

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD

Contempt Petition No.102/2007  
IN  
Original Application No.631/2003  
(B.V.Wable & Ors. V/s. State of Maharashtra & Ors.)

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

DATE : 05-12-2016.

**ORAL ORDER:**

1. Heard Shri R.R.Bangar learned Advocate for the applicant. Shri Ajay Deshpande learned Special Counsel for the respondents has filed **leave note** on record.
2. Today Shri Krushna Ananda Andhale, Junior Clerk, Mula Irrigation Division, Ahmednagar is present for the respondents. He states that the payments due to the applicant will be made on tomorrow.
3. For reporting compliance, S.O.20-12-2016.

**CHAIRMAN**

\2016\YUK ORAL ORDER HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**Contempt Petition No.16/2014  
IN  
Original Application No.330/2009  
(S.W.Pande V/s. State of Maharashtra & Ors.)**

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

**DATE : 05-12-2016.**

**ORAL ORDER:**

1. Shri Ajay Deshpande learned Advocate for the applicant has filed **leave note** on record. Shri D.R.Patil learned Presenting Officer for the respondents is present.
2. This case was adjourned on 04-08-2016 because applicant wanted to take instruction as regards compliance of the order.
3. On 26-09-2016, none appeared for the applicant. On 21-10-2016 applicant's advocate again sought time. Today, learned Advocate for the applicant has filed leave note on record.
4. Hence, case is adjourned till 20-12-2016 as a last chance.

**CHAIRMAN**

\2016\YUK ORAL ORDER HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.783/2015  
(M.D.Deshmukh V/s. State of Maharashtra & Ors.)**

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

**DATE : 05-12-2016.**

**ORAL ORDER:**

1. Heard Shri M.R.Jadahv learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for the respondents. Shri A.A.Mukhedkar learned Advocate for respondent the Intervenor is **absent**.

2. Learned P.O. has tendered affidavit of Shri Rohidas Jagannath Zombade, Deputy Director (Admin.), Directorate of Art, M.S., Mumbai. Earlier affidavit and affidavit filed on today have to be reconciled for understanding, which paragraph is replied at which page etc. Respondents have to take care by filing proper and appropriate affidavit. Earlier affidavit at page 34 and new affidavit marked at page 49 are difficult to synchronize. Therefore, affidavit at page 34 and affidavit filed on today are struck off.

3. Respondents shall file a fresh comprehensive affidavit incorporating proper pleadings of earlier two affidavits.

4. Respondents are put to notice that on the next date, if proper affidavit is not filed consequence of heavy costs shall follow.

5. Learned P.O. prays for 4 weeks' time to file the appropriate affidavit. Time granted.

6. S.O. 12-01-2017.

**CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.245/2016  
(S.P.Dhangar V/s. State of Maharashtra & Ors.)**

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

**DATE : 05-12-2016.**

**ORAL ORDER:**

1. Heard Shri Kakasaheb B. Jadahv learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant prays for time for filing application for condonation of delay caused in filing the O.A. and also to find out whether some points required to be urged, are left out. Time granted.
3. S.O. 12-01-2017.

**CHAIRMAN**

\2016\YUK ORAL ORDER HON. CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.483/2016  
(G.D.Phulware V/s. State of Maharashtra & Ors.)

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

DATE : 05-12-2016.

ORAL ORDER:

1. Shri M.M.Bhokarikar learned Advocate for the applicant is **absent**. Shri M.P.Gude learned Presenting Officer for the respondents is present.
2. Learned Advocate for the applicant is absent, though the matter was kept back and called out for the second time. Time granted as a last chance.
3. S.O. 20-12-2016.

**CHAIRMAN**

\2016\YUK ORAL ORDER HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.668/2016  
(S.S.Wani V/s. State of Maharashtra & Ors.)**

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

**DATE : 05-12-2016.**

**ORAL ORDER:**

1. Heard Shri A.D.Gadekar learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.
2. Learned P.O. has tendered affidavit in reply on behalf of the respondent nos.1 to 3. It is taken on record.
3. Learned P.O. has also tendered affidavits of apology of Shri Arvind B. Suryavanshi, Superintending Engineer, Public Works Circle, Aurangabad and Shri Milind S. Barbhai, Executive Engineer, Public Works Division, Aurangabad for improperly monitoring the matter, and assuring that adequate care and caution will be taken in future. These affidavits are taken on record.
4. Show cause notice against costs is withdrawn. O.A. to come up for hearing in due course.
5. S.O. 12-01-2017.

**CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.717/2016  
(S.S.Rathod V/s. State of Maharashtra & Ors.)**

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

**DATE : 05-12-2016.**

**ORAL ORDER:**

1. Shri U.P.Giri/C.D.Biradar learned Advocate/s for the applicant (absent). Shri I.S.Thorat learned Presenting Officer for the respondents.

2. Since none appears for applicant, by way of last chance to the applicant, S.O.19-12-2016.

**CHAIRMAN**

\2016\YUK ORAL ORDER HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.816/2016**

(Dr. Md. Shabbir Deshmukh V/s. State of Maharashtra & Ors.)

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

DATE : 05-12-2016.

**ORAL ORDER:**

1. Heard Shri A.V.Rakh learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant undertakes to file affidavit of service during the course of the day.

3. Learned P.O. states that he has received instructions to state as follows:

Applicants will be allowed to appear for ensuing examinations, which may be held in near future.

4. Applicants express apprehension as follows:

Respondents may terminate their services because applicants have not passed departmental examination, though, in fact, respondents have not permitted the applicants to appear in the examination.

5. Learned P.O. is called upon to state as to what is the stance of the State.



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O.A.No.816/16

6. Learned P.O. is directed to communicate this order to the respondents and secure instructions for which steno copy and hamdust is allowed.

7. Interim relief granted earlier to continue till admission hearing.

8. S.O. 12-01-2017.

**CHAIRMAN**

\2016\YUK ORAL ORDER HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.No.282/2016 IN T.A.No.03/2016 IN  
W.P.No.12032/2015  
(K.S.Tidke V/s. State of Maharashtra & Ors.)**

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

**DATE : 05-12-2016.**

**ORAL ORDER:**

1. Heard Shri M.B.Kolpe learned Advocate for MPSC the applicant (Original Respondent No.2), Smt. Resha Deshmukh learned Presenting Officer for the State (Original Respondent No.1) and Shri S.R.Shirsat learned Advocate holding for Shri S.S.Jadhavar learned Advocate for respondent no.1 (Original Applicant).
2. Learned Advocate Shri M.B.Kolpe has pointed out that by order 21-10-2016, leave to amend the T.A. was granted, on condition that, if the amendment is not carried out before six weeks and acknowledgement of service of amended T.A. upon the respondents is not filed on record, the T.A. shall stand dismissed without reference to the Tribunal.
3. Record shows that the order has not been complied with. Hence, as per order dated 21-10-2016, this T.A. was liable to be treated as dismissed and ought not have been relisted.
4. Registry to comply with the order dated 21-10-2016.

**CHAIRMAN**

\2016\YUK ORAL ORDER HON. CHAIRMAN

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

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**ORIGINAL APPLICATION NO.648/2015.**

(Dr. S. P. Madrewar Vs. State of Mah.& Ors.)

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

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

**DATE** :05.12.2016.

**ORAL ORDER**

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt D.S. Deshpande, learned Presenting Officer for the Respondents no.1 to 3. None present for Respondent no.4.

2. Learned Advocate Shri J. S. Deshmukh for the Applicant states as follows :-

The O.A. involving same issue is likely to be heard finally in OA No.222/2016 along with connected O.A. before the Division Bench at Mumbai.

3. Learned Advocate for the Applicant therefore, prays for postponing the hearing of this O.A.

4. In view of the request of the learned Advocate for the Applicant hearing is adjourned to 10.4.2017 with liberty to circulate before due date, if occasion arises.

**CHAIRMAN.**

05.12.2016-ATP(c)

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

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**ORIGINAL APPLICATION NO. 132/2016.**

(Smt. Mandabai G. Thakur Vs. State of Mah.& Ors.)

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

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

**DATE** :05.12.2016.

**ORAL ORDER**

None present for the applicant. Heard Shri D.R. Patil,  
learned Presenting Officer for the Respondents.

2. Learned P.O. states that, draft affidavit has been received.  
He wants time to study and file the affidavit.

3. It is seen that, this Tribunal had passed order on  
21.10.2016 and gave direction to Tahsildar in para no.6 and  
directed him to furnish the reply on the point, which is as follows  
:-

“Whether a candidate, who is appointed on compassionate  
ground can be called upon to furnish the caste / tribe  
validity certificate?”

4. The draft received from Tahsildar was tendered by learned  
P.O. It is perused. It appears to be a detailed reply, however, the  
question which was specifically put to Tahsildar is not seen to  
have been replied by him.

5. Today Shri S.N. Narwade, Naib Tahsildar Ghansawangi is  
present. According to Shri S.N. Narwade he has been entrusted  
the said file yesterday and therefore, he is not acquainted with  
the facts of the case and even he has not read the file. He was  
called to produce the files which he has produced. He has  
produced it. It is seen from the file that, learned P.O's letter

communicating the order passed by this Tribunal on 21.10.2016 by letter dated 26.10.2016, which was actually dispatched on 8.11.2016. The file brought by the Officer indicate that the said letter is received and Tahsildar has marked it to Establishment section. It appears that the Tahsildar has not read the letter else he would have exerted to formulate the reply himself.

6. The Officer who has come today says that he did not read the papers. He is called to show cause as to why he should not be saddled with costs for his act of attending the Tribunal without reading the papers. He states that, this is his first time. No difference is made if a Peon comes with papers in place of the Officer of the rank of Naib Tahsildar, who too did not read the papers. He states that, he may be pardoned for his lapse. He states that, he is ready to write down apology in his hand and for being pardon.

7. Naib Tahsildar Shri S. N. Narwade has tendered apology in his own hand and signature. It is accepted.

8. In view of the request of the learned Presenting Officer time for filing affidavit is granted till 19.12.2016. It is hoped that an affidavit covering exact and apt reply along with all and necessary facts would be filed.

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

9. Steno copy is allowed to the learned Presenting Officer.

10. S.O. to 19.12.2016.

**CHAIRMAN.**

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

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**ORIGINAL APPLICATION NO.602/2016.**  
(H.S. Gawali Vs. State of Mah.& Ors.)

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

**DATE** :05.12.2016.

**ORAL ORDER**

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

2. Learned P.O. has tendered the reply. It is taken on record.  
Learned Advocate for the Applicant prays for time to consider the  
reply and file rejoinder only if necessary, and alternatively argue  
the matter.

3. S.O. to 20.12.2016.

**CHAIRMAN.**

05.12.2016-ATP(c)

**O.A. NO. 739 OF 2016**

{Shri D.B. Mukhade Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**DATE :- 5.12.2016**

**Oral Order :-**

1. Heard Shri S.P. Dhoble, learned Advocate holding for Shri A.V. Patil (Indrale), learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant states that copy of affidavit in reply of the respondents is not received to him.
3. The learned P.O. has furnished copy of affidavit in reply of the respondents to the learned Advocate for the applicant.
4. The learned Advocate for the applicant seeks time to consider the affidavit in reply.
5. Time granted.
6. S.O. to 20.12.2016.

**CHAIRMAN**

ARJ 5.12.2016 HON. CHAIRMAN

**O.A. NO. 858 OF 2016**

{Shri Sunil L. Jadhav & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**DATE :- 5.12.2016**

**Oral Order :-**

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

2. The learned P.O. states as follows :-

(i) that the copy of amended O.A. has been served upon the respondents on 25.11.2016.

(ii) 4 weeks time may be granted for filing affidavit in reply of the respondents.

3. The learned Advocate for the applicants states that the issue involved in the present case is considered by this Tribunal in O.A. no. 36/2015. He has furnished copy of the said order to the learned P.O. for the respondents.

4. For filing affidavit in reply, if necessary, S.O. to 12.1.2017.

5. Steno copy and hamdust allowed for the use of learned P.O. for the respondents.

**CHAIRMAN**

ARJ 5.12.2016 HON. CHAIRMAN



**MA 55/2013 WITH MA ST. 101/2013 IN OA ST. 102/2013**

{Shri K.S. Magre & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**DATE :- 5.12.2016**

**Oral Order :-**

1. Heard Shri S.G. Kulkarni, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicants prays that this matter be listed before the Division Bench in the next week.
3. In view of above, this case be listed before the Division Bench on 13.12.2016.

**CHAIRMAN**

ARJ 5.12.2016 HON. CHAIRMAN

**MA 499/2015 WITH MA ST. 1494/2015 IN OA 464/2013**

{Shri Shyam R. Joshi & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**DATE :- 5.12.2016**

**Oral Order :-**

1. None appears for the applicants. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. The learned P.O. has pointed out that vide order dated 3.8.2016 this Tribunal granted leave to the learned Advocate for the applicant to amend the M.A. suitably. However, the said M.A. has not been amended by the learned Advocate for the applicants till now.

3. In view of above, S.O. to 20.12.2016.

**CHAIRMAN**

ARJ 5.12.2016 HON. CHAIRMAN

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

{Shri Mohd. Zakiyoddin Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**DATE :- 5.12.2016**

**Oral Order :-**

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

2. This M.A. has been filed by the applicant seeking permission to proceed against the respondents for non compliance of order dated 24.3.2015 passed by this Tribunal passed in O.A. no. 465/2012.

2. The learned P.O. states as follows :-

The order passed by this Tribunal in O.A. no. 465/2012 on 24.3.2015 has been challenged by the respondents before Hon'ble Bombay High Court, Bench at Aurangabad and the said W.P. is now posted to 13.1.2017.

3. In view of the statement made by the learned P.O. for the respondents, this M.A. is adjourned to 19.1.2017, with liberty to both the sides to circulate the matter, if occasion arises.

**CHAIRMAN**

ARJ 5.12.2016 HON. CHAIRMAN

**MA 374/2016 IN CP ST. 1692/2016 IN OA 74/2016**

{Dr. Mahesh N. Gude Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**DATE :- 5.12.2016**

**Oral Order :-**

1. None appears for the applicants. Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.
2. As the applicant and his learned Advocate are absent today, S.O. to 20.12.2016.

**CHAIRMAN**

ARJ 5.12.2016 HON. CHAIRMAN

**O.A. NO. 768 OF 2012**

{Shri S.B. Deshmukh & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**DATE :- 5.12.2016**

**Oral Order :-**

1. Smt. Vidhya Taksal, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicants and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent nos. 1 & 2 is present. None appears for respondent nos. 3 & 4.

2. In view of the order passed by this Tribunal on 21.11.2016, the learned P.O. tenders affidavit in reply of the concerned respondent. The said affidavit is returned to the learned P.O. for proper paging. She states that, she will file the said affidavit during the course of the day after carrying out proper paging.

3. Admit.

4. The learned Advocate for the applicants prays for listing the matter for final hearing before the Division Bench on 13.12.2016.

5. In view thereof, list this case for final hearing before the Division Bench on 13.12.2016.

**CHAIRMAN**

ARJ 5.12.2016 HON. CHAIRMAN

**O.A. NO. 832 OF 2016**

Shri Vishal P. Gangawane Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman**  
**(This matter is placed before the Single Bench**  
**due to non-availability of Division Bench.)**

**DATE :- 5.12.2016**

**Oral Order :-**

1. Shri Ajay Deshpande, learned Advocate for the applicant has filed leave note. Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.

2. Office record shows that the notices are served upon the respondents on 2<sup>nd</sup> & 3<sup>rd</sup> November, 2016.

3. The learned P.O. states that, he has not received instructions from the respondents. He prays for time to file affidavit in reply.

4. The learned P.O. is directed to furnish the names of res. no. 1 – The Deputy Director, Sports & Youth Services, Pune and respondent no. 3 – The Principal Secretary, Sports & Cultural Affairs, Mantralaya, Mumbai.

5. Upon instructions, the learned P.O. submits the names of res. no. 1 and 3 are as follows :-

(i) Res. no. 1 – Shri Vijay Bapurao Santan.

(ii) Res. no. 3 – Shri Nand Kumar.

6. The Res. no. 1 – Shri Vijay Bapurao Santan, the Deputy Director, Sports & Youth Services, Pune and the Res. no. 3 - Shri Nand Kumar, the Principal Secretary, Sports & Cultural Affairs, Mantralaya, Mumbai are hereby directed to file affidavit on the following points :-

(i) The exact date on which their offices has receive the notice of this Tribunal.

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O.A. NO. 832 OF 2016

- (ii) The date on which the notice was brought to their notice.
  - (iii) Who is officer / staff who is responsible towards the delay in bringing it to their notice, if it was not brought to his / their notice.
  - (iv) Reasons due to which the matter is not attended by the offices and / or reasons for not contacting or not giving the instructions to the P.O.
  - (v) Is there any legal impediment in filing affidavit in reply in this O.A..
  - (vi) They are also called upon to show cause as to why they should not be saddled with costs for not furnishing instructions to the learned P.O. for filing affidavit in reply, well in advance.
7. Affidavit answering the O.A. as well as to foregoing points as directed in foregoing paragraphs be filed on or before 20.12.2016.
8. The learned P.O. agrees to communicate this order to the concerned respondents.
9. S.O. to 20.12.2016.
10. Steno copy & hamdast is granted to the learned P.O. for communication of order to the respondent nos. 1 & 2.

**CHAIRMAN**

ARJ 5.12.2016 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.NO. 243/2016 IN O.A.NO. 641/2015  
[Shri Bhagatsingh Pratapsingh Patil (Pawar) Vs. The State of  
Maharashtra & Ors.]**

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

**DATE : 05.12. 2016.**

**ORAL ORDER:**

Shri Milind Patil – learned Advocate for the Applicant (**absent**). Shri Bhagatsingh Pratapsingh Patil – applicant in person & Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents, were present.

2. This is an application filed by the applicant for transfer of O.A. No. 641/2015 to the Principal Seat of this Tribunal at Mumbai.

3. It seems that there is no necessity to transfer the Original Application no. 641/2015 to Principal Seat of this Tribunal at Mumbai as prayed for by the applicant.

4. Hence, the present Miscellaneous Application No. 243 of 2016 stands rejected with no order as to costs.

**CHAIRMAN**

**ORAL ORDERS 05.12.2016/hdd**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 641 OF 2015  
[Shri Bhagatsingh Pratapsingh Patil (Pawar) Vs. The State of  
Maharashtra & Ors.]**

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

**DATE : 05.12.2016.**

**ORAL ORDER:**

Shri Milind Patil – learned Advocate for the Applicant (**absent**). Shri Bhagatsingh Pratapsingh Patil – applicant in person & Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents, were present.

2. The applicant in person prays for adjournment.

3. As the present Original Application has already been admitted, it be come up for final hearing in due course of time, according to seniority of the case.

**CHAIRMAN**

**ORAL ORDERS 05.12.2016/hdd**

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

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

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

**AND**

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

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

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

**DATE : 05.12. 2016.**

**COMMON ORAL ORDER:**

1. Heard Smt. Kalpalata Patil Bharaswadkar, learned Advocate holding for Shri Sudhir Patil and Shri V.B. Wagh – learned Advocate for the respective Applicants in respective O.As. and Mrs. Priya R. Bharaswadkar & Shri D.R. Patil – learned Presenting Officer for the respondents in respective cases. Shri M.R. Kulkarni, learned Advocate holding for Shri C.T. Chandrate – learned Advocate for respondent No. 4 in M.A. No. 723/2016 In O.A. No. 397/2016 & in M.A. No. 275/2016 In O.A. No. 398/2016 and Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh – learned Advocate for respondent Nos. 4 & 5 in M.A. No. 372/2016 With M.A. 181/2016 In O.A. No. 67/2016.

2. The present Miscellaneous Application Nos. 273, 274 & 275 all of 2016 are pending because :-

(a) Affidavit filed by the Joint Director of Agriculture, Nashik, was not satisfactory and he was called to show cause as to why he should not be personally saddled with costs on account of giving evasive reply to para 6 of the M.A.

(b) He had not answered show cause towards order of costs.

3. Today, Shri Kailash Parasharam Mote, Joint Director of Agriculture, Nashik, has filed written apology in which he has stated that :

(a) His failure to answer the notice of show cause was an omission and he prays for apology in that regard.

(b) Reply to para 6 of M.A. ought to have been eloquent which was not so given due to lack of experience.

4. Without touching merit, the M.A. Nos. 273, 274 & 275 all of 2016 the explanation given is partly accepted. Satisfactoriness and worthiness of applicant would be decided as and when, those MAs are decided.

5. Failure to reply to the notice of show cause though explained as omission, "said failure has wasted this Tribunal's time". Shri K.P. Mote, is, therefore, directed to deposit Rs. 100/- in this Tribunal, as token costs within one week.

6. All Advocates appearing for all parties have agreed that OAs be listed on 13<sup>th</sup> December, 2016. They also states that order as may be necessitated in the circumstances may be passed at the time of decision of the O.As., on the MAs.

7. Hence, OAs & all MAs be listed for final hearing on board on 13<sup>th</sup> December, 2016, before D.B. of Vice Chairman.

**CHAIRMAN**

**ORAL ORDERS 05.12.2016/hdd**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 905 OF 2016  
[Shri Mahavir Chandranath Gosavi Vs. The State of  
Maharashtra & Ors.]**

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

**DATE : 05.12. 2016.**

**ORAL ORDER:**

1. Ms. Bhavana Panpatil, learned Advocate holding for Shri S.B. Talekar – learned Advocate for the Applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 17<sup>th</sup> January, 2017.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. 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.

**O.A. NO. 905 OF 2016**

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. The learned Advocate for the Applicant urges for hearing on the point of grant of ex-parte interim relief.

8. Heard. Perused the impugned transfer order dated 30.11.2016, and annexures.

9. The applicant's challenge to the impugned transfer order is summarized as follows.

(a) Applicant has not completed six years, which is statutory tenure, at Ahmednagar;

(b) The impugned order of transfer does not disclose that it is based on any complaint.

(c) The applicant is transferred in order to accommodate the respondent No. 4.

(d) The impugned transfer order does not disclose any special reason or exceptional circumstances necessitating and warranting transfer, and hence it is in violation of mandatory provision contained in Section 4 (4) of Maharashtra Government Servants Regulation of Transfer and Prevention of Delay In Discharge of Official Duties Act, 2005 (for short "Transfer Act, 2005).

10. From the applicant's contention raised in the Original Application and summarized hereinbefore, and documents on record, prima facie, I find that this is a fit case to grant ex-parte ad-interim relief, being challenge to transfer which is utter violation of Section 4 (4) of Transfer Act, 2005, ex-parte ad-interim relief is granted in terms of prayer clause 'B', which reads as follows: -

***"B) To grant interim stay to the operation, execution and implementation of the impugned order dated 30.11.2016 issued by the Director of Town Planning, Pune (Exhibit A), pending the hearing and final disposal of this Original Application."***

11. The respondents are further directed to allow and continue the applicant at Ahmednagar at his previous post.

12. Respondents are directed to produce at the time of hearing, for perusal of this Tribunal original file in which applicant's transfer was proposed and approved.

13. S.O.to 17<sup>th</sup> January, 2017.

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

**CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 363 OF 2010  
[Shri Dileep S/o Waghoji Chaoure Vs. The State of  
Maharashtra & Ors.]**

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

**DATE : 05.12.2016.**

**ORAL ORDER:**

Heard Shri J.B. Choudhary – learned Advocate for the Applicant and Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondent Nos. 1 & 2 and Shri D.T. Devane – learned Advocate for respondent Nos. 3 & 4.

2. As the present Original Application No. 363/2010 has already been admitted, it be listed in due course of time for final hearing.

3. The learned Advocate for the applicant is at liberty to mention this case before the Division Bench, as and when it is available.

**CHAIRMAN**

**ORAL ORDERS 05.12.2016/hdd**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 232 OF 2016  
[Priyanka D/o Shriram Sanap Vs. The State of Maharashtra &  
Ors.]**

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

**DATE : 05.12. 2016.**

**ORAL ORDER:**

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre – learned Advocate for the Applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondent No.1 and Shri M.B. Kolpe – learned Advocate for respondent No. 2.

2. As the present Original Application No. 232/2016 has already been admitted, it be listed in due course of time for final hearing.

3. The learned Advocate for the applicant is at liberty to mention this case before the Division Bench, as and when it is available.

**CHAIRMAN**

**ORAL ORDERS 05.12.2016/hdd**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**T.A.NO. 02/2016 (W.P. NO. 12209/2015)  
[Rucha D/o Shrikrushna Tandale Vs. The State of  
Maharashtra & Ors.]**

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

**DATE : 05.12. 2016.**

**ORAL ORDER:**

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre – learned Advocate for the Applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondent No. 1 and Shri M.B. Kolpe – learned Advocate for respondent No. 2.

2. As the present T.A. No. 02/2016 (W.P. No. 12209/2015) has already been admitted, it be listed in due course of time for final hearing.

3. The learned Advocate for the applicant is at liberty to mention this case before the Division Bench, as and when it is available.

**CHAIRMAN**

**ORAL ORDERS 05.12.2016/hdd**

