

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 428 OF 2017
(Shri Raghunath J. Mardode Vs. The State of Maha. and
Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri G.K. Muneshwar – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.
2. At the request of leaned Advocate for the applicant, **S.O. to 18th August, 2017**, to enable him to satisfy this Tribunal as to how the present Original Application is maintainable when the applicant has preferred an appeal and the same is pending before the Appellate Authority, challenging the suspension order.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 559 OF 2017
(Dr. Rajkumar B. Jarhad Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.
2. At the request of leaned Advocate for the applicant, **S.O. to 11th August, 2017.**

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 194 OF 2016
(Shri Ramesh M. Jakatdar & Ors. Vs. The State of Maha.
and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri Vivek G. Pingle – learned Advocate for the applicants and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed a copy of communication dated **Nil** August, 2017 received from the Desk Officer, Finance Department, Mantralaya, Mumbai and the same is taken on record and marked as document 'X' for identification purposes.

3. By the aforesaid communication it was informed that decision rendered by the Nagpur Bench of this Tribunal has been challenged before the Hon'ble Bombay High Court Bench at Nagpur by filing Writ Petition No. 1701/2015 and it was decided and allowed on 21-22.06.2017. The copy of the said judgment is placed on record by the learned Presenting Officer along with aforesaid communication dated **Nil** August, 2017. He has submitted that in the decision the similar issue, which was involved in the present Original Application, has been decided. Therefore, he prayed to dispose of the present Original Application accordingly.

3. In view of the above, learned Advocate for the applicants has submitted that he wants to go through the aforesaid

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O.A. NO. 194 OF 2016

judgment decided by the Hon'ble Bombay High Court Bench at Nagpur, and sought one week's time.

4. Time as prayed for is granted.
5. S.O. to 16th September, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 565 OF 2016
(Shri Ashok R. Kotwal Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri Vivek G. Pingle – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed a copy of communication dated **Nil** August, 2017 received from the Desk Officer, Finance Department, Mantralaya, Mumbai and the same is taken on record and marked as document 'X' for identification purposes.

3. By the aforesaid communication it was informed that decision rendered by the Nagpur Bench of this Tribunal has been challenged before the Hon'ble Bombay High Court Bench at Nagpur by filing Writ Petition No. 1701/2015 and it was decided and allowed on 21-22.06.2017. The copy of the said judgment is placed on record by the learned Presenting Officer along with aforesaid communication dated **Nil** August, 2017. He has submitted that in the decision the similar issue, which was involved in the present Original Application, has been decided. Therefore, he prayed to dispose of the present Original Application accordingly.

3. In view of the above, learned Advocate for the applicant has submitted that he wants to go through the aforesaid

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O.A. NO. 565 OF 2016

judgment decided by the Hon'ble Bombay High Court Bench at Nagpur, and sought one week's time.

4. Time as prayed for is granted.
5. S.O. to 16th September, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 923 OF 2016
(Shri Ashok R. Kotwal Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri Vivek G. Pingle – learned Advocate for the applicants and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed a copy of communication dated **Nil** August, 2017 received from the Desk Officer, Finance Department, Mantralaya, Mumbai and the same is taken on record and marked as document 'X' for identification purposes.

3. By the aforesaid communication it was informed that decision rendered by the Nagpur Bench of this Tribunal has been challenged before the Hon'ble Bombay High Court Bench at Nagpur by filing Writ Petition No. 1701/2015 and it was decided and allowed on 21-22.06.2017. The copy of the said judgment is placed on record by the learned Presenting Officer along with aforesaid communication dated **Nil** August, 2017. He has submitted that in the decision the similar issue, which was involved in the present Original Application, has been decided. Therefore, he prayed to dispose of the present Original Application accordingly.

3. In view of the above, learned Advocate for the applicants has submitted that he wants to go through the aforesaid

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O.A. NO. 923 OF 2016

judgment decided by the Hon'ble Bombay High Court Bench at Nagpur, and sought one week's time.

4. Time as prayed for is granted.
5. S.O. to 16th September, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 435 OF 2017
(Smt. Anita D/o. Anandrao Ingale Vs. The State of Maha.
and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri I.D. Maniyar – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.
2. Learned Presenting Officer for the respondents prays for time for filing affidavit in reply. Time granted.
3. S.O.to 4th September, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 405 OF 2017
(Wali Abdul Khadar Syed Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri A.S. Reddy – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. At the request of learned Chief Presenting Officer, S.O. to 28th August, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 390 OF 2017
(Shri Vijay S. Tikole Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed rejoinder affidavit to the affidavit in reply filed on behalf of respondent Nos. 2 to 4 and the same is taken on record and the copy thereof has been served on the learned Presenting Officer for the respondents.

3. At the request of learned Advocate for the applicant, S.O. to 24th August, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 391 OF 2017
(Shri Sambhaji R. Patil Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed rejoinder affidavit to the affidavit in reply filed on behalf of respondent Nos. 2 to 4 and the same is taken on record and the copy thereof has been served on the learned Presenting Officer for the respondents.

3. At the request of learned Advocate for the applicant, S.O. to 24th August, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 364 OF 2017
(Shri Hari P. Panchal & Ors. Vs. The State of Maha. and
Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri Avishkar S. Shelke – 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. 5 to the show cause notice dated 21.07.2017 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.
3. At the request of learned Advocate for the applicants, S.O. to 21st August, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 370 OF 2017
(Shri Madan B. Dhembare Vs. The State of Maha. and
Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri J.B. Choudhary – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer has filed unconditional apology tendering on behalf of the respondent No.4 viz. Shri Amol Rambhau Satpute and the same is taken on record.

3. It transpires from the proceedings that on the last occasion i.e. on 24.07.2017, respondents were directed to give names of the officers, who have passed the relieving order of the applicant and posting order of one Shri P.V. Pawar in place of the applicant, in spite of the stay granted to the transfer order of the applicant by this Tribunal on 20.06.2017.

4. However, in view of directions given by this Tribunal on 24.07.2017, the learned Chief Presenting Officer tenders the name of the officers as follows: -

- (i) Shri Amol Rambhau Satpute, Divisional Forest Officer, Beed, District Beed (i.e. respondent No. 4) has issued the transfer of Shri P.V. Pawar in place of the applicant; and

O.A. NO. 370 OF 2017

(ii) Shri M.S. Munde, Range Forest Officer, Dharur has issued relieving order of the applicant.

4. In spite of stay granted by this Tribunal in favour of the applicant by order dated 20.06.2017, Shri A.R. Satpute, D.F.O., Beed issued the transfer order of Shri P.V. Pawar in place of the applicant and Shri M.S. Munde, R.F.O., Dharur has issued the relieving order of the applicant. It reveals that the order of the Tribunal is flouted by them, deliberately.

5. Hence, issue notice to Shri A.R. Satpure, D.F.O., Beed and Shri M.S. Munde, R.F.O., Dharur, to show cause as to why appropriate proceeding should not be initiated against them for flouting the order of the Tribunal, deliberately.

6. Since the applicant has restored to his original posting and as the applicant has took charge of his original posting, interim relief granted earlier by this Tribunal to continue till then.

7. S.O. to 1st September, 2017.

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

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 11 OF 2017
(Shri Subhash K. Dahale Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Shri S.D. Dhongde – learned Advocate for the applicant has filed leave note. Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents, present.
2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 4th September, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 577 OF 2016
(Dr. Baban L. Jadhav Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri J.S. Deshmukh – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondent Nos. 1 to 3. Shri H.P. Jadhav – learned Advocate for respondent No. 4 (**absent**).
2. S.O. to 31st August, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 554 OF 2016
(Shri Ramdas N. Sangle Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.
2. At the request of learned Presenting Officer S.O. to 31st August, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 41 OF 2017
(Shri Baburao N. Ardad Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri Avinash S. Deshmukh – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks leave of this Tribunal to add prayer clause praying to quash the communication dated 12th October, 2015, a copy of which is at page-38 of the paper book of O.A.
3. Leave as prayed for by the learned Advocate for the applicant is granted. The applicant shall carry out the necessary amendment on or before the next date and serve amended copy of O.A. on the respondents.
4. Learned Presenting Officer seeks time to file additional affidavit in reply. Time granted.
5. S.O. to 18th August, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 563 OF 2017
(Smt. Pushpalata M. Ingle Vs. The State of Maha. and
Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri A.S. Deshmukh – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that the applicant has been transferred to Aurangabad from Grant Government Medical College, Mumbai, in view of Corrigendum dated 25.07.2017 (Annexure A-7, page-38 of paper book of O.A.). He has further submitted that by an order dated 7.8.2017 the applicant again transferred to Grant Government Medical College, Mumbai. According to the applicant, she has been relieved on 31.01.2016 from Grant Government Medical College, Mumbai to join at Government Medical College & Hospital, Aurangabad . She has joined on the new posting i.e. at Government Medical College & Hospital, Aurangabad on 1.8.2017, but she has been abruptly transferred by the impugned order dated 7.8.2017 from Government Medical College & Hospital, Aurangabad to Grant Government Medical College, Mumbai. He has submitted that the impugned order has been issued within 8 days from joining on the post at Government Medical College & Hospital, Aurangabad. He has submitted that no reason has been mentioned in the impugned order. Not only this, but also

provisions of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay In Discharge of Official Duties, Act, 2005 (for short 'the Transfer Act of 2005), have not been followed while issuing the transfer order. He has submitted that the applicant is not yet relieved from her post. He further argued that the applicant is going to retire in the next year. He, therefore, prayed to stay the execution of the impugned transfer order dated 7.8.2017.

3. Learned Chief Presenting Officer has submitted that he wants to file detailed affidavit in reply on behalf of the respondents and, therefore, sought time.

4. Considering the fact that the applicant has been transferred within 8 days after joining her new posting in the Government Medical College & Hospital, Aurangabad and considering the fact that the applicant is on the verge of retirement, it is just and proper to stay the execution of the impugned transfer order to the extent of the applicant only.

5. In these circumstances, interim relief as prayed for by the applicant is granted. The impugned transfer order is stayed till filing of the affidavit in reply by the respondents.

6. Issue notices to the respondents, returnable on 31st August, 2017.

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

8. Applicant is authorized and directed to serve on

O.A. NO. 563 OF 2017

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.

9. 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.

10. 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.

11. S.O. to 31st August, 2017.

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

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 404 OF 2016
(Dr. Avinash T. Landge Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri Avishkar S. Shelke – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondent Nos. 1 to 3. Shri A.A. Nimbalkar – learned Advocate for respondent No. 4 (**absent**).
2. The Government is already directed to produce the Government Resolution by which the services of the Medical Officers have been lent to Zilla Parishad or borrowed by the Zilla Parishad for running the Primary Health Center within the jurisdiction of Zilla Parishad.
3. At the request of learned Presenting Officer, S.O. to 24th August, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 319 OF 2017
(Shri Parsharam W. Shinde Vs. The State of Maha. and
Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri K.G. Salunke – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.
2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
5. S.O. to 4th September, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 266 OF 2017
(Shri Sandipan A. Gavali Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri D.K. Rajput – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.
2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
5. S.O. to 4th September, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 216 OF 2017
(Shri Tajkhan Samserkhan Pathan Vs. The State of Maha.
and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri A.D. Sugdare – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer prays for time for filing affidavit in reply. Time granted.
3. S.O. to 29th August, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 211 OF 2017
(Shri Ashok B. Bankar Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri S.M. Shegaonkar – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted as a last chance.
3. S.O. to 16th September, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 133 OF 2017
(Shri Radhakrushna S. Bodkhe Vs. The State of Maha. and
Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri A.D. Gadekar – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer prays for time for filing affidavit in reply. Time granted as a last chance.
3. S.O. to 11th September, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 59 OF 2017
(Shri Vishwanath B. Baswante & Ors. Vs. The State of
Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri V.P. Golewar – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.
2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 5 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.
3. Learned Advocate for the applicant has submitted that he wants to go through the affidavit in reply filed on behalf of respondent Nos. 1 to 5 today, and sought time to file rejoinder, if any. Time granted.
4. S.O. to 15th September, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 127 OF 2017
(Shri Trimbak D. Tompe Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri V.P. Golewar – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 5 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.
3. Learned Advocate for the applicant has submitted that he wants to go through the affidavit in reply filed on behalf of respondent Nos. 1 to 5 today, and sought time to file rejoinder, if any. Time granted.
4. S.O. to 15th September, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 132 OF 2017
(Shri Dattu R. Sonawane Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri Prafulla Bodade, learned Advocate holding for Shri J.B. Choudhary – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer prays for time. Time granted.
3. S.O. to 8th September, 2017. Interim relief granted earlier to continue till then.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 32 OF 2017
(Smt. Subhadrabai N. Sonwane Vs. The State of Maha. and
Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri S.K. Mathpati – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted as a last chance.
3. S.O. to 28th August, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 138 OF 2017
(Shri Babu J. Phule Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri S.G. Magare, learned Advocate holding for Shri M.D. Godhamgaonkar – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.
2. Learned Presenting Officer has submitted that she will file affidavit in reply on behalf of respondent No. 2 during the course of the day and she will serve the copy of the same on the learned Advocate for the applicant.
3. At the request of learned Presenting Officer, **S.O. to 8th September, 2017**, to enable her to file affidavit in reply on behalf of respondent No. 1.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 16 OF 2017
(Shri Shaikh Mukhtyar Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri S.G. Magare, learned Advocate holding for Shri M.D. Godhamgaonkar – 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 8th September, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 879 OF 2016
(Shri Shaikh Mujib Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri A.D. Gadekar – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted as a last chance.
3. S.O. to 8th September, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 849 OF 2016
(Shri Ratnakar T. Kahat Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Shri Abhay G. Deshmukh – learned Advocate for the applicant (**absent**). Shri S.K. Shirse – learned Presenting Officer for the respondents, present.
2. Learned Presenting Officer has submitted that he will file affidavit in reply on behalf of respondent No. 2 during the course of the day and he will serve the copy of the same on the learned Advocate for the applicant.
3. At the request of learned Presenting Officer, S.O. to 8th September, 2017.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 2060 OF 2017
(Bebabai Pundlik Koli Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri Vinod P. Patil – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Keeping open the issue of maintainability of O.A., issue notices to the respondents, returnable on 15th September, 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. S.O. to 15th September, 2017.
8. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 514 OF 2017
(Mohd. Shafe Mohd. Farooque Ansari Vs. The State of
Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri A.D. Sugdare – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 15th September, 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. S.O. to 15th September, 2017.
8. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 525 OF 2017
(Shri Prabatrao R. Maske Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri Saiyed Rahatali (Jahagirdar) – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.

2. The applicant is challenging his suspension order dated 27.06.2017 issued by the respondent No. 3 i.e. the Sub-Divisional Officer, Hingoli. His suspension order has been passed under the provisions of Rule 4 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. The suspension order is appealable in view of the provisions of rule 17 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. The applicant has not availed the said remedy available to him. Therefore, the present Original Application cannot be admitted in view of the provisions of Section 20 of the Administrative Tribunals Act, 1985.

3. In view of the above, the present Original Application stands rejected as it is not maintainable.

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 561 OF 2017
(Smt. Swati D/o. Vasant Rao Suryawanshi Vs. The State of
Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri Hanmant V. Patil – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant has submitted that the applicant has been transferred to Ahmednagar on 25.12.2015 and now she has been transferred before completion of her tenure by the impugned transfer order dated 7.8.2017 from AHmednagar to Beed, on the administrative ground. He has submitted that transfer of the applicant has been made by the respondents to accommodate respondent No. 3 viz. Shri Rajendra A. Wagh. He has submitted that the applicant is not relieved yet from her present posting. Therefore, he prayed to grant stay to the execution of the impugned transfer order.

3. Learned Presenting Officer has submitted that the transfer of the applicant has been made on administrative ground in view of the provisions of Section 4 (4) & 4 (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay In Discharge of Official Duties, Act, 2005. He has submitted that the respondents want to file detailed affidavit in reply and sought time.

4. On perusal of the documents on record, it reveals that it is a mid-tenure and midterm transfer. The transfer has been made on administrative ground. As per the submission on behalf of the applicant, the applicant has not yet relieved from the present posting.

5. In these circumstances, the respondents are directed to maintain the status quo, if the applicant has not already been relieved from her present posting, till filing of the affidavit in reply by the respondents.

6. Issue notices to the respondents, returnable on 22nd August, 2017.

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

8. 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.

9. 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.

10. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

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O.A. NO. 561 OF 2017

along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

11. S.O. to 22nd August, 2017.

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

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 10 OF 2017
(Shri Manaji V. Surose Vs. The State of Maha. and Ors.)**

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

DATE : 10.08. 2017.

ORAL ORDER:

1. Heard Shri Kakasaheb B. Jadhav – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondent No. 1. Shri G.N. Patil – learned Advocate for respondent No. 2 has filed leave note.

2. Learned Advocate for the applicant has submitted that the respondent No. 2 rejected the claim of the applicant for reimbursement of medical bill by the communication dated 30.05.2016 in view of the provisions of rule 14 & 15 of the Maharashtra Civil Services (Medical Reimbursement) Rules, 1961. He has submitted that thereafter the rule has been amended in view of the Government Resolution dated 28.11.2000. He has submitted that respondent No. 2 in his affidavit in reply has admitted that in view of the provisions of Government Resolution dated 18.11.2000 and 16.03.2016 and as per the provisions of Maharashtra Civil Services (Medical Reimbursement) Rules, 1961 they have mistakenly rejected the claim of the applicant and resubmitted the new proposal to the Government for sanction on 13.06.2017. He has submitted that in view of the said admitted position the applicant does not want to proceed with the present Original Application and prayed to dispose of the same.

3. Learned Presenting Officer also admitted that fresh proposal is sent by the respondents to the Government and Government will take decision in due course.

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O.A. NO. 10 OF 2017

4. In view of the above, it is just to dispose of the present Original Application with a direction to respondent No. 1 to take decision on the proposal sent by respondent No. 2 dated 13.06.2017 within a period of one month.

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

MEMBER (J)

ORAL ORDERS 10.08.2017-HDD

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.533/2017.
(Shri S. N. Tidke Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 10-08-2017

ORAL ORDER:-

Heard Shri V. K. Kalam learned Advocate holding
for Shri K. B. Jadhav learned Advocate for the applicant,
Smt S. K. Ghate Deshmukh learned Presenting Officer
for the respondents no.1 to 3 and Shri V. B. Wagh
learned Advocate for the applicant nos. 4 to 10.

2. Shri V. K. Kalam learned Advocate holding for Shri
K. B. Jadhav learned Advocate for the applicant seeks
time to file rejoinder.

3. It is to be noted that, case is of 2013 and also
admitted and was undated for want of the Division
Bench. The applicant however, seeking time after time
for filing rejoinder. In the circumstances, as a last
chance, S. O. to 12.09.2017 for filing rejoinder and/or
passing necessary orders.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

OA No.488/13 with OA Nos.1/15, 626/15, 627/15 & 8/17.

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 10-08-2017

ORAL ORDER:-

1. It is reported that, Shri Milind Patil learned Advocate for the applicants in OA Nos.488/13, 626/15 & 627/15 has filed leave note. None present in OA 8/2017.
2. Heard Shri J. S. Deshmukh learned Advocate for the applicant in OA No.01/2015 and Shri I. S. Thorat, S. K. Shirse, & M. P. Gude learned Presenting Officers for the respective respondents in respective matters.
3. Shri J. S. Deshmukh learned Advocaet for the applicant submits that, original application regarding similar challenge of G.R. was dismissed by this Tribunal and the said order was challenged by the applicant therein the Hon'ble High Court and all the matters in the High Court are transferred to the principal seat and is still pending. In the circumstances, decision on merit would be required from the Division Bench.

4. Remove from Board. Be place as and when the Division Bench would be available.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.462/2017

(Smt. Meera T. Musane & Ors.Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 10-08-2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant submits that, the application may be disposed of by giving direction to the Respondent no.2 to decide the representation at Annexure A-5 (page 36).

3. The learned C.P.O. submits that, he would take the instructions regarding the decision taken if any on the said representation or within how much period the said decision would be taken. At his request, S.O. to 6.9.2017.

4. The learned C.P.O. is directed to act on the steno copy of this order.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.498/2017.

(Shri Bhagwan Ramrao Kurundkar
Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 10-08-2017

ORAL ORDER:-

Heard with consent of Shri S. K. Mathpati learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that, though the present applicant is an employee of a Society, the grants are received from the State of Maharashtra and therefore, there is no hitch for treating him as an employee of the Govt. and thus eligible for relaxation of age.

3. The learned C.P.O. however, submits that, the conditions are very clear that for relaxation of age candidate should be an employee of Govt. of Maharashtra.

4. Upon hearing both the sides I am finding that, the age relaxation can be granted only in case the candidate is an employee of the State of Maharashtra as found by an advertisement page no.43, clause 4.2 (2).

5. In the circumstances, the present O.A. can not be admitted and the same is therefore, dismissed in *limine*.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.557/2017.
(Amrapalee A. Khandare Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

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

2. Upon hearing both sides prima-facie it appears that, the marks granted to the present applicant vide page 41 were 96. Those were increased to 98 vide page no.45. Similarly the candidate next to her namely Smt.Sonali Kamble was shown to have been obtained 94 marks. Annexure-A-5, page 45 would show that, her marks were increased to 100.

3. The learned Advocate for the applicant submits that, the initial marks were declared on the basis of the revised answer key itself and therefore, one fails to know

how the marks of the Respondent no.4 Sonali Kamble jumped from 94 to 100.

4. The learned P.O. submits that, he would take the instructions within a period of one week regarding the explanation, if any, from the respondent no.2.

5. In case the Respondent no.2 fails to give instructions in this regard to the learned P.O. the Tribunal may be constrained to consider the prayer of the present applicant for grant of interim relief and stay to the appointment of Respondent no.4 at the cost and consequences of Respondent no.2.

6. It is to be gathered that, when the record would show that, each and every step of the selection process was published on the website, this crucial change in the marks is not explained by publishing the same on website.

7. Issue notices to the respondents, returnable on 18.08.2017.

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

9. 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.

10. 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.

11. 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.

-4- ORIGINAL APPLICATION NO.557/2017-

12. S. O. to 18.08.2017.

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

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.898/2017.
(Shri Vyankat Lalba Nilawar Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

Heard with consent of Shri K. G. Salunke learned Advocate for the applicant and Shri learned Presenting Officer for the respondents.

2. Upon hearing both sides it appears that, though the Departmental Promotion Committee in its minutes dated 19.10.10 (page 127) the present applicant along with other suitable candidates was in fact selected for promotion, it appears that, thereafter no decision was taken till 26.7.2012 as can be seen from Annexure A-1(page 39). On that day the In charge Director issued a letter calling for the options of the selected employees for various posts. The said letter may have been received to the office of the present applicant after some period. However, in the mean time the present applicant was superannuated on 31.07.2012. In all these

circumstances, the present applicant claims the deemed date of promotion at least as 8.10.2012.

3. The learned Advocate on instructions of the applicant submits that, the applicant would be satisfied if the Respondent no.1 is directed to decide the inter departmental communication sent to him by respondent no.2 on 19.3.2016, copy of which is at Annexure A-8 (page 52).

4. In the circumstances, the present O.A. is disposed of with a direction to the Respondent no.1 to decide the proposal sent to him by Respondent no.2 at the earliest and in any case within a period of four months from the date of this order. The O.A. is disposed of without any order as to costs.

VICE CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.423/2015 IN OA ST.NO.1369/2015.
(Shri N. B. Khaire Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

Heard Shri H. M. Shaikh, learned Advocate for the
applicant and Shri I. S. Thorat learned Presenting Officer
for the respondents.

2. The written notes of arguments are filed on record.
3. Reserved for order.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.412/2017.
(Shri P. R. Shelke Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

None present for the applicant. Heard Shri M. S. Malhajan learned Chief Presenting Officer for the respondents.

2. The learned C.P.O. seeks time for filing affidavit in replies. At his request, S. O. to 6.9.2017.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA 299/17 with MA 121/17 in OA st.364/17.
(Shri S. R. Salve Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

It is reported that Shri S. D. Dhongde learned Advocate for the applicant has filed leave note. Shri M. P. Gude learned Presenting Officer for the respondents is present.

2. S. O. to 12.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.323/2017

(Shri S. N. Biradar Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 10-08-2017

ORAL ORDER:-

None present for the applicant. Shri M. P. Gude
learned Presenting Officer for the respondents is present.

2. S. O. to 06.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

O.A. NO.663/2016.

(Shri S. N. Latpate Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 10-08-2017

ORAL ORDER:-

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

2. S. O. to 06.09.2017. Interim relief to continue until
further orders.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.217/2000.
(Dr. Subhash P. Kumbhare Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

Heard with consent of Shri A. S. Deshmukh learned Advocate for the applicant and Shri I. S. Thorat learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that, in view of the order dated 10.7.2017 he has taken the instructions from the applicant and in view of the said instructions nothing survives in the present application except quashing and setting aside the order of 17.2.2000 Exh.A (page 17).

3. In fact if the order of the Hon'ble High Court in Writ Petition No.3966/2000 is seen which is quoted in earlier order dated 10.7.2017, which runs as under :-

“So far as the petitioner-Dr. Subhash S/o Pundlik Kumbhare in Writ Petition No.3966 of 2000 is concerned, he would be entitled to protection of his service on the post of Associate Professor at Government Dental College, effected by an order

dated 25.8.1988, and would accordingly be entitled to all consequential benefits. However, if he was not promoted thereafter to further post prior to 15.6.1995 on substantive basis, he would not be entitled to it as a candidate belonging to Scheduled Tribe category.”

4. In view of the above facts and circumstances, nothing survives in the Original Application. The same is therefore, disposed of without any order as to costs.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.560/2016.
(Shri A. B. Kamble Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

Heard Shri R. B. Narwade learned Advocate holding for Shri H. V. Patil learned Advocate for the applicant and Shri I. S. Thorat learned Presenting Officer for the respondents.

2. The learned P.O. files affidavit in reply of added Respondent no.4. The same is taken on record. Its copy is served on the other side.

3. Shri R. B. Narwade learned Advocate holding for Shri H. V. Patil learned Advocate for the applicant submits that, he has no instructions regarding the issue of satisfying the query of the Tribunal on certain issue vide order dated 11.07.2017.

4. It is to be noted that, on that date also Advocate Shri Aplod was holding for Advocate Shri H. V. Patil.

5. In the circumstances, S. O. to 7.9.2017 for satisfying the query raised by the Tribunal vide order dated 11.7.2017 or for passing necessary order in default.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.212/2017.
(Smt Ahilya R. Masram Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

None present for the applicant. Heard Shri V. R. Bhumkar learned Presenting Officer for the respondents.

2. The record would show that, on 26.7.2017 certain queries were raised and applicant was required to satisfy the same. In view of the absence of the learned Advocate for the applicant, S. O. to 11.9.2017 either for satisfying all the queries or for passing necessary orders in default.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.436 OF 2017.
(Shreya B. Mamode Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

Heard Miss Ashlesha Raut learned Advocate holding for Shri S. B. Talekar, learned Advocate for the applicant and Smt R. S. Deshmukh learned Presenting Officer for the respondents.

2. Miss Ashlesha Raut learned Advocate holding for Shri S. B. Talekar, learned Advocate for the applicant submits that, the general results of the main examination are yet to be declares including result of the applicant, who has participated in the said examination.

3. S. O. to 20.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.514/2015.
(Dr. B. S. Barure Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

DATE : 10-08-2017

ORAL ORDER:-

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

2. The learned P.O. seeks time to take instructions. At his request, S. O. to 07.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION St. No.814/2015.
(Shri P. K. Joshi & Ors. Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

DATE : 10-08-2017

ORAL ORDER:-

Heard Shri M. C. Bhode learned Advocate for the applicants and Shri M. P. Gude learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time. At his request, S. O. to 07.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.81/2013.
(Shri A. A. Hole Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

Heard Miss Ashlesha Raut learned Advocate holding
for Shri S. B. Talekar learned Advocate for the applicant
and Shri M. P. Gude learned Presenting Officer for the
respondents.

2. The learned P.O. seeks time to file affidavit in reply.
At his request, S. O. to 12.09.2017 for filing reply.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.690/2013.
(Shri V. G. Salunke Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

Heard Shri J. S. Deshmukh learned Advocate holding for Shri M.R. Kulkarni learned Advocate for the applicant and Shri M. P. Gude learned Presenting Officer for the respondents.

2. At the request of the learned P.O., S. O. to 13.09.2017 for filing affidavit in reply.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.563/2014.
(Shri T. B. Rajput Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

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

2. The learned P.O. files affidavit in reply for respondent no.2. The same is taken on record. Its copy is served on the other side.

3. Place the application for hearing on admission on 11.9.2017. Liberty granted to the applicant to file rejoinder.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.226/2017.
(Shri B. S. Kakade Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

Heard Shri Digambar Sathe learned Advocate holding for Shri K. M. Nagarkar learned Advocate for the applicant and Smt R. S. Deshmukh learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that, in fact the notices are served and today he is filing service report of the same.

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

At his request, S. O. to 19.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.925/2016.
(Shri K. R. Tharewal Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

Heard Shri V. S. Sarwade learned Advocate holding
for Shri N. S. Tekale learned Advocate for the applicant
and Shri S. K. Shirse learned Presenting Officer for the
respondents no.1 to 4 and Shri P. A. Bhosale learned
Advocate for the Respondent no.5.

2. The learned Advocate for the applicant initially
submits that, compliance was made. Later on, he
submits that, compliance was not made of the order
dated 7.2.2017 and seeks time. At his request, S. O. to
07.09.2017 for compliance of the order dated 7.2.2017.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

REV. 03/2017 IN OA 341/2014.

(Shri S. K. Sryawanshi Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 10-08-2017

ORAL ORDER:-

Heard Shri R. B. Narwade Patil learned Advocate for
the applicant and Shri S. K. Shirse learned Presenting
Officer for the respondents.

2. The learned Advocate for the applicant seeks time.
At his request S. O. to 12.09.2017 for satisfying the query
as raised by the Tribunal vide order dt. 13.7.2017.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.165/2017.
(Dr. S. P. Bhamre Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

Heard Shri V. B. Wagh learned Advocate for the applicant and Smt D. S. Deshpande learned Presenting Officer for the respondents.

2. Shri V. B. Wagh learned Advocate for the applicant seeks time to add parties as directed vide order dated 14.6.2017. At his request, S. O. to 07.09.2017 for taking steps.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.114/2017.

(Marathwada Sarva Shramik Sanghatana & Ors.
Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

Heard Shri G. R. Jadhav learned Advocate holding
for Shri A. S. Shelke for the applicant and Shri M. S.
Mahajan learned Chief Presenting Officer for the
respondents.

2. The learned C.P.O. seeks time to file affidavit in
reply. At his request, S. O. to 13.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.187/2017.
(Shri S. T. Bhange Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

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

2. The arguable case is made out.
3. Admit.
4. Learned P.O. waives the notice for the respondents upon admission hearing.
5. Remove from Board. Be placed for final hearing as and when the Division Bench would be available.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.251/2017.
(Dr. S. P. Thshniwal Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

Heard Shri R. B. Bhosale learned Advocate holding
for Shri J. G. Toshniwal learned Advocate for the
applicant and Smt D. S. Deshpande learned Presenting
Officer for the respondents.

2. The learned P.O. files affidavit in reply of
Respondent no.2. The same is taken on record. Its copy
is served on the other side. She seeks time to file reply of
Respondent no.1.

3. S. O. to 12.09.2017 for filing reply of Respondent
no.1.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.255/2017.
(Shri P. B. Deshmukh & Ors. Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

Heard Miss Preeti Wankhade learned Advocate for
the applicants and Smt R. S. Deshmukh learned
Presenting Officer for the respondents.

2. The learned P.O. seeks time to file reply of
respondents. At her request, S. O. to 07.09.2017 for
filing affidavit in reply.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.256/2017.
(Shri R. R. Londhe Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

Heard Shri A. S. Deshmukh learned Advocate for
the applicant and Shri S. K. Shirse learned Presenting
Officer for the respondents.

2. The learned P.O. seeks time to file reply of
respondents. At her request, S. O. to 13.09.2017 for
filing affidavit in reply.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.283/2016 in oa st.1167/2016.
(Shri S. M. Davkare Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

Heard Shri N. S. Choudhary learned Advocate for
the applicant and Shri M. S. Mahajan learned Chief
Presenting Officer for the respondents no.1 to 4 and 6.
None present for the Respondent no.7.

2. At the request of the learned Advocate for the
applicant, S. O. to 21.8.2017.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA No.189/17 WITH MA ST.527/17 IN OA 676/16.
(Shri B. R. Sutar Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 10-08-2017

ORAL ORDER:-

Heard Shri S. Y. Shinde learned Advocate holding
for Shri N. L. Choudhari learned Advocate for the
applicant and Smt S. K. Ghate Deshmukh learned
Presenting Officer for the respondents.

2. The learned P.O. seeks time to file affidavit in reply.
At her request, S. O. to 15.9.2017 for filing reply.

VICE CHAIRMAN.

ORAL ORDERS 10.08.2017-ATP

