

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 143 OF 2017

[Shri Udalsing R. Naglot Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to place on record the relevant documents showing that the applicant has undergone the course of Diploma in Medical Laboratory Technician from by the recognized institute of the Government. At his request S.O. to 26.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 258/2013 IN OA 124/2003 WITH OA 622/2002

[Shri Rajaram B. Virulkar Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

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

2. It is an admitted fact that after the decision of Hon'ble Bombay High Court, Bench at Aurangabad in writ petition no. 3925/2013 on 20.8.2013 the applicant has preferred the appeal before the appellate authority. The learned P.O., on instructions from the respondents, submits that the said appeal would be decided within a period of 3 weeks.

3. In view of the aforesaid statement of the learned Presenting Officer the respondents are hereby directed to decide the appeal preferred by the applicant within a period of 3 months from the date of this order.

4. S.O. to 4.6.2017.

5. Steno copy be supplied to the learned Presenting Officer.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 335/2014 IN CP ST. 1240/2014 IN OA 387/2012

[Shri Shivaji B. Honrao & Ors. Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde - Upadhyay, learned Advocate for the applicants, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent no. 1 and Shri P.R. Tandale, learned Advocate for respondent no. 2.

2. It is jointly submitted that the respondent no. 2 has complied with the order passed by the Tribunal in O.A. no. 387/2012 dated 21.1.2014 to the extent within its control. He further submits that some steps are required to be taken by the applicant nos. 3 & 5 and they are required to file copies of their caste validity certificates. So far as the applicant no. 2 is concerned, the proposal is already submitted to the Accountant General for sanction of necessary amounts.

3. In view of above position, the learned Advocate for the applicant submits that the present M.A. for permission to file

contempt petition, be disposed of with liberty to the applicant to file fresh proceedings, in case any situation arises.

4. Accordingly, M.A. for permission to file contempt petition is disposed of with liberty as prayed for without any order as to costs. In view of disposal of M.A., registration of contempt petition is refused.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 358/2014 IN OA ST. 1184/2014

[Dr. Gangadhar D. Chate Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Shri S.V. Mundhe, learned Advocate for the applicant, Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent nos. 1 to 3 and Shri R.D. Thorat, learned Advocate holding for Shri P.D. Suryawanshi, learned Advocate for respondent no. 4.

2. Upon hearing both the sides, it appears that, the real controversy in the present matter is that the respondent nos. 2 & 3 and more particularly the res. no. 2 has not decided the proposal dated 14.9.2004 submitted by res. no. 3, though by the order dated 9.12.2014 passed in O.A. no. 496/2002 this Tribunal directed the res. no. 2 to decide the said proposal within a period of 3 months from the date of that order.

3. The learned Presenting Officer is, therefore, directed to seek instructions from the respondents as to whether the aforesaid proposal has been decided by the res. no. 2 and if

not ask him to decide it by the next date, instead of filing reply to the present application for condonation of delay. It is however made clear that, since sufficient chances are already granted to the respondents and more particularly the res. no. 2 in this regard, in case no instructions are not received to the learned P.O. in this regard by the next date, this Tribunal may be constrained to call the res. no. 2 – the Director of Health Services, Mumbai – personally before this Tribunal.

4. S.O. to 6.4.2017.

5. The learned P.O. to act upon the steno copy of this order.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

OA ST. 1547/2015 WITH MA 5/2016

[Shri K.B. Bahure Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

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

2. The learned P.O. has filed additional affidavit in reply of res. nos. 1 & 2 in the original application and the same is taken on record and copy thereof has been served upon the learned Advocate for the applicant. The said additional reply would show that the respondents have taken a decision to extend the benefits of assured career progression scheme to the applicant and even orders in this regard are also passed as can be seen from Annex. P-1 & P-2 annexed therewith.

3. In that view of the matter, the learned Advocate Mr. Wagh, on instructions, submits that the present original application be disposed of with directions to the concerned respondents to take further steps regarding disbursement of the amounts to the applicant within a period of 3 months from today.

4. In circumstances, the O.A. is disposed of without any order as to costs with directions to res. no. 2 – the Divisional Commissioner, Aurangabad – to take further steps regarding disbursement of the amount to the applicant within a period of 3 months from today.

5. In view of disposal of original application, nothing survives in the M.A. no. 5/2016 and the same is also disposed of without any order as to costs.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 89/2016 IN OA 704/2012

[Shri Parmeshwar D. Kandlikar Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. None appears for the applicant in the present misc. application. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, is present. None appears for the applicant in the original application.

2. The learned P.O. has already filed affidavit in reply of res. nos. 1 & 2 in the present misc. application. It appears from the para 3 (c) & (d) of the said reply that this Tribunal at Nagpur Bench has decided the O.A. nos. 704 & 821 both of 2012 and made following observations :-

“(c) This act of the Respondents is challenged by filing Original Application No. 704/2012 in the Hon'ble Tribunal & Original Application No. 821/2012 in the Hon'ble Tribunal bench at Nagpur.

(d) The Respondent no. 1 and 2 filed the affidavit in reply & the Hon'ble Tribunal bench at Nagpur decided the O.A. no. 821/2012 on dt.

2.9.2014 partly allowing the O.A. & giving directions to Respondents as “Having considered all the factors as above, we find that the respondent had erred in deciding that the 17 vacant posts available on 19.11.2011 belonged to category of nomination. In fact they are required to be filled up by promotion as per the provisions of the 1982 Recruitment Rules. As the applicants Nos. 1,2,4 & 5 were found eligible for promotion by the D.P.C. they are required to be granted regular promotion against the vacant posts, and hence these 17 posts cannot be filled up by nomination for which an advertisement was issued on 20.1.2012. We therefore dispose of the present O.A. in terms of the following directions :-

- a) The O.A. is partly allowed.
- b) We hold that the 17 vacant posts considered by the D.P.C. in it's meeting dt. 19.11.2011 are required to be filled by promotion by applying the Recruitment Rules of 1982.
- c) The advertisement dt. 20.1.2012 is quashed so far as the above vacant posts are concerned.
- d) Accordingly we direct the respondents to promote the applicants as per recommendation of the above D.P.C.

e) No order as to costs.

The copy of order dated 2.9.2014 is annexed herewith and marked as Exhibit R-1.”

3. From the aforesaid contents it appears that the decision to appoint the candidates directly is quashed by this Tribunal at Nagpur Bench. The present applicant as well as the applicants in the original applications before the Nagpur Bench, are seeking similar relief.

4. The learned P.O. submits that in view of decision of this Tribunal at Nagpur Bench nothing survives in the present O.A. & M.A. However, in view of absence of learned Advocate for the applicant, instead of disposing the O.A. & M.A. on merit, the same are dismissed in default, without any order as to costs.

VICE CHAIRMAN

LATER ON :-

Shri Sudhir Patil, learned Advocate for applicant in O.A. appeared and requests for recalling the aforesaid order and restoring the O.A. & M.A. to their original position. The said request is granted and the O.A. & M.A. be posted on 11.4.2017.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 212/2016 IN OA ST. 664/2016

[Shri Nandkishor C. Khicchi Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Shri Nandkishor C. Khicchi – party in person and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. The learned P.O. has filed affidavit in reply of the respondents. It is taken on record and copy thereof has been served upon the party in person.
3. At the request of party in person, S.O. to 27.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 317/2016 IN CP ST. 1491/2016 IN OA NO. 554/2013

[Shri Dr. Ashok V. Baradar Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

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

2. The learned P.O. files on record the communication dated 21.3.2017 received to her from the respondents and seeks 4 weeks time in view of order of this Tribunal dated 2.3.2017. At her request, S.O. to 4.5.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 393/2016 IN CP ST. 1798/2016 IN OA 122/2015

[Dr. Ashok B. Havelikar Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Shri S.D. Dhongde, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Mr. Dhongde, learned Advocate seeks time to take instructions to find whether the applicant has filed leave application in the prescribed format as is referred in paragraph no. 8 of the reply of res. no. 3. At his request, S.O. to 4.5.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 31/2017 IN CP ST. 77/2017 IN OA 500/2014

[Dattatraya D. Parte Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Shri P.V. Suryawanshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Upon hearing both the sides, it appears that, this Tribunal in O..A. no. 500/2014 had quashed and set aside the communication issued by res. no. 5 dated 25.7.2014 refusing to extend the benefit of compassionate appointment to the present applicant. It appears that the father of the applicant had sought voluntary retirement from the service as he suffered heart ailment. After retirement the applicant's father died. The Tribunal held that the heart ailment can be said to serious ailment and, therefore, in view of G.R. dated 23.4.1976 the res. no. 3 is required to reconsider the issue. Accordingly, the res. no. 3 reconsidered the issue and had come to the conclusion that as the deceased was not granted invalid pension, but simply allowed to retire voluntarily, the

rules regarding compassionate appointment are not applicable in the said case. Accordingly the communication was sent to the applicant copy thereof is placed on record at Exh. A.1 (paper book page 12).

3. Shri Suryawanshi, learned Advocate submits that this is in disregard to the order passed by the Tribunal in the O.A. In the circumstances, the learned C.P.O. seeks time to make his submissions. At his request, S.O. to 27.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 116/2017 IN CP ST. 362/2017 IN OA 711/2016

[Omprakash D. Mane Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

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. The misc. application has been filed by the applicant seeking permission of this Tribunal to file contempt petition against the respondents for non compliance of the order dated 20.12.2016 in O.A. no. 711/2016.

3. The learned P.O. submits that the order in question would show that the O.A. was allowed by this Tribunal in terms of prayer clause (B) thereof and, therefore, some time is required to take proper steps in the matter.

4. Hence, issue notice to the res. no. 2 in the M.A., returnable on 2.5.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 118/2016 IN CP ST. 94/2016 IN OA 465/2012

[Mohammed Zakiyoddin s/o Mohammed Anisoddin Vs. the
State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

Date :- 22.03.2017

Oral Order :-

1. Heard Smt. A.N. Ansari, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The learned P.O. seeks time to comply with the order of this Tribunal in O.A. dated 24.3.2015 in view of dismissal of writ petition no. 1384/2016 on 27.2.2017 only. The true copy of Hon'ble High Court's order is filed on record by the learned P.O. At his request, S.O. to 2.5.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 562/2015 IN OA ST. 113/2015

[Shri Ravindra K. Jadhav Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date :- 22.03.2017

Oral Order :-

1. Heard Shri N.P. Bangar, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant today makes a statement that he is withdrawing his statement made on 28.2.2017 that the registry has wrongly objected for filing of original application on the ground of limitation. He, therefore, states that the M.A. be proceeded further. At the request of learned P.O., S.O. to 28.4.2017 for filing reply in the M.A.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA ST. 1377/2015 IN OA ST. 942/2015

[Miss. Chaya B. Dhabadge @ Mrs. Chaya w/o Vasant Hanwate
Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date :- 22.03.2017

Oral Order :-

1. Heard Shri Chetan Jadhav, learned Advocate holding for Shri K.P. Pawar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to comply with the office objection. Time granted. S.O. to 2.5.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 324 OF 2015

[Shri Bhaskar K. Shinde Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date :- 22.03.2017

Oral Order :-

1. Heard Shri D.J. Patil, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The learned P.O. submits that she will have to prepare on the issue as well as on the facts. At her request, S.O. to 5.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 437 OF 2012

[Shri Shivshankar T. Munde Vs. the State of Mah. & Ors.]
Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date :- 22.03.2017

Oral Order :-

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

2. The learned Advocate for the applicant files rejoinder affidavit of the applicant along with copy of Hon'ble High Court in W.P. no. 820/2011 dated 7.7.4014 and the same is taken on record and copy thereof has been served upon the learned P.O. for the respondents. The learned Advocate for the applicant seeks time to argue the matter. At his request, S.O. to 25.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 421 OF 2012

[Shri Anant M. Thakur Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date :- 22.03.2017

Oral Order :-

1. None appears for the applicant. Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.
2. As none appears for the applicant, S.O. to 25.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 545 OF 2014

[Smt. Vijayabai N. Suryawanshi Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date :- 22.03.2017

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. At the request of learned Advocate for the applicant, S.O. to 12.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 395 OF 2015

[Shri Rajaram J. Gaikwad & Ors. Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date :- 22.03.2017

Oral Order :-

1. Heard Shri R.R. Bangar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 1 to 6. None appears for respondent no. 7.

2. The learned Advocate for the applicant submits that he will have to search and to find out as to from which date the benefits of Assured Career Progression Scheme should be extended to the employees, who have not passed the departmental examination, but subsequently are exempted from passing of the same upon attaining the age of 45 years as per the relevant G.Rs.

3. In view of above, the issue to be considered in the present matter is whether an employee would be entitled to consider for grant of Assured Career Progression Scheme from the date of his initial appointment or from the date of

grant of exemption from passing the departmental examination etc.?

4. At the request of learned Advocate for the applicant, S.O. to 5.4.2017. To be treated as part heard.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 134 OF 2015

[Shri Malu D. Pawar Vs. the State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date :- 22.03.2017

Oral Order :-

1. Heard Shri D.M. Shinde, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. The present applicant is seeking relief that his earlier service in military be computed and he would be granted pension upon his voluntary retirement as a Police Constable vide acceptance order passed by the res. no. 4 dated 29.3.2014. It is an admitted fact that the applicant is granted pension and pensionary benefits upon his regular superannuation from military. The learned Advocate for the applicant relied on the provisions of rule 41 of M.C.S. (Pension) Rules, 1982 and more particularly proviso 3 thereto, which runs as under :-

“41. Other cases in which Military service counts as service for pension.

In any case not covered by rule 40, a competent authority may by general or special order direct that the Military service performed by any Government servant, after attaining age of 18 years, who before entering civil employ was in Military employ but did not earn a pension in Military employ, shall be treated as service qualifying for pension. In issuing such an j

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 486 OF 2016

**(Smt. Shivkanya Santosh Bharti Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 22.03. 2017.

ORAL ORDER:

1. Heard Shri S.D. Dhongde – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 11th April, 2017.

MEMBER (J)

ORAL ORDERS 22.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 175 OF 2017

**(Shri Madhukar S/o. Maroti Khamkar Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 22.03. 2017.

ORAL ORDER:

1. Heard Shri D.A. Bide – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks time to file an application for condonation of delay. Time granted.
3. S.O. to 21st April, 2017.

MEMBER (J)

ORAL ORDERS 22.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 178 OF 2017

**(Dr. Kishor S/o. Purushottam Pokharkar Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 22.03. 2017.

ORAL ORDER:

1. Heard Shri Avinash S. Deshmukh – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 27th March, 2017.
3. Tribunal may take the case/s 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 date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 27th March, 2017.
8. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 22.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 381 OF 2016

**(Ms. Nitu D/o Mahadev Chingalwar Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 22.03. 2017.

ORAL ORDER:

1. Heard Shri S.B. Ghute – learned Advocate for the applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.
2. Learned Presenting Officer seeks time to take instructions from the respondents and make submissions regarding vacant posts of Medical Officer at Civil Hospital at Parbhani & Washim. Time granted.
3. S.O. to 11th April, 2017.

MEMBER (J)

ORAL ORDERS 22.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 219 OF 2016

**(Shobha Krushna Ovhal Vs. The State of Maharashtra and
Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 22.03. 2017.

ORAL ORDER:

1. Shri Vikram S. Undre – learned Advocate for the applicant (**absent**). Shri D.R. Patil – learned Presenting Officer for the respondent Nos. 1 to 4. None appears for respondent Nos. 5 & 6.

2. Since nobody appears for the applicant, S.O. to 24th April, 2017.

MEMBER (J)

ORAL ORDERS 22.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 673 OF 2016

**(Shri Sanjay S/o. Bhaskar Patil Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 22.03. 2017.

ORAL ORDER:

1. Heard Shri S.G. Kulkarni – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 21st April, 2017.

MEMBER (J)

ORAL ORDERS 22.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 616 OF 2016

**(Sonali Anil Chaudhari Vs. The State of Maharashtra and
Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 22.03. 2017.

ORAL ORDER:

1. Heard Shri Vinod P. Patil – learned Advocate for the applicant, Shri N.U. Yadav – learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Vaibhav R. Patil – learned Advocate for respondent No. 4.

2. Learned Presenting Officer seeks two weeks' time to take instructions from the concerned respondent authorities. Time granted.

3. S.O. to 13th April, 2017.

MEMBER (J)

ORAL ORDERS 22.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 771 OF 2016

**(Usha D/o. Ranoji Bahirat Vs. The State of Maharashtra
and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 22.03. 2017.

ORAL ORDER:

1. Heard Shri R.B. Ade – learned Advocate for the applicant, Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Shrikant Veer – learned Advocate for respondent No. 4.
2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 21st April, 2017.

MEMBER (J)

ORAL ORDERS 22.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 755 OF 2016

**(Shri Kakasaheb Daulat Chathe Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 22.03. 2017.

ORAL ORDER:

1. Shri S.S. Phatale – learned Advocate for the applicant (**absent**). Shri D.R. Patil – learned Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 25th April, 2017.

MEMBER (J)

ORAL ORDERS 22.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 718 OF 2016

**(Shri Ashok S/o Tukaram Bari & Ors. Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 22.03. 2017.

ORAL ORDER:

1. Heard Shri S.S. Deshmukh – learned Advocate for the applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 13th April, 2017.

MEMBER (J)

ORAL ORDERS 22.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 817 OF 2015

**(Dr. Anita d/o Ramdhan Rathod & Anr. Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 22.03. 2017.

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. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 & 2 and same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.
3. It transpires from the record that affidavit in reply on behalf of respondent No. 3 has already been filed on record.
4. It is contended by the respondent No. 3 in his affidavit in reply that the Government is the Competent Authority in the matter of absorption or regularization of contractual employees. It is further contended by the respondent No. 3 that the proposal regarding absorption of ad hoc Dental Surgeons has been received from the Government in August 2015. As the proposal was incomplete, back reference was made to Government regarding recruitment Rules, total number of regular posts, Govt. Resolution dated 16/10/2014 etc. and after complying the objection the respondent No. 3

O.A. NO. 817 OF 2015

has approved it and informed its decision to the Government accordingly.

5. Learned Presenting Officer has submitted that the matter is under consideration of the Government, so far as the applicant No. 1 is concerned.

6. Learned Advocate for the applicant has submitted that in view of this scenario respondents may be directed to take decision in the matter within a stipulated time and he urged that the present Original Application may be disposed of by giving directions to the respondents.

7. In view of the submissions made by the learned Advocates for the respective parties, it would be appropriate to direct the respondent No. 1 to take decision on the proposal approved by the MPSC i.e. respondent No. 3 within a period of three months regarding absorption on merits.

8. With the above observations and directions the present Original Application stands disposed of with no order as to costs.

MEMBER (J)

ORAL ORDERS 22.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 52 OF 2016

**(Dr. Waman Chandrakant Rathod Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 22.03. 2017.

ORAL ORDER:

1. Heard Shri J.S. Deshmukh – learned Advocate for the applicant, Smt. Sanjivani Deshmukh – learned Presenting Officer for respondent Nos. 1 to 3 and Shri P.R. Tandale – learned Advocate for respondent No. 4.

2. Learned Presenting Officer submits that she has informed the concerned authority about earlier order dated 02.03.2017 passed by this Tribunal, but no instructions have been received from the concerned authority. Today, again learned Presenting Officer seeks time for filing affidavit in reply on behalf of the respondents.

3. It transpires from the proceedings that ample opportunities have been given to the respondents to file their affidavit in replies. On the last occasion i.e. on 02.03.2017 time was granted to the respondents as a peremptory chance to file reply with an understanding that in case respondents fail to file affidavit in reply on or before 22.03.2017, heavy costs will be imposed on the respondents.

4. In spite of the observations made by this Tribunal in its order dated 02.03.2017, the respondents failed to file affidavit in reply. However, in the interest of justice, time is granted to the respondents as a most last chance, subject to payment of costs of Rs. 10,000/- (Rs. Ten thousand only), which shall be remitted to the MAT Bar Association Aurangabad.

5. S.O. to 21st April, 2017.

MEMBER (J)

ORAL ORDERS 22.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.812/2016
(Dr. Vijay Katte V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

Heard Shri A.D.Gadekar learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for the respondents.

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

3. At the request of learned Advocate for the applicant, **S.O.17-04-2017** for filing some documents on record.

MEMBER (J)

YUK ORAL ORDER 22-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.840/2016
(Shri Hiralal Bhatewade V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

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

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted as a last chance.
3. S.O.07-04-2017.

YUK ORAL ORDER 22-03-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.862/2016

(Shri Shimant Gaikwad V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

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

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted as a last chance.
3. S.O.17-04-2017.

YUK ORAL ORDER 22-03-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.880/2016

(Dr. Sushilkumar Kendre V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

Heard Shri S.V.Mundhe learned Advocate for the applicant, Shri I.S.Thorat learned Presenting Officer for the respondent and Shri Pradeep Shahane learned Advocate for respondent nos.2 and 3.

2. Shri Shahane learned Advocate for respondent nos.2 and 3 submits that he will file relevant documents on record on the next date.

3. At the request of Shri Shahane, **S.O.12-04-2017** for filing documents.

MEMBER (J)

YUK ORAL ORDER 22-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.887/2016

(Shri Ashok Pawar V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

Heard Ku. Amruta Paranjape learned Advocate holding for Shri P.S.Paranjape learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant prays for adjournment till 3rd April 2017. Adjournment granted.

3. S.O. 3rd April 2017.

MEMBER (J)

YUK ORAL ORDER 22-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.905/2016
(Shri Mahavir Gosavi V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

Heard Ku. Bhavana Panpatil learned Advocate holding for Shri S.B.Talekar learned Advocate for the applicant, Shri N.U.Yadav learned Presenting Officer for the respondent nos.1 to 3 and Shri S.D.Joshi learned Advocate holding for Shri D.T.Devane learned Advocate for respondent no.4.

2. Learned Advocate for the applicant prays for time for filing affidavit in rejoinder. Time granted.

3. S.O.29-03-2017.

MEMBER (J)

YUK ORAL ORDER 22-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.909/2016

(Shri Laxman Lomte V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

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

2. At the request of applicant as well as the respondents, S.O.03-04-2017.

YUK ORAL ORDER 22-03-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.922/2016
(Shri Vijay Sable V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

Heard Shri Manoj Shinde learned Advocate for the applicant, Smt. Sanjivani Ghate learned Presenting Officer for the respondent nos.1 to 3 and Shri V.G.Pingle learned Advocate for respondent no.4.

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

3. S.O.17-04-2017.

MEMBER (J)

YUK ORAL ORDER 22-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.09/2017
(Shri Prashant Pawar V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

Heard Shri H.P.Jadhav learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

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

3. S.O.21-04-2017.

MEMBER (J)

YUK ORAL ORDER 22-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.41/2017

(Shri Baburao Ardad V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

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

2. Learned P.O. files reply affidavit on behalf of respondent nos.1 and 2. It is taken on record. Copy thereof has been served on the other side.

3. Learned Advocate for the applicant may file rejoinder, if necessary.

4. S.O.13-04-2017.

MEMBER (J)

YUK ORAL ORDER 22-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.190/2016 IN O.A.St.No.560/2016
(Shri Ramrao Suryavanshi V/s. The State of Mah. &
Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

Heard Shri S.K.Chavan learned Advocate holding
for Shri S.B.Mene learned Advocate for the applicant and
Shri D.R.Patil learned Presenting Officer for the
respondents.

2. At the request of learned Advocate for the applicant,
S.O.11-04-2017.

MEMBER (J)

YUK ORAL ORDER 22-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A.No.378/2016 WITH M.A.St.No.1633/2016 IN
O.A.St.No.1634/2016**

(Shri Vyankat More & Ors. V/s. The State of Mah. &
Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

Heard Shri T.B.Bhosale learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for the respondents.

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

3. S.O.13-04-2017.

MEMBER (J)

YUK ORAL ORDER 22-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.436/2016 IN O.A.St.No.1871/2016
(Smt. Sd. Ashraf Nadima V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

Heard Shri P.B.Salunke learned Advocate holding for Shri V.G.Salgare learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

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

3. S.O.17-04-2017.

MEMBER (J)

YUK ORAL ORDER 22-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.437/2016 IN O.A.St.No.1869/2016
(Shri Tejrao Wagh V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

Heard Shri P.B.Salunke learned Advocate holding for Shri V.G.Salgare learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

2. Learned P.O. states that he has already filed reply on behalf of respondent nos.3 and 4.

3. S.O.17-04-2017.

MEMBER (J)

YUK ORAL ORDER 22-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.438/2016 IN O.A.St.No.1867/2016
(Shri Gulab Khandare V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

Heard Shri P.B.Salunke learned Advocate holding for Shri V.G.Salgare learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for the respondents.

2. Learned P.O. states that he has already filed reply on behalf of respondent nos.1 to 3.

3. S.O.17-04-2017.

MEMBER (J)

YUK ORAL ORDER 22-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.440/2016 IN O.A.St.No.1873/2016
(Shri Bhikaji Gadekar V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

Heard Shri P.B.Salunke learned Advocate holding for Shri V.G.Salgare learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for the respondents.

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

3. S.O.17-04-2017.

MEMBER (J)

YUK ORAL ORDER 22-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.49/2017 IN O.A.St.No.160/2017
(Shri Meena Fattelashkari V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

Heard Shri Kakasaheb B. Jadhav learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for the respondents.

2. Learned P.O. files reply on behalf of respondent nos.1 to 3. It is taken on record. Copy thereof has been served on the other side.

3. At the request of learned Advocate for the applicant, S.O.13-04-2017.

YUK ORAL ORDER 22-03-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.429/2016

(Dr. Shripati Shinde V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

Heard Shri V.B.Wagh learned Advocate for the applicant, Shri N.U.Yadav learned Presenting Officer for the respondent nos.1 to 3 and Shri D.T.Devane learned Advocate for respondent no.6. Shri S.S.Manale learned Advocate for respondent nos.4 and 5 is **absent**.

2. Arguments of the parties are heard at length. Case is reserved for order.

MEMBER (J)

YUK ORAL ORDER 22-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.538/2016

(Shri Sahebrao Navthar V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

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

2. Arguments of the parties are heard at length. Case is reserved for order.

MEMBER (J)

YUK ORAL ORDER 22-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.66/2017

(Dr. Chandrakant Chavan V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 22-03-2017

ORAL ORDER:-

Heard Shri S.K.Chavan learned Advocate holding for Shri S.J.Salunke learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed on record written instruction given by the applicant stating that he does not want to proceed with the matter and he desires to withdraw the O.A. unconditionally.

3. In view of the written instruction of the applicant, O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

YUK ORAL ORDER 22-03-2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.108/2017.

[Shri K. P. Shinde Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Shri R. B. Bhosale, learned Advocate for the applicant and Smt P. R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submit that, he will satisfy regarding the tenability of the present application. At his request, S.O. to 23.3.2017.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.105/2017.

[Shri N. S. Mapari Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. None present for the applicant. Smt P.R. Bharaswadkar, learned Presenting Officer for the respondents.

2. No amendment is made to the application as sought vide order dated 17.2.2017.

3. S.O. to 12.4.2017.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA NO.112/2017 IN OA ST.353/2017.

[Shri R. W. Misal & Ors. Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Miss Preeti Wankhade, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Taking into consideration the chequered history of the litigation and that the present applicants are litigating the claim since long with various Forums sufficient cause is made out to condone the delay. The delay is therefore, condoned and application is allowed. Accordingly, M.A.No.112/2017 stands disposed of, without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA St.No.352/2017 IN OA ST.353/2017.

[Shri R. W. Misal & Ors. Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Miss Preeti Wankhade, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. This is an application preferred by the applicants seeking leave to sue jointly.
3. For the reasons stated in the M.A. and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid multiplicity, leave to sue jointly is granted, subject to payment of court fee stamps, unless it is paid already.
4. M.A. St.No.352/2017 stands disposed of accordingly. There shall be no order as to costs.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

OA ST.353/2017.

[Shri R. W. Misal & Ors. Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

Date :- 22.03.2017

Oral Order :-

1. Heard Miss Preeti Wankhade, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Issue notice to the respondents, returnable on 27.4.2017.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the

Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.

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

Applicants are directed to file affidavit of compliance and notice.

7. S.O. to 27.04.2017.

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

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 114/17 in CP St.358/17 in OA 254/2015.

[Shri B. S. Shinde Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Smt. Vidya Taksal, learned Advocate holding for Shri A. S. Deshmukh, learned Advocate for the applicant and Shri S. K. Shirse, learned Presenting Officer for the respondents.
2. Issue notice to the respondents in MA, returnable on 24.4.2017.
3. S.O. to 24.04.2017.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION St. No.221/2017.

[Shri A. S. Mane Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Shri V. B. Wagh, learned Advocate for the applicant and Shri N. U. Yadav, learned Presenting Officer for the respondents.
2. Office objections are hereby waived.
3. Issue notice to the respondents in MA, returnable on 28.4.2017.
4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
5. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. This intimation/notice is ordered under Rule 11 of the

Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.

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

Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 28.04.2017.

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

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.249/2016.

[Shri P. N. Rankhamb Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Shri V. B. Wagh, learned Advocate holding for Shri Sham Patil, learned Advocate for the applicant and Shri V. R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 19.4.2017.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.259/2016.

[Shri R. M. Shete Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Shri S. T. Veer, learned Advocate for the applicant and Smt D. S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 18.4.2017.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.510/2016.

[Shri V. H. Gade Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. None present for the applicant. Smt R. S. Deshmukh,
learned Presenting Officer for the respondents no.1 & 2. None
present for the Respondent no.3.

2. S.O. to 21.4.2017.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.540/2016.

[Shri R. D. Sapkale Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Shri S. P. Dhoble, learned Advocate holding for Shri B. S. Deshmukh, learned Advocate for the applicant and Shri D. R. Patil, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 6.4.2017.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.664/2016.

[Shri S. W. Asole Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. None present for the applicant. Smt P. R.

Bharaswadkar, learned Presenting Officer for the respondents
is present.

2. Learned P.O. seeks time to file affidavit in reply. Time
granted.

3. S.O. to 3.5.2017.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.747/2016.

[Shri V. B. Thakur Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

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

2. Nobody has appeared on the last date also. In the circumstances, S.O. to 18.4.2017 either for hearing or for passing necessary orders.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.757/2016.

[Shri D. R. Sirame Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. None present for the applicant. Smt. S. K. Ghate
Deshmukh, learned Presenting Officer for the respondents is
present.
2. Learned P.O. seeks time to file affidavit in reply. Time
granted.
3. S.O. to 18.4.2017.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.874/2016.

[Shri S. T. Mahajan Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. None present for the applicant. Shri M. S. Mahajan,
learned Chief Presenting Officer for the respondents is
present.

2. S.O. to 3.5.2017.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.876/2016.

[Shri Smotifjs T/ Hsbsmr Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Shri P. P. Kothari, learned Advocate for the applicant and Smt D. S. Deshpande, learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to take instructions as regard observations made by this Tribunal vide order dated 6.3.2017. At her request, S.O. to 28.4.2017.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.920/2016.

[Smt Sunita M. Gabale Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Shri S.P. Dhoble, learned Advocate holding for Shri A. V. Patil, learned Advocate for the applicant and Shri V. R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time. At his request, S.O. to 19.4.2017.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.715/2016.

[Shri V. H. Patil & Oths. Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Shri S. D. Dhongde, learned Advocate for the applicants and Smt P. R. Bharaswadkar, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicants submit that, the representations were made to the Hon'ble Ministers as well as to the concerned Secretary.
3. Learned Advocate for the applicants files on record true copy of the representation sent to the Secretary. Its copy is served on the other side.
4. S.O. to 12.4.2017.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.816/2016.

[Dr. Deshmukh Mohd. Shahir & Oths. Vs. The State of
Maharashtra and others.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

Date :- 22.03.2017

Oral Order :-

1. It is reported that Shri A. V. Rakh, learned Advocate for the applicant has filed leave note. Heard Shri D. R. Patil, learned Presenting Officer for the respondents.

2. The record show that, more than sufficient chances are already granted to the Respondents to file affidavit in reply. In the circumstances, S.O. to 20.4.2017 to file affidavit in reply in the light of the observations already made by this Tribunal. Upon failure this Tribunal may be constrained to call a responsible Officer before the Tribunal or pass any coercive action against the concerned Officer.

3. Learned P.O. is directed to act on the Steno copy of this order.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.931/2016.

[Shri C. D. Pawar Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Shri Shrikant Patil, learned Advocate for the applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Learned P.O. files affidavits in replies on behalf of Respondents no.1, 2 and 3 to 5 separately. The same are taken on record. Its copies are served on the other side.
3. Learned Advocate for the applicant submit that, he will have to file an application for amendment and seeks time to file the same. Time granted.
4. S.O. to 18.4.2017.
5. Application for amendment may be filed in the meantime.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.39/2017.

[Shri R. B. Shinde Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

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

2. Learned Advocate for the applicant on the written instructions from the applicant filed on record submit that, the grievance of the present applicant is redressed and therefore, the applicant does not wish to proceed with the application. O. A. is therefore, disposed of without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.130/2017_____

[Smt. Priyanka A. Dongre Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Shri S. K. Chavan, learned Advocate for the applicant, Shri M. S. Mahajan, learned Chief Presenting Officer for the respondents no.1 to 4, and Shri R. D. Khadap, learned Advocate on behalf of Respondent no.5.

2. Learned C.P.O. files affidavit in reply on behalf of Respondents no.3 & 4. The same is taken on record. Its copy is served on the other side. He seeks time to take instructions on the line of the order of this Tribunal passed on 1.3.2017.

3. Learned Advocate for the Respondent no.5 also seeks time to file affidavit in reply. Time granted.

4. S.O. to 5.4.2017.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.78/2017.

[Shri S. S. Dahale Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

1. Heard Miss Bhavna Panpatil, learned Advocate holding for Shri S. B. Talekar, learned Advocate for the applicant and Shri D. R. Patil, learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply. At his request, S.O. to 2.5.2017.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.79/2017.

[Shri Md.Kamram Shaikh Vs. The State of Mah. & Ors.]

Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 22.03.2017

Oral Order :-

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

2. Learned P.O. seeks time to file affidavit in reply. At his request, S.O. to 3.5.2017.

VICE CHAIRMAN

ORAL ORDERS 22.3.2017.ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 181 OF 2017

**(Shri Harischandra S/o. Ranganath Sonawane Vs. The
State of Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 22.03. 2017.

ORAL ORDER:

1. Shri S.B. Talekar – learned Advocate for the applicant, Shri M.S. Mahajan – learned Chief Presenting Officer for the respondent Nos. 1 to 3 and Shri Avinash S. Deshmukh – learned Advocate for respondent No. 4.

2. Heard the learned Advocates for the respective parties on the point of interim relief.

3. Learned Advocate for the applicant sought leave of this Tribunal to correct the nomenclature of respondent no. 2 and add Shri Sanjay Rathod, Minister of State for Revenue, Mantralaya, Mumbai as party respondent no. 5.

4. Leave as prayed for by the learned Advocate for the applicant is granted. Learned Advocate for the applicant shall carry out the necessary amendment forthwith.

5. Learned Advocate for the applicant has submitted that the applicant is working as Circle Officer, Kanchanwadi, Tq. & Dist. Aurangabad and he was suspended vide order dated

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15.12.2016 (Annexure A-7, page no. 49) issued by the Collector, Aurangabad. The applicant had challenged the said order of suspension before this Tribunal by filing Original Application No. 938/2016. After hearing both the parties the said O.A. was allowed in terms of prayer Clause IX-A, thereby the order dated 15.12.2016 has been quashed and set aside by this Tribunal by its order dated 23.01.2017. In pursuance of the said order, the Collector issued the order dated 8.2.2017 (Annexure A-10, page no. 71) and reposted the applicant as Circle Officer, Kanchanwadi, Tq. and Dist. Aurangabad. It is the contention of the applicant that during his suspension period, respondent no. 4 was posted as Circle Officer, Kanchanwadi, Tq. and Dist. Aurangabad on promotion by order dated 20.12.2016. Since the applicant has been reposted on the said post by order dated 8.2.2017, respondent no. 4 has been transferred to Mahalgaon Tq. Vaijapur, Dist. Aurangabad. Being aggrieved by the said order, respondent no. 4 has filed Original Application No. 99 of 2017 before this Tribunal and claimed interim relief, but this Tribunal has not granted interim relief. Therefore, he had filed W.P. No. 2145/2017 before the Hon'ble Bombay High Court, Bench at Aurangabad. The same has been withdrawn by the respondent no. 4 during the course of the hearing on

21.2.2017, a copy of which is placed on record at Annexure A-13 (page no. 79). Thereafter, respondent no. 4 has withdrawn Original Application No. 99 of 2017 on 10.03.2017. In the meanwhile respondent no. 4 filed appeal on 1.3.2017 before the Minister of State (Revenue Department) Government of Maharashtra without joining the applicant as party to it. The concerned Minister decided the appeal on 8.3.2017 and allowed the appeal and cancelled the order dated 8.2.2017 issued by the Collector, Aurangabad and reposted the applicant at Kanchanwadi, Tq. & Dist. Aurangabad. In pursuance to the said order the Collector issued the impugned order dated 18.03.2017 and reposted the respondent no. 4 as Circle Officer, Kanchanwadi Tq. & Dist. Aurangabad and transferred the applicant to Shendurwada, Tq. Gangapur, Dist. Aurangabad. It is contended by the applicant that R.D.C. compelled the applicant to put the signature on the relieving order dated 21.03.2017. It is his contention that he has not handed over the charge of the post of Circle Officer, Kanchanwadi Tq. & Dist. Aurangabad and still he is working on that post, as he has not handed over the charge as per Rule 31 of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981.

6. Learned Advocate for the applicant submitted that the Minister of State for Revenue Department, Government of Maharashtra has no authority to entertain the representation or appeal against transfer of the respondent no. 4 but the Minister has entertained the appeal/representation illegally and passed the order thereby setting aside the order issued by the Collector, Aurangabad reposting the applicant on the post of Circle Officer, Kanchanwadi Tq. & Dist. Aurangabad. He has further submitted that the Minister of State for Revenue Department has not given an opportunity to the applicant before passing the order, though the applicant was affected person. He has submitted that respondent no. 4 has also not joined the applicant as party to the appeal/representation made before the Minister of State for Revenue Department, Government of Maharashtra and therefore, the order passed by the said Minister is against the principles of natural justice. He has further submitted that the applicant has been reposted on the post of Circle Officer, Kanchanwadi Tq. & Dist. Aurangabad, in view of the order passed by this Tribunal in O.A. No. 938/2016 and therefore, the Minister has no authority to sit as an appellate authority over the judgment of this Tribunal. He has submitted that Revenue Officers had obtained the signature of the applicant on relieving report by

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pressurizing him and he has not officially handed over the charge of the post of Circle Officer, Kanchanwadi Tq. & Dist. Aurangabad and therefore, he prayed to grant interim relief in terms of prayer clause (36) 'C' and 'D'.

7. Learned Advocate for the respondent no. 4 has submitted that the Minister of State has power to entertain the grievances of the employees, as the State Government is higher authority of the Collector and therefore, the order passed by the Minister of State is in accordance with the provisions of law. He has submitted that the Tribunal has quashed the suspension order dated 15.12.2016 of the applicant passed by the Collector, Aurangabad by its order dated 23.01.2017 in O.A. No. 938/2016 and this Tribunal has not ordered the Collector or concerned authority to repost the applicant on the same post from which he has been suspended. He has submitted that the Collector exceeded the power and issued the order dated 8.2.2017 and thereby reposted the applicant as Circle Officer, Kanchanwadi Tq. & Dist. Aurangabad and transferred the respondent no. 4 as Circle Officer, Mahalgaon Tq. Vaijapur, Dist. Aurangabad. Being aggrieved by the said order respondent no. 4 has filed O.A. No. 99/2017 before this Tribunal, but no interim relief

was granted by this Tribunal and therefore, he has filed W.P. No. 2145/2017 before the Hon'ble Bombay High Court, Bench at Aurangabad, but subsequently he had withdrawn the said W.P. on 21.02.2017. However, respondent no. 4 had instructed his Advocate to withdraw the O.A. No. 99/2017 on 10.03.2017 and in view of the request of respondent No. 4, his Advocate sought permission of this Tribunal to withdraw the O.A. No. 99/2017 and accordingly on 10.3.2017, the said O.A. was disposed of as withdrawn. In the meanwhile, the respondent no. 4 has challenged the order of Collector by filing representation in the form of appeal. He has submitted that Minister of State after considering the facts and circumstances of the case, allowed the appeal and quashed the order of Collector dated 8.2.2017. In pursuance of the said order, the Collector passed the order dated 18.03.2017 and reposted the respondent no. 4 as Circle Officer, Kanchanwadi Tq. & Dist. Aurangabad and transferred the applicant. In pursuance of the said order, the applicant has been relieved on 21.3.2017 and the respondent no. 4 took the charge of the post on the same day and started discharging his duties. He has submitted that since, the applicant has been transferred and relieved, interim relief as sought by the applicant cannot

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be granted and therefore, he urged that the prayer of the applicant for interim relief be rejected.

8. Learned C.P.O. has submitted that as per the instructions received to him, the order dated 18.3.2017 has been implemented. The charge of the post of Circle Officer, Kanchanwadi Tq. & Dist. Aurangabad has been handed over to the respondent no. 4 and the applicant has been relieved on 21.03.2017 and therefore, no question of granting interim relief as prayed for by the applicant arises and therefore, he urged that the request of the applicant for grant of interim relief be rejected.

9. On perusal of the documents placed on record by the respective parties, it reveals that the applicant was placed under suspension by an order dated 15.12.2016. During his suspension period, his head quarter was kept at Tahsil Office, Fulambri. By order dated 20.12.2016 respondent no. 4 was promoted and posted as Circle Officer, Kanchanwadi Tq. & Dist. Aurangabad. The applicant had challenged the order of suspension before this Tribunal by filing O.A. No. 938/2016. The said O.A. has been allowed by this Tribunal by its order dated 23.01.2017 in terms of prayer Clause IX-A, thereby quashing and setting aside the suspension order of the

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applicant dated 15.12.2016. Thereafter, the Collector, Aurangabad issued the order dated 8.02.2017 and thereby reposted the applicant as Circle Officer, Kanchanwadi Tq. & Dist. Aurangabad. Consequently, the Collector has issued the order of transfer of respondent no. 4 as Circle Officer at Mahalgaon Tq. Vaijapur, Dist. Aurangabad. Respondent no. 4 has challenged the said order before this Tribunal in O.A. No. 99/2017 but was not succeeded in getting interim relief. Therefore, he approached the Hon'ble Bombay High Court, Bench at Aurangabad by filing W.P. No. 2145/2017, but subsequently he had withdrawn the same on 21.02.2017. Thereafter, he approached the Minister of State (Revenue Department) Government of Maharashtra by preferring representation/appeal on 1.3.2017. It was decided on 8.3.2017. The Minister of State has set aside the order dated 8.2.2017 issued by the Collector and directed him to repost the applicant as Circle Officer, Kanchanwadi Tq. & Dist. Aurangabad. Accordingly, the Collector issued impugned order dated 18.3.2017 and reposted the respondent no. 4 as Circle Officer, Kanchanwadi Tq. & Dist. Aurangabad and transferred the applicant as Circle Officer, Shendurwada, Tq. Gangapur, Dist. Aurangabad. The record produced by respondent no. 4 shows that the applicant was relieved from

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the post of Circle Officer, Kanchanwadi Tq. & Dist. Aurangabad on 21.03.2017 and respondent no. 4 has been joined on the said post on the very day. Not only this but documents produced by the respondent no. 4 show that respondent no. 4 is now discharging his duties as Circle Officer, Kanchanwadi Tq. & Dist. Aurangabad since 21.03.2017. Prima-facie the documents on record shows that the impugned order of transfer has been implemented and therefore, the interim relief as prayed for by the applicant cannot be granted at this stage.

10. As regards the illegality of the order passed by the Minister of State and the Collector, Aurangabad and authority of the Minister of the State to entertain the representation / appeal made by the respondent no. 4 can be decided at the time of full-fledged hearing. Therefore, in these circumstances in my view, it is not a fit case to exercise discretion and to grant interim relief as prayed for by the applicant. Hence, the prayer to grant of interim relief stands rejected.

11. In the meantime, issue notices to the respondents, returnable on 7th April, 2017.

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

13. 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.

14. 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.

15. 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.

16. S.O. to 7th April, 2017.

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

MEMBER (J)

ORAL ORDERS 22.03.2017- HDD(SB)