

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**O.A. NOS. 282, 283, 284, 285, 286, 287, 288 AND 289 ALL  
OF 2017**

**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 : 27-06-2017**

**ORAL ORDER:-**

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants in all these 8 matters and Smt. Priya R. Bharaswadkar and S/shri D.R. Patil, N.U. Yadav, M.P. Gude, V.R. Bhumkar, learned Presenting Officers for the respective respondents in all these 8 matters.

2. The learned P.Os. file on record the orders passed by the concerned respondents on the representation made by the respective applicants and the same are taken on record and kept in respective matters as document 'X'.

3. In view of the fresh decision taken by the concerned respondent, the learned Advocate for the respective applicants submits that, nothing survives in the present matters, however, orders of relieving the concerned applicant in each of the case may be passed by the concerned respondent at the earliest.

(-2-)

**O.A. NOS. 282, 283, 284, 285, 286,  
287, 288 AND 289 ALL OF 2017**

4. The learned P.Os., on the basis of instructions of Shri Ashok J. Diwan, Administrative Officer, Zilla Parishad (Health), Dhule, who is present in the Court hall – submit that the order to relieve to each of the applicants will be passed within a period of 3 days from today.

5. In view of the above situation on record, nothing survives in the present original applications for further adjudication and the same are hereby disposed of without any order as to costs.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 27.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 283/2016 IN OA ST. 1167/2016**

(Shri Sudhakar M. Devkare 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 : 27-06-2017**

**ORAL ORDER:-**

Heard Shri N.S. Choudhary, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent nos. 1 to 6. Shri D.P. Bakshi, learned Advocate for respondent no. 7 **(absent)**.

2. The learned P.O. seeks time to file affidavit in reply.

Time granted as a last chance. S.O. to 12.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 27.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 393/2016 IN CP ST. 1798/2016 IN OA 122/2015**  
(Shri (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 : 27-06-2017**

**ORAL ORDER:-**

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

2. The learned P.O. seeks some time. Considering the fact that the present matter is pending since long, it be placed on board on 28.7.2017 for compliance.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 27.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 98/2017 IN CP ST. 317/2017 IN TA 01/14 (WP  
2104/13)**

(Shri Raghunath Y. Khotkar 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 : 27-06-2017**

**ORAL ORDER:-**

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The learned P.O. files on record affidavit in reply of res. no. 3 in the present misc. application. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. In view of the affidavit in reply of res. no. 3 and in view of communication dated 15.4.2017 received to learned P.O., copy of which is already taken on record and marked as document 'X', the learned Advocate for the applicant seeks permission to withdraw the present misc. application with liberty to file fresh original application, if cause of action arose.

4. Accordingly the present misc. application stands disposed of as withdrawn, with liberty to the applicant to file fresh O.A., if cause of action arose. In view of disposal of misc. application, the contempt petition also disposed of. There shall be no order as to costs.

**VICE CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 738/2012**

(Shri Chandrakant S. Jadhav 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 : 27-06-2017**

**ORAL ORDER:-**

Heard Shri S.D. Dhongde, learned Advocate holding for Smt. (Dr.) Kalpalata Patil Bharaswadkar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The learned P.O. seeks time to make submissions on the line of the orders of the Tribunal dated 26.4.2017 and 16.6.2017. At his request, S.O. to 19.7.2017 for making submissions in view of those orders.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 27.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**O.A. NOS. 279, 280, 281 AND 282 ALL OF 1998**

**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 : 27-06-2017**

**ORAL ORDER:-**

Shri P.B. Shirsath, learned Advocate for the applicants in all these matters (**absent**). Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The learned P.O. submits that, she will inform Shri P.B. Shirsath, learned Advocate for the applicants regarding appearance in the present matters. At her request, S.O. to 11.7.2017. These matters be shown under the caption of 'For Ascertaining the Issue' on the next date also.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 27.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 317/2016 IN CP ST. 1491/2016 IN OA 554/2013**

(Shri (Dr.) Ashok V. Biradar 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 : 27-06-2017**

**ORAL ORDER:-**

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

2. Smt. Bharaswadkar, learned P.O. submits that this matter is allotted to Shri M.S. Mahajan, learned C.P.O., but he is on leave today. She therefore seeks time. At her request, S.O. to 4.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 27.6.2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

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

(Shri 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 : 27-06-2017**

**ORAL ORDER:-**

Heard Shri Ashish Rajkar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The learned P.O. submits that, now the concerned respondent has proposed another departmental enquiry against the present applicant and the proposal is sent to the Government for sanction, in view of the fact that the applicant is superannuated in the meantime. He, therefore, prays for liberty to file additional reply of the concerned respondent along with relevant documents. At his request, S.O. to 28.7.2017 for filing additional reply.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 27.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 255/2015**

(Shri Rajaram A. Sande Vs. The State of Mah. & Ors.)

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

**Date : 27-06-2017**

**ORAL ORDER:-**

Heard Shri Sudhir Telgote, learned Advocate holding for Shri A.R. Devkate, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to file affidavit in rejoinder of the applicant. The record would show that, earlier on many occasions time was sought for the said purpose. In the circumstances, as a last chance S.O. to 12.7.2017 for filing affidavit in rejoinder by the applicant.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 27.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 27/2016 IN OA ST. 80/2016**

(Shri Mahadu S. Bangale Vs. The State of Mah. & Ors.)

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

**Date : 27-06-2017**

**ORAL ORDER:-**

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

2. The learned Advocate for the applicant has filed affidavit in rejoinder of the applicant. It is taken on record and copy thereof has been served upon the learned P.O. for the respondents. S.O. to 21.7.2017 for hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 27.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 308/2016 IN OA ST. 975/2016**

(Shri Waman N. Bondar Vs. The State of Mah. & Ors.)

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

**Date : 27-06-2017**

**ORAL ORDER:-**

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

2. The learned P.O. has filed additional affidavit in reply of the respondents and the same is taken on record. He undertakes to serve copy thereof upon the learned Advocate for the applicant. S.O. to 25.7.2017 for hearing of M.A.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 27.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 583/2015**

(Shri Sambhaji S. Khaladkar Vs. The State of Mah. & Ors.)

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

**Date : 27-06-2017**

**ORAL ORDER:-**

Heard Shri Mahesh Dhapate, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. The learned P.O. submits that under the belief that the misc. application filed by the applicant for condonation of delay caused in filing the O.A. is pending, affidavit in reply in the original application is not filed by the respondents. She seeks time to file affidavit in reply in the original application. At her request, S.O. to 27.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 27.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIG. APPLICATION NOS. 443 WITH 444 BOTH OF 2015**

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

**Date : 27-06-2017**

**ORAL ORDER:-**

Shri H.U. Dhate, learned Advocate for the applicants in both the matters **(absent)**. Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents in both the matters, is present.

2. Vide order of the Tribunal dated 18.4.2017, the applicant was directed to submit the details regarding the claim made by the applicant regarding his allowances. In view of absence of the applicant and his Counsel, S.O. to 21.7.2017 for compliance of the order of the Tribunal dated 18.4.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 27.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 654/2016  
(Shri Murlidhar H. Suryawanshi V/s. the State of Mah. & Ors. )**

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

**DATE : 27.06.2017.**

**ORAL ORDER:-**

Shri R.P. Adgaonkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 18.07.2017.

**KPB ORAL ORDER 27-06-2017**

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 315/2017  
(Shri Sambhaji D. Karle V/s. the State of Mah. & Ors. )**

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

**DATE : 27.06.2017.**

**ORAL ORDER:-**

Shri A.S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondent nos. 1 & 2. Shri Ashwin Hon, learned Advocate for respondent no. 3, absent.

2. At the request of learned Advocate for the applicant, S.O. to 05.07.2017.

**KPB ORAL ORDER 27-06-2017**

**MEMBER (J)**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 145/2016  
(Shri Ramrao B. Dhakne V/s. the State of Mah. & Ors.)**

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

**DATE : 27.06.2017.**

**ORAL ORDER:-**

Shri Vishwas Solanke, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 31.07.2017.

**KPB ORAL ORDER 27-06-2017**

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 463/2016  
(Shri Ishwar B. Pawar V/s. the State of Mah. & Ors. )**

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

**DATE : 27.06.2017.**

**ORAL ORDER:-**

Smt. Vidya Taksal, learned Advocate holding for Ms. Preeti R. Wankhede, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 14.07.2017.

**KPB ORAL ORDER 27-06-2017**

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 464/2016  
(Shri Milind L. Kulkarni V/s. the State of Mah. & Ors. )**

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

**DATE : 27.06.2017.**

**ORAL ORDER:-**

Smt. Vidya Taksal, learned Advocate holding for Ms. Preeti R. Wankhede, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 14.07.2017.

**KPB ORAL ORDER 27-06-2017**

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 465/2016  
(Shri Vinayak S. Jadhav V/s. the State of Mah. & Ors. )**

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

**DATE : 27.06.2017.**

**ORAL ORDER:-**

Smt. Vidya Taksal, learned Advocate holding for Ms. Preeti R. Wankhede, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 14.07.2017.

**KPB ORAL ORDER 27-06-2017**

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 59/2016  
(Smt. Laxmibai D. Waghmare V/s. the State of Mah. & Ors. )**

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

**DATE : 27.06.2017.**

**ORAL ORDER:-**

Shri V.S. Panpatte, learned Advocate for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for respondents, present.

2. It transpires from the proceedings that, on so many dates i.e. on 3.10.2016, 16.11.2016, 3.2.2017, 8.3.2017, 7.4.2017 & 18.04.2017 nobody appeared for the applicant.

3. Ample opportunities were given to the applicant, but the applicant remained absent. It seems that the applicant is not interested and diligent in prosecuting the present O.A. Hence, the same stands dismissed in default with no order as to costs.

**KPB ORAL ORDER 27-06-2017**

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 192 OF 2017**

**(Shri Ramrao S/o. Wamanrao Misal & 5 Ors. 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 : 27.06. 2017.**

**ORAL ORDER:**

1. Heard Shri Avinash S. Deshmukh, learned Advocate holding for Ms. Preeti R. Wankhade – learned Advocate for the applicants and Shri D.R. Patil – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time to file affidavit in reply. Time granted.
3. S.O. to 27<sup>th</sup> July, 2017.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 101 OF 2017**

**(Shri Shivaji S/o. Bansi Katkar 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 : 27.06. 2017.**

**ORAL ORDER:**

1. Shri B.R. Sable – learned Advocate for the applicant (**absent**). Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. It transpires from the proceedings that none is appearing on behalf of the applicant from 19.01.2017. It further transpires from the proceedings that this Original Application is pending for issuance of notices to the respondents since February, 2017. On the last date i.e. on 8<sup>th</sup> June, 2017 when the matter was before the Tribunal, at that time also nobody has appeared and specifically it has mentioned that in case steps are not taken in the matter, necessary order would be passed.

3. However, in the interest of justice, as a last chance S.O. to 12<sup>th</sup> July, 2017 for passing necessary order.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 78 OF 2017**

**(Shri Shivaji S/o. Shahurao Dahale 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 : 27.06. 2017.**

**ORAL ORDER:**

1. Heard Ms. Ashelesha Raut, 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 Presenting Officer prays for time to file affidavit in reply. Time granted.
3. S.O. to 25<sup>th</sup> July, 2017.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 873 OF 2016**

**(Shri Mayur S/o. Popal Ladde and another 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 : 27.06. 2017.**

**ORAL ORDER:**

1. Heard Shri Avinash S. Deshmukh – learned Advocate for the applicants and Shri I.S. Thorat – learned Presenting Officer for the respondents.
2. Learned Presenting Officer, on instructions, submits that the affidavit in reply of respondent No. 1 is necessary.
3. In the circumstances, affidavit in reply of respondent No. 1 be filed on or before 18<sup>th</sup> July, 2017, positively. It is made clear that no further adjournment will be granted on the next date to respondent No. 1 to file affidavit in reply.
4. S.O. to 18<sup>th</sup> July, 2017.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 541 OF 2016**

**(Shri Ashish Vithal Vangwar 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 : 27.06. 2017.**

**ORAL ORDER:**

1. Heard Shri S.P. Dhobale, learned Advocate holding for Shri N.L. Choudhary – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.

2. Upon hearing both sides, it appears that the claim of the present applicant that since he has secured equal marks with the selected candidates in written test, he being senior in age should have been preferred for appointment.

3. The submission from the side of the respondents however, would show that aggregate marks of the present applicant that is of written test, as well as, oral interviews, are less than the selected candidates. Therefore, the applicant could not have been selected though he was senior in age. Therefore, according to the learned Presenting Officer, the Government Resolution dated 5<sup>th</sup> October, 2015 (Annexure 'A-

5' page-34 of p.b. of O.A.), could not be applicable in the case of present applicant.

4. Learned Advocate for the applicant prays for time to satisfy on the issue of admissibility, in view of the above proposition. At his request, S.O. to 11<sup>th</sup> July, 2017 for making submissions on the basis of the present order.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 363 OF 2016**

**(Shri Shriram S/o. Bansilal Jadhav and others 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 : 27.06. 2017.**

**ORAL ORDER:**

1. Heard Dr. D.S. Kore – learned Advocate for the applicants and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 4 in compliance of the order passed by this Tribunal dated 13.01.2017 and the same is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. In view of the dismissal of the similar Original Application by the Principal Seat of this Tribunal at Mumbai, learned Advocate for the applicant prays for time to make submissions on the issue of representative character of the Original Application that was filed at Principal Seat at Mumbai. At his request, S.O. to 17<sup>th</sup> July, 2017.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 355 OF 2016**

**(Shri Shaikh Jamil Fakir Saheb 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 : 27.06. 2017.**

**ORAL ORDER:**

1. Heard Shri D.T. Devane, learned Advocate holding for Shri V.D. Gunale – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for respondent Nos. 1 & 2. Shri N.S. Kadam – learned Advocate for respondent Nos. 3 & 4 (**absent**).

2. Upon hearing, learned Advocate for the applicant prays for time to taken instructions from his client i.e. the applicant regarding withdrawal of the present Original Application. At his request, S.O. to 7<sup>th</sup> July, 2017.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 211 OF 2016**

**(Shri Jayshri Navin More & Ors. 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 : 27.06. 2017.**

**ORAL ORDER:**

1. Heard Shri Vinay B. Ajianwatikar – learned Advocate for the applicants and Mrs. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents.
2. On instructions, the learned Advocate for the applicants submits that during the pendency of the present Original Application, respondent No. 3 viz. the Joint Registrar, Co-operative Societies, Nashik Division, Nashik, has firstly reverted the employees, who were juniors to the applicants and thereafter, along with present applicants had again promoted them. Thus, the issue of deemed date of promotion would remain there.
3. Learned Advocate for the applicant submits that he does not have full instructions regarding the said promotion list from which it would be clear that as to whether the present applicants are shown senior to those employees.
4. In the circumstances, in order to have full instruction from the applicants, at the request of learned Advocate for the applicants, S.O. to 26<sup>th</sup> July, 2017 for compliance by the applicants.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 836 OF 2015**

**(Shri Dhammarakshit S/o. Kishanrao Sardar 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 : 27.06. 2017.**

**ORAL ORDER:**

1. Shri Vilas S. Panpatte – learned Advocate for the applicant (**absent**). Shri S.K. Shirse – learned Presenting Officer for the respondents, present.
2. Record would show that on the last two occasions i.e. on 10.04.2017 and 05.05.2017, none appeared on behalf of the applicant.
3. Learned Presenting Officer submits that while the present applicant is seeking regularization on the basis of his ad hoc appointment on an hour basis, till filling up the post by regular procedure. Now the employees are already regularly posted.
4. Without making any comment on merits, in view of the absence of the applicant and his learned Advocate, the present Original Application is dismissed in default without any order as to costs.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 837 OF 2015**

**(Shri Dayanand S/o. Anantrao Bhagat 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 : 27.06. 2017.**

**ORAL ORDER:**

1. Shri Vilas S. Panpatte – learned Advocate for the applicant (**absent**). Shri M.P. Gude – learned Presenting Officer for the respondents, present.

2. Record would show that on the last two occasions i.e. on 10.04.2017 and 05.05.2017, none appeared on behalf of the applicant.

3. Learned Presenting Officer submits that while the present applicant is seeking regularization on the basis of his ad hoc appointment on an hour basis, till filling up the post by regular procedure. Now the employees are already regularly posted.

4. Without making any comment on merits, in view of the absence of the applicant and his learned Advocate, the present Original Application is dismissed in default without any order as to costs.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 218 OF 2015**

**(Shri Kalpeshkumar S/o. Mishrilal Sharma 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 : 27.06. 2017.**

**ORAL ORDER:**

1. Heard Shri V.R. Jain, learned Advocate holding for Shri Gajanan Kadam – learned Advocate for the applicant and Mrs. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 26<sup>th</sup> July, 2017.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.ST.800/17 IN C.P.ST.801/17 IN O.A. 548/16**

**(Shri Dadasaheb Baburao Warule 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 : 27.06. 2017.**

**ORAL ORDER:**

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

2. This is an application filed by the applicant seeking permission of this Tribunal to file contempt proceedings against the respondents for non-compliance of the order passed by this Tribunal dated 19.12.2016 in O.A. No. 548/2016.

3. Issue notices to the respondents in M.A. St. No. 800/2017, returnable on 26<sup>th</sup> July, 2017.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A. NO. 200/2017 IN O.A.ST.NO. 335/2017**

**(Dr. Raghuvir S/o. Vasantrao Bhosale 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 : 27.06. 2017.**

**ORAL ORDER:**

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

2. This is an application filed by the applicant for condonation of delay caused in filing accompanying Original Application.

3. Issue notices to the respondents in M.A. No. 200/2017, returnable on 10<sup>th</sup> August, 2017.

4. Tribunal may take the case/s 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 M.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 10<sup>th</sup> August, 2017.

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

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A. 402/15 IN C.P.ST. 1406/15 IN O.A.236/14**

**(Shri Adhikrao S. Mane 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 : 27.06. 2017.**

**ORAL ORDER:**

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

2. This case be placed before the Hon'ble Vice Chairman (J), Shri J.D. Kulkarni on 29.6.2017, upon his arrival at Aurangabad.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.NO. 212/2017 IN O.A.ST.NO. 810/2017**

**(Shri Bhagwan S/o Ramkishan Chittrak & Others 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 : 27.06. 2017.**

**ORAL ORDER:**

1. Heard Shri M.M. Ambhore – learned Advocate for the applicants and Shri D.R. Patil – learned 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 misc. application and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamp, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO. 810 OF 2017**

**(Shri Bhagwan S/o Ramkishan Chitrak & Others 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 : 27.06. 2017.**

**ORAL ORDER:**

1. Heard Shri M.M. Ambhore – learned Advocate for the applicants and Shri D.R. Patil – learned Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 2<sup>nd</sup> August, 2017.
3. Tribunal may take the case/s 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 2<sup>nd</sup> August, 2017.
9. Steno copy and hamdust is allowed to both the parties.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**O.A.NOS. 205, 396, 410, 416, 442, 453, 479, 484, 542,  
590, 613, 621 & 686 ALL OF 2015 & O.A.NOS. 02 & 171  
BOTH OF 2016**

**(Shri Sainath Laxman Todkar & Others Vs. The State of  
Maharashtra and Others.)**

**CORAM : Hon'ble Shri Justice M.T. Joshi,  
Vice Chairman**

**DATE : 27.06. 2017.**

**ORAL ORDER:**

1. Heard Shri J.B. Choudhary – learned Advocate for the applicants in all matters and Shri M.P. Gude, Mrs. Priya Bharaswadkar, Shri D.R. Patil, Mrs. Deepali S. Deshpande, Smt. Resha S. Deshmukh, S/Shri I.S. Thorat & N.U. Yadav, – learned Presenting Officers for the respective respondents in respective matters.
2. Both sides have submitted that the Writ Petition bearing No. 11443/2016 is pending before the Hon'ble Bombay High Court and it is fixed on 12.09.2017.
3. In the circumstances, S.O. to 12<sup>th</sup> October, 2017.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**O.A.NOS. 463, 571, 611, 731 ALL OF 2015 & O.A. NO. 05  
OF 2016,**

**(Shri Yogesh S/o. Ramesh Rao Somwanshi & Others Vs. The  
State of Maharashtra and Others.)**

**CORAM : Hon'ble Shri Justice M.T. Joshi,  
Vice Chairman**

**DATE : 27.06. 2017.**

**ORAL ORDER:**

1. Mrs. M.A. Kulkarni – learned Advocate for the applicants in all these matters (**absent**). S/Shri D.R. Patil, N.U. Yadav – learned Presenting Officers for the respective respondents in respective matters.

2. Learned Presenting Officers have submitted that the Writ Petition bearing No. 11443/2016 is pending before the Hon'ble Bombay High Court and it is fixed on 12.09.2017.

3. In the circumstances, S.O. to 12<sup>th</sup> October, 2017.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**O.A.NOS. 594, 643 BOTH OF 2015 & 519, 441 & 258 ALL  
OF 2016**

**(Smt. Urvela D/o. Narayanrao Pawar & Others Vs. The  
State of Maharashtra and Others.)**

**CORAM : Hon'ble Shri Justice M.T. Joshi,  
Vice Chairman**

**DATE : 27.06. 2017.**

**ORAL ORDER:**

1. Heard S/Shri S.B. Sant, H.A. Joshi & S.D. Dhongde – learned Advocates for the respective applicants in respective matters and Mrs. Deepali S. Deshpande and S/Shri N.U. Yadav, S.K. Shirse – learned Presenting Officers for the respective respondents in respective matters.

2. Both sides have submitted that the Writ Petition bearing No. 11443/2016 is pending before the Hon'ble Bombay High Court and it is fixed on 12.09.2017.

3. In the circumstances, S.O. to 12<sup>th</sup> October, 2017.

**VICE CHAIRMAN**

ORAL ORDERS 27.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A.St.No.236/2017 IN O.A.St.No.237/2016**  
(Shri Ramdas Firke V/s. The State of Mah. & Ors.)

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

DATE : 27-06-2017

**ORAL ORDER:-**

Heard Shri S.D.Dhongde learned Advocate holding for Smt. S.A.Dhongde 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.29-06-2017.

YUK ORAL ORDER 27-06-2017

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.614/2017**

(Shri Subhash Shirke V/s. The State of Mah. & Ors.)

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

DATE : 27-06-2017

**ORAL ORDER:-**

Heard Shri S.D.Dhongde learned Advocate holding for Smt. S.A.Dhongde 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.29-06-2017.

**MEMBER (J)**

YUK ORAL ORDER 27-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A.No.147/2017 IN O.A.St.No.705/2016**  
(Panchfulabai Shirsat V/s. The State of Mah. & Ors.)

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

DATE : 27-06-2017

**ORAL ORDER:-**

Heard Shri V.G.Pingle learned Advocate holding for Shri R.L.Chintalwar learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for the respondents.

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

3. S.O.31-07-2017.

**MEMBER (J)**

YUK ORAL ORDER 27-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.185/2017**  
(Rama Giri V/s. The State of Mah. & Ors.)

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

DATE : 27-06-2017

**ORAL ORDER:-**

Heard Shri V.G.Pingle learned Advocate holding for Shri V.B.Wagh learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents and Shri P.H.Salunke learned Advocate holding for Shri K.J.Suryavanshi learned Advocate for respondent no.2.

2. Learned Advocate has filed affidavit in reply on behalf of respondent no.2. It is taken on record. Copy thereof has been served on the other side.

3. At the request of learned P.O. **S.O.27-07-2017** for filing affidavit in reply.

**MEMBER (J)**

YUK ORAL ORDER 27-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.358/2017**

(Sapana Jawkar V/s. The State of Mah. & Ors.)

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

DATE : 27-06-2017

**ORAL ORDER:-**

Heard Shri V.R.Jain learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 20-07-2017.

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

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

=2=

O.A.No.358/17

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

7. S.O.to 20-07-2017.

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

**MEMBER (J)**

YUK ORAL ORDER 27-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.359/2017**

(Saraswati Lakhamji V/s. The State of Mah. & Ors.)

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

DATE : 27-06-2017

**ORAL ORDER:-**

Heard Shri V.R.Jain learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 20-07-2017.

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

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



=2=

O.A.No.359/17

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

7. S.O.to 20-07-2017.

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

**MEMBER (J)**

YUK ORAL ORDER 27-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.394/2017**

(Shri Rajesh Balge V/s. The State of Mah. & Ors.)

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

DATE : 27-06-2017

**ORAL ORDER:-**

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

2. Issue notices to the respondents, returnable on 31-07-2017.

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

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

=2=

O.A.No.394/17

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

7. S.O.to 31-07-2017.

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

**MEMBER (J)**

YUK ORAL ORDER 27-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.36/2016**

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

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

DATE : 27-06-2017

**ORAL ORDER:-**

Heard Shri S.K.Mathpati learned Advocate holding for Shri S.P.Salgar learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for the respondents.

2. Learned P.O. files affidavit in reply on behalf of the respondent no.3. It is taken on record. Copy thereof has been served on the other side.

3. S.O.31-07-2017.

**MEMBER (J)**

YUK ORAL ORDER 27-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.398/2017**

(Shri Devendra Joshi V/s. The State of Mah. & Ors.)

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

DATE : 27-06-2017

**ORAL ORDER:-**

Heard Shri R.B.Raghuwanshi learned Advocate holding for Shri P.D.Bachate learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that the applicant has been posted as Executive Engineer, Nandurbar Medium Project Division, Nandurbar by order dated 02-08-2016 (page 31). He has joined his posting on 05-08-2017. He has submitted that within a year applicant has been abruptly transferred by impugned order dated 21-06-2017, which was published on website on 23-06-2017. It is submitted that the applicant has been transferred in view of the provisions of Section 4(5) of the Maharashtra Government Servants Regulation of Transfer and Prevention of Delay in

Discharge of Official Duties Act, 2005 ("Transfer Act" for short) but no reasons are assigned in the transfer order as required under the Transfer Act. He has submitted that reasons have to be recorded in the transfer order. In support of his submission, applicant has placed reliance on the judgment in the case of **Kishor Shridharrao Mhaske V/s. Maharashtra OBC Finance and Development Corporation, Mumbai & Ors.** reported in **[2013 (3) Mh.L.J. 463]**.

3. He has submitted that the applicant worked on non-executive post on his promotion for 6 years. Thereafter, he has been posted in the present post and there is no adverse remark against him. He has submitted that the impugned transfer order is against the provisions of Transfer Act, and therefore, it is illegal. He has further submitted that the applicant is still working on the present post and nobody is posted in his place and

no relieving order is issued till today. Therefore, he prayed stay to the execution of the impugned order.

3. Learned P.O. has submitted that she has no instructions in the matter and she wants to file detailed reply. It is further submitted by her that transfer of the applicant has been made in view of provisions of Section 4(5) of the Transfer Act. Therefore, she prayed to refuse interim relief to the applicant.

4. On perusal of documents, it reveals that the applicant has been posted as Executive Engineer, Nandurbar Medium Project Division, Nandurbar by order dated 02-08-2016 (page 31). He has joined his posting on 05-08-2017. Within a year applicant has been transferred by the impugned order. He has been transferred in view of the provisions of Section 4(5) of the Transfer Act but the applicant has not yet been relieved. Prima facie, it seems that no justifiable reasons are recorded by the respondents while transferring the

applicant. In these circumstances, it is just to stay the impugned order till filing of reply by the respondents. Hence, impugned dated 21-06-2017 is stayed, so far as the applicant is concerned, till filing of reply by the respondents.

5. Issue notices to the respondents, returnable on 24-07-2017.

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

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



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

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

10. S.O.to 24-07-2017.

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

**MEMBER (J)**