

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

**ORIGINAL APPLICATION ST. NO. 1653/2018
(Shri Shivaji B. Satote V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 10.10.2018

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 10.12.2018.

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

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

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

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O.to 10-12-2018.

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

CHAIRMAN

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

**M.A. ST. 1713/2018 IN C.P. 51/2018 IN O.A. 478/2014
(Shri Dr. Vijay Satbir Singh, through the Secretary, Public Health Department,
Mantralaya, Mumbai & Ors. V/s. Dr. Sudha V. Kulkarni)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 10.10.2018

ORAL ORDER :

Heard Shri N.U. Yadav, learned Presenting Officer for applicants in M.A. / respondents in O.A. and Shri Ashish Rajkar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for respondent in M.A. / applicant in O.A.

2. At the request of learned P.O., S.O. to 5.11.2018.

CHAIRMAN

ARJ ORAL ORDERS 10-10-2018

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

**C.P. 60/2018 IN O.A. 678/2014
(Shri Dr. Suvarna M. Swami V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 10.10.2018

ORAL ORDER :

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

2. Learned P.O. states that the State desires to file S.L.P. and therefore hearing be adjourned.

3. Respondents are directed to state as to whether order of this Tribunal can be implemented subject to outcome of S.L.P. proposed to be filed. Statement in that regard be made on the next date.

4. S.O. to 19.11.2018.

5. Steno copy / hamdast allowed for the use of learned P.O.

CHAIRMAN

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

C.P. 36/2018 IN O.A. 846/2011

C.P. 37/2018 IN O.A. 843/2011

C.P. 38/2018 IN O.A. 842/2011

C.P. 39/2018 IN O.A. 278/2012

C.P. 40/2018 IN O.A. 634/2011

C.P. 41/2018 IN O.A. 277/2012

(Vilas S. Patil & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 10.10.2018

ORAL ORDER :

Heard Shri J.B. Choudhary, learned Advocate for the applicants in all these matters and Shri S.K. Shirse, learned Presenting Officer for respondents in all these matters.

2. Learned P.O. states that the State desires to file S.L.P. and therefore hearing be adjourned.

3. Respondents are directed to state as to whether order of this Tribunal can be implemented subject to outcome of S.L.P. proposed to be filed. Statement in that regard be made on the next date.

4. S.O. to 19.11.2018.

5. Steno copy / hamdast allowed for the use of learned P.O.

CHAIRMAN

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

**C.P. 68/2018 IN O.A. 941/2010
(Shri Sarvottam V. Apsingekar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 10.10.2018

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned C.P.O. has tendered affidavits of Shri U.P.S. Madan, Additional Chief Secretary (Home), the respondent no. 3 and Shri Sitaram Kunte, Additional Chief Secretary (Finance), respondent no. 5. Those are taken on record. The replies being satisfactory, the notice against costs issued to Shri U.P.S. Madan and Shri Sitaram Kunte are dropped.

3. Learned C.P.O. states that Home Department shall comply with the order within 2 months.

4. Reply from Shri Sunil Porwal, Additional Chief Secretary, Home Department to the notice of show cause is not filed nor a request for grant of time is received from Shri Sunil Porwal, Additional Chief Secretary, Home Department. Hence, hearing on costs is deferred to 5.11.2018.

5. In view of non compliance and failure to reply the Advocate's notice, this Tribunal's notice and failure to comply the order of show cause notice, issue bailable warrant against Shri Sunil Porwal,

Additional Chief Secretary, Home Department in a sum of Rs. 25,000/- a personal bond and solvent surety, returnable on 5.11.2018.

6. Steno copy & hamdast allowed for the use of both the sides.

CHAIRMAN

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

**C.P. 02/2016 IN O.A. 344/2014
(The Association of the Tech. Assistant through Shri Tukaram D. Patil V/s.
State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 10.10.2018

ORAL ORDER :

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

2. At the request of learned P.O. S.O. to 10.12.2018.

CHAIRMAN

ARJ ORAL ORDERS 10-10-2018

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

**C.P. 57/2018 IN O.A. 210/2013
(Shri Madhukar R. Mapari V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 10.10.2018

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 3.12.2018.

CHAIRMAN

ARJ ORAL ORDERS 10-10-2018

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

**C.P. ST. 1066/2018 IN O.A. 380/2018
(Dr. Prasad V. Kulkarni V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 10.10.2018

ORAL ORDER :

Heard Shri Vishnu Dhoble, learned Advocate
for the applicant and Shri M.S. Mahajan, learned
Chief Presenting Officer for respondents.

2. With consent of both the sides, S.O. to
5.11.2018.

CHAIRMAN

ARJ ORAL ORDERS 10-10-2018

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

**O.A. 792/2015 WITH M.A. 388/2018
(The Association of the Tech. Assistant through Shri Tukaram D. Patil V/s.
State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 10.10.2018

ORAL ORDER :

Heard Shri Vishnu Dhoble, learned Advocate for the applicant in O.A. and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents in O.A. and Shri Avinash Deshmukh, learned Advocate for the applicants in M.A..

2. With the consent of both the sides, S.O. to 5.11.2018.

CHAIRMAN

ARJ ORAL ORDERS 10-10-2018

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

**C.P. 47/2018 IN O.A. 138/2016
(Shri Dr. Sk. Faiz. Md. Noor Md. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 10.10.2018

ORAL ORDER :

Heard Shri I.D. Maniyar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondent nos. 1 to 3. None appears for respondent no. 4.

2. With consent of both the sides, S.O. to 5.11.2018.

CHAIRMAN

ARJ ORAL ORDERS 10-10-2018

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

**O.A. ST. NO. 1704/2018
(Shri Syed Saber Syed Ahmed V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 10.10.2018

ORAL ORDER :

Heard Shri Asif Ali, learned Advocate holding for Smt. A.N. Ansari, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 10.12.2018.

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

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

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

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O.to 10-12-2018.

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

CHAIRMAN

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

O.A. ST. NO. 1719/2018

(Shri Shaikh Javed Shaikh Mohammad V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 10.10.2018

ORAL ORDER :

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

2. Learned Advocate for the applicant prays for permission to substitute the Index. Leave granted.

3. Index be substituted within one week.

4. If substitution is done, issue notices to the respondents, returnable on 10.12.2018.

5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

6. 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.

7. 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.

8. 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.

9. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

10. S.O.to 10-12-2018.

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

CHAIRMAN

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

**O.A. NO. 708/2018
(Dr. Balaji S. Mundhe Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 10.10.2018

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. Learned P.O. prays for time.

3. Learned P.O. was called to state as to whether he has received instructions in the matter. Learned P.O. states that he has not received any request for grant of time.

4. Learned P.O. states that so far no communication is not received, and states that if hearing is adjourned, he shall make attempt to secure the response from the respondents.

5. In view of the foregoing it is evident that the respondents have failed to appear despite service, and also failed to give instructions to the office of learned C.P.O.

6. Hence, Admit. Matter to come up for final hearing in due course of time.

7. Interim relief granted earlier shall continue till final disposal of O.A.

CHAIRMAN

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 921/2016
(Shri Sanjay T. Mali V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 10.10.2018.

ORAL ORDER :

1. Shri A.D. Sugdare, learned Advocate for the applicant (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, present.

2. Learned Chief Presenting Officer files affidavit in reply on behalf of respondent Nos. 1 and 2 in view of the order passed by this Tribunal on 21.09.2018. Same is taken on record. He undertakes to serve copy of the same upon learned Advocate for the applicant.

3. S.O. to 10.12.2018.

KPB ORAL ORDER 10-10-2018

CHAIRMAN

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 600 OF 2016
(Shri Sadashiv J. Daware V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri K.M. Nagarkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that the service book of the present applicant was not properly maintained and the respondents have filed selected pages of the service book.

3. In the circumstances, the respondents are directed to bring service book of the applicant for perusal on the next date.

4. S.O. to 29.10.2018 for compliance.

5. Steno copy allowed to the learned Presenting Officer.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 598 OF 2015
(Shri Noorunisa Begum Abdul Rehman V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Dr. Kalpalata Patil-Bharaswadkar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for respondents.

2. Learned Presenting Officer files on record a copy of the order dated 17.11.2017 in W.P. No. 9933 of 2016 & Ors. passed by the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad. Same is taken on record and marked as document 'X' for the purposes of identification. He submits that the issue as to whether the second wife is entitled for family pension upon death of employee is pending before the Hon'ble High Court.

3. In that view of the matter, learned Advocate for the applicant seeks time to take further instructions in this regard.

4. S.O. to 05.12.2018.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 384 OF 2018
(Smt. Panchaphulabai R. Shirsath V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri R.L. Chintalwar, learned Advocate holding for Shri A.D. Sugdare, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 26.11.2018.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 526 OF 2017
(Smt. Meghmala G. Pallewad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri Prafulla Bodade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 27.11.2018.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 767 OF 2018
(Smt. Yogita D. Salve V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri D.A. Bide, learned Advocate for
the applicant and Smt. Priya R. Bharaswadkar,
learned Presenting Officer for respondents.

2. At the request of learned Advocate for the
applicant, S.O. to 16.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 332/2018 in O.A. St. No. 1178/2018
(Shri Pradeep P. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri D.A. Bide, learned Advocate holding for Shri A.S. Kadam, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 24.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 425 OF 2017
(Shri Prasad F. Pawar & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Dr. Swapnil Tawshikar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. Learned Presenting Officer has placed on record a copy of Craft Instructor, Class-III, in Industrial Training Institutes and Basic Training and Related Instruction Centers in the Department of Technical Education (Recruitment) Rules, 1983. Same is taken on record and marked as document 'X' for the purposes of identification. Copy of the same is served on the learned Advocate for the applicant.

3. S.O. to 25.10.2018 for hearing.

4. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NOS. 775, 778 & 940 ALL OF 2017
(Shri Dilip N. Sangale & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri Sudhir Patil, learned Advocate for the applicants in all these O.As. and Shri M.P. Gude and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officers for respondents in respective O.As.

2. Upon hearing both the sides, it appears that the decision in the C.P. filed before the Hon'ble High Court would have some bearing on the merit of the present O.As.

3. S.O. to 04.12.2018.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 832 OF 2017
(Shri Ramkrishan K. Mhaske & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

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

2. Learned Presenting Officer files on record a copy of communication dated 09.10.2018 received to her office from Under Secretary, Maharashtra State. Same is taken on record and marked as document 'X' for the purposes of identification. She has submitted that in view of the said decision the earlier decision of the Superintending Engineer, Public Works Department, Ahmednagar, copy of which is filed on record on the last dated i.e. on 21.09.2018 is sought to be withdrawn. It appears that the decision on merit in the present O.A. would be required.

//2//

O.A. NO. 832/2017

3. Learned Presenting Officer seeks time for filing affidavit in reply.

4. At her request, S.O. to 29.10.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 17 OF 2018
(Shri Raghunath V. Jagtap V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Shri K.B. Jadhav, learned Advocate for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for respondent Nos. 1 to 3 and Ms. Preeti Wankhade, learned Advocate for respondent No. 4, are present.

2. It is reported that Shri K.B. Jadhav, learned Advocate for the applicant has a personal difficulty.

3. In the circumstances, S.O. to 29.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 51 OF 2018
(Shri David S. Ganthur & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

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

2. Upon hearing both the sides, it appears that the issue regarding joining of necessary party has arisen.

3. In the circumstances, S.O. to 29.10.2018 for hearing on non-joining necessary party.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 574 OF 2018
(Sau Seema A. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Shri Gajanan Kadam, learned Advocate for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for respondents and Shri Pradeep Shahane, learned Advocate for respondent No. 8, are present.

2. At the request of learned Presenting Officer and learned Advocate for respondent No. 6, S.O. to 28.11.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 349/2017 in O.A. St. No. 1166/2017
(Shri Udalsingh A. Bohara V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri A.L. Kanade, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 30.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 350/2017 in O.A. St. No. 1168/2017
(Shri Janardhan P. Muley V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri A.L. Kanade, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 30.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 254/2018 in O.A. No. 943/2016
(Shri Uttam L. Bahirwad (LRs. & Ors.) V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Shri G.N. Kulkarni, learned Advocate for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents, present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 1. Same is taken on record. He undertakes to serve copy of the same upon learned Advocate for the applicant. She has submitted that affidavit in reply of respondent Nos. 2 & 3 is presently not necessary.

3. S.O. to 19.11.2018 for hearing.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 280/2018 with M.A. St. 1313/2018 in O.A. St. 1314/18
(Smt. Urmila P. Thakur & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri R.B. Temak, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 4. Same is taken on record and copy of the same has been served on the other side.

3. S.O. to 01.11.2018 for hearing.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 374/2018 in O.A. No. 599/2018 with
M.A. No. 375/2018 in O.A. No. 600/2018 with
M.A. No. 376/2018 in O.A. No. 601/2018 with
M.A. No. 377/2018 in O.A. No. 602/2018 with
M.A. No. 378/2018 in O.A. No. 603/2018 with
M.A. No. 379/2018 in O.A. No. 604/2018 with
M.A. No. 380/2018 in O.A. No. 605/2018 with
M.A. No. 381/2018 in O.A. No. 606/2018
(Shri Sunil V. Khadke & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Shri D.B. Thoke, learned Advocate for the applicants in all these matters (**Absent**). Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents in all these matters, present.

2. As none present for the applicant, S.O. to 05.11.2018.

3. All these matters be tagged together.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 101/2018 in O.A. St. No. 362/2018
(Shri Sandeep S. Thakur V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for respondents.

2. For the reasons stated in the Misc. Application, the delay of 315 days caused in filing the accompanying O.A. is hereby condoned.

3. Accordingly, the M.A. is disposed of without any order as to costs.

4. The office to register the O.A. on due scrutiny.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**O.A. St. No. 362/2018
(Shri Sandeep S. Thakur V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for respondents.

2. Upon registration of the O.A., issue notices to the respondents, returnable on 29.11.2018.

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

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

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

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, the case shall automatically stand dismissed without further reference to the Tribunal.

8. Without filing any detailed affidavit in reply, the concerned respondents are directed to go through the page No. 34, which would show that the pay scale of the deceased was Rs. 5200-20200, which apparently was for the post of Head-Constable. As against this Annexure A-7 (page no. 44) the application for grant of compassionate appointment was rejected by the respondent No. 3 on the ground that the deceased being granted pension from the pay scale of Police Sub Inspector (PSI) being a Group-B category employee, the applicant would not be entitled for compassionate appointment.

9. The respondent No. 3 is therefore, directed to go through those contradictory facts and to take corrective steps, if any, and

to file report in that regard before this Tribunal on the next date. If the respondent No. 3 is unable to take any corrective steps for any valid reasons, then a short affidavit explaining the reasons therefor shall be filed on the returnable date.

10 S.O. to 29-11-2018.

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

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**O.A. No. 765/2018
(Shri Mahaveer S. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri A.S. Shelke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 26.11.2018.

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

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

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

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, the case shall automatically stand dismissed without further reference to the Tribunal.

8. Learned Advocate for the applicant points that the present applicant was issued show cause notice on 06.07.2018 (Annexure A-5, page no. 41) as to why the punishment of stoppage of one increment (without effecting the increase in the salary) should not be imposed upon the present applicant. He further points towards Annexure A-8 (page no. 45) dated 18.06.2018, which would show that the present applicant was suspended from the service and it nowhere states that this suspension is in contemplation of any Departmental Enquiry. Thus according to him, a punishment of suspension as per Section 25(b) of the Maharashtra Police Act 1951 is imposed upon the present applicant, as the said suspension is not contemplation of any Departmental Enquiry. Even otherwise, he

submits that the proposal to impose the punishment of stoppage of increment for one year without effecting the pay scale would be a proposed minor punishment, which would not warrant suspension as such of the present applicant.

9. Considering all these facts on record, interim relief in terms of prayer clause XIV (D) is hereby granted till filing of the affidavit in reply by the respondents, which runs as under:-

“D. Pending hearing and final disposal of this Original Application, the impugned order dated 18.07.2018 issued by respondent bearing Outward No. Kaksha 4(7)/DE/ Suspension/ 2041/2018 may kindly be stayed and suspended.”

10 S.O. to 26-11-2018.

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

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 316/2018 in O.A. St. No. 1325/2018
(Shri Padmakar V. Kulkarni V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 22.11.2018 for filing affidavit in reply in M.A.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 243/2018 in O.A. St. No. 956/2018
(Shri Kashinath V. Alane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri R.P. Adgaonkar, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondent No. 1 and Smt. Suchita A. Dhongde, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for respondent Nos. 2 & 3.

2. At the request of learned Presenting Officer and learned Advocate for respondent Nos. 2 & 3, S.O. to 30.10.2018 for filing affidavit in reply in M.A.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 100/2018 in O.A. St. No. 398/2018
(Shri Vithal D. Savalsure V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri R.P. Adgaonkar, learned Advocate holding for Shri G.J. Kore, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 31.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 71/2018 in O.A. St. No. 103/2018
(Shri Khanderao D. Musande V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri R.P. Adgaonkar, learned Advocate holding for Shri G.J. Kore, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 31.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 357/2017 in O.A. St. No. 1239/2017
(Shri Prabhu R. Rathod V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri R.P. Adgaonkar, learned Advocate holding for Shri G.J. Kore, 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 31.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 333/2017 in O.A. St. No. 1192/2017
(Shri Mhadev S. Gulmire V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for respondents and Shri A.D. Gadekar, learned Advocate for respondent Nos. 2, 4 & 5.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 1 in M.A. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 05.11.2018.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 693 OF 2018
(Shri Ghansham S. Jaiswal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 25.10.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 668 OF 2018
(Smt. Sangita S. Telang V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri D.B. Bhange, learned Advocate
for the applicant and Smt. Priya R.
Bharaswadkar, learned Presenting Officer for
respondents.

2. At the request of learned Presenting Officer
for the respondents, S.O. to 19.11.2018 for filing
affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 544 OF 2018
(Shri Asaram B. Londhe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that the service on respondent No. 1 is already made. The acknowledgment is received, but only affidavit remained to be filed.

3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of all the respondents. Hence, no need to wait for the service affidavit of respondent No. 1.

4. S.O. to 30.10.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 487 OF 2018
(Shri Ramchandra L. Kulkarni V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 19.11.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 355 OF 2018
(Shri Krushna S. Edke V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

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

2. At the request of learned Presenting Officer
for the respondents, S.O. to 31.10.2018 for filing
affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 323 OF 2018
(Shri Yoseph C. Garud V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri Prafulla Bodade, learned Advocate holding for Shri J.B. Choudhary, 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 19.11.2018 for filing rejoinder affidavit.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 207 OF 2018
(Dr. Vinay P. Sonawane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 4. Same is taken on record and copy thereof has been served on other side.

3. S.O. to 29.10.2018 for hearing.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 201 OF 2018
(Shri Manzoor A. Shaikh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Shri Y.B. Pathan, learned Advocate
for the applicant and Shri S.K. Shirse, learned
Presenting Officer for respondents.

2. At the request of learned Presenting Officer
for the respondents, S.O. to 22.11.2018 for filing
affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 768 OF 2017
(Shri Rajan A. Lengde & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 10.10.2018.

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for respondent No. 1 and Shri A.D. Gadekar, learned Advocate for respondent Nos. 2 to 4.

2. At the request of learned Advocate for the applicant, S.O. to 20.11.2018.

VICE CHAIRMAN

KPB ORAL ORDER 10-10-2018

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

ORIGINAL APPLICATION NO. 250 OF 2014

[The Karyakari Adhikari Sanghatna, RTO, through its Joint Secretary
Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Smt. Vidya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh, 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 29th October, 2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 600 OF 2014

[Shri Amolsinh P. Gour Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri S.B. Bhosale, learned Advocate holding for Shri A.S. Bayas, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time. It is to be noted that the O.A. is very old. However, in the interest of justice, as a last chance, S.O. to 30th October, 2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 659 OF 2014

[Shri Sachin R. Kasar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri D.A. Bide, 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 26th November, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 766 OF 2018

[Shri Sudhir S. Katkar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri R.N. Chavan, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer submits that he would take instructions as to why in the matter (Annexure "A-6", page-43) i.e. declaration dated 25.9.2018 is made by the respondent No. 2, M.P.S.C. as against the earlier declaration made at page-41 i.e. in the result of preliminary examination, thus changing the rules during the selection process.
3. At the request of learned C.P.O. S.O. to 15th October, 2018. Upon failure this Tribunal may consider the issue of grant of interim relief in terms of order dated 4th October, 2018 of this Tribunal at Nagpur Bench in O.A. No. 780/2018 (Annexure "A-10", page-97).

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 563 OF 2014

[Shri Tushar B. Rajput Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri H.V. Tungar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.
2. Learned Presenting Officer seeks time to file sur-rejoinder. Time granted.
3. S.O. to 29th October, 2018 for filing sur-rejoinder.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 685 OF 2015

[Shri Rahul B. Kulkarni & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri R.P. Adgaonkar, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicants, S.O. to 16th October, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 824 OF 2017

[Shri Jeevan B. Sutar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant has filed affidavit in rejoinder and the same is taken on record and the copy thereof has been served on the other side.
3. In the circumstances, S.O. to 26th November, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 933 OF 2017

[Smt. Neha K. Parve Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri S.K. Chavan, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for respondent Nos. 1 & 2 and Shri G.S. Dahale, learned Advocate for respondent No. 3.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 1 and the same is taken on record and the copy thereof has been served on the other side. He submits that in fact addition of respondent No. 2 is wrong. Therefore, there is no need to file affidavit in reply on his behalf.

3. At the request of learned Advocate for respondent No. 3, S.O. to 2nd November, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

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

T.A.NO. 01/2018 (W.P. No. 15249/2017)

[Smt. Chanda R. Hingole Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri A.D. Gadekar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 19th November, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 12 OF 2018

[Shri Khandu T. Chavan Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 13th October, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 223 OF 2018

[Shri Madhav V. Kale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri G.M. Ghongade, learned Advocate holding for Shri Santosh G. Chapalgaonkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 26th November, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 422 OF 2018

[Dr. Raghuvir V. Bhosale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks two weeks' time to file application for amendment for addition of certain parties etc. Time granted as prayed for.

3. S.O. to 24th October, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 691 OF 2018

[Shri Sanjay J. Issar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply.

3. Learned Advocate for the applicant adverts attention of this Tribunal to the order dated 24.08.2018 passed in O.A. Nos. 270, 274, 275 & 276 ALL OF 2018 (Annexure "A-6", page-45). He submits that the facts in the present O.A. are exactly similar to the facts involved in the aforesaid OAs. Therefore, the concerned respondents can take similar action.

4. In the circumstances, the respondent No. 3, Superintendent of Police, Ahmednagar, is directed to go through the contents of the earlier order and to see any corrective steps can be taken as were taken in the aforesaid OAs. In case, respondent No. 3 comes to the conclusion that the same corrective steps are required to be taken, corrective steps shall be taken and report

O.A. NO. 691 OF 2018

shall be filed in the proceedings on the next date. In case, the concerned respondent No. 3 comes to the conclusion that no corrective steps can be taken then detailed affidavit in reply explaining the reasons be filed on the next date.

5. With this, S.O. to 2nd November, 2018. Learned Presenting Officer to act on steno copy.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 692 OF 2018

[Dr. Shobha S. Nisale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

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. Learned Presenting Officer seeks time to file short affidavit on the line of order dated 19.09.2018 passed by this Tribunal. Time granted.
3. At the request of learned Presenting Officer, S.O. to 23rd October, 2018 for filing short affidavit on the line of order dated 19.09.2018.
4. Learned Presenting Officer to act on steno copy.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 697 OF 2018

[Shri Mahesh B. Chavan & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Smt. Vidya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 27th November, 2018 for filing short affidavit.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 741 OF 2018

[Shri Prakash H. Khaparde Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri Ajay Deshpande, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. Learned Presenting Officer seeks short accommodation for taking steps on the line of the order dated 26.09.2018. At his request, S.O. to 16th October, 2018.
3. Learned Presenting Officer to act on steno copy.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 657 OF 2018

[Smt. Ayesha Feroz Khan Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Shri Milind K. Deshpande, learned Advocate for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, present.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent No. 1.

2. Await service of respondent No. 2.

3. S.O. to 1st November, 2018 for filing affidavit in reply for respondent No. 1.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 736 OF 2017

[Shri Sanjay U. Kale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to search for documentary evidence on the line of the order 6.9.2018. At his request, S.O. to 23rd October, 2018, as a last chance for taking steps on the line of the order dated 6.9.2018 and for hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 57 OF 2018

[Shri Uttam T. Dabhade & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Smt. Suchita A. Dhongde, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for reporting about the corrective steps taken. It is to be noted that vide order dated 29.01.2018 it was merely observed that respondents may take corrective steps. It however, appears that vide communication dated 10.08.2018 the authorities had interpreted as if this Tribunal has asked for certain positive steps.

3. In the circumstances, S.O. to 30th October, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 415 OF 2018

[Shri Rameshwar B. Shinde Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

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

2. Read the order dated 26.09.2018. On that date the learned Advocate for the applicant sought time to take instructions from the applicant as the application appeared to be infructuous. In view of absence of the applicant or his Advocate, S.O. to 29th October, 2018 either for making statement by the applicant or for passing necessary orders in the light of the order dated 26.09.2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 241 OF 2018

[Shri Sarfaraj Khan Lalkhan Pathan Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant has filed affidavit in rejoinder and the same is taken on record and the copy thereof has been served on the learned Presenting Officer.
3. By the present Original Application the applicant is seeking the following relief: -

“A. To hold and declare that the notice dated 03.01.2018 issued by the respondent No. 2 in respect of departmental enquiry in connection with the Paithan-Appegaon Development Pradhikaran as illegal and null and void by virtue of the rule 27 (b) (ii) of the Maharashtra Civil Services, Rules, 1982.

B. To quash and set aside the notice dated 03.01.2018 issued by the respondent no. 2 in respect of departmental enquiry in connection with the Paithan-Appegaon Development Pradhikaran.”

4. The relevant statements made in paragraph No. 2 in the affidavit in reply of respondent Nos. 1 & 2 are as under: -

“2. Under this circumstances the office of the Superintendent Engineer, Public works Circle, Aurangabad vide its letter dated 13 January, 2018 communicated the Executive Engineer, Public Works Division, Aurangabad stating to call the concerned officers and the employees I the said complaint and called for them for meeting in the office of the Superintendent Engineer, Public Works Circle, Aurangabad. The base reading of the above said notice shows that the applicant was not called for any D.E. He was called for meeting only to gather some information and documents from him. The applicant is also one of the responsible Officer for the said work.”

5. It is thus, clear that no departmental enquiry, as such, is initiated against the present applicant, which could have been probably against the rule 27 of the Maharashtra Civil Services (Pension) Rules, 1982. In the circumstances, no cause of action as yet has arisen. The present Original Application is, therefore, dismissed without any order as to costs. The liberty to file any of the proceedings in case any exigency arises is hereby granted.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 848 OF 2017

[Smt. Ranipanchsheela S. Bansode Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri Prafulla Bodade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 25th October, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 786 OF 2017

[Shri Kailash A. Pardeshi Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 30th October, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 350 OF 2018

[Dr. Balwant K. Choure Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Smt. Vidya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed affidavit in rejoinder to the affidavit in reply of respondent Nos. 1 & 2 and the same is taken on record and the copy thereof has been served on the other side.

3. In the circumstances, S.O. to 26th November, 2018 for hearing. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

O.A.NO. 519/2018 WITH O.A.NO. 534/2018

[Shri Vishwanath U. Chaudhari & Anr. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri G.R. Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicants in both these cases and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents in both these cases.

2. Learned Presenting Officer submits that presently the affidavit in reply of respondent No. 1 is not required. In the circumstances, S.O. to 30th October, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 67 OF 2018

[Dr. Mohd. Feroz Iqbal Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. Learned Presenting Officer submits that along with notice to the respondent, (M.P.S.C.), the copies of the annexures were not annexed by the applicant and interim relief is continued. She, therefore, seeks time to file affidavit in reply. It is to be noted that interim relief is continued since long for want of affidavit in reply.
3. With this observation, S.O. to 23rd October, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

M.A. 235/18 WITH M.A.ST.1148/18 IN O.A.44/13
[Dr. Rashmi P. Dhale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri A.D. Shinde, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.
2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 in M.A. No. 235/2018 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.
3. This is an application filed by the applicant for condonation of delay of about 543 days caused in filing M.A. for restoration of O.A. No. 44/2013.
4. For the reasons stated in the present M.A. No. 235/2018, the same is allowed and disposed of without any order as to costs. The delay of about 543 days caused in filing M.A. for restoration of O.A. No. 44/2013 is hereby condoned. The M.A. for restoration of O.A. be registered and numbered after due scrutiny.

MEMBER (A)

VICE CHAIRMAN

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

M.A.ST.1148/18 IN O.A.44/13

[Dr. Rashmi P. Dhale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri A.D. Shinde, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.
2. This is an application filed by the applicant for restoration of O.A. No. 44/2013, which was dismissed in default by an order dated 15.12.2016.
4. For the reasons stated in the present M.A. St. No. 1148/2018, the same is allowed and disposed of without any order as to costs and the O.A. No. 44/2013 is restored to its original file.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 44 OF 2013

[Dr. Rashmi P. Dhale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri A.D. Shinde, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.
2. Upon restoration of the present O.A., issue fresh notices to the respondents, returnable on 26th November, 2018.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the

O.A. NO. 44 OF 2013

questions 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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, O.A. shall automatically stand dismissed without further reference to the Tribunal.

8. S.O.to 26th November, 2018.

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

MEMBER (A)

VICE CHAIRMAN

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

**M.A.28/18 IN O.A.519/17 WITH M.A.29/18 IN O.A.520/17 WITH
M.A.30/18 IN O.A. 949/17 WITH O.A.521/17 WITH O.A. 480/17
(Shri Jitsingh L. Pardeshi & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri S.B. Sontakke, learned Advocate holding for Shri A.C. Deshpande, learned Advocate for the applicants in M.A. Nos. 28, 29 & 30 all of 2018. Shri S.S. Deve & Shri G.K. Kshirsagar, learned Advocates for the applicants in O.A. Nos. 527 & 480 both of 2017 respectively (**absent**). Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents in all these cases, present.

2. Learned Advocate Shri S.B. Sontakke holding for Shri A.C. Deshpande, learned Advocate for the applicants has filed on record decision rendered by the Principal Seat of this Tribunal at Mumbai in **O.A. No. 634/2017 (Shri Shrikant D. Sutar & Ors. Vs. State of Maharashtra & Ors.)** and the same is taken on record and marked as document 'X' for the purposes of identification.

3. Hearing from both the sides would show that the same issue has arisen in the present

M.A.28/18 IN O.A.519/17 & Gr.

O.As. Learned Presenting Officer seeks time to take instructions as to whether the said decision is challenged by the State in the Hon'ble High Court. At her request, S.O. to 30th October, 2018 for taking instructions on the above line and for passing necessary orders.

4. Learned Presenting Officer to act on steno copy.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 44 OF 2015

[Sow. Sulbha A. Dnyate Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Mrs. S.J. Kulkarni, learned Advocate for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondents, present.

2. The record would show that nobody is appearing in the matter since long except on one date seeking adjournment. In the circumstances, the present O.A. is dismissed in default without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 832 OF 2016

[Shri Vishal P. Gangawane Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri Ajay Deshpande, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for respondent Nos. 1 & 3 and Shri Ashish Rajkar, learned Advocate for respondent No. 2.

2. Learned Presenting Officer has filed on record Xerox copies of original record. The said copies are also served on the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 16th October, 2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 942 OF 2016

[Shri Shivaji S. Bhagade Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Shri H.P. Jadhav, learned Advocate for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondents, present.
2. Amendment application appears to have been filed by the applicant in pursuance of the order dated 4.9.2018.
3. In the circumstances, S.O. to 25th October, 2018 either for hearing or for passing necessary orders.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 713 OF 2017

[Shri Venkat D. Mundhe Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Upon hearing both the sides, it appears that the O.A. is apparently barred by limitation. The applicant however, submits that plea of the limitation is not raised in the present O.A. It appears that certain elaborate submission from both the sides on the provisions of Section 3 of the Limitation Act is required to be made.

3. In the circumstances, S.O. to 23rd October, 2018 for making submissions on the above line.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 437 OF 2015

[Shri Narayan G. Shegadewar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Shri N.B. Narwade, learned Advocate for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondents, present.
2. In view of absence of learned Advocate for the applicant, S.O. to 30th October, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 493 OF 2015

[Shri Ravindra M. Garje Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Shri N.B. Narwade, learned Advocate for the applicant (**absent**). Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, present.

2. In view of absence of learned Advocate for the applicant, S.O. to 30th October, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

O.A.NOS. 211 TO 217 ALL OF 2015

[Shri Venkat D. Mundhe Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. Heard Shri G.G. Suryawanshi, learned Advocate for the applicants in all these cases and Shri M.P. Gude, learned Presenting Officer for the respondents in all these cases.
2. Learned Presenting Officer submits that he will file affidavit in reply on behalf of respondent No. 1 in all these cases during the course of the day. The copies thereof be served on the learned Advocate for the applicant.
3. At the request of learned Advocate for the applicants, as a last chance, S.O. to 29th October, 2018 either for hearing or for passing necessary orders.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 10.10.2018-HDD

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

ORIGINAL APPLICATION NO. 424 OF 2015

[Dr. Suhas Parsewar & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE M.T. JOSHI, V.C.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 10.10.2018.

ORAL ORDER :

1. None appears for the applicants. Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 to 6 and Shri K.G. Salunke, learned Advocate for respondent No. 10, were present. Shri Avinash D. AGhav, learned Advocate for respondent No. 8, Shri Sachin G. Joshi, learned Advocate for respondent No. 9, Shri Vivek Bhavthankr, learned Advocate for respondent No. 11, Shri S.T. Shelke, learned Advocate for respondent No. 13, Shri S.B. Gastgar, learned Advocate for respondent No. 14, were absent.

2. The order of the Hon'ble High Court in Writ Petition would show that upon remand of the present case, parties were directed to appear before the Tribunal on 2.5.2018. However, despite waiting for several dates, the applicants, as well as, respondent as detailed above are absent.

3. In the circumstances, to have fair opportunity, S.O. to 25th October, 2018 either for hearing or for passing necessary orders.

MEMBER (A)
ORAL ORDERS 10.10.2018-HDD

VICE CHAIRMAN

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

**M.A. 166/2018 IN REV. ST. 639/2018 IN O.A. 207/2015
(State of Maharashtra & Ors. Vs. Balika D. Tawshikar)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 10.10.2018

ORAL ORDER :

Heard Shri N.U. Yadav, learned Presenting Officer for applicants in M.A. / respondents in O.A. and Shri Swapnil Tawshikar, learned Advocate holding for Shri Sk. Mazhar A. Jahagirdar, learned Advocate for respondent in M.A. / applicant in O.A.

2. M.A. no. 166/2018 has been filed by the applicants / respondents in O.A. for condonation of 515 days delay in filing Review Application.

3. Learned Advocate for respondents in M.A. does oppose the M.A. for condonation of delay.

4. In the circumstances, the M.A. is disposed of without any order as to costs and the delay of 515 days caused in filing Review Application is condoned.

5. Office to register the Review Application.

CHAIRMAN

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

**REV. ST. 639/2018 IN O.A. 207/2015
(State of Maharashtra & Ors. Vs. Balika D. Tawshikar)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 10.10.2018

ORAL ORDER :

Heard Shri N.U. Yadav, learned Presenting Officer for applicants in M.A. / respondents in O.A. and Shri Swapnil Tawshikar, learned Advocate holding for Shri Sk. Mazhar A. Jahagirdar, learned Advocate for respondent in M.A. / applicant in O.A.

2. This is an application filed by the State for review of order dtd. 25.10.2016 passed by the Tribunal in O.A. no. 207/2015. The relevant text of the said order reads as under :-

“6. Considering the aspect that office requires at least 4 to 5 months for processing the papers for family pension, respondents are directed to pay interest @ 10% per annum to the applicant from 1.1.2007 onwards till actual payment of amount.

7. Amount be disbursed within 3 months from the date of this order. O.A. stands disposed of accordingly with no order as to costs.”

3. This review application has been filed by the State on the grounds mentioned in para 7 & 8 of the R.A. The said para 7 & 8 read as under :-

“7. The applicants submits that the applicant no. 2 vide letter dated 8.8.2017 had informed to the applicant no. 3 that in view of the G.R. dated 30.10.2009 issued by the Finance Department, M.S. Mantralaya, Mumbai, that the respondent not at all eligible for the benefit of to revised

pension pay and hence the amount of arrears paid to the respondent is not admissible in view of the aforesaid G.R. because as per the clause 5.4 of the G.R. dated 30.10.2009, there is no provision to pay the arrears as per the revised pay fixation and therefore the interest on the aforesaid arrears is not admissible to the applicant, the copy of letter dated 8.8.2017 is annexed herewith and marked as Exh. R-4. The copy of communication dated 8.8.2017.

8. *The applicants submits that the facts of implementation of G.R. dated 30.10.2009 was neither pointed out during the disposal of O.A. No. 207/2015 by either of the parties and hence the Hon'ble Tribunal was pleased to disposed of the aforesaid O.A. on 25.10.2016."*

(Quoted from page 5 of MA No.166 of 2018)

4. Learned Advocate for respondent in Review Application has pointed out that the constitutional validity of G.R. dated 30.10.2009, denying the entitlement of claimant for interest based therein was examined in writ petition nos. 8734, 8908, 8985 all of 2011 (along with group of other writ petitions) and Hon'ble High Court has quashed and set aside the said G.R. He has pointed out this fact from para 23 of the judgment of Hon'ble High Court. The relevant portion of para 23 reads as under :-

"We hold the cut-off date 27th February, 2009 prescribed in Government Resolution dated 30th October, 2009 for payment of revised pension under the Maharashtra Civil Services (Pension) Rules, 1982, making it applicable to those employees who retired from 27th February, 2009 and not to those employees, who retired in between 1st January, 2006 to 26th February, 2009, as unconstitutional."

5. Learned Advocate for the respondent in Review Application has also pointed out that in S.L.P. (Civil) no. 191345/2016 the judgment of Hon'ble High Court in W.P. No.8734 of 2011 etc. has been upheld

by Hon'ble Supreme Court by dismissing the SLP filed by the State of Maharashtra.

6. Thus, the very foundation of Review Application is lost rather it would not be available on the day of filing of Review Application by the State.

7. In the circumstances, the Review Application is dismissed without any order as to costs.

CHAIRMAN

ARJ ORAL ORDERS 10-10-2018

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

**C.P. 46/2018 IN O.A. 207/2015
(Balika D. Tawshikar Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 10.10.2018

ORAL ORDER :

Heard Shri Swapnil Tawshikar, learned Advocate holding for Shri Sk. Mazhar A. Jahagirdar, learned Advocate for applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. With the consent of both the sides, S.O. to 5.11.2018.

CHAIRMAN

ARJ ORAL ORDERS 10-10-2018