

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

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**ORIGINAL APPLICATION NO.202/2015.**  
**(A.S.Jondhale&Ors. Vs. State of Mah.&Ors.)**

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**CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.**  
**(This matter is placed before Single Bench due  
to non-availability of Division Bench)**

**DATE:13.10.2016.**

**ORAL ORDER**

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Smt RS Deshmukh, learned Presenting Officer for the Respondent no.1. None present for the Respondents no.2 to 4.

2. O.A. is admitted. It be listed for final hearing on 18.10.2016.
3. Interim Relief is continued only up to 18.10.2016.

**CHAIRMAN.**

**13.10.2016-ATP(c)**

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

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**T.A.NO.05/2016 ( WP NO.5439/2016)  
(ShaikhYunusVs. State of Mah. &Ors.**

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**CORAM:HON'BLE SHRI JUSTICE A.H.JOSHI,CHAIRMAN.**  
**(This matter is placed before Single Bench due  
to non-availability of Division Bench)**

**DATE:13.10.2016.**

**ORAL ORDER**

Heard Shri P.P. Kothari, learned Advocate holding  
for ShriSatyajitS.Bora, learned Advocate for the applicant  
and Smt PR Bharaswadkar, learnedPresenting Officer for the  
Respondents.

2. Parties are directed to take instructions as to whether  
any order is passed by this Tribunal at Mumbai in similar  
an OA in which issue is involved.

3. S.O. to 14.10.2016.

**CHAIRMAN.**

**13.10.2016-ATP(c)**

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

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**ORIGINAL APPLICATION NO.134/2016.**  
**(M.S. Rajput Vs. State of Mah. &Ors.)**

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**CORAM:HON'BLE SHRI JUSTICE A.H.JOSHI,CHAIRMAN.**  
**(This matter is placed before Single Bench due  
to non-availability of Division Bench)**

**DATE:13.10.2016.**

**ORAL ORDER**

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

2. Learned Advocate for the applicant prays for leave to implead the Officer, who is promoted in place of applicant and carry out consequential amendment. He states that, he would carry out the amendment within two weeks, if leave is granted.

3. Leave to amend as prayed is granted.

4. Let the O.A. be listed for admission hearing on 18.10.2016.

5. S.O. to 18.10.2016.

**CHAIRMAN.**

**13.10.2016-ATP(c)**

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

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**ORIGINAL APPLICATION NO.447/2016.**  
**(B.P. Kadam Vs. State of Mah. &Ors.)**

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**CORAM:HON'BLE SHRI JUSTICE A.H.JOSHI,CHAIRMAN.**  
**(This matter is placed before Single Bench due  
to non-availability of Division Bench)**

**DATE:13.10.2016.**

**ORAL ORDER**

None present for the applicant. Heard Shri VR  
Bhumkar, learned Presenting Officer for the Respondents.

2. It is seen that, none has appeared for the applicant on  
many of previous dates. The matter be placed for dismissal  
for want of prosecution on 17.10.2016.

3. S.O. to 17.10.2016.

**CHAIRMAN.**

**13.10.2016-ATP(c)**

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

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**ORIGINAL APPLICATION NO.541/2016.**  
**( A.V. Vangwar Vs. State of Mah. &Ors.)**

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**CORAM:HON'BLE SHRI JUSTICE A.H.JOSHI,CHAIRMAN.**  
**(This matter is placed before Single Bench due  
to non-availability of Division Bench)**

**DATE:13.10.2016.**

**ORAL ORDER**

Heard Shri S.S. Suvarna, learned Advocate holding for Shri NL Chaudhari, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. It is seen that, Registrar had issued notice by order dated 1.7.2016, returnable on 18.7.2016. The shorter date may have been given only because learned Advocate for the applicant may have insisted.

3. Service report shows that, the Respondents were served on 16.7.2016 , 16.8.2016 and 18.8.2016. Such type of service is absolutely improper and can not be either tolerated or treated as good service.

-2- **ORIGINAL APPLICATION NO.541/2016.**

4. Registrar is directed that, if the learned Advocate for the Applicant requests for an urgent on earlier date, the matter be placed before the Bench for orders, and Registrar should not issue notice with returnable date earlier than four weeks. of all Officers, who are authorized to issue notice.

5. The matter be placed for order till tomorrow.

6. S.O. to 14.10.2016.

**CHAIRMAN.**

**13.10.2016-ATP(c)**

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

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**ORIGINAL APPLICATION NO.525/2016.**  
**(M.K. Borse Vs. State of Mah. &Ors.)**

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**CORAM:HON'BLE SHRI JUSTICE A.H.JOSHI,CHAIRMAN.**  
**(This matter is placed before Single Bench due**  
**to non-availability of Division Bench)**

**DATE:13.10.2016.**

**ORAL ORDER**

Heard ShriManojPatil, learned Advocate holding for Shri SS Dambe, learned Advocate for the applicant and Shri DR Patil, learned Presenting Officer for the Respondents.

2. Learned P.O. prays for time for filing reply on the ground that he is still awaiting instructions. Learned P.O. is called to state as to whether the date of appearance is communicated to the respondents. He states that, by communications dated 27.7.2016, 8.8.2016 and 23.9.2016 written intimations were sent for necessary compliance.

3. Learned P.O. is called to state as to which amongst the Respondents are suppose to contest the O.A. He states that ordinarily Respondents no.2 & 3 are expected to oppose O.A. by filing affidavit in reply.

4. In view that, in spite of service of notice and three intimations no response is given, it is necessary to secure personal reply of the incumbents holding post of Respondents No.2 & 3.

5. Learned P.O. is asked to furnish names of these two Officers. He has placed those as follows :-

- (1) ShriEknathRajaramDawale, Divisional  
Commissioner, Nasik i.e. Respondent no.2; &
- (2) Shri M.S. Kalshetti, District Collector, Nandurbar  
i.e. Respondent No.3.

6. These Officers named in foregoing para are directed to file affidavit on the following points:-

- i) The exact date on which their office has received the notice of this Tribunal.
- ii) The date on which the notice of Tribunal was brought to them or their predecessor's notice.
- iii) When the intimation from the office of learned P.O. was received.
- iv) When the intimations were brought to his notice or to the notice of his predecessor.
- v) Reasons as to why parawise remarks are not forwarded.
- vi) Reasons as to why the matter is not attended by their office and / or reasons for not giving the instructions to the P.O.
- vii) Is there any legal impediment in filing affidavit in reply in this O.A.
- viii) These Officers are called to show cause as to why they should not be directed to pay costs personally.
- ix) What steps they shall take to avoid failure and neglect to attend to the cases before Tribunal.

6. The Reply be filed on or before 17.11.2016.



-3- **ORIGINAL APPLICATION NO.525/2016.**

7. Learned P.O. is directed to communicate this order.
8. Steno copy and Hamdust allowed.
9. S.O. to 17.11.2016.

**13.10.2016-ATP(c)**

**CHAIRMAN.**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.607/2016  
(A.S.Solanke 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 : 13-10-2016.

**ORAL ORDER :**

Heard ShriS.D.Joshi learned Advocate for the Applicant and ShriV.R.Bhumkar learned Presenting Officer for Respondents.

2. Learned P.O. states that he has received instruction for requesting for adjournment. Reason which he has put forward is that he has received information from the Office Superintendent of the Office of Superintendent of Police, Jalna stating that certain copies of Circulars, G.Rs. etc. are necessary.

3. It is amazing as to how the recruitment can proceed without knowledge of relevant Circulars/G.Rs. etc., however, when it comes to filing reply in the matter, all of sudden copy of G.R. becomes necessary.

4. Officer concerned who has written said letter is directed to file affidavit as to which are the G.Rs. in absence of which he is not able to file reply and the reasons for which reference to those G.Rs. has become necessary.

5. Affidavit answering the above points be filed tomorrow i.e. on 14-10-2016.

6. S.O. 14-10-2016.

7. Steno copy and hamdust allowed to both parties.

**CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.608/2016  
(S.D.Dhakne 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 : 13-10-2016.

**ORAL ORDER :**

Heard ShriS.D.Joshi learned Advocate for the Applicant and Smt. PriyaBharaswadkar learned Presenting Officer for Respondents.

2. Learned P.O. states that she has received instruction for requesting for adjournment. Reason which she has put forward is that she has received information from the Office Superintendent of the Office of Superintendent of Police, Jalna stating that certain copies of Circulars, G.Rs. etc. are necessary.

3. It is amazing as to how the recruitment can proceed without knowledge of relevant Circulars/G.Rs. etc., however, when it comes to filing reply in the matter, all of sudden copy of G.R. becomes necessary.

4. Officer concerned who has written said letter is directed to file affidavit as to:

(a) Which are the G.Rs. in absence of which he is not able to file reply and the reasons for which reference to those G.Rs. has become necessary.

(b) Why steps for filing affidavit were not taken, when notice of this Tribunal was delivered in the office of S. P. Jalna on 12-08-2016

5. Affidavit answering the above points be filed tomorrow i.e. on 14-10-2016.

6. S.O. 14-10-2016.

7. Steno copy and hamdust allowed to both parties.

**CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

M.A.No.103/2015 IN C.P.St.No.333/2015 IN O.A.No.529/2011  
(S.L.Kulkarni&Ors. 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 : 13-10-2016.

**ORAL ORDER :**

Heard ShriS.D.Joshi learned Advocate holding for  
ShriS.G.Chapalgaonkar learned Advocate for the Applicant and  
ShriS.K.Shirse learned Presenting Officer for Respondents.

2. Learned P.O. states that he wants to place on record apology  
tendered by ShriManoj s/o. BajranglalBarwal, NaibTahsildar in the  
Office of the Collectorate, Parbhani. Apology of NaibTahsildar cannot  
be accepted.

3. Learned P.O. is asked to examine whether such apology will  
suffice in view of the fact that contempt is not committed by the officer  
who has brought the affidavit, but by officers higher in rank.

4. At this stage learned P.O. prays for time till tomorrow. Time  
granted.

5. S.O.14-10-2016.

**CHAIRMAN**

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**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

M.A.No.104/2015 IN C.P.St.No.335/2015 IN O.A.No.197/2012  
(N.V.Mundhe&Ors. 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 : 13-10-2016.

**ORAL ORDER :**

Heard ShriS.D.Joshi learned Advocate holding for  
ShriS.G.Chapalgaonkar learned Advocate for the Applicant and  
Smt. DeepaliDeshpande learned Presenting Officer for  
Respondents.

2. Learned P.O. states that she wants to place on record apology  
tendered by ShriManoj s/o. BajranglalBarwal, NaibTahsildar in the  
Office of the Collectorate, Parbhani. Apology of NaibTahsildar cannot  
be accepted.

3. Learned P.O. is asked to examine whether such apology will  
suffice in view of the fact that contempt is not committed by the officer  
who has brought the affidavit, but by officers higher in rank.

4. At this stage learned P.O. prays for time till tomorrow. Time  
granted.

5. S.O.14-10-2016.

**CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

M.A.No.105/2015 IN C.P.St.No.337/2015 IN O.A.No.830/2011  
(S.S.Deshmukh&Ors. 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 : 13-10-2016.

**ORAL ORDER :**

Heard ShriS.D.Joshi learned Advocate holding for ShriS.G.Chapalgaonkar learned Advocate for the Applicant and Smt. ReshaDeshmukh learned Presenting Officer for Respondents.

2. Learned P.O. states that she wants to place on record apology tendered by ShriManoj s/o. BajranglalBarwal, NaibTahsildar in the Office of the Collectorate, Parbhani. Apology of NaibTahsildar cannot be accepted.

3. Learned P.O. is asked to examine whether such apology will suffice in view of the fact that contempt is not committed by the officer who has brought the affidavit, but by officers higher in rank.

4. At this stage learned P.O. prays for time till tomorrow. Time granted.

5. S.O.14-10-2016.

**CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

M.A.No.370/2015 IN C.P.St.No.1129/2015 IN O.A.No.199/2014  
(U.N.Vendant 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 : 13-10-2016.

**ORAL ORDER :**

Heard ShriP.M.Shinde learned Advocate for the Applicant,  
ShriI.S.Thorat learned Presenting Officer for Respondent no.1 and  
ShriVivekBhavthankar learned Special Counsel for respondent  
nos.2 and 3.

2. Learned Special Counsel for respondent nos.2 and 3 Forest  
Department states that Review Application filed by the State before the  
Hon'ble High Court is dismissed on 1<sup>st</sup> October, 2016. Now, the State  
has decided to file Special Leave Petition before Hon'ble the Supreme  
Court.

3. Learned Advocate for applicant states that:-

(a) It has been observed that State elects to litigate in larger  
number, and at times, it transpires that the exercise of the State  
was vexatious.

(b) In this background, because State wants to approach the  
Hon'ble Supreme Court, the fate of the applicant cannot be kept  
in hanging animation, and indefinitely.

(c) This Tribunal had decided the O.A. on 18-02-2015, Writ  
Petition cited by the State was dismissed on 16-12-2015,  
and even till date applicant has to wait for the relief.

(d) Therefore, it will be necessary in the interest of justice to  
direct the State to deposit with the Tribunal an amount nearing  
the amount of approximate figure of arrears of pension and other

dues as will accrue on retirement, if applicant's services are counted for the purpose of pension in terms of order passed by the Tribunal and judgment of the Hon'ble High Court.

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M.A.No.370/2015 IN C.P.St.No.1129/2015 IN O.A.No.199/2014

(e) The amount of arrears calculated by applicant with his limited resources of knowledge, as recoverable till date comes to Rs.4,71,609/-.

4. In the foregoing premises, if hearing of Contempt Petition has to be adjourned, it can be done with certain directions and order is passed as below:-

(a) The State shall complete the calculation of the approximate amount of pension and other money to which applicant may be eligible within 30 days.

(b) If calculation by State is complete, the amount of arrears as may be arrived by the State be deposited in this Tribunal on or before 15-11-2016.

(c) If the State fails in calculation, an amount of Rs.4,50,000/- be deposited with the Tribunal.

5. The manner in which the amount deposited shall be dealt with will be decided after deposit, depending upon an order of stay, eventually, granted in SLP which State plans to file.

6. If such order is not produced on the next date, appropriate order disbursing amount to the applicants on certain conditions etc. will be passed.

7. For reporting whether the amount is deposited, S.O. to 17<sup>th</sup> November, 2016.

8. Steno copy and hamdust allowed to both parties.

**CHAIRMAN**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

M.A.No.171/2016 IN C.P.St.No.626/2016 IN O.A.No.417/2014

(P.M.Barde 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 : 13-10-2016.

**ORAL ORDER :**

Heard ShriV.B.Wagh learned Advocate for the Applicant and Smt. PriyaBharaswadkar learned Presenting Officer for Respondents.

2. Learned P.O. states that Writ Petition filed by the State challenging the order passed in O.A.No.417/2014 is expected to come up for admission hearing on 24<sup>th</sup> October, 2016.

3. S.O. 17<sup>th</sup> November, 2016.

**CHAIRMAN**

**M.A. NO. 374/2016 IN CP ST. 1692/2016 IN OA 74/2016**

{Dr. Mahesh N. Gude Vs. The State of Mah. & Ors.}

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

**DATE :- 13.10.2016**

**Oral Order :-**

1. Shri G.K. Kshirsagar, learned Advocate for the applicant **(absent)**. Shri Minild S. Mahajan, Chief learned Presenting Officer for the respondents, is present.
2. At the request of learned Chief Presenting Officer, S.O. to 14.10.2016.
3. It is hope that, whatever steps, which are taken by the respondents on the applicant's representation dated 16.11.2015, be reported on the said date.

**CHAIRMAN**

ARJ 13.10.2016 HON. CHAIRMAN

**M.A. NO. 399/2016 IN CP ST. 1793/2016 IN OA 956/2010**

{ShriBhausahab N. Dabhade&Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'bleShri A.H. Joshi, Chairman**

**DATE :- 13.10.2016**

**Oral Order :-**

1. Heard Shri R.K. Temkar, learned Advocate for the applicants and ShriMinild S. Mahajan, Chief learned Presenting Officer for the respondents.

2. The learned Advocate for the applicants states as follows :-

‘Applicants realise that applicants ought to have served the Contemnors an intimation of contempt of the order of this Tribunal dated 14.3.2016 passed in O.A. no. 956/2010, committed by them, before filing this application for action for contempt.’

3. The learned Advocate for the applicants, therefore, states that the applicants would serve on the alleged Contemnors, personal notice giving them 30 days’ time to comply with the order of this Tribunal and thereafter if the order is still not complied, then the applicants would file fresh contempt petition.

4. Accordingly, present Misc. Application filed for permission to file Contempt Petition and Contempt Petition are disposed of with liberty to applicants to file fresh Contempt Petition before this Tribunal.

**CHAIRMAN**

ARJ 13.10.2016 HON. CHAIRMAN

**M.A. NO. 400/2016 IN CP ST. 1795/2016 IN OA 956/2010**

{ShriAppasaheb T. Khatik& 2 Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'bleShri A.H. Joshi, Chairman**

**DATE :- 13.10.2016**

**Oral Order :-**

1. Heard Shri R.K. Temkar, learned Advocate for the applicants and ShriMinild S. Mahajan, Chief learned Presenting Officer for the respondents.

2. The learned Advocate for the applicants states as follows :-

‘Applicants realise that applicants ought to have served the Contemnors an intimation of contempt of the order of this Tribunal dated 14.3.2016 passed in O.A. no. 956/2010, committed by them, before filing this application for action for contempt.’

3. The learned Advocate for the applicants, therefore, states that the applicants would serve on the alleged Contemnors, personal notice giving them 30 days’ time to comply with the order of this Tribunal and thereafter if the order is still not complied, then the applicants would file fresh contempt petition.

4. Accordingly, present Misc. Application filed for permission to file Contempt Petition and Contempt Petition are disposed of with liberty to applicants to file fresh Contempt Petition before this Tribunal.

**CHAIRMAN**

ARJ 13.10.2016 HON. CHAIRMAN

**M.A. NO. 509/2016 IN OA ST.550/2015**

{ShriPradeep B. Kokate Vs. The State of Mah. & Ors.}

**CORAM :- Hon'bleShri A.H. Joshi, Chairman**

**DATE :- 13.10.2016**

**Oral Order :-**

1. Heard Ms. BhavanaPanpatil, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. With consent of learned Advocate for the applicant and learned Presenting Officer for the respondents, S.O. to 14.10.2016.

**CHAIRMAN**

ARJ 13.10.2016 HON. CHAIRMAN

**M.A. NO. 45/2016 IN OA ST.1007/2015**

{ShriHaribhau S. Kusmude&Anr. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'bleShri A.H. Joshi, Chairman**

**DATE :- 13.10.2016**

**Oral Order :-**

1. Heard Shri H.U. Dhage, learned Advocate for the applicants and ShriMilind S. Mahajan, learned Chief Presenting Officer for the respondents.
2. With consent of learned Advocate for the applicant and learned Presenting Officer for the respondents, S.O. to 14.10.2016.

**CHAIRMAN**

ARJ 13.10.2016 HON. CHAIRMAN

**MA 53/16 WITH MA ST. 67/16 IN CP ST. 68/16 IN OA 281/93**

{ShriJagdish K. Mahendrakar Vs. The State of Mah. & Ors.}

**CORAM :- Hon'bleShri A.H. Joshi, Chairman**

**DATE :- 13.10.2016**

**Oral Order :-**

1. Heard Shri R.P. Bhumkar, learned Advocate for the applicant and ShriMilind S. Mahajan, learned Chief Presenting Officer for the respondents.
2. The learned Chief Presenting Officer seeks adjournment till tomorrow i.e. till 14.10.2016.
3. Adjournment as prayed for is granted.
4. S.O. to 14.10.2016.

**CHAIRMAN**

ARJ 13.10.2016 HON. CHAIRMAN

**M.A. NO. 229/16 WITH MA ST. 1153/16 IN OA 563/14**

{Tushar @ Tusharsing B. Rajput Vs. State of Mah. & Ors.}

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

**DATE :- 13.10.2016**

**Oral Order :-**

1. None appears for the applicant. Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.
2. The learned Presenting Officer has filed affidavit in reply on behalf of res. nos. 2 & 3. It is taken on record. He undertook to serve copy the affidavit in reply on learned Advocate for the applicant.
3. In view of absence of learned Advocate for the applicant, S.O. to 14.10.2016.

**CHAIRMAN**

ARJ 13.10.2016 HON. CHAIRMAN



**M.A. 322/16 WITH M.A. 426/15 IN OA ST.1577/15**

{ShriTanhaji D. Kubade Vs. The State of Mah. & Ors.}

**CORAM :- Hon'bleShri A.H. Joshi, Chairman**

**DATE :- 13.10.2016**

**Oral Order :-**

1. Heard Shri Suresh D. Dhongde, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. The Misc. Application no. 322/2016 has been filed by the applicant for permission to carry out certain amendment as per draft annexed to M.A. and also to annex the relevant document to the O.A.
3. Perused the draft amendment. Considered the contentions.
4. For the reasons stated in the M.A., the leave for amendment and annexed the copy of relevant document to the O.A. is granted in terms of prayer clause (B).
5. The applicant shall carry out the said amendment in the O.A. within a period of 2 weeks.
6. Accordingly, M.A. no. 322/2016 stands disposed of, with no order as to costs.

**CHAIRMAN**

ARJ 13.10.2016 HON. CHAIRMAN

**M.A. NO. 301/2016 IN OA 539/2016**

{ShriAmol K. Kakde&Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'bleShri A.H. Joshi, Chairman**

**DATE :- 13.10.2016**

**Oral Order :-**

1. Heard Shri V.B. Wagh, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. Let this M.A. be listed before the Division Bench on 18.10.2016.

**CHAIRMAN**

ARJ 13.10.2016 HON. CHAIRMAN

**O.A.NO. 426/2015**

**(MATTER TAKEN ON BOARD IN VIEW OF CIRCULATION NOTE  
DATED 13.10.2016 FILED BY APPLICANT FOR SPEAKING TO  
MINUTES)**

{Rupali S. Pawar Vs. The State of Mah. & Ors.}

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

**DATE :- 13.10.2016**

**Oral Order :-**

1. Heard Shri S.S. Suvarana, learned Advocate holding for Shri N.L. Choudhari, learned Advocate for the applicant.
2. In the order passed on 6<sup>th</sup> October, 2016 in M.A. No. 397/2016 in O.A. No. 426/2016 (AURANGABAD) in para no. 2, O.A. No. "426 of 2016" be corrected as O.A. No. "426 of 2015".

**CHAIRMAN**

ARJ 13.10.2016 HON. CHAIRMAN

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

**ORIGINAL APPLICATION NO. 499 OF 2016**

**[BhagwantPrashantKapale Vs.The State of Mah.&Ors.]**

**CORAM :Hon'bleShri A.H. Joshi, Chairman**

**[This matter is placed before Single Bench due  
to non-availability of Division Bench]**

**DATE : 13.10. 2016.**

**ORAL ORDER:**

ShriManojShinde – learned Advocate for the Applicant and Shri  
I.S. Thorat – learned Presenting Officer for the respondents.

2. Admit. O.A. shall come up for hearing in due course.
3. Heard on the point of interim relief.
4. Limited point which is now to be considered is as to whether the  
D.E. be stayed during pendency of Criminal Trial.
5. The Applicant has relied on the reported judgment in the case of  
**CAPT. PAUL ANTHONY VS. BHARAT GOLD MINES LTD. & ANR.**
6. The applicant has not been able to show that his case fits in  
third category of the text laid down by the Hon'ble Supreme Court. For  
ready reference the said text is quoted below:-

***“(iii) Whether the nature of a charge in a criminal  
case is grave and whether complicated questions of***

**:: - 2 - ::**

**O.A. NO. 499 OF 2016**

*fact and law are involved in that case, will depend upon the nature of offence, the nature of the case launched against the employee on the basis of evidence and material collected against him during investigation or as reflected in the charge sheet.”*

7. Hence, prayer for interim relief is rejected.

**CHAIRMAN**

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

**M.A.273/16 IN O.A.397/16 WITH M.A.288/16 WITH  
[Parshuram S. Bramhne&Ors. Vs. The State of Mah.&Ors.]**

**M.A.NO. 274/16 IN O.A. 393/16 WITH  
[ArunPanditPatil Vs.The State of Mah.&Ors.]**

**M.A.275/16 IN O.A.398/16 WITH M.A. 289/16  
[Madhukar A. Patil&Ors. Vs. The State of Mah.&Ors.]**

**CORAM :Hon'bleShri A.H. Joshi, Chairman  
[This matter is placed before Single Bench due  
to non-availability of Division Bench]**

**DATE : 13.10. 2016.**

**COMMON ORAL ORDER:**

1. Heard Smt. KalpalataPatilBharaswadkar, learned Advocate holding for ShriSudhirPatil – learned Advocate for the Applicants in all these cases and Mrs. Priya R. Bharaswadkar, Shri D.R. Patil& Mrs. Deepali S. Deshpande – learned Presenting Officers for the respondents in respective cases.

2. It is seen that paragraph 6 of M.A. is replied in an evasive manner. Normally evasive reply has to be treated as admission. However, it is necessary to know the reasons as to why proper reply is not filed.

3. The Divisional Agricultural Joint Director, Nashik, should keep in mind that according to the Applicants; “it was obligatory and binding on the part of the respondents to permit the applicant Nos. 1, 3, 4, 6, 8, 9, 12, 14, 15, 16, 17 & 21 to continue to wok as

Agriculture Supervisor in the light of the order passed by this Tribunal on 9.5.2016.”

4. The Divisional Agricultural Joint Director, Nashik Division, is directed to file his own affidavit keeping in mind the following :-

i) To state reasons due to which he has filed an evasive reply.

ii) He should state in reply as to how he is exempted in law from obeying the stay order dated 9.5.2016, and incorporate suitable reply.

iii) He should file reply to paragraph No. 6 of the Original Application.

5. Affidavit be filed on or before 14<sup>th</sup> November, 2016.

6. Steno copy and hamdust is allowed to learned Presenting Officer for the respondents.

7. S.O. to 11<sup>th</sup> November, 2016.

**CHAIRMAN**

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

**ORIGINAL APPLICATION 397 OF 2016**

**[Parshuram S. Bramhne&Ors. Vs. The State of Mah.&Ors.]**

**ORIGINAL APPLICATION NO. 393 OF 2016**

**[ArunPanditPatil Vs.The State of Mah.&Ors.]**

**ORIGINAL APPLICATION 398 OF 2016**

**[Madhukar A. Patil&Ors. Vs. The State of Mah.&Ors.]**

**CORAM :Hon'bleShri A.H. Joshi, Chairman**

**[This matter is placed before Single Bench due  
to non-availability of Division Bench]**

**DATE : 13.10. 2016.**

**COMMON ORAL ORDER:**

1. Heard Smt. KalpalataPatilBharaswadkar, learned Advocate holding for ShriSudhirPatil – learned Advocate for the Applicants in all these cases and Mrs. Priya R. Bharaswadkar, Shri D.R. Patil& Mrs. Deepali S. Deshpande – learned Presenting Officers for the respondents in respective cases.

2. Learned Advocate for the applicants in decided M.A. Nos. 288 & 289 both of 2016, who are added as respondents in OAs states that he waives service of notice in O.A. and acknowledges that he has received the copy of the O.A.

3. Learned Advocate for the intervenors assured that he will not seek any adjournment on the next date and he will file reply to the O.A. without delay.



4. In view of the fact that the hearing of the Writ Petition is expedited by order passed by the Hon'ble High Court in W.P. Nos. No. 9971 TO 9978 & 9982 all of 2016, let the OAs be listed for hearing before the Division Bench on 17<sup>th</sup> October, 2016.

5. It is made clear that, if for any reason OAs could not be heard in that event, only further hearing of MAs could be done, however, if applicants in O.As. ask postponement of hearing of O.As., in that event MAs would not be heard.

6. Steno copy and hamdust is allowed to the learned Presenting Officer.

7. S.O. to 17<sup>th</sup> October, 2016.

**CHAIRMAN**

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

**M.A. NO. 288/2016 IN O.A.397/2016**  
**[Sanjay YadavraoSawant. Vs. The State of Mah.&Ors.]**

**M.A.NO. 289/2016 IN O.A.398/2016**  
**[SainathKisanrao Malik. Vs. The State of Mah.&Ors.]**

**CORAM :Hon'bleShri A.H. Joshi, Chairman**  
**[This matter is placed before Single Bench due**  
**to non-availability of Division Bench]**

**DATE : 13.10. 2016.**

**COMMON ORAL ORDER:**

Heard Shri M.R. Kulkarni, learned Advocate holding for Shri C.T. Chandratre – learned Advocate for the intervenors in both these cases, Smt. KalpalataPatilBharaswadkar, learned Advocate holding for ShriSudhirPatil – learned Advocate for the Original Applicants in both these cases and Mrs. Priya R. Bharaswadkar and Shri D.R. Patil – learned Presenting Officers for the respondents in respective cases.

2. Both these Miscellaneous Applications have been filed by the respective intervenors for intervention in respective Original Applications.

3. Both these MAs are opposed.

4. Perused the applications. Considered the contentions. For the reasons, stated in the applications, both the applications for intervention are allowed and disposed of.

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5. Learned Advocate for the Original Applicants is directed to add respective applicants as respondents in the respective OAs as party respondent.

6. There shall be no order as to costs.

**CHAIRMAN**

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