

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.318/2016
(Shri N.E.Wagh V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)
DATE : 13-01-2017

ORAL ORDER:

Heard Shri C.T.Jadhav learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondent nos.1 to 3 and Shri S.D.Joshi learned Advocate for respondent no.4.

2. Learned Advocate for the applicant prays for leave to file affidavit along with some documents. Leave granted.

3. S.O.18-01-2017.

MEMBER (J)

YUK ORAL ORDER 13-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.336/2016
(Shri G.E.Patil V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)
DATE : 13-01-2017

ORAL ORDER:

Heard Shri C.T.Jadhav learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for respondent nos.1 to 3 and Shri S.S.Kulkarni learned Advocate for respondent no.4.

2. Learned Advocate for the applicant prays for leave to file affidavit along with some documents. Leave granted.

3. S.O.18-01-2017.

MEMBER (J)

YUK ORAL ORDER 13-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.337/2016
(Shri S.J.Shelke V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)
DATE : 13-01-2017

ORAL ORDER:

Heard Shri C.T.Jadhav learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents and Shri G.A.Nagori learned Advocate for respondent no.2.

2. Learned Advocate for the applicant prays for leave to file affidavit along with some documents. Leave granted.

3. S.O.18-01-2017.

MEMBER (J)

YUK ORAL ORDER 13-01-2017

MA 372/2015 IN CP ST. 1375/2015 IN OA 723/2013

[Shri Vilas V. Telang Vs. the State of Mah. & Ors.]

CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman

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

DATE :- 13.01.2017

Oral Order :-

(1) Heard Shri V.B. Wagh, learned Advocate for the applicants and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

(2) Learned Advocate for applicant states that the applicant is satisfied with the compliance done by the respondents.

(3) Learned Advocate for the applicant further states that the present Misc. Application, which is filed for seeking permission to file Contempt proceeding against the respondents for non compliance of the order dated 14.7.2015 passed by this Tribunal passed in O.A. no. 723/2013, and the contempt petition St. No. 1375/2015 may be disposed of.

(4) In view of the statement of learned Advocate for the applicant, present Misc. Application No. 372/2015 stands disposed of. Consequently the Cont. Petition St. No. 1375/2015 also stands disposed of. There shall be no order as to costs.

CHAIRMAN

ARJ 13.01.2017 HON. CHAIRMAN

MA 323/2015 IN CP ST. 1048/2015 IN OA 581/2014

[Shri Sham T. Satpute Vs. the State of Mah. & Ors.]

CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman

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

DATE :- 13.01.2017

Oral Order :-

(1) Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

(2) The learned Presenting Officer has filed affidavit in reply on behalf of res. no. 3 in the Misc. Application. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

(3) The learned Advocate for the applicant prays for time to go through the said affidavit in reply and make his submission.

(4) Time granted.

(5) S.O. to 27.2.2017.

ARJ 13.01.2017 HON. CHAIRMAN

CHAIRMAN

ORIGINAL APPLICATION NO. 599 OF 2016

[Smt. Sunita R. Bahiram Vs. the State of Mah. & Ors.]

CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman

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

DATE :- 13.01.2017

Oral Order :-

(1) Heard Shri D.J. Patil, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1, 2 & 4 and Shri Vivek Bhavthankar, learned special Counsel for respondent no. 3.

(2) Shri Bhavthankar, learned special Counsel has tendered affidavit in reply on behalf of res. no. 3. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

(3) Learned Advocate for the applicant prays for a week's time to study the affidavit in reply filed by res. no. 3 and file rejoinder, if necessary.

(4) Time granted as prayed for.

(5) S.O. to 20.1.2017.

ARJ 13.01.2017 HON. CHAIRMAN

CHAIRMAN

ORIGINAL APPLICATION NO. 750 OF 2016

[Shri Jaysing S. Maher Vs. the State of Mah. & Ors.]

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE :- 13.01.2017

Oral Order :-

(1) Heard Ms. Bhavna D. Panpatil, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent no. 1, Shri Sham Patil, learned Advocate for respondent nos. 2 & 3. Shri S.T. Shelke, learned Advocate for respondent no. 4 (**absent**).

(2) Learned C.P.O. states that fresh affidavit in reply may have to be filed because affidavit in reply, which is already filed fails to answer and fails to satisfactorily deal with each and every averment contained in O.A.

(3) It is considered unworthy to file fresh or additional affidavit. It shall be better to strike out affidavit in reply at page 83 to 130, and file fresh affidavit for which following order is passed :-

ORDER

- (a) Affidavit in reply, which is on record at paper book page 83 to 130 is strike out. It be removed from record of O.A. and be kept in 2nd part.

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O.A. NO. 750 OF 2016

- (b) Liberty is granted to the learned C.P.O. to file fresh affidavit in reply of the respondents answering each and every point contained in the O.A.

ARJ 13.01.2017 HON. CHAIRMAN

CHAIRMAN

ORIGINAL APPLICATION NO. 769 OF 2016

[Shri Balraj B. Wahul Vs. the State of Mah. & Ors.]

CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman

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

DATE :- 13.01.2017

Oral Order :-

(1) Heard Shri Y.P. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

(2) Learned Advocate for the applicant prays for liberty to withdraw present O.A., with liberty to file fresh O.A., in case cause of action exists after approaching the State Govt.

(3) The O.A. stands disposed of as withdrawn, with liberty as prayed for by the learned Advocate for the applicant. There shall be no order as to costs.

CHAIRMAN

ARJ 13.01.2017 HON. CHAIRMAN

**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**

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

CORAM : HON'BLE SHRI JUSTICE A. H. JOSHI,
CHAIRMAN

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

DATE : 13-1-2017.

ORAL ORDER :

Heard Shri G.R. Jadhav, learned Advocate holding for Shri A.S.Shelke learned Advocate for the Applicant, Shri M.S.Mahajan, learned Chief Presenting Officer and S/shri S.K. Shirse, V.R. Bhumkar, D.R. Patil, Smt. Priya R. Bharaswadkar, Smt. Resha S. Deshmukh, Smt. Sanjivani Deshmukh Ghate and Smt. Deepali S. Deshpande, learned Chief Presenting Officer & Presenting Officers for Respondent authorities and Shri Vivek Bhavthankar learned Special Counsel for respondent nos.3 to 5.

2. Shri Bhavthankar, learned Special Counsel has filed affidavit in reply on behalf of res. nos. 1 to 5 in M.A. NO.

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M.A. 388/15 WITH M.A.St.860/15
IN O.A.St.861/15 & Ors.

221/2016. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant in respective matter.

3. At the request of learned Advocate for the applicants, S.O. 17.2.2017.

CHAIRMAN

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ORIGINAL APPLICATION NO. 26 OF 2017

{Shri Prakash C. Ujagare Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 13.1.2017

Oral Order :-

1. Heard Smt. Supriya Bhilegaonkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3.

2. Shri V.B. Wagh, learned Advocate appears sue moto and states that he is under instructions to appear in the matter on behalf of res. no. 4.

3. The applicant is challenging the impugned order of transfer dated 7.1.2017. By the said impugned order the applicant has been transferred as a Deputy Engineer, P.W.D. Sub Division Jamkhed, Dist. Ahmednagar to Sub Division, World Bank Project, Kopargaon – 2.

4. In the impugned transfer order of the applicant it has been mentioned that the same has been issued with the consent of competent authority and in the public interest and except this sentence, nothing is mentioned in the said order.

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O.A. NO. 26 OF 2017

5. In the place of the applicant at Jamkhed, the res. no. 4 has been posted and in the transfer order of res. no. 4 it is stated that the said order is passed with the consent of competent authority and in the public interest and further it is stated that the said transfer order has been effected in view of the recommendation from local Politicians and on oral request of res. no. 4.

7. The learned Advocate for the applicant submits that the applicant has been transferred only with a intention to accommodate the res. no. 4.

8. Prima-facie, the impugned order of transfer in respect of the applicant is midterm. The applicant was posted at Jamkhed on 22.1.2014 and thus he has not completed 3 years normal tenure at that place.

9. Shri Wagh, learned Advocate for res. no. 4 states that the applicant is on leave and the res. no. 4 has been relieved in view of his transfer and he joined at the transferred place. He seeks time to place on record the copy of relieving letter and joining letter of res. no. 4.

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O.A. NO. 26 OF 2017

10. Admittedly, the applicant was on leave when the impugned transfer order was issued and, therefore, the applicant is not legally relieved from his post till today. Admittedly, the impugned transfer order is midterm and mid tenure and considering all these aspects, the respondents are directed to maintain the status quo and not to relieve the applicant from his post at Jamkhed.

11. Issue notice before admission to the respondents, returnable on 27th January, 2017.

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

13. 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.

14. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,

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O.A. NO. 26 OF 2017

1988, and the question such as limitation and alternate remedy are kept open.

15. 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.

16. S.O. to 27th January, 2017.

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

MEMBER (J)

ARJ 13.1.2017 S.B.

O.A. NOS. 721, 722/2015, O.A. NOS. 340/16, O. A. NOS. 319, 321, 322, 323, 324, 330, 332, 744/2013 AND O.A. NOS. 634 AND 682/2014

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 13.1.2017

Oral Order :-

1. Heard Shri Anant Devkate, learned Advocate for the applicants in all these matters and S/shri S.K. Shirse, D.R. Patil, M.P. Gude, N.U. Yadav, V.R. Bhumkar, I.S. Thorat, Smt. Resha S. Deshmukh, Smt. Deepali S. Deshpande and Smt. Sanjavani Deshmukh Ghate, learned Presenting Officers for the respondents in all these matters.

2. All these matters had been disposed of by this Tribunal vide common order dated 12.12.2014 by the Division Bench. The said common order was assailed by the applicants before Hon'ble Bombay High Court, Bench at Aurangabad by filing writ petition No. 11358/2015 and Hon'ble High Court was pleased to remand the O.As. for considering these matters afresh. However, by virtue of the administrative order of Hon'ble Chairman, the O.As. seem to have been transferred to Single Bench.

3. In my opinion, since these O.As. were heard and decided by the Division Bench and the order passed therein was assailed before the Hon'ble High Court, in the interest of justice, it will be proper to place these O.As. before the Division Bench.

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O.A. NOS. 721, 722/2015 & ORS.

4. In view thereof, these O.As. are removed from Single Bench. The Registrar is directed to place these O.As. before the Division Bench as and when the same will be available.

MEMBER (J)

ARJ 13.1.2017 S.B.

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.**

ORIGINAL APPLICATION NO.25/2017.
(Firoj Halim Tamboli Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

DATE :13.01.2017.

ORAL ORDER

Heard Shri N.L. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant prays for leave to amend for incorporating suitable averments in relation to the Respondent Society to be part and parcel of the Govt. but for the nomenclature.

3. Learned Advocate for the applicant undertakes to carry out amendments within 3 days.

4. S.O.to 17.1.2017.

CHAIRMAN.

ORAL ORDERS 13.01.2017-ATP(c)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.**

ORIGINAL APPLICATION NO.187/2016.
(V. G. Kulkarni Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

DATE :13.01.2017.

ORAL ORDER

Heard Shri P. M. Shinde, learned Advocate for the applicant and Shri M. P. Gude, learned Presenting Officer for the Respondents.

2. Learned P.O. states as follows :-
 - a) That the D.E. is completed.
 - b) Report of the Enquiry Officer submitted before the Govt. and action thereon is awaited.
3. Learned Advocate for the applicant prays for time for enabling the applicant to decide the stand to be taken.
4. S.O.to 3.4.2017.

CHAIRMAN.

ORAL ORDERS 13.01.2017-ATP(c)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.**

ORIGINAL APPLICATION NO.363/2016.
(Shri S. B. Jadhav & Ors. Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

DATE :13.01.2017.

ORAL ORDER

Heard Shri P. K. Palve, learned Advocate for the applicant and Shri V. R. Bhumkar, learned Presenting Officer for the Respondents.

2. Learned P.O. states that, filing of affidavit furtherance to order passed by this Tribunal on 23.9.2016 being same and similar in view of the objection raised by the Finance Department is not necessary to take decision.

3. Text of the language contained in the letter is quoted below for ready reference :-

“मूळ अर्ज क्र. १४२ व १४३ /२००७ मध्ये दिनांक १७.०२.२०१४ रोजी दिलेल्या न्यायनिर्णयानुसार मा. न्यायाधिकरण, मुंबई यांनी अर्जदारांची मागणी फेटाळली आहे तसेच अर्जदाराने याच मागणीसाठी मा. उच्च न्यायालय, मुंबई, खंडपीठ औरंगाबाद येथे रिट पिटिशन ६१६१/२०१५ दाखल केला असता दिनांक २३.०६.२०१५ आदेशान्वये फेटाळला आहे.”

4. Respondent no.4 is directed to read the present O.A. and the prayers contained therein and compare those with the

prayer contained in O. A. No.142/2007 of Bombay (which is already decided) thereafter file an affidavit on what grounds the Finance Department considers that the prayers (A) in present O.A. are either one and same / or and similar to the prayer contained in aforesaid decided OA No.142/2007.

5. Affidavit be filed on or before next date.
6. S.O.to 28.2.2017.
7. Learned P.O. is directed to communicate this order.
8. Steno copy and Hamdust allowed.

ORAL ORDERS 13.01.2017-ATP(c)

CHAIRMAN.

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.**

ORIGINAL APPLICATION NO.706/2016.
(Shri S. A. Shejwal Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

DATE :13.01.2017.

ORAL ORDER

Heard Shri P. A. Kulkarni, learned Advocate for the applicant and Smt P. R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant states as follows:-
 - a) That the Respondent no.3 has issued appointment letter.
 - b) The order contained errors and applicant has brought those to the notice of the Respondent no.3 and he has assured to correct the same and applicant is waiting for response of Respondent no.3.
3. Learned Advocate for the applicant prays for adjournment for a week.
4. S.O.to 24.1.2017.

CHAIRMAN.

ORAL ORDERS 13.01.2017-ATP(c)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.**

ORIGINAL APPLICATION NO.722/2016.
(Shri K. S. Hinge Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

DATE :13.01.2017.

ORAL ORDER

Heard Shri V. B. Kale, learned Advocate for the applicant and Smt P. R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned P.O. prays for time for studying the case and requested for adjournment.

3. S.O.to 17.1.2017.

CHAIRMAN.

ORAL ORDERS 13.01.2017-ATP(c)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO.23/2017 IN O.A.NO. 43/2015
[R.G. Pardeshi Vs. The State of Maharashtra & Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 13.01.2017.

ORAL ORDER:

Heard Shri T.J. Gaikwad – learned Advocate for the Applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for respondents.

2. Issue notices to the respondents in M.A. No. 23/2017, returnable on 28th February, 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 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

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**M.A.NO.23/2017 IN
O.A.NO. 43/2015**

with affidavit of compliance in the Registry before due date.
Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 28th February, 2017.
8. Steno copy and hamdust is allowed to both the parties.

CHAIRMAN

ORAL ORDERS 13.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO.24/2017 IN O.A.NO. 257/2015
[D.G. Puri Vs. The State of Maharashtra & Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 13.01.2017.

ORAL ORDER:

Heard Shri T.J. Gaikwad – learned Advocate for the Applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for respondents.

2. Issue notices to the respondents in M.A. No. 24/2017, returnable on 28th February, 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 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

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**M.A.NO.24/2017 IN
O.A.NO. 257/2015**

with affidavit of compliance in the Registry before due date.
Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 28th February, 2017.
8. Steno copy and hamdust is allowed to both the parties.

CHAIRMAN

ORAL ORDERS 13.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 798 OF 2016
[H.S. Kusumde & Anr. Vs. The State of Maharashtra &
Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 13.01.2017.

ORAL ORDER:

Heard Shri H.U. Dhage – learned Advocate for the Applicant and Shri N.U. Yadav – learned Presenting Officer for respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 9th February, 2017.

CHAIRMAN

ORAL ORDERS 13.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 816 OF 2016

**[Dr. Deshmukh Mohd. Shahir Abudul Wahed & Ors. Vs.
The State of Maharashtra & Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 13.01.2017.

ORAL ORDER:

Heard Shri Arun V. Rakh – learned Advocate for the Applicants and Shri M.P. Gude – learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer, S.O. to 27th January, 2017.

CHAIRMAN

ORAL ORDERS 13.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 199/2015 IN O.A.ST.NO.780/2015
[D.S. Jade Vs. The State of Maharashtra & Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 13.01.2017.

ORAL ORDER:

Heard Shri Y.B. Bolkar – learned Advocate for the Applicant and Shri S.K. Shirase – learned Presenting Officer for respondents.

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

CHAIRMAN

ORAL ORDERS 13.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 370/15 IN C.P.ST.1129/15 IN O.A. 199/14
[Uttam Narayan Vendait Vs. The State of Maharashtra &
Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 13.01.2017.

ORAL ORDER:

Heard Shri P.M. Shinde – learned Advocate for the Applicant, Shri I.S. Thorat – learned Presenting Officer for respondent No. 1 and Shri Vivek Bhavthankar – learned Special Counsel for respondent Nos. 2 & 3.

2. At the request of learned Special Counsel for respondent Nos. 2 & 3, S.O. to 25th January, 2017.

CHAIRMAN

ORAL ORDERS 13.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 28/16 IN C.P.ST.NO.77/16 IN O.A.NO. 71/12
[R.S. Kulkarni & Ors. Vs. The State of Maharashtra &
Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 13.01.2017.

ORAL ORDER:

Heard Shri C.R. Thorat – learned Advocate for the Applicants and Shri I.S. Thorat – learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 25th January, 2017.

CHAIRMAN

ORAL ORDERS 13.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 13/2017 IN O.A.928/2016
[D.J. Dhole Vs. The State of Maharashtra & Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 13.01.2017.

ORAL ORDER:

Heard Shri S.D. Dhongde – learned Advocate for the Applicant, Shri M.S. Mahajan – learned Chief Presenting Officer for respondent Nos. 1 & 2 and Shri P.S. Mahajan – learned Advocate for respondent No. 3.

2. At the request of learned Advocate for the applicant, S.O. to 17th January, 2017.

CHAIRMAN

ORAL ORDERS 13.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.ST.NO. 43/17 IN C.P.ST.NO. 44/17 IN O.A.928/16
[D.J. Dhole Vs. The State of Maharashtra & Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 13.01.2017.

ORAL ORDER:

Heard Shri S.D. Dhongde – learned Advocate for the Applicant, Shri M.S. Mahajan – learned Chief Presenting Officer for respondent Nos. 1 & 2 and Shri P.S. Mahajan – learned Advocate for respondent No. 3.

2. The learned Advocate for the applicant orally prays for leave to correct the word in clause (h) of the contempt petition at page-6, 'This Hon'ble Tribunal' as 'Collector Dhule'.

3. Leave to correct the word as prayed for is granted.

4. The applicant shall carry out the necessary correction forthwith.

5. At the request of learned Advocate for the applicant, S.O. to 17th January, 2017.

CHAIRMAN

ORAL ORDERS 13.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 19/2017 IN O.A.NO. 899/2016
[S.N. Jogdand Vs. The State of Maharashtra & Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 13.01.2017.

ORAL ORDER:

Heard Shri V.S. Panpatte – learned Advocate for the Applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 16th January, 2017.

CHAIRMAN

ORAL ORDERS 13.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 20/2017 IN O.A.NO. 900/2016
[P.B. Wadmare Vs. The State of Maharashtra & Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 13.01.2017.

ORAL ORDER:

Heard Shri V.S. Panpatte – learned Advocate for the Applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 16th January, 2017.

CHAIRMAN

ORAL ORDERS 13.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 21/2017 IN O.A.NO. 901/2016

**[Haribhau M. Kalunke Vs. The State of Maharashtra &
Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 13.01.2017.

ORAL ORDER:

Heard Shri V.S. Panpatte – learned Advocate for the Applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 16th January, 2017.

CHAIRMAN

ORAL ORDERS 13.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**C.P.NO. 102/2007 IN O.A.NO. 631/2003
[B.V. Wable & Ors. Vs. The State of Maharashtra & Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 13.01.2017.

ORAL ORDER:

Heard Shri R.R. Bangar – learned Advocate for the Applicants and Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande – learned Special Counsel for the respondents.

2. Learned Advocate Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande, learned Special Counsel for the respondents prays for time.

3. Time granted.

4. S.O. to 27th January, 2017.

CHAIRMAN

ORAL ORDERS 13.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 355 OF 2016
[Shaikh Jamil Fakir Saheb Vs. The State of Maharashtra &
Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 13.01.2017.

ORAL ORDER:

Heard Shri S.B. Munde, learned Advocate holding for Shri V.D. Gunale – learned Advocate for the Applicant and Shri I.S. Thorat – learned Chief Presenting Officer for the respondent Nos. 1 & 2 and Shri N.S. Kadam – learned Advocate for respondent Nos. 3 & 4.

2. At the request of learned Advocate for the applicant, S.O. to 17th April, 2017.

CHAIRMAN

ORAL ORDERS 13.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 1004 OF 2016
(Jaibunbee Rasul Shaikh Vs. The State of Maharashtra &
Ors.)**

CORAM :- Hon'ble Shri J.D. Kulkarni, Member (J)

DATE :- 13.01.2017.

Oral Order :-

1. Heard Shri H.U. Dhage, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant submits that he will go through the affidavit in reply and will file rejoinder affidavit, if necessary.
3. S.O. to 09.02.2017.

MEMBER (J)

KPB 13.01.2017 (S.B.)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 868 OF 2016
(Vishwanath Babunath Nath Vs. The State of Maharashtra & Ors.)

CORAM :- Hon'ble Shri J.D. Kulkarni, Member (J)

DATE :- 13.01.2017.

Oral Order :-

1. Heard Ms. Preeti Wankhede, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2 and Shri Ajay Deshpande, learned Advocate for respondent no. 3.
2. The learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted.
3. S.O. to 17.01.2017. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB 13.01.2017 (S.B.)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 828 OF 2016
(Sunil Manoharrao Pande Vs. The State of Maharashtra &
Ors.)**

CORAM :- Hon'ble Shri J.D. Kulkarni, Member (J)

DATE :- 13.01.2017.

Oral Order :-

1. Heard Shri Prashant Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant submits that one Smt. K.D. Deshpande, has retired on 31.10.2016 from Nanded and the said post is still vacant.
3. The learned Presenting Officer submits that he will take instructions on this point and will make submission on next date.
4. Hence, S.O. to 9.2.2017.
5. Steno copy allowed to the learned P.O. at his request.

MEMBER (J)

KPB 13.01.2017 (S.B.)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 633 OF 2016
(Rishiraj Shrinivas Goski Vs. The State of Maharashtra &
Ors.)**

CORAM :- Hon'ble Shri J.D. Kulkarni, Member (J)

DATE :- 13.01.2017.

Oral Order :-

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

2. Pleadings are complete. The O.A. is admitted and it be kept for final hearing after four weeks.

3. S.O. to 15.02.2017.

MEMBER (J)

KPB 13.01.2017 (S.B.)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 496 OF 2016
(Rangnath Aamaram Mete Vs. The State of Maharashtra &
Ors.)**

CORAM :- Hon'ble Shri J.D. Kulkarni, Member (J)

DATE :- 13.01.2017.

Oral Order :-

1. Shri B.N. Magar, learned Advocate for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondents, present.
2. Pleadings are complete. The O.A. is admitted and it be kept for final hearing after four weeks.
3. S.O. to 22.02.2017.

MEMBER (J)

KPB 13.01.2017 (S.B.)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 473 OF 2016
(Dr. Govind Kishanrao Reddy Vs. The State of
Maharashtra & Ors.)**

CORAM :- Hon'ble Shri J.D. Kulkarni, Member (J)

DATE :- 13.01.2017.

Oral Order :-

1. Shri Shamsundar B. Patil, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 1 to 3. Shri S.S. Manale, learned Advocate for respondent no. 4, **absent.**

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent nos. 1 to 3. Time granted as a last chance.

3. S.O. to 09.02.2017. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB 13.01.2017 (S.B.)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 476/2016 in O.A. St. No. 2024/2016
(Devidas Budha Ahire Vs. The State of Maharashtra & Ors.)**

CORAM :- Hon'ble Shri J.D. Kulkarni, Member (J)

DATE :- 13.01.2017.

Oral Order :-

1. Shri Pramod S. Gaikwad, learned Advocate for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondents, present.

2. The applicant is claiming condonation of delay of 698 days.

3. Hence, issue notices to the respondents in M.A., returnable on 22.02.2017.

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

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

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M.A. No. 476/2016 in
O.A. St. No. 2024/2016

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

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

8. S.O.to 22.02.2017.

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

MEMBER (J)

KPB 13.01.2017 (S.B.)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 20/2017
(Kishor Jaising Padvi Vs. The State of Maharashtra & Ors.)**

CORAM :- Hon'ble Shri J.D. Kulkarni, Member (J)

DATE :- 13.01.2017.

Oral Order :-

1. Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 08.02.2017.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,

1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and 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 08.02.2017.

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

MEMBER (J)

KPB 13.01.2017 (S.B.)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 226 OF 2016
(Shivram Narayan Dhapate Vs. The State of Maharashtra &
Ors.)**

CORAM :- Hon'ble Shri J.D. Kulkarni, Member (J)

DATE :- 13.01.2017.

Oral Order :-

1. Shri P.M. Shinde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 08.02.2017.

MEMBER (J)

KPB 13.01.2017 (S.B.)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 117 OF 2016
(Radhabai Tukaram Zade Vs. The State of Maharashtra &
Ors.)**

CORAM :- Hon'ble Shri J.D. Kulkarni, Member (J)

DATE :- 13.01.2017.

Oral Order :-

1. Shri P.A. Bharat, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent no. 1 and Shri Vivek Bhavthankar, Special counsel for respondent nos. 2 to 4.

2. At the request of learned Advocate for the applicant, S.O. to 22.02.2017.

MEMBER (J)

KPB 13.01.2017 (S.B.)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 286 OF 2016
(Sagar Kishan Bhingardive & Ors. Vs. The State of Maharashtra & Ors.)

CORAM :- Hon'ble Shri J.D. Kulkarni, Member (J)

DATE :- 13.01.2017.

Oral Order :-

1. Shri Nitin V. Gaware, learned Advocate for the applicants (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents, present.

2. From the record it seems that Shri Nitin V. Gaware, learned Advocate for the applicants and the applicants remain absent from last so many dates. Nobody appeared for the applicants on 2.8.2016, 6.9.2016, 10.10.2016, 21.11.2016 and today also nobody appeared.

3. The affidavit in reply was also filed on 7.10.2016 and after admitted the matter it was kept for final hearing today. Considering all these aspects it seems that the applicant may not be interested in prosecuting the O.A. and hence, the same stands dismissed in default with no order as to costs.

MEMBER (J)

KPB 13.01.2017 (S.B.)