

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 10-10-2018.

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

8. Considering the fact that the present applicant is Group-D employee and mid-term transfer has been effected, without going into merit of the case, status quo as on today as regards joining etc. is hereby granted until further order.

9. S.O.to 10-10-2018.

10. Parties to act on the steno copy and Hamdast allowed to both parties.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**ORIGINAL APPLICATION NO.770/2017
(Shri Ayesha Khan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

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

2. Learned P.O. files affidavit in reply on behalf of the respondent no.1. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 08-10-2018 for hearing.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**ORIGINAL APPLICATION NO.806/2017
(Dr. Ranjitsing Padvi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Heard Shri J.S.Deshmukh learned
Advocate for the applicant and Shri N.U.Yadav
learned Presenting Officer for respondents.

Smt. Vaishali Choudhari learned Advocate
for respondent no.4 is **absent**.

2. S.O. to 09-10-2018.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

ORIGINAL APPLICATION NO.61/2018
(Shri Bipin Patil V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

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

2. Learned P.O. seeks time comply with the order dated 07-08-2018 despite the fact in the said order it has been mentioned that gross grammatical mistakes and incomplete sentences made in the affidavit in reply. Interim relief is not granted in the matter.

3. On 05-09-2018, it was warned that in case no additional affidavit is filed as per earlier order, heavy costs would be imposed. Thereafter also on 07-09-2018, respondents sought time. In the circumstances, time is granted to file additional affidavit as a last chance with costs of Rs.25,000/- (Rs. Twenty Five Thousand Only) on

the concerned respondent, which will be recovered from the concerned officer who is neglecting the compliance of the order of the Tribunal throughout.

4. Parties to act on steno copy and hamdust.
5. S.O. to 04-10-2018.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**ORIGINAL APPLICATION NO.69/2018
(Shri Ajabrao Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Heard Shri A.D.Sugdare learned Advocate for the applicant, Shri N.U.Yadav learned Presenting Officer for respondents and Shri S.G. Kulkarni learned Advocate holding for Shri S.D.Dhongde learned Advocate for respondent no.3.

2. Learned P.O. states that he will file affidavit in reply during the course of the day.

3. S.O. to 04-10-2018 for hearing.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

ORIGINAL APPLICATION NO.169/201
(Shri Shankar Chaudhari V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Heard Shri A.D.Sugdare learned Advocate for the applicant, Shri B.S.Deokar learned Presenting Officer for respondents and Shri S.G.Kulkarni learned Advocate holding for Shri S.D.Dhongde learned Advocate for respondent nos.2 and 3.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents despite the fact that the representation of the present applicant dated 14-08-2007 is pending with the respondents and no decision on the same is taken so far.

3. In the circumstances without filing any affidavit in reply concerned respondents is directed to take decision on the representation and file the report about the same on the next date.

4. With this direction, S.O. to 04-10-2018.

5. Parties to act on the steno copy of the order.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**ORIGINAL APPLICATION NO.390/2018
(Shri Babu Dandegaonkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Heard Shri A.D.Gadekar learned Advocate holding for Shri Kakasaheb B. Jadhav learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. At the request of learned Presenting Officer, S.O. to 19-09-2018 as a most last chance for filing affidavit in reply on behalf of the respondents.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**ORIGINAL APPLICATION NO.409/2018
(Shri Umesh Bhadane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Heard Shri M.B.Bharaswadkar learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

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

3. S.O. to 26-09-2018 for hearing.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**ORIGINAL APPLICATION NO.410/2018
(Shri Sanjay Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Heard Shri M.B.Bharaswadkar learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

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

3. S.O. to 26-09-2018 for hearing.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**ORIGINAL APPLICATION NO.554/2018
(Shri Sadashiv Sawai V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

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

2. Learned P.O. files affidavit in reply on behalf of the respondent no.2. It is taken on record. Copy thereof has been served on the other side. She submits that presently reply of respondent no.1 is not required.

3. Hence, the case be placed for hearing on 04-10-2018.

4. Liberty to file rejoinder, if any, is hereby granted in the meantime.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**ORIGINAL APPLICATION NO.557/2018
(Shri Omprakash Mane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

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

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

3. In the meantime, concerned respondents are directed to take decision on the representation made on 25-11-2017 (Annexure A-5, paper book page 25) and file copy of decision regarding the abovesaid representation till next date.

4. S.O. to 15-10-2018 for filing reply and compliance of the abovesaid direction.

5. Parties to act on the steno copy of the order.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**ORIGINAL APPLICATION NO.565/2018
(Smt. Shridevi Suryavanshi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Heard Shri A.D.Gadekar learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. He submits that parawise remarks are received from the respondents.

3. Learned Advocate for the applicant states that similar submission that parawise remarks are received was made on earlier occasion also.

4. In the circumstances, time is granted to the learned P.O. with direction that concerned respondents may take corrective steps by specifying the period of deputation and also make statement in that regard in the affidavit in reply.

5. S.O. to 28-09-2018.

6. Parties to act on the steno copy of the order.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**M.A.No.87/2018 IN O.A.St.No.142/2018
(Shri Vishwas Thore V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Heard Shri K.C.Sonone learned Advocate holding for Shri R.P.Bhumkar learned Advocate for the applicant, Shri S.K.Shirse learned Presenting Officer for respondents and Shri S.G.Kulkarni learned Advocate holding for Shri S.D.Dhongde learned Advocate for respondent nos.2 and 3.

2. Learned Advocate for the applicant again seeks time to file affidavit in rejoinder. Time is granted.

3. At his request, S.O. to 22-10-2018.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**M.A.NO.188/2018 IN O.A.No.77/2018
(Shri M.A.Gaikwad & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Heard Ku. Preeti Wankhade learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

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

3. At his request, S.O. to 03-10-2018.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**M.A.No.264/2018 IN O.A.St.No.276/2017
(Smt. Sundrabai Kamble V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Heard Shri D.G.Kamble learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents.

2. Learned Advocate for the applicant seeks time to make submissions regarding service of affidavit on respondent nos.1 and 2.

3. At his request S.O. to 27-09-2018.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**M.A.No.134/2017 IN O.A.St.No.276/2017
(Shri Balaji Dhongde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Heard Shri A.D.Gadekar learned Advocate holding for Shri Yogesh P Deshmukh learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for respondents.

2. Shri A.D.Gadekar learned Advocate submits that he will argue on behalf of Shri Yogesh Deshmukh and he prayed that one chance may be granted.

3. Considering history of the matter, as a last S.O. to 27-09-2018.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**M.A.No.426/2017 IN M.A.No.64/2016 IN O.A.St.No.1991/2015
(Shri Appa Chikte V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Shri D.B.Gaikwad learned Advocate for the applicant is **absent**. Shri B.S.Deokar learned Presenting Officer for respondents is present.

2. None is present for the applicant. Nobody has appeared for the applicant on the last date also.

3. Hence, S.O. to 08-10-2018 either for hearing or for passing necessary order.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**M.A.No.266/2018 IN O.A.No.510/2017
(Shri Santosh Vetal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Heard Shri I.G.Durani learned Advocate for
the applicant and Shri V.R.Bhumkar learned
Presenting Officer for respondents.

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

Time is granted.

3. At this request, S.O. to 09-10-2018.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**ORIGINAL APPLICATION NO.807/2016
(Shri Madhukar Nansaheb Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the applicant, Shri N.U.Yadav learned Presenting Officer for respondents and Shri Shamsundar B. Patil learned Advocate for respondent no.2.

2. While Shri V.B.Wagh learned Advocate submits that present applicant was a Junior Engineer and he is a Group-C employee, learned P.O. states that the applicant being a Junior Engineer comes under the category of Group-B Officer. The issue involved in the matter is regarding recovery of the overpayment from the pension.

3. Decision of Hon'ble the Supreme Court in the case of **State of Punjab & Ors. V/s. Rafiq Masih (White Washer) & Ors.** would show that recovery from the pension due to overpayment of salary in the cases of Group-C and Group-D employees is not permissible. In this view of the matter, time is granted to both the sides to make definite statement on the basis of documents in that regard till next date.

4. S.O. to 09-10-2018

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO.808/2016
(Shri Gangadhar s/o. Anna Kakade V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

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

2. In this case, overpayment of the salary is sought to be recovered from the pension of the present applicant. According to the respondents a time bound promotion was granted to the applicant prior to completion of 12 years of service which resulted into overpayment to the present applicant.

3. It is an admitted fact that the present applicant did not make any representation for grant of time bound promotion and he is not in any way instrumental in grant of the same. Therefore, in view of the ratio laid down in the case of **State of Punjab & Ors. V/s. Rafiq Masih (White Washer) & Ors.** and as the present

applicant was a Group-C employee, recovery cannot be upheld.

4. In the circumstances, present application is allowed. Impugned decision of the respondents dated 12-08-2016 regarding recovery from the pension of the applicant is hereby quashed and set aside. Accordingly O.A. stands disposed of without any order as to costs.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

ORIGINAL APPLICATION NO.810/2016
(Shri Babu Dagdu Ghute V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the applicant, Shri B.S.Deokar learned Presenting Officer for respondents and Shri A.D.Gadekar learned Advocate for respondent no.2.

2. In this case, overpayment of the salary is sought to be recovered from the pension of the present applicant. According to the respondents first time bound promotion and second benefit of Assured Career Progression Scheme was granted to the applicant prior to completion of 12 years of service & 24 years of service which resulted into overpayment to the present applicant.

3. It is an admitted fact that the present applicant did not make any representation for grant of time bound promotion and he is not in any way instrumental in grant of the same.

Therefore, in view of the ratio laid down in the case of **State of Punjab & Ors. V/s. Rafiq Masih (White Washer) & Ors.** and as the present applicant was a Group-C employee, recovery cannot be upheld.

4. In the circumstances, present application is allowed. Impugned decision of the respondent no.3 dated 10-06-2015 and Pay Re-fixation order dated 26-09-2018 of the respondent no.2 effecting recovery from the pension of the applicant are hereby quashed and set aside. Accordingly O.A. stands disposed of without any order as to costs.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**ORIGINAL APPLICATION NO.04/2017
(Shri Ramlal Bhrahmane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Heard Shri V.B.Wagh 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 03-10-2018 for arguing the matter finally.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**ORIGINAL APPLICATION NO.29/2017
(Shri Shankar Chaudhari V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Heard Shri A.D.Sugdare learned Advocate for the applicant, Shri M.P.Gude learned Presenting Officer for respondents and Shri S.G.Kulkarni learned Advocate holding for Shri S.D.Dhongde learned Advocate for respondent no.3.

2. At the request of learned Advocate for respondent no.3, S.O. to 26-09-2018 for arguing the matter finally.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

**ORIGINAL APPLICATION NO.04/2018
(Shri Babu Dagdu Ghute V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

DATE : 11.09.2018

ORAL ORDER :

Heard Shri V.B.Wagh learned Advocate for the applicant and Shri Shamsundar B. Patil learned Advocate for respondent.

2. Since the order of recovery from the pension of the applicant is quashed by the decision dated 11-09-2018 passed in O.A.No.810/2018, withholding payment of gratuity on the same ground cannot be upheld. In the circumstances, gratuity as per the order of the Accountant General (A & E) be released to the applicant forthwith.

3. In view of the above, O.A.No.04/2018 is allowed and disposed of accordingly without any order as to costs.

VICE CHAIRMAN

YUK ORAL ORDER 11-09-2018 F

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

ORIGINAL APPLICATION NO. 423 OF 2018

[Shri Rameshwar S. Gopal Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.09.2018.

ORAL ORDER :

1. Heard Smt. Divya Tyagi, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondent Nos. 1 & 2. Smt. Nima R. Suryawanshi, learned Advocate for respondent No. 3 (**absent**). None appears for respondent No. 4.

2. At the request of learned Presenting Officer, S.O. to 22nd October, 2018 for filing affidavit in reply.

VICE CHAIRMAN

ORAL ORDERS 11.09.2018-HDD

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

ORIGINAL APPLICATION NO. 383 OF 2018

[Shri Meraj Begum Syeed Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.09.2018.

ORAL ORDER :

1. Heard Shri Shamsundar B. Patil, learned
Advocate for the applicant and Mrs. Priya R.
Bharaswadkar, learned Presenting Officer for the
respondents.

2. At the request of learned Presenting Officer,
S.O. to 11th October, 2018 for filing affidavit in
reply.

VICE CHAIRMAN

ORAL ORDERS 11.09.2018-HDD

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

ORIGINAL APPLICATION NO. 244 OF 2018

[Shri Ravi H. Rathod Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.09.2018.

ORAL ORDER :

1. Heard Shri Sushil Irale Patil, learned
Advocate holding for Shri D.R. Irale Patil, learned
Advocate for the applicant and Shri S.K. Shirse,
learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer,
S.O. to 17th October, 2018 for filing affidavit in
reply.

VICE CHAIRMAN

ORAL ORDERS 11.09.2018-HDD

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

ORIGINAL APPLICATION NO. 230 OF 2018

[Shri Sushilkumar D. Kulkarni & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.09.2018.

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 respondents.

2. Learned Presenting Officer for the respondents submits that though the steno copy of the order dated 3.8.2018 is forwarded to the concerned respondents, there is no instructions from the said respondents.

3. In the circumstances, at her request, S.O. to 11th October, 2018 as a last chance to comply with the order and to file report, failing which this Tribunal would be constrained to take strict action on the concerned respondents including imposition of heavy costs.

4. Learned Presenting Officer to act on steno copy.

VICE CHAIRMAN

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

C.P.NO. 47/2018 IN O.A.NO. 138/2016

[Dr. Shaikh Faiz Mohammad Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.09.2018.

ORAL ORDER :

1. Heard Shri I.D. Maniyar, learned Advocate for the applicant, Mrs. Deepali S. Deshpande, learned Presenting Officer for respondent Nos. 1 to 3 and Shri D.T. Devane, learned Advocate for respondent No. 4.

2. Learned Advocate Shri D.T. Devane for respondent No. 4 in furtherance of order dated 16.07.2018 submits that at that time service book was sent to the Pay Unit for verifying pay of the applicant. Pay Unit has taken 3 objections out of which 2 were removed by respondent No. 4 and 1 objection has to be removed by respondent Nos. 2 & 3 and same is communicated to respondent No. 3 vide letter dated 3.9.2018. The copy of the said letter is taken on record and marked as document 'X' for the purpose of identification.

3. Learned Presenting Officer seeks time to take instructions and compliance regarding aforesaid objection. Time granted.

4. S.O. to 10th October, 2018 for taking instructions by the learned Presenting Officer.
5. Learned Presenting Officer to act on steno copy.

VICE CHAIRMAN

ORAL ORDERS 11.09.2018-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.

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

DATE : 11.09.2018.

ORAL ORDER :

1. Heard Shri Mohit Deshpande, learned Advocate holding for Shri S.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 10th October, 2018 for filing affidavit in reply.

VICE CHAIRMAN

ORAL ORDERS 11.09.2018-HDD

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

ORIGINAL APPLICATION NO. 149 OF 2018

[Shri Dhananjay L. Jadhav Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.09.2018.

ORAL ORDER :

1. Shri M.B. Kolpe, learned Advocate for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondents, present.
2. It appears from the proceedings that no affidavit in rejoinder is filed till today.
3. In the circumstances, S.O. to 16th October, 2018 for hearing.

VICE CHAIRMAN

ORAL ORDERS 11.09.2018-HDD

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

ORIGINAL APPLICATION NO. 126 OF 2018

[Dr. Shukracharya G. Dudhal Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.09.2018.

ORAL ORDER :

1. Heard Shri Santosh S. Dambe, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply as a last chance. It is to be noted that since long affidavit in reply is not filed by the respondents.

3. S.O. to 9th October, 2018 with a forewarning that in case the respondents fail to file affidavit in reply on the next date, this Tribunal would be constrained to take strict action including imposition of heavy costs on them.

4. Learned Presenting Officer to act on steno copy.

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 788 OF 2017

[Shri Ashok T. Ghobale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.09.2018.

ORAL ORDER :

1. Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time. At his request, S.O. to 19th October, 2018 for hearing on admission.

VICE CHAIRMAN

ORAL ORDERS 11.09.2018-HDD

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

ORIGINAL APPLICATION NO. 493 OF 2017

[Dr. Sanjay K. Khachane Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.09.2018.

ORAL ORDER :

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 & 2. Shri H.A. Joshi, learned Advocate for respondent Nos. 3 to 3 (**absent**).

2. Upon hearing both the sides, it appears that the issue of selection of OBC candidate, the applicant, as against Open Female horizontal reservation is involved.

3. In the circumstances, the present case be placed with the similar cases i.e. O.A. Nos. 821 & Group of 2017 on 19th November, 2018.

VICE CHAIRMAN

ORAL ORDERS 11.09.2018-HDD

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

ORIGINAL APPLICATION NO. 165 OF 2017

[Dr. Sunil P. Bhamre Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.09.2018.

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. At the request of learned Presenting Officer,
S.O. to 16th October, 2018 for filing affidavit in
reply.

VICE CHAIRMAN

ORAL ORDERS 11.09.2018-HDD

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

ORIGINAL APPLICATION ST. NO. 1443 OF 2017

[Shri Rajendrakumar P. Barhate Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.09.2018.

ORAL ORDER :

1. Heard Shri S.S. Deshmukh, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Presenting Officer for the respondents submits that original affidavit in reply filed by respondent No. 1 covers the issue raised in later amendment made by the applicant and, therefore, there is no need to file fresh affidavit in reply.

3. At the request of learned Presenting Officer, S.O. to 3rd October, 2018 for hearing.

VICE CHAIRMAN

ORAL ORDERS 11.09.2018-HDD

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

ORIGINAL APPLICATION NO. 857 OF 2016

[Shri Bhikan P. Sonar & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.09.2018.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 4th October, 2018.

VICE CHAIRMAN

ORAL ORDERS 11.09.2018-HDD

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

ORIGINAL APPLICATION NO. 139 OF 2017

[Shri Shaikh Liyakat Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.09.2018.

ORAL ORDER :

1. Heard Shri P.K. Suryawanshi, learned
Advocate holding for Shri V.P. Golewar, learned
Advocate for the applicant and Shri D.R. Patil,
learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the
applicant, S.O. to 8th October, 2018.

VICE CHAIRMAN

ORAL ORDERS 11.09.2018-HDD

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

ORIGINAL APPLICATION NO. 568 OF 2018

[Shri Sonyabapu G. Bachkar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.09.2018.

ORAL ORDER :

1. Heard Shri P.S. Dighe, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 3.

2. Learned Advocate Shri Parag Bhosale appeared today and he has filed VAKALATNAMA on behalf of respondent No. 4 and the same is taken on record. He has also filed affidavit in reply on his behalf and the same is taken on record and the copy thereof has been served on the other side.

3. Learned Advocate Shri Santosh Patil appeared today and he has filed VAKALATNAMA on behalf of respondent Nos. 5 & 6 and the same is taken on record. He has also filed separate affidavits in reply on their behalf and they are taken on record and the copies thereof have been served on the other side.

4. At the request of learned Presenting Officer, S.O. to 11th October, 2018 for filing affidavit in reply on behalf of respondent Nos. 1 to 3.

VICE CHAIRMAN

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

M.A.NO. 349/2017 IN O.A.ST.NO. 1166/2017

[Shri Udalsingh A. Bohara Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 11.09.2018.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 10th October, 2018.

VICE CHAIRMAN

ORAL ORDERS 11.09.2018-HDD

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

M.A.NO. 350/2017 IN O.A.ST.NO. 1168/2017

[Shri Janardhan P. Muley Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 11.09.2018.

ORAL ORDER :

1. Heard Shri A.L. Kanade, 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 10th October, 2018.

VICE CHAIRMAN

ORAL ORDERS 11.09.2018-HDD

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

ORIGINAL APPLICATION NO. 389 OF 2018

[Miss. Archana D. Lathkar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 11.09.2018.

ORAL ORDER :

1. Heard Shri A.M. Nagarkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 11th October, 2018.

VICE CHAIRMAN

ORAL ORDERS 11.09.2018-HDD

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

ORIGINAL APPLICATION NO. 939 OF 2016

[Shri Rajendra B. Salvi Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 11.09.2018.

ORAL ORDER :

1. Heard Shri Prafulla Bodade, learned Advocate holding for Shri J.B. Choudhary, 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 16th October, 2018.

VICE CHAIRMAN

ORAL ORDERS 11.09.2018-HDD

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

O.A.ST.NO. 1110/2018 AND O.A.NO. 589/2018

[Shri Dashrath G. Bhure & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.09.2018.

ORAL ORDER :

1. Heard S/Shri V.B. Wagh & S.S. Patankar, learned Advocates for the applicants in O.A. St. No. 1110/2018 & O.A. No. 589/2018 respectively, S/Shri M.P. Gude & S.K. Shirse, learned Presenting Officers for respective respondents in respective cases and Shri R.N. Bharaswadkar, learned Advocate for caveators in O.A. St. No. 1110/2018.

2. Await service for respondent Nos. 1 to 6 in O.A. No. 589/2018.

3. Learned Presenting Officers seek time for filing affidavit in reply in both the cases. Time granted.

4. S.O. to 15th October, 2018 for filing affidavit in reply by the respondents. Interim relief granted earlier in O.A. St. No. 1110/2018 to continue till then.

VICE CHAIRMAN

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

O.A.NOS. 41 TO 46 AND 54 TO 56 ALL OF 2018

[Smt. Sarita E. Gadekar & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.09.2018.

ORAL ORDER :

1. Heard Shri R.N. Bharaswadkar, learned Advocate for the applicants in all these cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases.

2. Learned Advocate for the applicants submits that the promotion is granted to the present applicants, however, the issue of deemed date of promotion remains pending. He seeks time to take instructions from the applicants for withdrawal, if any and for filing fresh O.A.

3. S.O. to 15th October, 2018 for taking instructions from the Applicants by the learned Advocate for withdrawal of OAs, if any.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NOS. 489 & 492/2017
(Mahadu R. Mummane & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.9.2018

ORAL ORDER :

Heard Smt. Divya Tyagi, learned Advocate holding for Shri S.B. Talekar & Shri S.K. Mathpati, learned Advocates for the applicants in respective matters and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents in both the matters.

2. Learned P.O. files on record copy of communication dtd. 18.6.2018 received to her along with representation made by the M.P.S.C. to the State Government and the same is taken on record and marked as document 'X' collectively for the purpose of identification. Reading of said communication would show that the issue in the present O.As. i.e. practical problem of not getting a single candidate due to prescribed cutoff date in the advertisement is not addressed in the this communication. The said issue was highlighted by the Tribunal vide order dtd. 21.7.2017 and the directions were issued in that regard at para 7 of the said order.

3. In that view of the matter, learned P.O. is directed to take instructions from all the respondents on the line of order dtd. 21.7.2017. It appears that, copy of the order dtd. 21.7.2017 is already served on

the concerned respondents as steno copy was supplied to the learned P.O. However, to have a quick decision, fresh steno copy of the order dtd. 21.7.2017 be supplied to the learned P.O. If despite this additional exercise from this Tribunal, no action is taken by any of the respondents, the Tribunal would be constrained to take such a strict action against the concerned respondents including imposition of heavy costs that may be deemed fit, on the next date.

4. In the circumstances, S.O. to 16.10.2018 for above compliance from the side of respondents.

5. Steno copy of this order & the order dtd. 21.7.2017 are allowed for the use of learned P.O.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 921/2017
(Dr. Atul A. Deshmukh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.9.2018

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Shri Kulkarni, learned Advocate holding for Shri Deshpande, learned Advocate for the applicant seeks time to make submissions on the point of continuation of interim relief. It is to be noted that the submission of the learned Advocate that other candidates have filed writ petition before the Hon'ble High Court would have no bearing on the present O.A. In the circumstances, the issue of continuation of interim relief would be considered on 16.10.2018.

VICE CHAIRMAN

ARJ ORAL ORDERS 11-9-2018

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

**O.A. NOS. 603, 604, 605, 606, 607, 608, 609 & 780/2017
(Jaideep A. Limbale & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.9.2018

ORAL ORDER :

Heard Shri A.S. Deshmukh & Ms. Preeti Wankhade, learned Advocates for the applicants in respective matters and Smt. Priya R. Bharaswadkar, Smt. Deepali S. Deshpande, Smt. M.S. Patni, Smt. Sanjivani Deshmukh Ghate & Shri B.S. Deokar, learned Presenting Officers for respondents in respective matters.

2. Learned P.Os. seek time to file affidavit in reply in all these matters in response to the earlier orders of the Tribunal. At her request, S.O. to 28.9.2018, for filing affidavits in replies of the concerned respondents in all these matters. The interim relief granted earlier to continue till then.

VICE CHAIRMAN

ARJ ORAL ORDERS 11-9-2018

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

**ORIGINAL APPLICATION NO. 576/2018
(Smita U. Dandi & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.9.2018

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to
15.10.2018 for filing affidavit in reply of the
respondents in the present O.A.

VICE CHAIRMAN

ARJ ORAL ORDERS 11-9-2018

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

**M.A. 106/2018 IN O.A. 321/2017
(Manisha P. Jagtap V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.9.2018

ORAL ORDER :

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

2. Learned Advocate for the applicant submits
that there is no need to file rejoinder of the applicant.
In the circumstances, S.O. to 25.9.2018 for hearing
of the present M.A.

VICE CHAIRMAN

ARJ ORAL ORDERS 11-9-2018

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

**M.A. 303/2018 IN O.A. 244/2016
(Vijaykumar P. Narwade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.9.2018

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks time to take instructions from his client as to how various authorities can be a part of amendment as according to learned Advocate his client press for filing of those authorities on record. In the circumstances, at the request of learned Advocate S.O. to 26.9.2018 for taking instructions from the applicant on the above line.

VICE CHAIRMAN

ARJ ORAL ORDERS 11-9-2018

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

**ORIGINAL APPLICATION NO. 654/2013
(Dr. Amol S. Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.9.2018

ORAL ORDER :

Heard Shri R.R. Bangar, learned Advocate holding for Smt. Surekha Mahajan, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents.

2. In view of non availability of Division Bench, S.O. to 9.10.2018 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11-9-2018

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

**ORIGINAL APPLICATION NO. 139/2015
(Ramkrishna G. Patil & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.9.2018

ORAL ORDER :

Shri Amol S. Sawant, learned Advocate for the applicants (**absent**). Shri N.U. Yadav, learned Presenting Officer for respondents, is present.

2. It appears that, learned Advocate for the applicants remained absent on last so many dates. In the circumstances, as a last chance, S.O. to 8.10.2018 either for hearing or for passing necessary orders in the present matter.

VICE CHAIRMAN

ARJ ORAL ORDERS 11-9-2018

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.9.2018

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that decision on merit would be required in the present matter. As the Division Bench is not available, S.O. to 3.10.2018 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11-9-2018

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

**ORIGINAL APPLICATION NO. 474/2015
(Nagorao K. Gaikwad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.9.2018

ORAL ORDER :

Shri R.K. Ashtekar, learned Advocate for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for respondent nos. 1 to 5, is present. Shri B.N. Patil, learned Advocate for respondent no. 6 (**absent**).

2. In view of non availability of Division Bench, S.O. to 4.10.2018 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11-9-2018

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

**ORIGINAL APPLICATION NO. 740/2016
(Shankar H. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.9.2018

ORAL ORDER :

Shri R.K. Ashtekar, learned Advocate for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for respondent nos. 1 to 3, is present. Shri Swapnil Tawshikar, learned Advocate for respondent nos. 4 & 5 (**absent**).

2. In view of non availability of Division Bench, S.O. to 4.10.2018 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11-9-2018

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

**ORIGINAL APPLICATION NO. 691/2018
(Sanjay J. Issar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.9.2018

ORAL ORDER :

Heard Shri N.B. Narwade, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Issue notice before admission to the respondents, returnable on 10.10.2018.

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

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

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

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

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. Without filing any detailed affidavit in reply, the concerned respondents are directed to go through the Annex. A.6 page 45 of the present O.A. (i.e. the order of the Tribunal in O.A. nos. 270, 274, 275 & 276/2018 dtd. 24.8.2018), and to take corrective action, if any, in the present matter and submit a report in that regard before the Tribunal on the next date.

In case the concerned respondents come to the conclusion that, no corrective steps can be taken in the matter, then a short affidavit explaining the reasons therefor be filed on the next date.

9. S.O. to 10.10.2018.

10. Steno copy / humdast allowed for both the sides.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 45/2017
(Sunita R. Thite V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.9.2018

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 9.10.2018.

VICE CHAIRMAN

ARJ ORAL ORDERS 11-9-2018

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

**M.A. 331/2018 IN O.A. ST. 1502/2018
(Dr. Santosh N. Kotule & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.9.2018

ORAL ORDER :

Heard Shri Mohit Deshmukh, learned Advocate holding for Shri Santosh G. Chapalgaonkar, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

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

**O.A. ST. 1502/2018
(Dr. Santosh N. Kotule & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.9.2018

ORAL ORDER :

Heard Shri Mohit Deshmukh, learned Advocate holding for Shri Santosh G. Chapalgaonkar, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Issue notice before admission to the respondents, returnable on 27.10.2018.

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

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

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

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

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 27.10.2018.

9. Steno copy / humdast allowed for both the sides.

VICE CHAIRMAN

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

**T.A. 5/2018 (W.P. 9261/2018)
(Pravin C. Janjal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.9.2018

ORAL ORDER :

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

2. Learned P.O. files on record true copy of communication, which according to him would show that the name of last candidate who has been selected for short listing qua the post as well as qua the reservation policy. The submissions of the learned Advocate for the applicant recorded on the last date would show that even if his objection of valuation is accepted, the applicant would secure 45 marks, whereas the last candidate selected for short listing from the reserved category would reach 45.25 marks.

3. In that view of the matter, there is no case made out by the applicant for grant of interim relief.

However, it is made clear that, appointment, if

any, in the reserved category shall be subject to final decision in the present matter.

4. Since the respondents have appeared in the present matter, it is not necessary to issue notices to the respondents.

5. Be placed on 8.10.2018 along with T.A. 6/2018 (W.P.9314/2018).

VICE CHAIRMAN

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

**T.A. 6/2018 (W.P. 9314/2018)
(Prasanna R. Raut & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 11.9.2018

ORAL ORDER :

Heard Shri Prithvi A. Rathod, learned Advocate holding for Shri Abhay R. Rathod, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. The submissions of the learned Advocate for the applicants are regarding the cutoff of marks obtained in the preliminary examination and more particularly regarding reserved category candidates. Reliance is placed by him on the ratio laid down in the case of **State of Punjab and others Vs. Manjit Singh and others [AIR 2003 SC 4580]** and **V. Lavanya and Ors. Vs. State of Tamil Nadu [2017 (1) Bom CR 23]**.

3. As against the above citations the learned C.P.O. places reliance on the ratio laid down in **B. Ramakichenin @ Balagandhi Vs. Union of India and Others [Appeal (Civil) no. 5274/2007 dated 16.11.2007]** and **Ajitkumar P. and Ors. Vs. Remin K.R. and Ors. W I T H Girilal D. Vs. Nidheesh B. & Ors. [2015 AIR SCW 6817]**, wherein it would show that recruitment agency is empowered to short list the candidates. He further submits that the chart filed today by the respondents in T.A. 5/2018 (W.P.

9261/2018) would show that reserved category-wise short listing is made.

4. It is to be noted that while cut off is fixed to see that benchmark is established, short listing is more than that is fixing the ratio of calling the candidates for the next examination. In the circumstances, even we ignore the cutoff list, the chart shows that in the short listing the present applicants could not have been called.

5. In the circumstances, I am of the view that, no case is made out by the applicants for grant of interim relief. **However, it is made clear that, appointment, if any, in the reserved category shall be subject to final decision in the present matter.**

6. Since the respondents have appeared in the present matter, it is not necessary to issue notices to the respondents.

7. Be placed on 8.10.2018 along with T.A. 5/2018 (W.P.9261/2018).

VICE CHAIRMAN