

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION ST. NOS. 1568 & 1569 BOTH OF 2017
(Shri Nilesh D. Kale & Anr. Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.
(This matter is placed before the
Single Bench due to non-availability of
Division Bench.)

DATE : 06.11.2017.

ORAL ORDER:

Shri Deepanjan Datta Roy, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants in both the O.As. and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents in both the O.As.

2. Heard with consent. The present Original Applications are filed by the applicant for quashing of the notice dated 14.09.2017. This impugned communication would show that the respondent No. 2 the appointing authority is required to adjust the appointments for the posts of Talathis in view of certain decisions rendered by this Tribunal as well as by the Hon'ble High Court as regards appointment from Sports category. Since the respondent

No. 2 considered that those adjustments may affect the present applicants, therefore, they were directed to remain present before the respondent No. 2 on 25.09.2017 to have detailed hearing in the matter.

3. Learned Member of this Tribunal vide order dated 13.10.2017 opined that the present Original Applications may not be tenable and therefore, as the learned Advocate for the applicants sought time to argue the matters on the point of maintainability the same are being heard today.

4. Reading of the entire papers would show that some of the candidates had challenged the said process of selection before this Tribunal. The matter ultimately reached to the Hon'ble High Court in W.P. No. 5715/2017 and Hon'ble High Court confirmed the order of the Tribunal which reads as under :-

“8. The Respondent No. 2 shall ensure that, suitable and eligible candidates from Open-Sportsperson category are available to fill all or a

few of these three posts are appointed. If no suitable candidates from Open-Sportsperson category are available, the posts remaining unfilled shall be added to Open-General category and shall be filled on merit. If the Applicant is found eligible in such a contingency, he will be given appointment.”

5. In view of this, the respondent No. 2 thought it proper to call the applicants for hearing in view of above order of Hon'ble High Court and, therefore, the impugned notice is issued to the applicants. The applicants are already appointed.

6. It appears that the respondent No. 2 is merely affording opportunity of hearing to the present applicants of being heard. The decision of issuance of notice is taken just to afford an opportunity of hearing to the applicants before taking any decision in view of order passed by the Hon'ble High Court. Therefore, it appears that the present applications are not maintainable as no final decision is as yet taken

by the res. No. 2 and even the respondent No. 2 has only taken a decision to afford an opportunity to the present applicants to place on record the relevant material before the authority for coming to any logical conclusion.

7. Learned Advocate for the applicants however submits that the respondent No. 2 has no jurisdiction at all to take decision and therefore, the present Original Applications are maintainable.

8. During the course of argument, the learned Advocate for the applicants has placed on record following citations:

1. Chief of Army Staff and others Vs. Manoj Dharam Pal Kukrety reported in (1985) 2 Supreme Court Cases 412 in Civil Appeal No. 663 of 1978 decided on March 21, 1985.

2. Union of India and another Vs. Kunisetty Satyanarayana reported in (2006) 12 Supreme Court Cases 28 in Civil Appeal No. 5145 of 2006 decided on November 22, 2006.

3. Union of India and another Vs. Vicco Laboratories reported in (2007) 13 Supreme Court Cases 270 in Civil Appeal No. 5401 of 2007 decided on November 26, 2007.

4. State of Punjab and another Vs. Iqbal Singh reported in (1976) 2 Supreme Court Cases 1 in Civil Appeal No. 1203 of 1968, decided on February 12, 1976.

(a). In case of **Chief of Army Staff and Ors. Vs. Major Dharam Pal Kukrety** (supra) the disciplinary proceeding had already ended and the employee was not found guilty for the Court Marshal even till the revision. Still Chief of the Army Staff had issued notice on the ground that the misconduct of the employee is undesirable. In that view of the matter it was held that the Chief of the Army Staff had no jurisdiction.

(b). In the case of **Union of India and another Vs. Kunishetty Satyanarayana** (supra) the issue involved was regarding challenge to the very show cause notice or charge-sheet. In the circumstances, it was held that in some very

rare and exceptional cases the High Court can quash a charge sheet or show cause notice if it is found to be wholly without jurisdiction or otherwise wholly illegal.

(c). In the case of **Union of India and another Vs. Vicco Laboratories** (supra) in paragraph No. 31 it was held that when a show cause notice is issued either without jurisdiction or in an abuse of process of law, in that case, the writ court would not hesitate to interfere even at the stage of issuance of show cause notice.

(d). In the case of **State of Punjab and another Vs. Iqbal Singh** (supra) it was found that the principles of natural justice are also liable to be invoked before administrative authority. It was further observed that it was unfair for the body or authority not to have allowed a reasonable opportunity to be heard.

9. Learned Advocate for the applicants submits that in fact once the appointment is made by respondent No. 2, it cannot take a contrary decision and the jurisdiction lies only

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O.A. St. 1568 &
1569 both of 2017

with the Administrative Tribunal or the Hon'ble High Court.

10. It is to be noted that in view of decision of Hon'ble High Court and the decision of this Tribunal in certain cases, the respondent No. 2 is required to take certain decision regarding the appointment, if any, from Sport Category. The present applicants were not party to those proceedings. The respondent No. 2 instead of taking any unilateral decision on the basis of those decisions of Hon'ble Tribunal & High Court thought it proper to afford an opportunity to the present applicants to place their views and material before the respondent No. 2 before taking any decision in the matter. In fact this amounts to the adhering of principles of natural justice. In view of this the present Original Applications are not maintainable and the same are rejected without any order as to costs.

11. Steno copy & authenticated copy allowed for the use of both the sides.

VICE CHAIRMAN

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

**O.A. NO. 654/2016
(Murlidhar Vs. The State of Mah. & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

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

2. The learned P.O. submits that, he has received intimation from the learned Advocate for the applicant that he has some personal difficulty today and therefore he could not attend the Court. In the circumstances, S.O. to 12.12.2017.

VICE CHAIRMAN.

ARJ ORAL ORDERS 06.11.2017

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

**O.A. NO. 727/2016
(Sadashiv Vs. The State of Mah. & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

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

2. Admit.

3. The matter be heard on merit on S.O. to 12.12.2017.

VICE CHAIRMAN.

ARJ ORAL ORDERS 06.11.2017

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

**O.A. NO. 799/2016
(Bhura Vs. The State of Mah. & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

None appears for the applicant. Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Advocate, S.O. to 13.12.2017.

VICE CHAIRMAN.

ARJ ORAL ORDERS 06.11.2017

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

**O.A. NO. 824/2016
(Dr. Asha Vs. The State of Mah. & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent nos. 1 to 3. None appears for respondent nos. 4 & 5.

2. At the request of learned Advocate for the applicant S.O. to 14.12.2017 for filing rejoinder.

VICE CHAIRMAN.

ARJ ORAL ORDERS 06.11.2017

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

**O.A. NO. 940/2016
(Mohd. Kutab Mohd. Hasham Vs. State of Mah. & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

None appears for the applicant. Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.

2. None appeared for the applicant since long. In view of absence of learned Advocate for the applicant on last many occasions, vide order dated 22.8.2017 it was warned that in case none appear for the applicant on the next date i.e. today, appropriate order would be passed.

3. In the circumstances, in view of absence of applicant and his learned Advocate, the O.A. stands dismissed in default without any order as to costs.

VICE CHAIRMAN.

ARJ ORAL ORDERS 06.11.2017

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

**O.A. NO. 133/2017
(Radhakrushna Vs. The State of Mah. & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 15.12.2017.

VICE CHAIRMAN.

ARJ ORAL ORDERS 06.11.2017

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

**O.A. NO. 188/2016
(Smt. Haphijabau Vs. The State of Mah. & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Smt. Sumedha C. Thombre (Jagtap), learned Advocate holding for Shri C.V. Thombre, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to file service affidavit as latest position from internet is not available. In the circumstances, S.O. to 7.12.2017 for filing service affidavit.

VICE CHAIRMAN.

ARJ ORAL ORDERS 06.11.2017

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

**O.A. NO. 290/2017
(Sanjay Vs. The State of Mah. & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri Amol Pathade, learned Advocate holding for Shri R.J. Godbole, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of Shri Pathade, learned Advocate holding for Shri Godbole, learned Advocate for the applicant, as a last chance, S.O. to 5.12.2017. The interim relief granted earlier to continue till that date only.

VICE CHAIRMAN.

ARJ ORAL ORDERS 06.11.2017

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

**O.A. NO. 319/2017
(Parsharam Vs. The State of Mah. & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

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

2. At the request of learned P.O. S.O. to 18.12.2017 for filing affidavit in reply.

VICE CHAIRMAN.

ARJ ORAL ORDERS 06.11.2017

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

**O.A. NO. 424/2017
(Sheshrao Vs. The State of Mah. & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

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

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

3. It appears from the impugned order dated 22.5.2017 (Annex. A-4 page 16) that after the retirement of the applicant recovery of Rs. 59,183/- is directed against him on the ground that there was overpayment of salary.

4. In the circumstances, without making any comment on the merit of the present O.A., interim relief in terms of para 10 prayer clause (A) of the present O.A. is hereby granted in favour of the applicant until further orders, which reads as under :-

“PARA 10 PRAYER CLAUSE (A) :-

The respondents be prohibited from making any recovery from the applicant pursuant to impugned order dated 22.5.2017 and to complete the pension paper and forward to the concerned

Accountant General. The respondents be further directed to pay to the applicant other amounts towards G.P.F., G.I.S., gratuity, leave encashment etc. forthwith.”

5. S.O. to 18.12.2017 for filing affidavit in reply by the respondents.
6. Steno copy allowed for the use of both the sides.

VICE CHAIRMAN.

ARJ ORAL ORDERS 06.11.2017

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

**ORIGINAL APPLICATION NO. 689 OF 2017
(Shri Babasaheb N. Andhale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 06.11.2017.

ORAL ORDER :

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

2. Learned Chief Presenting Officer for the respondents seeks time to take corrective steps and ought to file affidavit in reply as directed by an order dated 25th September, 2017. At his request, S.O. to 11th December, 2017 for taking corrective steps or for filing affidavit in reply

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**M.A.NO. 232/2017 IN O.A.ST.NO. 789/2017
(Shri Kailash A. Pardeshi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer for the respondents seeks time to file affidavit in reply. It is to be noted that already sufficient chances are granted to the respondents to file reply.

3. In the circumstances, heard both the sides. For the reasons stated in the misc. application, the delay of about 3 years caused in filing accompanying Original Application for seeking salary in the Selection Grade is hereby condoned. The accompanying Original Application be registered upon due procedure.

4. Accordingly, the present Miscellaneous Application stands disposed of without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**ORIGINAL APPLICATION ST.NO. 789 OF 2017
(Shri Kailash A. Pardeshi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Upon registration of the present O.A., issue notices to the respondents, returnable on 15th December, 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.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

7. The respondents shall file affidavit in reply on or before the next date.

8. S.O. to 15th December, 2017.

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

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**M.A.NO. 355/2017 IN O.A.NO. 461/2013
(Smt. Varsha V. Paratwagh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 06.11.2017.

ORAL ORDER :

Heard Ms. Shanya Suresh Sharma, learned Advocate holding for Shri S.B. Talekar & Associates for the applicant, Smt. Resha S. Deshmukh, learned Presenting Officer for respondent Nos. 1 to 3 and Ms. Preeti R. Wankhade, learned Advocate for respondent No. 5. Smt. Geeta Deshpande, learned Advocate for respondent No. 4 (**absent**).

2. Learned Advocate for the respondent No. 5 prays for time for filing affidavit in reply. Time granted.

3. S.O. to 7th December, 2017.

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 406 OF 2015
(Shri Prakash N. Shrivastav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri I.D. Maniyar, learned Advocate holding for Shri A.D. Sugdare, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. At the request of learned advocate for the applicant, S.O. to 6th December, 2017.

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 417 OF 2015
(Shri Kalyan B. Ghuge V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 06.11.2017.

ORAL ORDER :

Heard Smt. Juee Palekar-Parlikar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the decision on merit by the Division Bench is required. Hence, the present case be removed from the board and it be placed before the Division Bench, as and when it is available.

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 445 OF 2015
(Shri Ganesh Jairam Anmod V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 06.11.2017.

ORAL ORDER :

Shri Hemant Surve, learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondents, present.

2. Reading of the affidavit in reply shows that the decision on merit by the Division Bench is required. Hence, the present case be removed from the board and it be placed before the Division Bench, as and when it is available.

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 461 OF 2015
(Shri Vijay L. Tarode V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri R.D. Khadap learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that he will take instructions regarding the O.A. No. 276/2010, which is transferred to Principal Seat of this Tribunal at Mumbai as the decision, if any in the said O.A. will be applicable in the present O.A. as the case of the present applicant appears to be dependent upon the O.A. No. 276/2010 filed by the applicant therein viz. Shri Abhijit Pandit. At his request, S.O. to 20th December, 2017 for taking instructions.

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 37 OF 2017
(Shri Balasaheb N. Raut & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 06.11.2017.

ORAL ORDER :

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

2. Learned Presenting Officer submits that Shri Suresh Kisanrao Kahalekar, Deputy Engineer (Mechanical), P.W.D. Sub Division, Nanded, is present and he has given instructions that Shri Vivek Trimbak Bade, Executive Engineer, P.W.D., Nanded is busy in LOKSHAHI DIN and, therefore, he is unable to show any cause to the notice, which was issued vide order dated 20th September, 2017. He also seeks time to show cause as regards Shri Vivek T. Bade.

3. At the request of learned Presenting Officer, S.O. to 5th December, 2017 for giving explanation as regards the show cause notice.

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**M.A.NO. 562/2015 IN O.A.ST.NO. 113/2015
(Shri Ravindra K. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Shri N.P. Bangar, learned Advocate for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents, present.

2. It appears from the proceedings that, on previous five occasions i.e. on 28.04.2017, 29.06.2017, 14.08.2017, 28.08.2017 and 26.09.2017 nobody appeared for the applicant. Thereafter, this case is adjourned to today's date i.e. on 06.11.2017. However, today also none appears for the applicant.

3. In view of the above, it appears that the applicant and his Advocate are not interested in prosecuting the present M.A. No. 562/2015 and hence, the same stands dismissed in default without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 596 OF 2016
(Shri Subhash G. Chavan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-GHate, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 13th December, 2017.

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**M.A.NO. 363/2017 IN O.A.ST.NO. 1305/2017
(Shri Arun B. Joshi & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri Vivek G. Pingle, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer for the respondents points out towards the fact that the issue involved in the present case is already decided in the O.A. filed by the Association of the present applicants and now the issue is pending before the Hon'ble High Court at Principal Seat at Mumbai. It appears that the applicant has not referred to the said decision in the O.A.

3. In the circumstances, the applicant is directed to take instructions regarding the same and explain the above fact. Till then the decision in the M.A. and issuance of the notices in the O.A. is kept abeyance.

4. S.O. to 13th December, 2017 for making submissions on the above line.

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**M.A.ST.NO. 1440/2017 IN O.A.ST.NO. 1441/2017
(Shri Abdul Asif Abdul Jalil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri R.M. Jade, learned Advocate holding for Shri G.G. Suryawanshi, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Upon hearing both sides, it appears that, in fact, the cause of action has arisen in the year 2012 as the order was passed by the respondent No. 3 on 18th March, 2011. The application has given the reasons for delay only from the date of making fresh representation. Therefore, it appears that the delay is not merely of 1 year and 21 days.

3. In the circumstances, learned Advocate for the applicant seeks time to take instructions and or to amend the application for condonation of delay. At his request, S.O. to 12th December, 2017.

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.488/2017
(Shri Ramchandra Jaybhaye V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri Suresh D. Dhongde learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.3 and 4. It is taken on record. Copy thereof has been served on the other side.

3. Upon hearing both sides, it appears that the present O.A. is not maintainable. However, to have hearing on merit, S.O. to 04-12-2017.

VICE CHAIRMAN

YUK ORAL ORDER 06-11-2017 VC F

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

**ORIGINAL APPLICATION NO.491/2017
(Shri Santosh Gomsale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri Satishkumar Salve learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents.

2. At the request of both sides, S.O. to 06-12-2017 for hearing.

VICE CHAIRMAN

YUK ORAL ORDER 06-11-2017 VC F

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.533/2017
(Shri Milind Tungar & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri Sambhaji Munde learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.

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

3. S.O. to 13-12-2017.

VICE CHAIRMAN

YUK ORAL ORDER 06-11-2017 VC F

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

**ORIGINAL APPLICATION NO.568/2017
(Shri Vishnu Gaikwad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Smt. Vidya Taksal learned Advocate holding for Shri A.S.Deshmukh learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Learned Advocate for the applicant prays for adjournment. Adjournment granted.

3. S.O. to 04-12-2017.

VICE CHAIRMAN

YUK ORAL ORDER 06-11-2017 VC F

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.572/2017
(Dr. Dattatray Raut V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Shri J.S.Deshmukh learned Advocate for the applicant is **absent**.

Heard Shri D.R.Patil learned Presenting Officer for respondents and Shri A.A.Shelke learned Advocate holding for Shri P.D.Suryavansbhi learned Advocate for respondent nos.4 and 5.

2. Learned Advocate for the respondent nos.4 and 5 submits that in view of the earlier order dated 6th October 2017, grievance of the applicant is now redressed and today affidavit in reply in that regard is submitted. It is taken on record. Copy thereof has been served on the learned P.O. along with necessary documents.

3. In view of the absence of the learned Advocate for the applicant without making any comment on the merit, O.A. stands dismissed in default.

VICE CHAIRMAN

YUK ORAL ORDER 06-11-2017 VC F

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

**ORIGINAL APPLICATION NO.690/2017
(Shri Datta Tumram V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri Sanjay Pagare learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

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

3. At his request, S.O. to 11-12-2017.

VICE CHAIRMAN

YUK ORAL ORDER 06-11-2017 VC F

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.707/2017
(Shri Yusuf Usman Sukede V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for respondents.

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

3. S.O. to 14-12-2017.

VICE CHAIRMAN

YUK ORAL ORDER 06-11-2017 VC F

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

**M.A.No.87/2017 IN O.A.St.No.280/2017
(Punamchand Bainade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Smt. Juee Palekar-Parlikar learned Advocate holding for Shri S.D.Joshi learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents.

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

3. S.O. to 12-12-2017.

VICE CHAIRMAN

YUK ORAL ORDER 06-11-2017 VC F

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

**M.A.No.97/2017 IN O.A.St.No.162/2017
(Shri Bhaudas Vaishnav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri Deepanjan Roy learned Advocate holding for Shri S.B.Talekar learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Learned CPO submits that affidavit in reply on behalf of the respondents is already filed on record.

3. At the request of learned Advocate for the applicant, S.O. to 07-12-2017.

VICE CHAIRMAN

YUK ORAL ORDER 06-11-2017 VC F

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

**M.A.No.362/2017 IN O.A.St.No.814/2015
(Shri Prabhakar Joshi & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri M.C.Ghode learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.

2. Learned Advocate for the applicant seeks time to take steps in the matter and prays for issuance of fresh notice.

3. Hence, issue fresh notice to the respondents, returnable on 19-12-2017.

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 the case. Respondents are 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 questions 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 19-12-2017.

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

VICE CHAIRMAN

YUK ORAL ORDER 06-11-2017 VC F

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

**M.A.No.454/2017 WITH M.A.No.476/2016 IN O.A.St.No.2024/2016
(Shri Devidas Ahire V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Smt. Seema T. Pawar learned Advocate holding for Shri Pramod Gaikwad learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for respondents.

2. Upon hearing, learned P.O. points out that there is delay in filing the original application.

3. Learned Advocate for the applicant prays for leave to file M.A. for condonation of delay caused in filing the O.A.

4. In the meantime, liberty to the applicant to file M.A. for condonation of delay is granted.

5. S.O. to 05-12-2017.

VICE CHAIRMAN

YUK ORAL ORDER 06-11-2017 VC F

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

**ORIGINAL APPLICATION NO.574/2016
(Jyoti Siddhewar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 06.11.2017.

ORAL ORDER :

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 respondents.

2. At the request of learned Advocate for the applicant, S.O. to 12-12-2017.

VICE CHAIRMAN

YUK ORAL ORDER 06-11-2017 VC F

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

OA No.780/2017.

(Shri R. N. Kamble V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M. T. JOSHI, V. C.

DATE : 06.11.2017.

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 13.12.2017.

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

4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is

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

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

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

7. Considering the fact that the respondent no.4 is giving different treatment to the present applicant and the respondent no.7, as is evident from Annexure A-4 and Annexure A 5, without going into the merit, presently interim relief in terms of prayer clause "E" is hereby granted to the extent of present applicant and Respondent no.7, until further orders. Prayer "E" runs as under :-

“E) Pending the admission, hearing and final disposal of this Original Application the effect, operation and implementation of the impugned G.R. dtd. 24.10.2017 (Annex. A-5) issued by Resp. No.1 may kindly be stayed to the extent of the applicant with further directions to the Resps. No.1 & 3 to 5 to permit the applicant to discharge duties attached to his post of Jr. Engineer at the present place of his posting under Resp. No.5.”

8. S.O. to 13.12.2017.

9. Steno copy & Authenticated copy allowed to both the sides.

VICE CHAIRMAN.

ATP ORAL ORDERS 03-11-2017

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

OA No. 251/2017.

(Dr. S. P. Toshniwal V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M. T. JOSHI, V. C.

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

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri J. G. Toshniwal learned Advocate for the applicant and Shri S. K. Shirse learned Presenting Officer for respondents.

2. Upon hearing both sides it can be gathered that, waiting list was published on 28.5.2015 and thereafter the respondent no.1 issued a standing order No.05/2016, dated 31.05.2016 (Annexure F, page 27). Clause "K" at page no.28 would show that, the said would be applicable in the cases where the waiting list is in existence and would also be applicable to the selection process.

3. In the preliminary paragraph of the said order it is declared by the respondent that,

no separate waiting list is prepared and the merit list itself is used as a waiting list. In these circumstances, it prima facie appears that, since merit list was published on 28.5.2015 the waiting list itself is part of the merit list was in existence on 31.5.2016 i.e. on the date of the publication of the standing order. Therefore, the provision of this standing order providing 2 years life to the list appears to be applicable in the present case.

3. It is a common ground that, two of the candidates selected by the respondent no.1 and recommended to the respondent no.2 were appointed and thereafter resigned from the said post on 23.5.2016_ and 26.9.2016 respectively (merit list no.2 & 8).

4. In the circumstances, respondent no.2 is directed to take into consideration the above facts and take independent decision to find out that, in view of the above facts whether the present applicant can be appointed.

5. In case respondent no.2 comes to the conclusion that, as the waiting list is in existence, appointment can be made, the necessary decision be taken regarding corrective steps and copy of the said decision be filed in the present proceeding.

6. In case respondent no.2 comes to the conclusion that, according to law no decision as stated above can be taken then a short affidavit explaining the reason be filed on record on the next date.

7. S.O. to 14.12.2017 for filing report/short affidavit.

8. Steno copy and Authenticated copy allowed to both sides.

VICE CHAIRMAN.

ATP ORAL ORDERS 06-11-2017

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

**MA NO.456/17 IN OA St.No.1638/17.
(Shri S. B. Nagarsale & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M. T. JOSHI, V. C.

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

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri M. P. Tripathi learned Advocate for the applicants and Shri M. S. Mahajan learned Chief Presenting Officer for respondents.

2. For the reasons stated in the application and since the cause of action of all the applicants is same the application for sue jointly is allowed, subject to payment of court fee stamps, 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.

ATP ORAL ORDERS 06-11-2017

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

OA St.No.1638/17.

(Shri S. B. Nagarsale & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M. T. JOSHI, V. C.

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

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri M. P. Tripathi learned Advocate for the applicants and Shri M. S. Mahajan learned Chief Presenting Officer for respondents.

2. Issue notice to the respondents, returnable on 13.12.2017.

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 13.12.2017.

8. Steno copy & Authenticated copy allowed to both the sides.

VICE CHAIRMAN.

ATP ORAL ORDERS 06-11-2017

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

**OA No. 88/2017.
(Dr. Shaikh Faiz V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M. T. JOSHI, V. C.

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

DATE : 06.11.2017.

ORAL ORDER :

Heard with consent of Shri I. D. Maniyar, learned Advocate for the applicant, Shri V. R. Bhumkar learned Presenting Officer for respondents no.1 to 3 and Shri V. C. Patil learned Advocate holding for Shri U. B. Bondar, learned Advocate for the Respondent no.4.

2. The learned Advocate for the applicant files on record a copy of the communication, which would show that, the departmental enquiry against the applicant is now taken back. The learned P.O. also confirms the said fact.

3. The learned Advocate for the applicant on instructions submits that, application may be disposed of with a direction to the concerned

respondent to decide the issue of salary of the applicant as prayed for, while prayer clause "C" of the O.A.

4. The above submissions appears to be reasonable. Hence, the following order.

ORDER.

The application is disposed of without any order as to costs with a direction to the concerned respondent to decide the issue of salary in terms of prayer clause "C" within a period of three months from the date of this order. Prayer clause "C" runs as under:-

C) To direct the respondents to release the salary of the applicant from 20.7.2015 to 19.01.2016.

VICE CHAIRMAN.

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

OA No. 858/2016.

(Shri S. L. Jadhav & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M. T. JOSHI, V. C.

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

DATE : 06.11.2017.

ORAL ORDER :

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

2. The learned Advocate for the applicant files affidavit in rejoinder. The same is accepted.

Copy served on the other side.

3. The learned Advocate for the applicant on instructions submits that, prayer clause "C" be deleted. Allowed to delete the same.

4. Heard both sides on the issue of continuation of the interim relief. The short - notes of arguments be filed on 7.11.2017.

//2//

Thereupon, the necessary orders would be passed.

5. S.O. to 7.11.2017 for written notes of arguments.

VICE CHAIRMAN.

ATP ORAL ORDERS 06-11-2017

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

**OA No. 12/2017.
(Shri B. G. Kapale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M. T. JOSHI, V. C.

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

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri S. G. Kulkarni learned Advocate for the applicant, Shri D. S. Deshpande learned Presenting Officer for respondent no.1 and Shri G. N. Patil, learned Advocate for the Respondents no.2 & 3.

2. The learned Advocate for the applicant submits that, today reply is received.

3. S.O. to 13.12.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 06-11-2017

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

OA No. 339/2017.

(Shri R. A. Kakad & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M. T. JOSHI, V. C.

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

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri A. S. Deshmukh learned Advocate for the applicants, Smt P. R. Bharaswadkar, learned Presenting Officer for respondents no.1 & 2, Shri M. R. Kulkarni learned Advocate for the respondent no.3 and Shri M. R. Deshmukh, learned Advocate holding for Shri S. G. Chapalgaonkar, learned Advocate for the respondents no.4 to 38.

2. Both the sides submit that, the issue is now pending before Hon'ble High Court and status quo is also granted. In that view of the situation, S.O. to 11.12.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 06-11-2017

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

OA Nos. 368 & 369 of 2017.

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M. T. JOSHI, V. C.

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

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri S. A. Deshmukh learned Advocate for the applicants in both the matters and Smt P. R. Bharaswadkar, learned Presenting Officer for respondents in both the matters.

2. The learned P.O. seeks time to file reply. At her request, S.O. to 12.12.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 06-11-2017

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

OA No. 393/2017.

(Taslim Khan Chand Khan V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M. T. JOSHI, V. C.

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

DATE : 06.11.2017.

ORAL ORDER :

None present for the applicant, Smt P. R. Bharaswadkr learned Presenting Officer for respondents no.1 to 4 and Shri A. S. Deshmukh learned Advocate for the respondent no.5

2. The learned P.O. submits that, reply would be filed during course of the day. It be accepted. Copy be served on the other side.

3. S.O. to 12.12.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 06-11-2017

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

OA No. 487/2017.

(Shri B. J. Nagarjoge V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M. T. JOSHI, V. C.

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

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri A. N. Patale learned Advocate for the applicant and Smt D. S. Deshpande learned Presenting Officer for respondents.

2. The learned P.O. seeks time to file reply. At her request, S.O. to 18.12.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 06-11-2017

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

OA No. 537/2017.
(Parimala Ubale V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M. T. JOSHI, V. C.

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

DATE : 06.11.2017.

ORAL ORDER :

None present for the applicant. Shri D. R. Patil learned Presenting Officer for respondents no.1 to 3 is present. None present for the respondent no.4.

2. The learned P.O. seeks time to file reply. At his request, S.O. to 5.12.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 06-11-2017

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

OA No. 669/2017.

(Shri B. B. Surwase V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M. T. JOSHI, V. C.

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

DATE : 06.11.2017.

ORAL ORDER :

Heard Ms. Shanya Suresh Prasad Sharma learned Advocate holding for Shri S. B. Talekar & Associates for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for respondents.

2. The learned C.P.O. seeks time to file reply. At his request, S.O. to 7.12.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 06-11-2017

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

**OA No.22/2017.
(Shri P. V. Kale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M. T. JOSHI, V. C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri Praful Bodade, learned Advocate holding for Shri J. B. Choudhary for the applicant and Shri V. R. Bhumkar learned Presenting Officer for respondents.

2. Shri Praful Bodade, learned Advocate holding for Shri J. B. Choudhary for the applicant seeks time to file rejoinder. At his request, S.O. to 5.12.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 06-11-2017

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

**OA No.434/2016.
(Dr. Abdul Salim V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M. T. JOSHI, V. C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri Praful Bodade learned Advocate holding for Shri J. B. Choudhary learned Advocate for the applicant and Smt R. S. Deshmukh learned Presenting Officer for respondents.

2. The learned P.O. files affidavit in reply of respondents no.1 to 3 on the rejoinder affidavit of applicant. The same is accepted. Copy be served on the other side.

3. Shri Praful Bodade, learned Advocate holding for Shri J. B. Choudhary for the applicant seeks time. At his request, S.O. to 05.12.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 06-11-2017

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

**MA ST.1633/17 IN MAST.2534/17 IN OA St.1535/17.
(Shri R. G. Mehetre & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M. T. JOSHI, V. C.

DATE : 06.11.2017.

ORAL ORDER :

Heard Shri D. K. Dagadkhair, learned Advocate for the applicants and Shri S. K. Shirse learned Presenting Officer for respondents.

2. The learned Advocate for the applicant seeks time. At his request, S.O. to 12.12.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 06-11-2017

