

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

**ORIGINAL APPLICATION NO. 703 OF 2018
(Dr. Prithviraj K. Chavan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A).

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

DATE : 16.04.2019.

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3. Same is taken on record and copy thereof has been served on the other side. He seeks time for making further submissions. However, learned Presenting Officer will make positive submissions regarding voluntary retirement of the applicant.

3. S.O. to 24.04.2019.

MEMBER (A)

kpb ORAL ORDER 16.04.2019 arc.

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

**ORIGINAL APPLICATION NO. 941 OF 2018
(Dr. Neea K. Hatkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A).

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

DATE : 16.04.2019.

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks time for filing rejoinder affidavit. Time granted.

3. S.O. to 17.06.2019.

MEMBER (A)

kpb ORAL ORDER 16.04.2019 arc.

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

**ORIGINAL APPLICATION NO. 79 OF 2019
(Shri Prakash F. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A).

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

DATE : 16.04.2019.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 25.04.2019.

MEMBER (A)

kpb ORAL ORDER 16.04.2019 arc.

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

**ORIGINAL APPLICATION NO. 91 OF 2019
(Dr. Vijaykumar S. Dhainje V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A).

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

DATE : 16.04.2019.

ORAL ORDER :

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

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

3. S.O. to 24.06.2019.

MEMBER (A)

kpb ORAL ORDER 16.04.2019 arc.

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

**ORIGINAL APPLICATION NO. 114 OF 2019
(Smt. Savita S. Girbide V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A).

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

DATE : 16.04.2019.

ORAL ORDER :

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

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

3. S.O. to 26.06.2019.

MEMBER (A)

kpb ORAL ORDER 16.04.2019 arc.

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

**ORIGINAL APPLICATION NO. 219 OF 2019
(Dr. Jasmina H. Dekiwadia V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A).

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

DATE : 16.04.2019.

ORAL ORDER :

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

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

3. S.O. to 27.06.2019.

MEMBER (A)

kpb ORAL ORDER 16.04.2019 arc.

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

**ORIGINAL APPLICATION NO. 220 OF 2019
(Dr. Harish G. Shelke V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A).

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

DATE : 16.04.2019.

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate holding for Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

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

3. S.O. to 27.06.2019.

MEMBER (A)

kpb ORAL ORDER 16.04.2019 arc.

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

**ORIGINAL APPLICATION NO. 149 OF 2019
(Dr. Sumant P. Shastri V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A).

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

DATE : 16.04.2019.

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate holding for Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondent Nos. 1 to 3.

2. Learned Advocate Smt. Manjusha S. Jagtap, has filed **VAKALATNAMA** on behalf of respondent No. 4. Same is taken on record.

3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 1 to 3. Time granted.

4. S.O. to 26.06.2019.

MEMBER (A)

kpb ORAL ORDER 16.04.2019 arc.

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

**ORIGINAL APPLICATION NO. 49 OF 2019
(Shri Rameshwar J. Kakde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A).

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

DATE : 16.04.2019.

ORAL ORDER :

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

2. With the consent of both the sides, the present O.A. is disposed of finally.

3 Learned Presenting Officer has placed on record a copy of communication dated 15.04.2019 along with other relevant document. Same are taken on record and marked as document 'X' collectively for the purposes of identification.

4. Learned Advocate for the applicant has submitted that in view of above communication filed by the learned Presenting Officer (document 'X'), the O.A. may be disposed of.

5. In view thereof, with the consent of both the sides, the Original Application is disposed of with no order as to costs.

MEMBER (A)

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

**ORIGINAL APPLICATION NO. 50 OF 2019
(Shri Ambadas P. Deshpande V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A).

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

DATE : 16.04.2019.

ORAL ORDER :

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

2. With the consent of both the sides, the present O.A. is disposed of finally.

3. Learned Presenting Officer has placed on record a copy of communication dated 15.04.2019 along with other relevant document. Same are taken on record and marked as document 'X' collectively for the purposes of identification.

4. Learned Advocate for the applicant has submitted that in view of the communication filed by the learned Presenting Officer (document 'X'), the O.A. may be disposed of with a direction to the respondents that consequential orders be issued in due course of time.

5. In view thereof, with the consent of both the sides, the Original Application is disposed of with a direction to the concerned respondents that in view of

//2//

O.A. No. 50/2019

issuance of communication (document 'X'), they shall issue consequential order in due course of time. There shall be no order as to costs.

kpb ORAL ORDER 16.04.2019 arc.

MEMBER (A)

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

**ORIGINAL APPLICATION NO. 294 OF 2019
WITH
ORIGINAL APPLICATION NO. 296 OF 2019**

(Smt. Sujata R. Palve & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A).

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

DATE : 16.04.2019.

ORAL ORDER :

Heard Shri A.C. Deshpande, learned Advocate for the applicants in both the O.As. and S/shri B.S. Deokar & V.R. Bhumkar, learned Presenting Officer for respective respondents in respective O.As.

2. The main contention of the applicants in the present O.As. is that total of 15 posts of Lecturers have been created vide G.R. dated 21.12.2015 and as per the Recruitment Rules dated 26.06.1990, the appointments are required to be made by promotion and nomination in the ratio of 50:50.

3. Learned Advocate for the applicants has submitted that prior to creation of those posts, there were no posts of Lecturers inexistence. The Government had issued advertisement for filling up the 12 posts out of the 15 posts created. This Tribunal vide order dated 27.03.2019 sought clarification from the respondents and question of interim relief was kept open. The paragraph No. 9 of the order dated 27.03.2019 reads as under:-

//2// O.A. 294 & 296 both of 2019

“9. The res. nos. 1 & 2 may clarify by way of short affidavit as to whether the advertisement dtd. 8.3.2019 is with regard to newly created posts and also inconformity with the rule 8 of the Recruitment Rules, which states that the recruitment will be in the ratio of 50:50 by way of promotion and nomination. The said short affidavit be filed on 8.4.2019, failing which the question of interim relief will be considered.”

4. However, learned Presenting Officer seeks time for filing short affidavit clarifying the position.

5. Learned Advocate for the applicants has also placed on record a copy of judgment delivered by the principal seat of this Tribunal at Mumbai in **O.A. No. 264/2019** in case of **Dr. Mrs. Sangita Sunil Bhujbal & Ors. Vs. The State o Maharashtra and Ors.** dated 05.04.2019. Same is taken on record. Bare reading of the aforesaid judgment, it cannot be said that the applicants in the present cases were similarly situated persons. However, in view of the expressed provisions of Recruitment Rules and for want of clarification from the respondents, the respondents are hereby directed to proceed with the advertisement to the extent of 50% of the posts only. No appointment will be carried out more than the 50% of the quota without permission of this Tribunal. In the meantime, necessary reply be filed by the respondents clearly stating the reasons for advertisement of 12 posts of Lecturers.

6. S.O. to 12.06.2019.

7. Steno copy allowed to the learned P.O. at his request.

MEMBER (A)

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

**M.A. No. 190/2019 in O.A. No. 244/2016
(Shri Vijaykumar P. Narwade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A).

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

DATE : 16.04.2019.

ORAL ORDER :

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

2. This is an application filed by the applicant seeking permission to amend the O.A.

3. For the reasons stated in the M.A., the same is allowed. The applicant shall carry out the necessary amendment in the O.A. within a period of one week and amended copy of O.A. be supplied to be learned Presenting Officer.

4. Accordingly, the M.A. stands disposed of with no order as to costs.

MEMBER (A)

kpb ORAL ORDER 16.04.2019 arc.

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

**ORIGINAL APPLICATION NO.162/2018 & 163/2018
(Baliram Bhaskar Patil & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16-04-2019

ORAL ORDER :

Shri A.D.Gadekar learned Advocate for the applicants has filed **leave note** on record. Shri V.R.Bhumkar learned Presenting Officer for the respondents and Shri S.D.Dhongde learned Advocate for respondent nos.3 and 4 are present in both cases.

2. In view of leave note of learned Advocate for the applicant, S.O. to 26-06-2019.

MEMBER (A)

YUK ORAL ORDERS 16-04-2019

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
REVIEW APPLICATION NO.02/2018
IN
ORIGINAL APPLICATION NO.123/2018
(Shrikant Mahajan V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16-04-2019

ORAL ORDER :

Heard Shri R.D.Khadap learned Advocate holding for Shri P.D.Jarare 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 10-06-2019.

MEMBER (A)

YUK ORAL ORDERS 16-04-2019

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.178/2018
(Mohammad Raisoddin V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16-04-2019

ORAL ORDER :

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

2. Learned P.O. files communication dated 15-04-2019 alongwith certain documents. It is taken on record.

3. S.O. to 06-06-2019.

MEMBER (A)

YUK ORAL ORDERS 16-04-2019

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

**ORIGINAL APPLICATION NO.632/2018
(Vishnu Ghuge V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16-04-2019

ORAL ORDER :

Heard Shri D.T.Devane learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 25-06-2019 for filing affidavit in reply on behalf of the respondents.

MEMBER (A)

YUK ORAL ORDERS 16-04-2019

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

**ORIGINAL APPLICATION NO.633/2018
(Ratan Narwade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16-04-2019

ORAL ORDER :

Heard Shri D.T.Devane learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 25-06-2019 for filing affidavit in reply on behalf of the respondents.

MEMBER (A)

YUK ORAL ORDERS 16-04-2019

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

**ORIGINAL APPLICATION NO.709/2018
(Sheetal M. More V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16-04-2019

ORAL ORDER :

Heard Shri M.V.Bhamre learned Advocate for the applicant, Smt. Deepali Deshpande learned Presenting Officer for the respondent nos.1 to 3 and Shri M.R.Kulkarni learned Advocate for respondent no.4.

2. Learned Advocate for the respondent no.4 files sur-rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 25-06-2019.

MEMBER (A)

YUK ORAL ORDERS 16-04-2019

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

**ORIGINAL APPLICATION NO.931/2018
(Manik Darade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16-04-2019

ORAL ORDER :

Heard Shri V.G.Pingle 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 26-06-2019 for filing affidavit in reply on behalf of the respondents.

MEMBER (A)

YUK ORAL ORDERS 16-04-2019

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

**ORIGINAL APPLICATION NO.933/2018
(Gajanan Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16-04-2019

ORAL ORDER :

Heard Shri P.K.Wagh learned Advocate holding for Shri A.D.Aghav learned Advocate for the applicant and Shri B.S.Deokar learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 28-06-2019 for filing affidavit in reply on behalf of the respondents.

MEMBER (A)

YUK ORAL ORDERS 16-04-2019

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

**O.A.NO.963/2018, 364/2018 & 365/2018
(Vitthal Mhashal & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16-04-2019

ORAL ORDER :

Heard Smt. Amruta Paranjape - Menezes learned Advocate holding for Shri Rajendra G. Godbole learned Advocate for the applicants and Shri N.U.Yadav, Smt. Deepali Deshapnde and Shri D.R.Patil learned Presenting Officer for the respondents in respective cases.

2. Learned P.Os. have filed affidavit in reply on behalf of respondent nos.1 to 3. Those are taken on record. Copies thereof have been served on the other side.

3. S.O. to 25-06-2019.

MEMBER (A)

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

**M.A.NO.28/2019 IN O.A.ST.NO.3070/2018
(Shrikant Deshmukh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16-04-2019

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 27-06-2019 for filing affidavit in reply on behalf of the respondents.

MEMBER (A)

YUK ORAL ORDERS 16-04-2019

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

**M.A.NO.9/2018 IN O.A.NO.929/1999
(Narayan N. Wakchaure V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Shri S.N. Suryawanshi, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondents.

2. At the request of the learned P.O. for the Respondents, S.O. to 08.07.2019 for filing affidavit-in-reply.

MEMBER (A)

SAS ORAL ORDER 16-04-2019

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

**ORIGINAL APPLICATION NO.116/2017
(Dr. Dhanraj W. Kendre V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Shri Subhash Sawangikar, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. By consent adjourned to 26.06.2019.

MEMBER (A)

SAS ORAL ORDER 16-04-2019

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

**M.A.NO.316/2018 IN O.A.ST.NO.1325/2018
(Padmakar V. Kulkarni V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Shri Sujeet D. Joshi, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the Applicant, S.O. to 27.06.2019.

MEMBER (A)

SAS ORAL ORDER 16-04-2019

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

**ORIGINAL APPLICATION NO.228/2017
(Maroti S. Nilewad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Shri Vivek U. Jadhav, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. At the request of the learned P.O. for the Respondents, S.O. to 26.06.2019.

MEMBER (A)

SAS ORAL ORDER 16-04-2019

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

**ORIGINAL APPLICATION NO.89/2018
(Sayeda Khalida wd/o Md. Naeem V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondent Nos.1 & 2 and Shri S.R. Pande, learned Advocate for the Respondent No.3.

2. By consent adjourned to 27.06.2019.

MEMBER (A)

SAS ORAL ORDER 16-04-2019

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

**ORIGINAL APPLICATION NO.116/2018
(Sanjay M. Deokate V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Shri Sujeet D. Joshi, learned Advocate for the Applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. At the request of both the sides, S.O. to 24.06.2019.

MEMBER (A)

SAS ORAL ORDER 16-04-2019

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

**ORIGINAL APPLICATION NO.389/2018
(Archana D. Lathkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Shri Avinash M. Nagarkar, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondents.

2. At the request of both the sides, S.O. to 03.07.2019.

MEMBER (A)

SAS ORAL ORDER 16-04-2019

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

**ORIGINAL APPLICATION NO.478/2018
(Mariba Y. Kamble V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. At the request of both the sides, S.O. to 02.05.2019.

MEMBER (A)

SAS ORAL ORDER 16-04-2019

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

**ORIGINAL APPLICATION NO.26/2019
(Vinod S. Muley V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Shri M.B. Bharaswadkar, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. for the Respondents makes a statement as per the instructions received from Shri Akash Ashok Deshmukh, District Maleria Officer that the regular pension of the Applicant will be released within one week.

3. However, in the meantime, the learned C.P.O. will sure that the provisional pension of the Applicant will continue.

4. S.O. to 18.06.2019.

MEMBER (A)

SAS ORAL ORDER 16-04-2019]

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

**M.A.NO.189/2019 IN O.A.NO.966/2018
(Suman S. Kamble V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Shri Rajendra M. Lone, learned Advocate for the Applicant is **absent**.

Heard Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. As none appeared for the Applicant, S.O. to 22.04.2019.

MEMBER (A)

SAS ORAL ORDER 16-04-2019

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

**ORIGINAL APPLICATION NO.629 AND 630/2018
(Dr. Rahul C. Dadas & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate holding for Shri J.S. Deshmukh, learned Advocate for the Applicants in both the cases and Shri M.P. Gude, learned Presenting Officer for the Respondents in both the cases.

2. At the request of the learned P.O. for the Respondents, S.O. to 07.06.2019 as a last chance.

MEMBER (A)

SAS ORAL ORDER 16-04-2019]

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

**ORIGINAL APPLICATION NO.939/2017
(Dattatraya S. Bargaje V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents files attested copy of the Departmental Proceedings of the Applicant. The same is taken on record and marked as 'X' for the purpose of identification.

3. Learned P.O. for the Respondents submits that the copy of the reply is misplaced. Therefore, he seeks time to file affidavit-in-reply. Time granted.

4. S.O. to 12.06.2019.

MEMBER (A)

SAS ORAL ORDER 16-04-2019

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

**C.P.57/2018 IN O.A.NO.210/2013
(Madhukar R. Mapari V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents files copy of the communication dated 15.04.2019 received from the Under Secretary, Public Health Department, Mantralaya, Mumbai stating that the proposal is now forwarded to Finance Department. The same is taken on record and marked as 'X' for the purpose of identification.

3. S.O. to 27.06.2019.

MEMBER (A)

SAS ORAL ORDER 16-04-2019

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.304/2019
(Shri Pandharinath M. Ahire V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Shri Harish Bali, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Issue notice to the Respondents returnable on 26.06.2019.

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

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

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

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

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

8. Learned Advocate for the Applicant has produced on record the relevant G.R.s dated 10.05.2005, 14.01.2016 & 06.06.2017. The same is taken on record.

9. Steno copy and Hamdast is allowed.

10. S.O. to 26.06.2019.

MEMBER (A)

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

**ORIGINAL APPLICATION NO.305/2019
(Shri Gokul S. Ingle V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Shri Harish Bali, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Issue notice to the Respondents returnable on 26.06.2019.

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

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

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

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

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

8. Learned Advocate for the Applicant has produced on record the relevant G.R.s dated 10.05.2005, 14.01.2016 & 06.06.2017. The same is taken on record.

9. Steno copy and Hamdast is allowed.

10. S.O. to 26.06.2019.

MEMBER (A)

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

**ORIGINAL APPLICATION NO. 224 OF 2019
(Anil L. Chavan V/s. State of Maharashtra & Ors.)**

AND

**ORIGINAL APPLICATION NO. 225 OF 2019
(Walmik D. Nikam V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : A.R. CHADHA, MEMBER (A).

DATE : 16.04.2019.

ORAL ORDER :

Heard Smt. Amruta Paranjape - Menezes, learned Advocate for the applicants in both the cases and S/shri N.U. Yadav & V.R. Bhumkar, learned Presenting Officers for respondents in respective cases.

2. Learned P.O. has filed on record copy of communication dtd. 15.4.2019 received to them from the concerned respondent informing that in view of election code of conduct, some time is required to file affidavit in reply in the present cases. The said communication is taken on record and marked as document 'X' for the purpose of identification.

3. In view of above, S.O. to 4.6.2019 for filing affidavit in reply of the respondents in both the cases.

MEMBER (A)

ARJ ORAL ORDER 16.04.2019.

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

**ORIGINAL APPLICATION NO. 348 OF 2019
(Shri Vinod Ramchandra Kale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : A.R. CHADHA, MEMBER (A).

DATE : 16.04.2019.

ORAL ORDER :

Heard Shri Mohit Deshmukh, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. By filing the present Original Application, vide prayer clause (B), the applicant has prayed as under :-

*“(B) By issuing an appropriate order or direction, respondent No. 1 may kindly be directed to consider and decide pending proposal dated 15.1.2018 and forwarded with positive recommendation by respondent no. 2 on 12.2.2019 (**ANNEXURE-A9**) of the applicant for interdivision transfer i.e. from Nashik Division (posting at Muktainagar, Dist. Jalgaon) to Aurangabad Division.”*

3. Learned Advocate for the applicant submits that the present applicant will be satisfied if prayer clause (B) of the Original Application as quoted hereinabove is allowed by the Tribunal.

4. Learned Presenting Officer submits that he has no objection, if prayer clause (B) of the O.A. is allowed with direction to the concerned respondents to

consider the proposal according to prevailing rules & regulations.

5. In the circumstances, with the consent of both the sides, the present Original Application is allowed and disposed of in terms of prayer clause (B) as quoted hereinabove with a direction to the concerned respondents to consider the concerned proposal according to prevailing rules & regulations. There shall be no order as to costs.

MEMBER (A)

ARJ ORAL ORDER 16.04.2019.

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

**M.A. 170/2019 IN O.A. ST. 531 & 532/2019
(Shri Ankush R. Mhaske & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : A.R. CHADHA, MEMBER (A).

DATE : 16.04.2019.

ORAL ORDER :

Shri S.G. Kulkarni, learned Advocate for the applicant (**absent**). Shri N.U. Yadav, learned Presenting Officer for respondents, is present.

2. In view of absence of applicants & their learned Advocate, S.O. to 2.5.2019.

MEMBER (A)

ARJ ORAL ORDER 16.04.2019.

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

**M.A. 188/2019 IN O.A. ST. 612/2019
(Jijabai J. Sonawane & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : A.R. CHADHA, MEMBER (A).

DATE : 16.04.2019.

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicants and Shri N.U. Yadav, 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.

MEMBER (A)

ARJ ORAL ORDER 16.04.2019.

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

**O.A. ST. 612/2019
(Jijabai J. Sonawane & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : A.R. CHADHA, MEMBER (A).

DATE : 16.04.2019.

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. Issue notice to respondents, returnable on 17.6.2019.

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

4. Applicants are authorized and directed to serve on respondent/s 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. Applicants are directed to file affidavit of compliance and notice.

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

8. S.O. to 17.6.2019.

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

MEMBER (A)

ARJ ORAL ORDER 16.04.2019.

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

**ORIGINAL APPLICATION NO. 258/2017
(Dr. Deepashri G. Choudhary V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : A.R. CHADHA, MEMBER (A).

DATE : 16.04.2019.

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate holding for Shri J.S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply of rest of the respondents except respondent no. 1. At his request, S.O. to 18.6.2019 for filing affidavit in reply of concerned respondents.

MEMBER (A)

ARJ ORAL ORDER 16.04.2019.

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

**ORIGINAL APPLICATION NO. 582/2018
(Rakesh R. Jagtap V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : A.R. CHADHA, MEMBER (A).

DATE : 16.04.2019.

ORAL ORDER :

Heard Shri P.B. Jadhav, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents.

2. Learned P.O. submits that costs was imposed by the Tribunal upon the concerned respondents vide order dtd. 21.2.2019 for not filing affidavit in reply by the respondents in spite of granting ample opportunities. Still on the next i.e. on 12.3.2019 affidavit in reply was not filed and also the costs as directed vide order dtd. 21.2.2019 was not deposited by the respondents. Therefore this Tribunal observed in the said order dtd. 12.3.2019 that the present matter shall proceed without reply of the respondents.

3. Today the learned P.O. submits that affidavit in reply of the respondents is ready. In the circumstances, matter be placed before the regular Single Bench on 25.4.2019 for deciding the issue regarding costs and accepting the affidavit in reply.

MEMBER (A)

ARJ ORAL ORDER 16.04.2019.

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

**ORIGINAL APPLICATION NO. 126 OF 2018
(Dr. Shukracharya Gokul Dudhal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

[The present case is placed before the Single Bench due to non-availability of Division Bench].

DATE : 16.04.2019

ORAL ORDER :

Shri S.S. Dambe, learned Advocate for the applicant, present. Shri Ajay Deshpande, learned Special Counsel for the respondents (**absent**).

2. In view of absence of learned Special Counsel Shri Ajay Deshpande for the respondents, S.O. to 22.04.2019.

MEMBER (A)

ORAL ORDERS 16.04.2019-HDD

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

**ORIGINAL APPLICATION NO. 90 OF 2019
(Shri Khushwant H. Borase V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

[The present case is placed before the Single Bench due to non-availability of Division Bench].

DATE : 16.04.2019

ORAL ORDER :

Heard Shri Chetan V. Bhadane, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 25.06.2019 for filing affidavit in reply.

MEMBER (A)

ORAL ORDERS 16.04.2019-HDD

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

**ORIGINAL APPLICATION NO. 569 OF 2018
(Shri Prashant A. Bonge V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

[The present case is placed before the Single Bench due to non-availability of Division Bench].

DATE : 16.04.2019

ORAL ORDER :

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

2. On instructions, learned Presenting Officer submits that there is no necessity to file sur-rejoinder.

3. In the circumstances, S.O. to 13.06.2019 for hearing.

MEMBER (A)

ORAL ORDERS 16.04.2019-HDD

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

**ORIGINAL APPLICATION NO. 134 OF 2019
(Shri Angad S. Shinde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

[The present case is placed before the Single Bench due to non-availability of Division Bench].

DATE : 16.04.2019

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Rajeev Deshmukh, learned Advocate for respondent No. 4.

2. At the request of learned Presenting Officer, as well as, learned Advocate for respondent No. 4, S.O. to 06.06.2019 for filing affidavit in reply on behalf of respondents.

MEMBER (A)

ORAL ORDERS 16.04.2019-HDD

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

**M.A.75/19 IN O.A.ST.NO. 361/19
(Shri Nana K. Marsale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

[The present case is placed before the Single Bench due to non-availability of Division Bench].

DATE : 16.04.2019

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 18.06.2019 for filing affidavit in reply.

MEMBER (A)

ORAL ORDERS 16.04.2019-HDD

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

**M.A.76/19 IN O.A.ST.NO. 359/19
(Shri Anilkumar T. Mali V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

[The present case is placed before the Single Bench due to non-availability of Division Bench].

DATE : 16.04.2019

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 18.06.2019 for filing affidavit in reply.

MEMBER (A)

ORAL ORDERS 16.04.2019-HDD

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

**C.P.NO. 8/2019 IN O.A.NO. 893/2016
(Shri Vijay N. Chavan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

[The present case is placed before the Single Bench due to non-availability of Division Bench].

DATE : 16.04.2019

ORAL ORDER :

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

2. Learned Presenting Officer submits that the order in question would be complied with, however, the respondents require some time.

3. In the circumstances, S.O. to 10.06.2019.

MEMBER (A)

ORAL ORDERS 16.04.2019-HDD

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

**C.P.NO.15/2014 IN O.A. 1128/99
(Shri Revannath R. Landge V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

[The present case is placed before the Single Bench due to non-availability of Division Bench].

DATE : 16.04.2019

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Ms. Flory Menezes, learned Advocate holding for Shri S.V. Adavant, learned Special Counsel for the respondents.

2. Learned Advocate for the applicant has filed rejoinder affidavit and the same is taken on record and the copy thereof has been served on the other side.

3. Learned Advocate for the applicant submits that the orders are not fully complied with. Learned Special Counsel for the respondents seeks time. Time granted.

4. S.O. to 17.06.2019.

MEMBER (A)

ORAL ORDERS 16.04.2019-HDD

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

**O.A.NOS. 825, 864 TO 867 ALL OF 2016
(Shri Prakash A. Gaikwad & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

[The present case is placed before the Single Bench due to non-availability of Division Bench].

DATE : 16.04.2019

ORAL ORDER :

Heard Shri Vijay B. Jogdand Patil, learned Advocate for the applicants in all these cases and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in all these cases.

2. Learned Advocate for the applicants submit that there is requirement of specific order to include certain respondents and seeks permission of this Tribunal in that regard.

3. Permission granted. The applicant shall include certain respondents within a period of one week.

4. After addition of respondents, issue notices to the added respondents, returnable on 14.06.2019.

5. Issue notice to respondents, returnable on 16.01.2019.

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

7. Applicant is authorized and directed to serve on respondent/s 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.

8. 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.

9. 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.

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

11. S.O. to 14.06.2019.

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

MEMBER (A)

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

**C.P.NO. 1/2019 IN O.A.NO. 534/2014
(Shri Madhukar S. Ingale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

[The present case is placed before the Single Bench due to non-availability of Division Bench].

DATE : 16.04.2019

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that the Writ Petition filed by the respondents is on today's board before the Hon'ble High Court.

3. In the circumstances, S.O. to 24.04.2019.

MEMBER (A)

ORAL ORDERS 16.04.2019-HDD

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

**ORIGINAL APPLICATION NO. 963 OF 2017
(Shri Vasant Dadarao Karke & Ors. V/s. State of Maharashtra &
Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

[The present case is placed before the Single Bench due to non-availability of Division Bench].

DATE : 16.04.2019

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that the O.A. is required to be amended in view of the refusal of the Government to regularize the services of the applicants.

3. Permission to amend the O.A. is granted. The applicant shall carry out the necessary amendment.

4. S.O. to 02.05.2019.

5. Interim relief granted earlier by this Tribunal will be continued for 15 days only from the date of this order.

MEMBER (A)

ORAL ORDERS 16.04.2019-HDD

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

**ORIGINAL APPLICATION NO. 567 OF 2018
(Smt. Shubhangi M. Sonawane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

[The present case is placed before the Single Bench due to non-availability of Division Bench].

DATE : 16.04.2019

ORAL ORDER :

Heard Shri Ganesh Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. It transpires from the proceedings that the affidavit in reply on behalf of respondent No. 2 has already been filed on record.

3. Learned Presenting Officer submits that at present affidavit in reply of respondent No. 1 is not necessary.

4. In the circumstances, S.O. to 19.06.2019 for hearing.

MEMBER (A)

ORAL ORDERS 16.04.2019-HDD

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

**O.A.NOS. 596 & 597 BOTH OF 2018
(Dr. Sunil P. Bhandare & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

[The present case is placed before the Single Bench due to non-availability of Division Bench].

DATE : 16.04.2019

ORAL ORDER :

Heard Shri Gajanan S. Shembole, learned Advocate for the applicants in both these cases and Shri N.U. Yadav, learned Presenting Officer for the respondents in both these cases.

2. At the request of learned Advocate for the applicants, S.O. to 24.06.2019 for hearing.

MEMBER (A)

ORAL ORDERS 16.04.2019-HDD

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

**M.A.NO. 47/2019 IN O.A.NO. 387/2016
(Dr. Nomani Muhammed Mufti Taher V/s. State of Maharashtra &
Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Smt. Vinaya Muley-Dharurkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 28.06.2019 for filing affidavit in reply.

MEMBER (A)

ORAL ORDERS 16.04.2019-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 V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that he wants to place on record certain documents and seeks time.

3. Time granted. He undertook to serve the copy of certain documents on the other side.

4. S.O. to 27.06.2016.

MEMBER (A)

ORAL ORDERS 16.04.2019-HDD

**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 V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Shri A.L. Kanade, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that he wants to place on record certain documents and seeks time.

3. Time granted. He undertook to serve the copy of certain documents on the other side.

4. S.O. to 27.06.2016.

MEMBER (A)

ORAL ORDERS 16.04.2019-HDD

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

**ORIGINAL APPLICATION NO. 460 OF 2018
(Shri Indurao B. Sarode V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Smt. Supriya Bhillegaonkar, learned Advocate holding for Shri M.B. Bharaswadkar, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Vishnu Y. Patil, learned Advocate for respondent No. 4.

2. On instructions, the learned Advocate for the applicant seeks permission of this Tribunal to withdraw the present Original Application. She has filed pursis dated 13.04.2019 signed by the applicant to that effect and the same is taken on record and marked as document 'X' for the purposes of identification.

3. Permission granted. Withdrawal is allowed. Accordingly, the present Original Application stands disposed of as withdrawn without any order as to costs.

MEMBER (A)

ORAL ORDERS 16.04.2019-HDD

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

**ORIGINAL APPLICATION NO. 290 OF 2019
(Shri Rajesh Laxmanrao Tangade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

DATE : 16.04.2019

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent No. 1 and Shri A.D. Aghav, learned Advocate for respondent No. 2.

2. Learned P.O. files reply of Resp. No. 1. Same is taken on record and copy thereof has been served on Learned Advocate for the applicant and Learned Advocate for the Resp. No. 2.

3. By the present Original Application applicant assails Show Cause Notice of dismissal from service dated 25/03/2019 issued by Resp. No. 2 in culmination of a Departmental Enquiry against him.

4. This is the fourth interim order in continuation with the orders dated 29.03.2019, 04.04.2019 and 12.04.2019.

5. Main ground of challenge raised by the Learned Advocate for applicant is that in view of the policy decision of State Govt. implemented vide G.Rs dated 11/10/2018 and 09/01/2019 as the cadre in which applicant was previously working viz. the cadre of "Agriculture Officers, Group-C (Technical)" has been

converted into the new cadre of “Agriculture Officers (Zilla Parishad) Group-B (Junior) **(Gazetted)** by declaring the old cadre to be a “dead cadre”, the applicant has ceased to be a member of the Group-C service of Zilla Parishad and hence the Resp. No. 2 has no power & authority in law to impose any punishment upon him. It is also contended by the Learned Advocate for applicant with specific reference to paragraphs 3 and 8 of G.R. dtd. 09/01/2019 that the Resp. No. 2 has ceased to have any disciplinary control over the applicant and all service related matters of persons like him are required to be routed by Resp. No. 2 to the Commissioner of Agriculture for further action. Learned Advocate also pointed out that the applicant has already opted for the new Gazetted cadre by submitting his option in the required format.

6. Per contra, the Learned P.O. and the Learned Advocate for Resp. No. 2 strenuously contended that though the State Govt. has issued G.R.s dated 11/10/2018 and 09/01/2019, the process of exercising options and absorption is not yet carried out and the applicant is not yet absorbed in the newly formed cadre and he still continues to be a member of the Group-C service of Zilla Parishad. Both the Learned Advocates have placed heavy reliance on a letter dated 03/04/2019 of Resp. No. 1 instructing the Resp. No. 2 to look into service related issues of employees like applicant till they are absorbed in the

Agriculture Dept. On the basis of these submissions Learned P.O. and Learned Advocate for Resp. No. 2 contended that the Resp. No. 2 was competent to issue the impugned Show Cause Notice and to impose any punishment upon the applicant.

7. In the light of above submissions the moot point which arises for consideration is whether in view of issuance of G.Rs dated 11/10/2018 and 09/01/2019 it is now permissible for Resp. No. 2 to exercise disciplinary powers vis-à-vis person like the applicant and seek to impose any punishment upon him.

8. Prima facie, and as already observed in order dated 04/04/2019 passed in this O.A., the contents of G.R. dated 09/01/2019 more particularly paragraphs 3 and 8 thereof along with G.R. dated 11/10/2018 show that the Government has already conferred Gazetted status upon persons like applicant who were working in "Agriculture Officers, Group-C (Technical)" cadre by converting it into the new cadre of "Agriculture Officers (Zilla Parishad) Group-B (Junior) (Gazetted) while declaring the old cadre to be a "dead cadre". Not only that but by the G.R. dated 09/01/2019 Government has specifically ordered that all the establishment related matters including service related matters of employees of the new cadre are to be handled by the Agriculture Department and

O.A. NO. 290 OF 2019

for that purpose necessary proposals are to be forwarded to the Commissioner of Agriculture.

9. The contention of Respondents that the process of exercising options and absorption having not yet been completed the applicant continued to be a member of Group-C service of Zilla Parishad cannot be accepted for two reasons. Firstly, the State Govt. has already conferred Gazetted status on persons like applicant vide G.R. dated 11/10/2018 and secondly, the old cadre has already been declared to be a “dead cadre” under that G.R. due to which there can be no question of continuation of the applicant in the “dead cadre”.

10. As far as the reliance placed on letter dated 03/04/2019 by Respondents, suffice it to say that it cannot override or supersede the express & specific provisions of G.R.s issued in the name of His Excellency the Governor of Maharashtra.

11. I have not gone in the merit of the case and it is clearly expressed that there is no sympathy with the applicant. But the punishment should be conferred by the competent authority and the defaulter should not go scot-free due to an order issued by the authority not competent to do so.

12. In the light of the above discussions, the following order is issued: -

ORDER

The present show-cause is hereby stayed and the respondents may proceed with their case by the competent authority as per the provisions prescribed in the G.Rs. dated 11.10.2018 and 09.01.2018.

13. Learned Advocate for respondent No. 2 is hereby directed to communicate this order to the respondent No. 2 by fastest mode of communication.

14. S.O. to 12.06.2019.

15. Steno copy and hamdust is allowed to all the parties.

MEMBER (A)