.R.Tandale learned Advocate for respondent no.4.
2. Learned Advocate for the applicant prays for adjournment because he wants to find out exact stage of hearing of similar cases at Principal Seat at Mumbai.
3. S.O. till 05-12-2016.

CHAIRMAN

YUK ORAL ORDER 21-11-2016 CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.662/2015

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN
(This case is placed before the Single Bench
due to non-availability of Division Bench)**

DATE : 21-11-2016.

ORAL ORDER:

1. Heard Shri J.S.Deshmukh learned Advocate for the applicant, Shri I.S.Thorat learned Presenting Officer for the respondent nos.1 to 4 and Shri V.B.Wagh learned Advocate holding for Shri S.T.Shelke learned Advocate for respondent no.5.

2. Learned Advocate for the applicant states that this case would lie before Single Bench as per allocation done under the recent order of the Hon'ble Chairman.

3. Accordingly, Registrar is directed to place this matter before Single Bench on 05-12-2016.

CHAIRMAN

YUK ORAL ORDER 21-11-2016 CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.748/2015

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN
(This case is placed before the Single Bench
due to non-availability of Division Bench)**

DATE : 21-11-2016.

ORAL ORDER:

1. Shri J.B.Choudhary learned Advocate for the applicant has filed **leave note** on record. Shri S.K.Shirse learned Presenting Officer for the respondents is present.

2. Learned P.O. has tendered affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Learned P.O. undertakes to serve copy of the reply on the applicant's Advocate.

3. Admit. To come up for hearing in due course.

CHAIRMAN

YUK ORAL ORDER 21-11-2016 CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.782/2015

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN
(This case is placed before the Single Bench
due to non-availability of Division Bench)**

DATE : 21-11-2016.

ORAL ORDER:

1. Shri A.D.Sugdare learned Advocate for the applicant is **absent**. Shri V.R.Bhumkar learned Presenting Officer for the respondents is present.
2. Learned P.O. has tendered affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Learned P.O. undertakes to serve copy of the reply on the applicant's Advocate.
3. Admit. To come up for hearing in due course.

CHAIRMAN

YUK ORAL ORDER 21-11-2016 CHAIRMAN

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

ORIGINAL APPLICATION NO.858/2016.

(S. L. Jadhav & Ors. Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

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

DATE :21.11.2016.

ORAL ORDER

Heard Shri S. D. Dhongde, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Issue notice to all the respondents, returnable on 5.12.2016.

3. Applicants are authorized and directed to serve on all respondents notice of O.A. authenticated by Registry, along with complete paper book of O.A. stating that this Tribunal may take the case for final disposal at this stage and a separate notice for final disposal not be issued.

4. Authorization for service of 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.

5. The service of notice may be done by the applicants by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry as far as possible before the due date.

6. Affidavit of service be filed one week before due date.

7. Affidavit in reply be filed before due date.

8. Learned Advocate for the applicants has argued in support of interim relief on the ground that, by virtue of Rule 444 of Bombay Police Manual the D.E. has to stay whenever for the same misconduct criminal case is lodged and may be in progress etc.

9. Learned P.O. in answer states as follows :-

- i) He needs to take instructions. Moreover, notices are not issued in this case.
- ii) Applicant has sought time to reply the show cause notice, which will come to an end on 30.11.2016.

10. It is seen from the text of Rule 444 of the Bombay Police Manual that it clearly lays down that in the matter of offences and misconduct of misappropriation, the D.E. may be proceeded, however, the steps of recording findings and imposing punishment should be deferred till completion of criminal case.

11. In the aforesaid backgrounds it shall be appropriate for the respondents to file reply and thereafter oppose the interim relief.

12. Therefore, the respondents are restrained from passing final order of penalty in the subject matter proceedings.

13. Learned P.O. is directed to communicate this order.

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

15. S.O. to 5.12.2016.[]

CHAIRMAN.

21.11.2016-ATP(c)

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

ORIGINAL APPLICATION NO.783/2015.

(M. N. Deshmukh & Ors. Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

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

DATE :21.11.2016.

ORAL ORDER

None present for the applicants. Shri S.K. Shirse, learned Presenting Officer for the Respondents and Shri S.M. Kshirsagar, learned Advocate holding for Shri A.A. Mukhedkar, learned Advocate for the Intervenor.

2. Learned P.O. states as follows :-

He has to find out as to whether the reply which is already filed is in order?

3. Learned P.O. prays for two weeks time. Time granted.

4. S.O. to 5.12.2016.

CHAIRMAN.

21.11.2016-ATP(c)

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

ORIGINAL APPLICATION NO.447/2016.

(B. P. Kadam Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

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

DATE :21.11.2016.

ORAL ORDER

Heard Shri Gajanan Kadam, learned Advocate for the
applicant and Shri N.U. Yadav, learned Presenting Officer for the
Respondents.

2. Admit.
3. Liberty to move for hearing.

CHAIRMAN.

21.11.2016-ATP(c)

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

ORIGINAL APPLICATION NO.626/2016.

(S. U. Hake Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

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

DATE :21.11.2016.

ORAL ORDER

Heard Shri A. S. Deshmukh, learned Advocate for the applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Admit.

3. To come up for hearing in due course.

4. In view that, the respondents have taken a stand that the applicant is entitled to be promoted from a latter date which has already come in existence, a formal order of interim relief is not considered.

CHAIRMAN.

21.11.2016-ATP(c)

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

ORIGINAL APPLICATION NO.602/2016.

(H. S. Gawali Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

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

DATE :21.11.2016.

ORAL ORDER

Heard Shri A. D. Gadekar, learned Advocate for the applicant and Smt P. R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned P.O. prays for two weeks time to file reply. Time granted.
3. S.O. to 5.12.2016.

CHAIRMAN.

21.11.2016-ATP(c)

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

MA NO.235/2015 IN CP ST.925/15 IN OA 517/2013.

(Dr. Syed Nazia Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

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

DATE :21.11.2016.

ORAL ORDER

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

2. The writ petition is filed before Hon'ble High Court. The matter is yet to come up for hearing.
3. S.O. to 18.4.2017.

CHAIRMAN.

21.11.2016-ATP(c)

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

MA NO.531/2015 IN CP ST.1913/15 (A)/15 IN OA 519/2013.

(Dr. S.R. Gawali Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

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

DATE :21.11.2016.

ORAL ORDER

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

2. The writ petition is filed before Hon'ble High Court. The matter is yet to come up for hearing.

3. S.O. to 18.4.2017.

CHAIRMAN.

21.11.2016-ATP(c)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

MA NO.234/2015 IN CP ST.923/15 /15 IN OA 515/2013.

(Dr. B.G. Phalke Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

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

DATE :21.11.2016.

ORAL ORDER

Heard Shri J.S. Deshmukh, learned Advocate for the applicant, Smt D.S. Deshpande, learned Presenting Officer for the Respondents no.1 to 3 and Shri A.D. Aghav, learned Advocate for the Respondent no.4.

2. Learned Advocate for the applicant states that, the order passed by this Tribunal in OA.No.515/2013 is stayed by by Hon'ble High Court. In view of stay hearing of this M.A. is adjourned.

3. S.O. to 18.4.2017.

CHAIRMAN.

21.11.2016-ATP(c)

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

MA NO.532/2015 IN CP ST.1915/15 /15 IN OA 518/2013.

(Dr. G.V. Thakur Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

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

DATE :21.11.2016.

ORAL ORDER

Heard Shri J.S. Deshmukh, learned Advocate for the applicant, Smt D.S. Deshpande, learned Presenting Officer for the Respondents no.1 to 3 and Shri A.D. Aghav, learned Advocate for the Respondent no.4.

2. Learned Advocate for the applicant states that, the order passed by this Tribunal in OA.No.515/2013 is stayed by by Hon'ble High Court. In view of stay hearing of this M.A. is adjourned.

3. S.O. to 18.4.2017.

CHAIRMAN.

21.11.2016-ATP(c)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

MA NO.273/16 in OA No.397/16, MA No.274/16 in OA 393/16, MA No.275/16 in OA No.398/16, MA No.370/16 with MA 180/16 in OA 31/16, MA 371/16 with MA 179/16 in OA 835/15, MA 372/16 with MA 181/16 in OA 67/16, MA 368/16, 369/16, OA 369/16, OA 400/16, OA 490/16, OA 361/16 with MA 277/16.

(P.S. Bramhne & Others Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

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

DATE :21.11.2016.

ORAL ORDER

Heard Dr. Smt. K.P. Bharaswadkar & Shri Sudhir Patil, learned Advocates for the applicants, Smt. P.R. Bharaswadkar, learned Presenting Officer for the Respondents and Shri C.T. Chandratre, learned Advocate for the Respondent no.4 in MA Nos.273, 275 of 2016 for Respondent no.4 (Absent). Shri A.S. Deshmukh, learned Advocate for the Respondents no.4 & 5 in MA No.372/16.

2. Learned P.O. has tendered affidavit in MA Nos.273, 274 & 275 of 2016. It is taken on record.

3. Learned Advocate for the Respondents no.4 & 5 has stated that he will file reply during course of the day.

4. Parties have filed joint pursis requesting that the case shall be fixed on 13.12.2016, however the matter is to be considered for the Respondent no.3 giving evasive reply.

5. It is seen that, the Officer Shri Kailash P. Mote was called to show cause as to why he should not be saddled with costs. The matter is taken for hearing. The reply does not contain answer of this aspect of the matter.

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6. Learned P.O. states that :-

- (a) The, the affidavit was drafted by the Officer concerned at his level and has been furnished to the learned P.O. for submission.
- (b) He is unable to explain the reason as to why the costs should not be awarded.

7. Learned P.O. has taken instructions from the Officer Shri Kailash P. Mote, who has filed affidavit, and states that the Officer would remain present personally on the next date.

8. S.O. to 5.12.2016.

CHAIRMAN.

21.11.2016-ATP(c)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

**O.A.NOS. 388, 389, 390, 391, 392 of 2016 & MA Nos.302
with MA 207/16 in OA 370/16 with MA 281/16 & MA
No.303/16 in OA 371/16 with MA 208/16 with MA 280/16.**

(N. L. Aher & Others Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

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

DATE :21.11.2016.

ORAL ORDER

Heard Shri V. B. Wagh, learned Advocates for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents and Dr. Smt. K. P. Bharaswadkar, learned Advocate for the Respondent no.4 in OA Nos.388 and 390 of 2016.

2. Parties have filed joint pursis requesting that the case shall be fixed on 13.12.2016, however the matter is to be considered for the Respondent no.3 giving evasive reply.

3. It is seen that, the Officer Shri Kailash P. Mote was called to show cause as to why he should not be saddled with costs. The matter is taken for hearing. The reply does not contain answer of this aspect of the show cause against costs.

4. Learned P.O. states that :-

- (a) The, the affidavit was drafted by the Officer concerned at his level and has been furnished to the learned P.O. for submission.

//2//

(b) He is unable to explain the reason as to why the costs should not be awarded.

5. Learned P.O. has taken instructions from the Officer Shri Kailash P. Mote, who has filed affidavit, and states that the Officer would remain present personally on the next date.

6. S.O. to 5.12.2016.

CHAIRMAN.

21.11.2016-ATP(c)

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

ORIGINAL APPLICATION NO.668 OF 2016

CORAM : **HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN**
(This case is placed before the Single Bench due to non-availability of Division Bench)

DATE : **21.11.2016.**

ORAL ORDER :

1. Heard Shri A.D. Gadekar, the learned Advocate for the Applicant and Shri M.S. Mahajan, the learned Chief Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents states as follows :-

(a) Affidavit-in-reply affirmed by Deputy Engineer, Shri HimmatraoPandharinathPatil of the Office of Public Works Division, Aurangabad is received.

(b) He has been authorised to file affidavit.

(c) The affidavit is drafted by Shri HimmatraoPandharinathPatil without consulting his office, and contents thereof are not upto the mark.

(d) Oral reasons assigned by the representative who has arrived are:-

The life of the waiting list has expired and that therefore, the Applicant cannot be appointed. However, this reason is not included in the affidavit brought today. Therefore, fresh affidavit will have to be drafted and though affidavit is received, it cannot be accepted.

3. It is seen that notice of this Tribunal was issued on 23.08.2016 and was served on the Respondents No.2 and 3 on 30.08.2016 and on Respondent No.1 on 01.09.2016.

4. It is shocking though not surprising that affidavits are drafted by various Departments/ Officers without consulting learned C.P.O. / P.O. and the affidavits are drafted by Officers at junior level, without answering crucial averments contained in the O.A., and without putting specific plea in defence, even if available. In present case, spacious plea is taken in the affidavit shown

to the Tribunal, that if Tribunal directs, Applicant's claim would be considered.
The plea of discrimination is not dealt/ explained / denied.

5. Due to recklessness shown in the contest, it is necessary to know the reasons which has led to this lack of seriousness, which ordinarily happens because seriousness does not flow down the bottom.

6. Therefore, learned C.P.O. is called upon to furnish the names of the Officers holding the post of Respondents No.1, 2 and 3. He has given names as under :-

- (a) Shri Ashish Kumar Singh, Principal Secretary, Public Works Department, Mantralaya, Mumbai.
- (b) Shri A.B. Suryavanshi, Superintending Engineer, Public Works Division/ Circle, Aurangabad Division, Aurangabad.
- (c) Shri MilindBarabhai, Executive Engineer, Public Works Division, Aurangabad Division, Aurangabad.

7. These three officers named in foregoing paragraph are called upon to show cause as to why they should not be personally saddled with costs for being negligent in preparing affidavit and drafting affidavit without consulting the learned C.P.O. / P.O. and without incorporating the entire plea, and without answering all averments.

8. Learned C.P.O. was called to state as to whether notice of the Tribunal should be issued to the Officers or he would communicate this order to the concerned Officers.

9. On this, learned C.P.O. undertakes to deliver / serve order of the Tribunal on the officers concerned.

10. Affidavit answering the notice of show cause be filed on or before 05.12.2016.

11. Affidavit answering all averments, grounds and points involved in the O.A. be filed on the next date.

12. Steno copy be provided to learned C.P.O. on his request.

13. S.O. to 05.12.2016.

(A.H. Joshi J.)
Chairman

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