

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 322/2015

(Shri Balasaheb M. Kulkarni Vs. The State of Mah. & Ors.)

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

Date : 11.07.2017

ORAL ORDER:-

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

2. The learned P.O. files on record the copy of the Government Orders regarding revision of pay scales & Allied Matters issued by the Finance Department of the Government of Maharashtra in October, 1988 and submits that this has been collected from the record as is available with the respondents. It is taken on record and marked as document 'X'.

3. At the request of learned Advocate for the applicant, S.O. to 28.7.2017 for going through the said documents and advancing submissions in the matter.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 479/2016 IN OA ST. 2092/2016

(Shri Sunil P. Wakchaure Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 11.07.2017

ORAL ORDER:-

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

2. By the present misc. application the delay of 21 days caused in filing the accompanying original application is sought to be condoned by the applicant.

3. Perused the application. Considered the contentions.

4. For the reasons stated in the misc. application it is allowed without any order as to costs and the delay of 21 days caused in filing the accompanying original application is condoned.

5. The original application be registered according to due procedure.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

OA ST. 2092/2016

(Shri Sunil P. Wakchaure Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 11.07.2017

ORAL ORDER:-

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

2. Issue notices to the respondents in the original application, returnable on 28.8.2017.

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

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

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

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

7. S.O. 28.8.2017.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 11.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 118/2017 IN OA ST. 346/2017

(Shri Udhav B. Pavale Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 11.07.2017

ORAL ORDER:-

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

2. The learned P.O. seeks time to take instructions from the concerned respondent regarding the decision on the representations of the applicant, which are allegedly appear to be pending since 2008 or so, as referred in the order of the Tribunal dated 30.3.2017. At his request, S.O. to 21.8.2017.

3. The learned C.P.O. to act upon the Steno copy of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 743/2016

(Shri Rakesh D. Barela Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 11.07.2017

ORAL ORDER:-

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

2. The learned P.O. submits that, in view of the developments in O.A. no. 146/2017, which is kept with the present matter, the responsible Officer would have to be called for seeking further instructions in the matter. At his request, S.O. to 28.7.2017.

3. The learned P.O. to act upon Steno copy of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

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

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 11.07.2017

ORAL ORDER:-

Shri P.B. Shirsath, learned Advocate for the applicants in all these matters **(absent)**. Smt. Sanjivani Deshmukh Ghate, Smt. Resha S. Deshmukh, Smt. Deepali S. Deshpande and Shri N.U. Yadav, learned Presenting Officers for the respective respondents in respective matters **(present)**.

2. None appeared for the applicants on the last date also. Perused the order of the tribunal dated 18.9.2012.

3. The Office and the learned P.O. are hereby directed to collect information from the official website of Hon'ble High Court regarding the present status of the pending writ petition 3276/1995.

3. In the circumstances, S.O. to 26.7.2017 for compliance by the learned P.O. as well as by the Office.

4. The learned P.O. to act upon the Steno copy of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NOS. 488/2013, 01/2015,
626/2015 AND 627/2015**

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 11.07.2017

ORAL ORDER:-

Shri Milind Patil, learned Advocate for the applicants in O.A. nos. 488/2013, 626/2015, 627/2015 **(Absent)**. Shri J.S. Deshmukh, learned Advocate for applicant in O.A. no. 01/2015 **(Leave Note)**. Shri M.P. Gude, Smt. Deepali S. Deshpande, Smt. Resha S. Deshmukh and Shri I.S. Thorat, learned Presenting Officers for the respective respondents in respective matters **(Present)**.

2. Read the order of the Tribunal dated 20.2.2017. The learned P.Os. seek time for taking information regarding the progress in the original applications, which are transferred to Principal Seat of this Tribunal at Mumbai as referred in the order of the Tribunal dated 20.2.2017. At their request, S.O. to 10.8.2017.

3. The learned P.Os. to act upon Steno copy of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA NO. 238/2017 IN OA NO. 641/2015

(Shri Bhagatsingh P. Patil (Pawar) Vs. The State of Mah. &
Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 11.07.2017

ORAL ORDER:-

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

2. The learned Advocate, on instructions from the applicant, submits that the applicant wishes to withdraw the present misc. application, however, liberty be granted to the applicant to make representation to the res. no. 2 – the District Collector, Aurangabad – for the relief claimed in the present misc. application.

3. In view of above submissions of the learned Advocate for the applicant, the misc. application is disposed of without any order as to costs. The applicant is at liberty to make representation to the res. no. 2 for the relief claimed in the present misc. application.

4. The original application be placed on board on 26.7.2017 as already posted.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 231/2017 WITH OA 297/2017

(Shri Ramesh S. Ghorpade Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 11.07.2017

ORAL ORDER:-

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The learned P.O. has filed affidavit in reply of res. no. 1 in the original application. The same is taken on record and copy thereof has been served upon the learned Advocate for the applicant. The learned Advocate for the applicant seeks time to go through the said reply and make his submissions.

3. As interim relief is running in the misc. application, S.O. to 25.7.2017 for filing rejoinder, if any, and hearing of the same. The interim relief granted in the misc. application to continue till then.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 59/2005

(Shri Manik P. Darade Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 11.07.2017

ORAL ORDER:-

Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent nos. 1 & 2 and Shri Avinash Deshmukh, learned Advocate for respondent no. 3.

2. The learned Advocate, on instructions from the applicant, submits that, in view of certain developments, which have occurred after filing of the present original application, the applicant does not want to proceed further in the matter. He, therefore, seeks permission to withdraw the present original application.

3. The learned P.O. for res. nos. 1 & 2 and the learned Advocate for res. no. 3 have no objection for withdrawal of the present original application.

4. In view of submissions of the learned Advocate for the applicant, the original application is disposed of as withdrawn, without any order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 438/2005

(Shri Pundlik P. Darade Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 11.07.2017

ORAL ORDER:-

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent nos. 1 & 2 and Shri V.B. Wagh, learned Advocate for respondent no. 3.

2. At the request of learned Advocate for the applicant, S.O. to 2.8.2017 for taking instructions from the applicant in the matter.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA NO. 509/2015 IN OA ST. 550/2015
(Shri Pradeep B. Kokate Vs. The State of Mah. & Ors.)

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

Date : 11.07.2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant seeks short time to file written notes of arguments on record. At her request, S.O. to 14.7.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA NO. 409/2016 IN OA ST. 1662/2016

(Shri Mohan Y. Sanap Vs. The State of Mah. & Ors.)

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

Date : 11.07.2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant seeks time to file documents on record as referred in the order dated 7.6.2017. At his request, S.O. to 26.7.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. 388/15 WITH M.A.St.860/15 IN O.A.St.861/15
M.A. 389/15 WITH M.A.St.864/15 IN O.A.St.865/15
M.A. 390/15 WITH M.A.St.858/15 IN O.A.St.859/15
M.A. 392/15 WITH M.A.St.871/15 IN O.A.St.872/15
M.A. 393/15 WITH M.A.St.873/15 IN O.A.St.874/15
M.A. 394/15 WITH M.A.St.875/15 IN O.A.St.876/15
M.A. 395/15 WITH M.A.St.866/15 IN O.A.St.867/15
M.A. 396/15 WITH M.A.St.862/15 IN O.A.St.863/15
M.A. 397/15 WITH M.A.St.869/15 IN O.A.St.870/15
M.A. 074/16 WITH M.A.St.217/16 IN O.A.St.218/16
M.A. 075/16 WITH M.A.St.220/16 IN O.A.St.221/16
M.A. 220/16 WITH M.A.St.785/16 IN O.A.St.786/16
M.A. 221/16 WITH M.A.St.788/16 IN O.A.St.789/16
M.A. 328/16 WITH M.A.St. 1353/16 WITH
OA St. 1354/16**

**(Maharashtra Rajya Rojandari Va Kayam Van Kamgar
Kruti Samiti V/s. State of Maharashtra & Ors)**

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 11-07-2017

ORAL ORDER:-

Shri A.S. Shelke, learned Advocate for the applicants in all these cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. All these present misc. applications are filed by the employees, who were originally daily wagers and had been regularized in due course of time. The issue appears to be regarding cutoff date for regularization as referred in the original applications. The delay in filing the original applications is ranging from 34 days to 908 days.

::-2-::

3. Considering the facts of the cases and the averments made in the present misc. applications for condonation of delay caused in filing the respective original applications, the same are hereby allowed as reasonable grounds are made therefor. There shall be no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.St.860/15 IN O.A.St.861/15
M.A.St.864/15 IN O.A.St.865/15
M.A.St.858/15 IN O.A.St.859/15
M.A.St.871/15 IN O.A.St.872/15
M.A.St.873/15 IN O.A.St.874/15
M.A.St.875/15 IN O.A.St.876/15
M.A.St.866/15 IN O.A.St.867/15
M.A.St.862/15 IN O.A.St.863/15
M.A.St.869/15 IN O.A.St.870/15
M.A.St.217/16 IN O.A.St.218/16
M.A.St.220/16 IN O.A.St.221/16
M.A.St.785/16 IN O.A.St.786/16
M.A.St.788/16 IN O.A.St.789/16
M.A.St. 1353/16 WITH OA St. 1354/16**

**(Maharashtra Rajya Rojandari Va Kayam Van Kamgar
Kruti Samiti V/s. State of Maharashtra & Ors)**

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 11-07-2017

ORAL ORDER:-

Shri A.S. Shelke, learned Advocate for the applicants in all these cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. These are the misc. applications preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the misc. applications and since the cause and the prayers are identical and since the applicants have prayed for same reliefs, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of

::-2-::

requisite court fees stamp, if not paid already and accompanying original applications be registered and numbered, and the present misc. applications stand disposed of accordingly without any order as to costs.

4. The office to register the accompanying original applications after due scrutiny.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**O.A.St.861/15, O.A.St.865/15, O.A.St.859/15,
O.A.St.872/15, O.A.St.874/15, O.A.St.876/15
O.A.St.867/15, O.A.St.863/15, O.A.St.870/15
O.A.St.218/16, O.A.St.221/16, O.A.St.786/16
O.A.St.789/16, OA St. 1354/16**

**(Maharashtra Rajya Rojandari Va Kayam Van Kamgar
Krutu Samiti V/s. State of Maharashtra & Ors)**

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 11-07-2017

ORAL ORDER:-

Shri A.S. Shelke, learned Advocate for the applicants in all these cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Both the sides submit that, notices to the respondents in the original applications are not required in view of earlier developments occurred in the matter.

3. The learned C.P.O. seeks time for filing affidavit in reply to the amended original applications. At his request, S.O. to 24.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 879/2016
(Shri Sk Mujib Sk Gafar V/s. State of Maharashtra & Ors.)**

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

DATE : 11.07.2017.

ORAL ORDER:-

Heard Shri A.D. Gadekar, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for respondent nos. 1 & 2 and Shri S.D. Dhongde, learned Advocate for respondent no. 3.

2. At the request of learned Advocate for respondent no. 3, S.O. to 10.08.2017.

MEMBER (J)

KPB ORAL ORDER 11-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 434/2017

(Shri Abhijit S. Sable V/s. State of Maharashtra & Ors.)

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

DATE : 11.07.2017.

ORAL ORDER:-

Heard Shri M.R. Kulkarni, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent nos. 1 to 3 and Shri S.D. Dhongde, learned Advocate for respondent no. 4.

2. Issue notices to the respondent nos. 1 to 3, returnable on 14.08.2017.

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

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

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

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

7. S.O.to 14-08-2017.

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

MEMBER (J)

KPB ORAL ORDER 11-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 784/2016
(Shri Shaikh Mehboob Yakubsab V/s. State of Maharashtra & Ors.)

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

DATE : 11.07.2017.

ORAL ORDER:-

Heard Shri Girish N. Kulkarni (Mardikar), learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for respondents, S.O. to 01.08.2017.

MEMBER (J)

KPB ORAL ORDER 11-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 785/2016
(Dr. Aruna S. Pardeshi V/s. State of Maharashtra & Ors.)**

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

DATE : 11.07.2017.

ORAL ORDER:-

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

2. Learned Chief Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted as a last chance.
3. S.O. to 18.08.2017.

MEMBER (J)

KPB ORAL ORDER 11-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 824/2016
(Dr. Asha A. Kadam V/s. State of Maharashtra & Ors.)**

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

DATE : 11.07.2017.

ORAL ORDER:-

Heard Shri Vishwas Solanke, learned Advocate holding for Shri R.D. Khadap, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondent nos. 1 to 3. Shri P.R. More, learned Advocate for respondent nos. 4 & 5, **absent**.

2. Learned Advocate for the applicant seeks time to take instruction from the applicant as to whether she has filed representation with the respondents claiming relief which is claimed in the present O.A. Time granted.

3. S.O. to 11.08.2017.

MEMBER (J)

KPB ORAL ORDER 11-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 913/2016
(Shri Rameshwar S. Waghmare V/s. State of Maharashtra & Ors.)

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

DATE : 11.07.2017.

ORAL ORDER:-

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

2. Learned Chief Presenting Officer has submitted that he has received para wise remarks from the respondents and therefore, he sought time as a last chance for filing affidavit in reply. Time granted.

3. S.O. to 08.08.2017.

MEMBER (J)

KPB ORAL ORDER 11-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 54/2017
(Shri Balaji V. Malchpure V/s. State of Maharashtra & Ors.)

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

DATE : 11.07.2017.

ORAL ORDER:-

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

2. Learned Chief Presenting Officer has submitted that he has received para wise remarks from the respondents and therefore, he sought time as a last chance for filing affidavit in reply. Time granted.

3. S.O. to 08.08.2017.

MEMBER (J)

KPB ORAL ORDER 11-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 32/2017
(Smt. Subhadrabai N. Sonwane V/s. State of Maharashtra & Ors.)

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

DATE : 11.07.2017.

ORAL ORDER:-

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

2. Learned Advocate for the applicant seeks time to go through the affidavit in reply of respondent nos. 1 to 4. Time granted.

3. S.O. to 01.08.2017.

MEMBER (J)

KPB ORAL ORDER 11-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 172/2017

(Shri Tahar Ali Shah Mohammad Ali Shah V/s. State of Maharashtra & Ors.)

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

DATE : 11.07.2017.

ORAL ORDER:-

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

2. Learned Chief Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 01.08.2017.

MEMBER (J)

KPB ORAL ORDER 11-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 199/2017
(Smt. Rajubai S. Patil V/s. State of Maharashtra & Ors.)

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

DATE : 11.07.2017.

ORAL ORDER:-

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

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 01.08.2017.

MEMBER (J)

KPB ORAL ORDER 11-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 237/2017
(Shri Mukund S. Kachare V/s. State of Maharashtra & Ors.)

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

DATE : 11.07.2017.

ORAL ORDER:-

Shri S.S. Bansode, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 2. Same is taken on record and the copy thereof, has been served upon the learned Advocate for the applicant.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of other respondents. Time granted.

4. S.O. to 11.08.2017.

MEMBER (J)

KPB ORAL ORDER 11-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 238/2017
(Shri Pramod D. Sangave V/s. State of Maharashtra & Ors.)

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

DATE : 11.07.2017.

ORAL ORDER:-

Shri S.S. Bansode, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 11.08.2017.

MEMBER (J)

KPB ORAL ORDER 11-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 279/2017
(Smt. Rekha Ashok Bonalwar V/s. State of Maharashtra & Ors.)

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

DATE : 11.07.2017.

ORAL ORDER:-

Shri V.G. Pingle, learned Advocate for the applicant,
Shri S.K. Shirse, learned Presenting Officer for
respondent nos. 1 to 3 and Shri A.D. Aghav, learned
Advocate for respondent nos. 4 & 5.

2. Learned Presenting Officer and learned Advocate for
respondent nos. 4 & 5 seek time to file affidavit in reply.
Time granted.

3. S.O. to 14.08.2017.

MEMBER (J)

KPB ORAL ORDER 11-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 301/2017
(Dr. Seema P. Panad V/s. State of Maharashtra & Ors.)

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

DATE : 11.07.2017.

ORAL ORDER:-

Shri V.B. Wagh, learned Advocate for the applicant,
Shri D.R. Patil, learned Presenting Officer for respondent
nos. 1 & 2 and Shri B. S. Mundhe, learned Advocate for
respondent no. 3.

2. Learned Presenting Officer seeks time to file
affidavit in reply on behalf of respondent Nos. 1 & 2. Time
granted.

3. S.O. to 28.07.2017.

MEMBER (J)

KPB ORAL ORDER 11-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 308/2017
(Dr. Vitthal L. Paratwagh V/s. State of Maharashtra & Ors.)

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

DATE : 11.07.2017.

ORAL ORDER:-

Shri Shamsundar B. Patil, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

4. S.O. to 11.08.2017. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 11-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 167/2017
(Shri Fakirrao A. Wadhve V/s. State of Maharashtra & Ors.)

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

DATE : 11.07.2017.

ORAL ORDER:-

Shri Ashish Rajkar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Today, the learned Presenting Officer has placed on record a copy of No Enquiry and No Dues Certificate issued by the Collector, Parbhani as per the directions given by this Tribunal on 21.06.2017, which is forwarded to the Accountant General-II, Nagpur. Copy of the same is placed on record and marked as 'Exhibit-X' for the purposes of identification.

3. Learned Advocate for the applicant submits that he wants to take instruction from the applicant as regards the documents produced by the respondents and therefore, he seeks time. Time granted.

4. S.O. to 24.07.2017.

MEMBER (J)

KPB ORAL ORDER 11-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 38/2017

(Shri Mir Firasat Mir Mohammed Ali V/s. State of Maharashtra & Ors.)

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

DATE : 11.07.2017.

ORAL ORDER:-

Heard Shri Vivek G. Pingle, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondent nos. 1 to 3 and Shri Shamsundar B. Patil, learned Advocate for respondent no. 4.

2. Learned Advocate for the applicant has submitted that the respondents in their affidavit in reply have submitted that the applicant had not filed leave application in prescribed format and therefore, his application was rejected. He has submitted that the applicant wants to approach the respondents by filing fresh application for grant of leave in prescribed format and therefore, he seeks leave of this Tribunal to withdraw the present O.A.

3. As the applicant does not want to proceed with the present O.A. and intends to file fresh application for

//2//

O.A. No. 38/2017

grant of leave in the prescribed format, the O.A. stands disposed of as withdrawn with liberty to approach this Tribunal on fresh cause of action. There shall be no order as to costs.

MEMBER (J)

KPB ORAL ORDER 11-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 316 OF 2017
(Shri Shamsundar S. Mhetre Vs. The State of Maha. and
Ors.)**

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

DATE : 11.07. 2017.

ORAL ORDER:

1. Heard Shri K.G. Salunke – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that this Tribunal has passed an interim order dated 06.06.2017 directing the respondents to maintain status quo, till filing of the affidavit in reply, if the applicant is not relieved from the present post. He has submitted that the applicant has not yet been relieved and no relieving order has been served upon the applicant, but the respondents are not allowing him to work at S.R.T.R. Medical College & Hospital, Ambajogai, Tq. Ambajogai, District Beed.

3. Learned Presenting Officer has submitted that the applicant has already been relieved from the present post of Head Clerk of S.R.T.R. Medical College & Hospital, Ambajogai. She has produced a copy of communication dated 10.07.2017 sent by the Dean, S.R.T.R. Medical College & Hospital, Ambajogai to the office of Chief Presenting Officer, Maharashtra Administrative Tribunal Mumbai Bench at Aurnagabad. The copy of the said communication is taken on record and marked as document 'X' for the purposes of identification.

O.A. NO. 316 OF 2017

4. On going through the aforesaid communication dated 10.07.2017, it reveals that respondent No. 2 has mentioned that the applicant has been relieved from his present post of Senior Clerk, S.R.T.R. Medical College & Hospital, Ambajogai, but no date of relieving has been mentioned. Therefore, the respondent No. 2 is directed to give details as to when the applicant has been relieved and when he has been served with the relieving order.
5. Learned Presenting Officer has sought time to file affidavit in reply. Time granted.
6. S.O. to 17th July, 2017.
7. Learned Presenting Office to act upon steno copy.

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 347 OF 2017
(Shri Sanjay S. Gaikwad V/s. State of Maha. & Ors.)**

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

DATE : 11.07.2017.

ORAL ORDER:-

Heard Shri V.B. Wagh - learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar - 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. 16th August, 2017. Interim relief granted earlier to continue till then.

MEMBER (J)

ORAL ORDERS 11.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 325 OF 2017
(Dr. Vivek V. Kamble V/s. State of Maha. & Ors.)**

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

DATE : 11.07.2017.

ORAL ORDER:-

Heard Shri Syed Zahed Ali, learned Advocate holding for Shri Gajanan Kadam - learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar - learned Presenting Officer for the respondent Nos. 1 to 4. None appears for respondent Nos. 5 & 7.

2. Learned Advocate Shri A.B. Gaikwad appeared today before this Tribunal and submitted that he is appearing on behalf of respondent No. 6 viz. the District Health Officer, Zilla Parishad, Aurangabad. He has filed **VAKALATNAMA** on his behalf and the same is taken on record.

3. At the request of learned Advocate for the applicant, S.O. to 20th July, 2017.

MEMBER (J)

ORAL ORDERS 11.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 343 OF 2017
(Smt. Mrunalini S. Bawiskar V/s. State of Maha. & Ors.)**

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

DATE : 11.07.2017.

ORAL ORDER:-

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

2. Learned Presenting Officer for the respondents has submitted that he has received para-wise remarks from the respondents to file affidavit in reply and prays for time. Time granted.

3. S.O. to 25th July, 2017. Interim relief granted earlier to continue till then.

MEMBER (J)

ORAL ORDERS 11.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 340 OF 2017
(Shri Kishor N. Choudhari V/s. State of Maha. & Ors.)**

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

DATE : 11.07.2017.

ORAL ORDER:-

Heard Shri Kakasaheb B. Jadhav - learned Advocate for the applicant and Shri N.U. Yadav - learned Presenting Officer for the respondents.

2. Learned Presenting Officer for the respondents prays for filing affidavit in reply. Time granted.
3. S.O. to 14th August, 2017.

MEMBER (J)

ORAL ORDERS 11.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 323 OF 2017
(Shri Vikas A. Mali V/s. State of Maha. & Ors.)**

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

DATE : 11.07.2017.

ORAL ORDER:-

Heard Shri Dhobale, learned Advocate holding for Shri N.L. Choudhari - learned Advocate for the applicant and Shri S.K. Shirse - 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. 16th August, 2017.

MEMBER (J)

ORAL ORDERS 11.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 25/2017 IN O.A.ST.NO. 3012/2016
(Shri Rajaram M. Kannewar V/s. State of Maha. & Ors.)**

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

DATE : 11.07.2017.

ORAL ORDER:-

Heard Shri Avinash S. Deshmukh, learned Advocate holding for Ms. Preeti R. Wankhade - learned Advocate for the applicant and Shri M.P. Gude - learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 12.07.2017.

MEMBER (J)

ORAL ORDERS 11.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 404 OF 2016
(Dr. Avinash T. Landge V/s. State of Maha. & Ors.)**

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

DATE : 11.07.2017.

ORAL ORDER:-

Heard Shri Avishkar S. Shelke - learned Advocate for the applicant, Smt. Resha S. Deshmukh - learned Presenting Officer for respondent Nos. 1 to 3 and Shri R.L. Adhe, learned Advocate holding for Shri A.A. Nimbalkar – learned Advocate for respondent No. 4.

2. At the request of learned Advocate for respondent No. 4, S.O. to 26th July, 2017.

MEMBER (J)

ORAL ORDERS 11.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 419 OF 2017
(Shri Bhaskar V. Waghmare V/s. State of Maha. & Ors.)**

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

DATE : 11.07.2017.

ORAL ORDER:-

Heard Shri V.B. Wagh - learned Advocate for the applicant, Mrs. Priya R. Bharaswadkar - learned Presenting Officer for respondent Nos. 1 to 5 and Shri A.S. Deshmukh - learned Advocate for Intervenor (proposed respondent No.6).

2. Issue notices to the respondents, returnable on 27th July, 2017.

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

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

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

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

7. S.O. to 27th July, 2017.

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

MEMBER (J)

ORAL ORDERS 11.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 234/2017 IN O.A.NO. 419/2017
(Smt. Ashwini V. Kanhadkar V/s. State of Maha. & Ors.)**

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

DATE : 11.07.2017.

ORAL ORDER:-

Heard Shri Avinash S. Deshmukh - learned Advocate for the miscellaneous applicant (Intervenor), Mrs. Priya R. Bharaswadkar - learned Presenting Officer for respondent Nos. 2 to 6 and Shri V.B. Wagh – learned Advocate for respondent No. 1/original applicant.

2. Issue notices to the respondents in M.A. No. 234/2017, returnable on 27th July, 2017

3. Learned Advocate for the original applicant, as well as, learned Presenting Officer for respondent Nos. 2 to 6 waives notice of service.

MEMBER (J)

ORAL ORDERS 11.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 169/2017 IN O.A.ST.NO. 554/2017
(Shri Rajnikant Ram Durge @ Rajnikant Eknathrao
Mortate V/s. State of Maha. & Ors.)**

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

DATE : 11.07.2017.

ORAL ORDER:-

1. Heard Shri Avinash N. Patil - learned Advocate for the applicant and Shri V.R. Bhumkar - learned Presenting Officer for the respondents.

2. The applicant has preferred the present Miscellaneous Application seeking condonation of delay of about 80 days caused in filing the accompanying O.A.

3. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record and the copy thereof has been served on the learned Presenting Officer.

4. The applicant has submitted that the applicant has filed the accompanying Original Application challenging the impugned order dated 30.01.2016 issued by the Superintendent of Police, Parbhani i.e. respondent No. 3, thereby rejecting the application/proposal of the applicant for appointment on compassionate ground. He has submitted that the applicant ought to have filed the accompanying Original Application on or before 31st January, 2017, but due to financial crunches, he could not able to approach this Tribunal. He has further submitted that the applicant approached the Hon'ble Bombay High Court Bench at Aurangabad by filing Writ Petition No. 4782/2017, but

**M.A.NO. 169/2017 IN
O.A.ST.NO. 554/2017**

subsequently the applicant had withdrawn the said Writ Petition seeking liberty to approach this Tribunal for seeking appropriate relief. Accordingly, Writ Petition was disposed of on 11.04.2017. He has submitted that because of the said reasons there was delay of 80 days'. It was not willful, intentional and deliberate delay on the part of the applicant. He has further submitted that valuable right of the applicant has involved in the matter. Therefore, he prayed to allow the present miscellaneous application and to condone the delay.

5. Respondent Nos. 1 to 3 have filed affidavit in reply and opposed the present application contending that the applicant has not approached this Tribunal in time and the delay caused in filing accompanying O.A. is deliberate and willful. Therefore, they prayed to dismiss the present M.A.

6. On going through the record, it reveals that the applicant is challenging the order dated 30.1.2016 passed by respondent No. 3. By the said order the applicant's application for appointment on compassionate ground is rejected on the ground that the adoption deed on the basis of which the applicant is claiming employment is not legal. The applicant ought to have filed the O.A. on or before 1.2.2017, but he filed the accompanying O.A. along with M.A. for condonation of delay on 21st April, 2017. There is delay of about 80 days' in filing the accompanying O.A. According to the applicant, there is delay in filing O.A. because of financial crunches and because of wrong advice given to him to approach the Hon'ble High Court. He approached the Hon'ble

**M.A.NO. 169/2017 IN
O.A.ST.NO. 554/2017**

High Court by filing Writ Petition No. 4782/2017, but subsequently he had withdrawn the said Writ Petition and accordingly it was disposed of on 11.04.2017. He wasted the time in filing litigation in the Hon'ble High Court on wrong advice given to him. Due to the said facts there is delay in filing the accompanying O.A. The said grounds mentioned by the applicant in the delay condonation application, appears to be genuine and satisfactory. Valuable rights of the applicant are involved in the accompanying Original Application. Moreover, the said delay also does not appear to be willful, intentional and deliberate. Hence, having regard to the said aspects, the said delay caused in filing accompanying Original Application deserves to be condoned in the interest of justice by allowing the present Miscellaneous Application.

7. In the result, the present miscellaneous application is allowed in terms of prayer clauses 'A' and 'B' thereof and delay of about 80 days caused in filing accompanying original application stands condoned. Accompanying O.A. be registered and numbered. Accordingly, the present M.A. stands disposed of with no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO. 554 OF 2017
(Shri Rajnikant Ram Durge @ Rajnikant Eknathrao
Mortate V/s. State of Maha. & Ors.)**

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

DATE : 11.07.2017.

ORAL ORDER:-

1. Heard Shri Avinash N. Patil - learned Advocate for the applicant and Shri V.R. Bhumkar - learned Presenting Officer for the respondents.

2. After registration of the present Original Application issue notices to the respondents, returnable on 16th August, 2017.

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

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

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

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

7. S.O. to 16th August, 2017.

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

MEMBER (J)

ORAL ORDERS 11.07.2017-HDD

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.567/2015.

(Dr. N. B. Chavan Vs. State of Mah. & Ors.)

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

DATE : 11-07-2017

ORAL ORDER:-

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

2. The learned Advocate, on instructions from the applicant, seeks permission to withdraw the present original application.

3. Accordingly, permission as sought for by the learned Advocate for the applicant is granted and the original application is disposed of as withdrawn without any order as to costs.

VICE CHAIRMAN.

ORAL ORDERS 11-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.436/2017.

(Shreya d/o Birjugal 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 : 11-07-2017

ORAL ORDER:-

Heard Miss Pradnya Talekar learned Advocate holding for Shri S. B. Talekar learned Advocate for the applicant and Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. Issue notices to the Respondents, returnable on 2nd August, 2017.

3. Presently considering the fact that, though in the advertisement no post was advertised from N.T.(B) category and the applicant declared herself in the application form from N.T.(B) category and could not have been taken part in the selection process, in the application form itself the respondent has given an option to pay full fees in case the applicant wants to be considered from Open category. Accordingly the

applicant has paid full fees and as such, it prima facie appears that, she should have been considered from the Open category.

The learned P.O. Smt. Bharaswadkar points that still application form (page no.20) would show that candidate even after payment of full fees would not be considered for horizontal reservation in Open category.

4. However, detail hearing from both sides on this aspect would be required finding that presently selection process is going on the Respondents are directed to allow the applicant in further process of selection as per her eligibility. The respondents are therefore, directed to declare the result of the present applicant and proceed further if otherwise she is found eligible for participation in further selection process from Open / Open female category.

5. Tribunal may take the case for final disposal at this stage 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 M.A. Respondent is 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 question 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. S.O. 02.08.2017.

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

VICE CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.82/2017.
(Shri Shaikh Rabbani 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 : 11-07-2017

ORAL ORDER:-

Heard Miss Ashlesha Raut learned Advocate holding
for Shri S. B. Talekar learned Advocate for the applicant
and Shri S. K. Shirse learned Presenting Officer for the
respondents.

2. Miss Ashlesha Raut learned Advocate holding for
Shri S. B. Talekar learned Advocate for the applicant
seeks time. At her request, S. O. to 9.8.2017.

VICE CHAIRMAN.

ORAL ORDERS 11-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

CP NO.15/2014 IN OA NO.1128/1999.
(Shri R. R. Landge 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 : 11-07-2017

ORAL ORDER:-

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

2. The learned P.O. files on record the communication along with the G.R. He submit that, in view of the said G.R. the compliance of the order in O.A. is made. The same is accepted and marked as document "X" for the purpose of identification.

3. The learned Advocate for the applicant seeks time to take instructions from the applicant. At his request, S. O. to 09.08.2017 for taking instructions.

VICE CHAIRMAN.

ORAL ORDERS 11-07-2017-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 : 11-07-2017

ORAL ORDER:-

Heard Shri H. B. Pawar learned Advocate holding for 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. seeks time to file affidavit in reply. Upon hearing both sides it appears that, the issue in the present application is as to whether the applicant can be selected despite the fact that, the Sports certificate produced by him was not authenticated by the competent authority on the ground that, the Organization through which the applicant has participated in certain Sports was not affiliated to Indian Olympic Association (Annexure A-7, page 31).

3. The learned Advocate for the applicant is also therefore, directed to take instructions in this regard and respondent is also to file affidavit in reply.

4. S. O. to 10.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 11-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.541/2016.
(Shri Ashish Vitthal Vangwar 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 : 11-07-2017

ORAL ORDER:-

Heard Shri S. P. Dhobale learned Advocate holding for Shri N. L. Choudhari learned Advocate for the applicant and Shri S. K. Shise learned Presenting Officer for the respondents with consent.

2. The present applicant is seeking selection to the post of Peon from Open category.

3. The advertisement dated 5.6.2014 would show that, 75 marks were prescribed for written test and 25 marks were prescribed for oral interview.

4. According to the applicant he secured equal marks with the last of the candidate from Open category in written test. However, in oral interview he secured less marks. Therefore, he being senior in age ought to have been selected.

5. Unfortunately, however, the aggregate marks of the applicant are admittedly less than the Respondent no.4 i.e. the last selected candidate.

6. In the circumstances, the application is dismissed in *limine* without any order as to costs.

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 : 11-07-2017

ORAL ORDER:-

Heard Shri Avinash Aplod 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. seeks time to file affidavit in reply
of newly added Respondent no.4.

3. Upon hearing both the sides, it appears that, very
issue of tenability of the present application would come
as presently only show cause notice is issued to the
applicant in a Departmental Enquiry, and the concerned
Respondents are yet to take the decision finally as to
whether present applicant should be exonerated from the
charges or any punishment should be inflicted.

4. The learned Advocate for the applicant seeks time to satisfy on the said issue. At the request of both the sides, S. O. to 10.08.2017.

ORAL ORDERS 11-07-2017-ATP

VICE CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.664/2016.
(Shri S. W. Asole 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 : 11-07-2017

ORAL ORDER:-

None present for the applicant. Smt P. R. Bharaswadkar learned Presenting Officer for the respondents is present.

2. The learned P.O. seeks time for filing affidavit in reply. As a last chance time is granted.
3. S. O. to 22.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 11-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

M. A. No.239/2018 IN O. A. No. 906/2016.
(Dr. A. R. Ladwanjari & 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 : 11-07-2017

ORAL ORDER:-

Heard Shri A. G. Talhar learned Advocate for the applicants and Shri V. R. Bhumkar learned Presenting Officer for the respondents.

2. Issue notice in M.A. to the proposed respondents before deciding the present application for amendment, returnable on 23rd August, 2017.

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

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

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

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

7. S.O. 23.08.2017.

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

VICE CHAIRMAN.

ORAL ORDERS 11-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.45/2017.
(Smt Sunita R. Thite 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 : 11-07-2017

ORAL ORDER:-

Heard Shri S. B. Mene learned Advocate holding for Shri Ajay Deshpande learned Advocate for the applicant and Shri N. U. Yadav learned Presenting Officer for the respondents.

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

3. S. O. to 08.08.2017 for hearing on admission.

VICE CHAIRMAN.

ORAL ORDERS 11-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.272/2017.
(Dr. Vaishali P. Deshpande 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 : 11-07-2017

ORAL ORDER:-

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

2. The learned P. O. seeks time to file affidavit in reply. Time to file reply is hereby granted. At his request, S. O. to 02.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 11-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

MA NO.336/2016 IN OA ST.NO.1567/2016.
(Shri B. P. Gosavi 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 : 11-07-2017

ORAL ORDER:-

It is reported that Shri J. S. Deshmukh learned Advocate for the applicant has filed leave note. Heard Shri V. R. Bhumkar learned Presenting Officer for the respondents.

2. The learned P.O. seeks time for taking step by the learned Collector in view of the order passed on 5.7.2017. At his request, S. O. to 21.8.2017 for taking steps and report accordingly.

VICE CHAIRMAN.

ORAL ORDERS 11-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

MA NO.394/16 IN CP ST.1810/16 IN OA 162/14.
(Shri A. S. Mane 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 : 11-07-2017

ORAL ORDER:-

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

2. The learned P. O. submits that, the respondents have appointed Special Counsel. She placed on record the said appointment order. The same is accepted and marked as document "X" for the purpose of identification.

3. S. O. to 21.7.2017.

VICE CHAIRMAN.

ORAL ORDERS 11-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

OA Nos. 217, 218 and 219 of 2017.

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 : 11-07-2017

ORAL ORDER:-

Heard Shri J. M. Murkute learned Advocate for the applicants and Shri M. S. Mahajan learned C. P.O. and Smt P. R. Bharaswadkar learned P. O. for the respondents in respective matters.

2. The learned P.O. seek time for filing affidavit in replies. However, before filing affidavit in reply it appears that, present applicants have not placed on record the service or recruitment rules, if any, regarding Home Guard. Only upon perusal of the rules the Tribunal would be able to find out as to whether any prima facie case exists. In the circumstances, S. O. to 25.07.2017 for filing copy of the relevant rules and for making submissions.

VICE CHAIRMAN.

ORAL ORDERS 11-07-2017-ATP