

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.637/2015**

**(G.B.Walzade V/s. State of Maharashtra & Ors.)**

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN  
(Division Bench Matter)**

**DATE : 16-12-2016.**

**ORAL ORDER:**

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

2. In the midst of hearing, learned Advocate for the applicant states that it would be appropriate to lay hands on the recruitment rules, examine eligibility of the applicant, and thereafter, make proper claim.

3. For this purpose he prays for leave to withdraw the O.A. with liberty to take appropriate recourse in accordance with law.

4. With liberty as prayed, O.A. stands disposed of with no order as to costs.

**CHAIRMAN**

\2016\YUK ORAL ORDER 16-12-2016 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.125/2016**

**(G.N.Sonawane V/s. State of Maharashtra & Ors.)**

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN  
(Division Bench Matter)**

**DATE : 16-12-2016.**

**ORAL ORDER:**

1. Heard Shri C.V.Bodkhe learned Advocate holding for Shri R.V.Gore learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.
2. Admit. Case be kept for hearing in due course.

**CHAIRMAN**

\2016\YUK ORAL ORDER 16-12-2016 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.719/2016**

**(P.M.Chandanshiv V/s. State of Maharashtra & Ors.)**

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

**DATE : 16-12-2016.**

**ORAL ORDER:**

1. Heard Shri Laxman H. Kawade learned Advocate holding for Shri K.J.Suryawanshi learned Advocate for the applicant, Shri S.K.Shirse learned Presenting Officer for the respondent nos.1 to 3 and Shri S.S.Deogude learned Advocate holding for Shri P.D.Suryavanshi learned Advocate for respondent no.4.

2. Learned P.O. states as follows:

That order passed by this Tribunal on 14-12-2016 could not be communicated yesterday during the office hours since the nomenclature of the respondent nos.1 and 3 has not been properly described in the O.A.

3. Perusal of O.A. reveals that:

(a) The State of Maharashtra is shown to be represented through the CPO. In fact, the State should have been shown to be represented through appropriate Secretary of the concerned Department.

(b) It is seen and applicant admits that the post of Divisional Engineer, Public Works

Department, Aurangabad Division, Aurangabad,  
in the nomenclature as narrated, does not exist.

4. In this situation, it is impossible to expect that the learned P.O. can communicate the orders etc. to appropriate officer or the authority of the respondents.

5. It is noticed in many cases that State of Maharashtra is shown to be represented through the CPO. The CPO can never be a party unless needed in his own capacity. Appropriate office of the State through concerned department and any or all concerned officers with their exact designation have to be arrayed as respondent.

6. It is not impossible but it is difficult to modulate the drafting by lawyers and litigants, however Registrar can surely be directed to scrutinize as to whether proper parties are arrayed.

7. Therefore the Registrars at Principal seat and benches are directed that O.A. should not be registered and be kept under objection, if :

(a) the State of Maharashtra is not shown through appropriate Secretary.

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O.A.No.719/16

(b) Designations of the respondent officers do not correspond to the designations shown on the official website of the Government of Maharashtra.

8. Registrar is directed to issue proper instruction and display notice on the notice board and also on official website.

9. S.O. to 20-12-2016.

**CHAIRMAN**

\2016\YUK ORAL ORDER 16-12-2016 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.505/2016  
(M.A.Suralkar V/s. State of Maharashtra & Ors.)**

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

**DATE : 16-12-2016.**

**ORAL ORDER:**

1. Heard Shri N.K.Tungar learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for the respondent nos.1 to 3. Shri N.L.Jadhav learned Advocate for respondent no.4 is **absent**.

2. Furtherance to leave to amend granted in favor of the applicant, today learned Advocate has tendered memo of O.A. to be substituted. It is taken on record.

3. Issue fresh notice to other respondents, returnable on 30-01-2017.

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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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. In view that, leave to substitute paper book of O.A. is granted, affidavit filed by the State has to be ignored and opportunity to file fresh affidavit is required to be granted.

9. Affidavit filed on 25<sup>th</sup> October, 2016 or so, which is at paper book page 47 onwards is struck off.

10. Contesting respondents are granted permission to file fresh affidavit countering each para and each averment in the substituted O.A.

11. Fresh pagination be done to the affidavit of respondent no.4, which is at paper book pages 42 to 46.

12. Learned P.O. prays for 4 weeks' adjournment for filing reply to the substituted O.A.

13. Applicant is directed to serve fresh notice on the respondents for which steno copy and hamdust is allowed.

14. It shall suffice if the respondent no.2, who is the contesting respondent files limited affidavit answering contents of paragraph 15 of the O.A. and explain the reasons on which applicant's case does not fit into first part of category no.ii illustratively carved out and enlisted in paragraph 12 in the case of State of Punjab V/s. Rafiq Massih, referred to and quoted in paragraph 15 of the O.A.

15. This order does not preclude respondents from filing detailed reply, if the respondent no.2 considers that detailed affidavit in reply is necessary.

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O.A.No.505/16

16. Applicant as well as the learned P.O. are directed to inform this order to the respondents.

17. Steno copy may be granted to the parties on their request.

18. Request for adjournment of 4 weeks is unjust, still time granted till 30-01-2017.

19. S.O.30-01-2017.

**CHAIRMAN**

\2016\YUK ORAL ORDER 16-12-2016 HON. CHAIRMAN



**ORIGINAL APPLICATION NO. 176 OF 2016**

{Shruti R. Damgir & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(D.B. MATTER)**

**DATE :- 16.12.2016**

**Oral Order :-**

1. Heard Shri R.D. Khadap, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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

(a) That the main prayer contained in the O.A. is prayer clause (B), which is as under :-

“B. The respondents may kindly be directed to accept the application forms of the applicants for the post of Junior Engineer by modifying and / or relaxing the advertisement Annexure A.2 to the extent of eligibility criteria for filling up the said post and allow them to participate in the selection process and for that purpose issue necessary orders.

(b) By virtue of rejection of interim relief by this Tribunal vide order dated 1.3.2016, the object of O.A. has come to an end.

3. In view of the aforesaid submission of the learned Advocate for the applicant, O.A. stands dismissed with no order as to costs.

**ARJ 16.12.2016 HON. CHAIRMAN**

**CHAIRMAN**

**ORIGINAL APPLICATION NO. 177 OF 2016**

{Jaywant B. Patil & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(D.B. MATTER)**

**DATE :- 16.12.2016**

**Oral Order :-**

1. Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Chief Presenting Officer for the respondents.

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

(a) That the main prayer contained in the O.A. is prayer clause (B), which is as under :-

“B. The respondents may kindly be directed to accept the application forms of the applicants for the post of Junior Engineer by modifying and / or relaxing the advertisement Annexure A.2 to the extent of eligibility criteria for filling up the said post and allow them to participate in the selection process and for that purpose issue necessary orders.

(b) By virtue of rejection of interim relief by this Tribunal vide order dated 1.3.2016, the object of O.A. has come to an end.

3. In view of the aforesaid submission of the learned Advocate for the applicant, O.A. stands dismissed with no order as to costs.

**CHAIRMAN**

**ARJ 16.12.2016 HON. CHAIRMAN**

**ORIGINAL APPLICATION NO. 180 OF 2016**

{Sideshwar V. Patil & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(D.B. MATTER)**

**DATE :- 16.12.2016**

**Oral Order :-**

1. Heard Shri R.D. Khadap, learned Advocate for the applicants and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

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

(a) That the main prayer contained in the O.A. is prayer clause (B), which is as under :-

“B. The respondents may kindly be directed to accept the application forms of the applicants for the post of Junior Engineer by modifying and / or relaxing the advertisement (Annexure B) to the extent of eligibility criteria for filling up the said post and allow them to participate in the selection process and for that purpose issue necessary orders.

(b) By virtue of rejection of interim relief by this Tribunal vide order dated 1.3.2016, the object of O.A. has come to an end.

3. In view of the aforesaid submission of the learned Advocate for the applicant, O.A. stands dismissed with no order as to costs.

**CHAIRMAN**

**ARJ 16.12.2016 HON. CHAIRMAN**

**ORIGINAL APPLICATION NO. 667 OF 2016**

{B.L. Chole Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(D.B. MATTER)**

**DATE :- 16.12.2016**

**Oral Order :-**

1. None appears for the applicant. Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.
2. The learned P.O. has affidavit in reply on behalf of res. no. 2. It is taken on record. He undertakes to supply copy of the reply to the learned Advocate for the applicant.
3. Admit.
4. O.A. to come up for final hearing in due course.

**CHAIRMAN**

**ARJ 16.12.2016 HON. CHAIRMAN**

**ORIGINAL APPLICATION NO. 126 OF 2016**

{Anjanbai H. Suryawanshi Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(D.B. MATTER)**

**DATE :- 16.12.2016**

**Oral Order :-**

1. Heard Smt. Suchita Dhongde, learned Advocate holding for Shri Suresh D. Dhongde, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. Admit.
3. The O.A. to come up for final hearing in due course.

**CHAIRMAN**

**ARJ 16.12.2016 HON. CHAIRMAN**



**ORIGINAL APPLICATION NO. 525 OF 2016**

{M.K. Borse Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(D.B. MATTER)**

**DATE :- 16.12.2016**

**Oral Order :-**

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

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

(a) That by subsequent developments the applicant has been granted promotion.

(b) The applicant still wants to continue to contest fresh O.A. for demanding the deemed date of promotion and, therefore, he prays for leave to substitute the O.A. be granted.

3. Leave as prayed for is granted.

4. The learned Advocate for the applicant shall substitute the O.A. within a period of 2 weeks from today.

5. The applicant shall serve the respondents the amended / substituted O.A. by taking fresh notices from the Tribunal.

6. If the notices are not collected by the learned Advocate for the applicant on or before 5.1.2017, the O.A. shall

stand dismissed automatically without reference to the Tribunal.

7. Even if the substitution of O.A. is done, affidavits in replies of the respondents, which are already on record of the paper book pages 35 onwards shall be struck off.

8. The respondents are free to file respective reply within a period of six weeks from the service of substituted copies of O.A.

9. Only if the notices on substituted O.A. are collected and are served on the respondents, the O.A. to come up for hearing on 1.3.2017.

**CHAIRMAN**

**ARJ 16.12.2016 HON. CHAIRMAN**

**MA 390/2016 IN OA ST. 1744/2016**

{S.S. Bhagade Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(D.B. MATTER)**

**DATE :- 16.12.2016**

**Oral Order :-**

1. Heard Shri H.H. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. This is an application filed by the applicant for condonation of 8 months & 29 days delay caused in filing O.A. before this Tribunal.
3. The learned C.P.O. has tendered of affidavit in reply on behalf of res. no. 2. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.
4. The applicant's categoric statement contained in the M.A. that the copy of the impugned order was not served on him is not denied by the respondents.
5. In view of foregoing observation, the delay of 8 months & 29 days' caused in filing O.A. is satisfactorily explained and it is condoned.
6. The M.A. is accordingly allowed. There shall be no order as to costs.

**CHAIRMAN**

**OA ST. 1744/2016**

{S.S. Bhagade Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(D.B. MATTER)**

**DATE :- 16.12.2016**

**Oral Order :-**

1. Heard Shri H.H. Jadhav, 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 30.1.2017.
3. Tribunal may take the cases for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced

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

7. S.O. 30.1.2017.
8. Steno copy & hamdust allowed to both the parties.

**CHAIRMAN**

**ARJ 16.12.2016 HON. CHAIRMAN**

**ORIGINAL APPLICATION NO. 211 OF 2016**

{Jayshri N. More & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(D.B. MATTER)**

**DATE :- 16.12.2016**

**Oral Order :-**

1. Heard Shri V.B. Anjanwatikar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. The applicants' grievance is that the procedure of promotion is governed under G.R., copies whereof are placed on record at paper book page 49 to 53. According to the applicants, the promotion to the post of Class-III from Class-IV category is governed on the basis of possessing the requisite speed in typing as prescribed in rule and also on the basis of seniority based on passing of S.S.C.
3. The O.A. is contested by the respondents by filing affidavit in reply. The relevant portion as contained in para 1 of the reply is as under :-

“1. .... On the other hand the candidates who are promoted to Class III post were having Typing Certificate of 40 w.p.m. in English language and 30 w.p.m. in Marathi language. It's clearly shows that, the candidates who are promoted to the Class III post are having higher qualifications of typing speed than the applicants and thus they are very much entitle for the promotion. And thus looking into the documents and justice the persons who are having higher

qualification are been promoted and there is not illegality in the order passed by the respondent no. 3.”

4. The Divisional Joint Registrar, Cooperative Societies, Nashik is directed to file affidavit on following points :-

Whether criteria applied for promotion as referred to in para 1 of the reply and quoted in the foregoing paragraph no. 3, is in consonance with the conditions contained in the Recruitment Rules, other Rules and G.Rs.

6. The affidavit as directed above be filed on or before 30.1.2017.

7. In the event the respondent no. 3 finds that the promotion orders are not according to the recruitment rules, he is free to take corrective measures. If such corrective measures are taken, the orders containing eloquent reasons in support be passed by concerned respondent. If such corrective action is taken, it shall not be necessary to file affidavit as directed hereinabove in para no. 4.

8. S.O. to 30.1.2017.

9. Steno copy allowed to the learned C.P.O. for communicating the same to the Divisional Joint Registrar, Cooperative Societies, Nashik.

**CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD  
ORIGINAL APPLICATION NO.735/2012.  
[Shri Chandrakant Shankar Jadhav Vs. The State of  
Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)  
AND  
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

**DATE : 16.12. 2016.**

**ORAL ORDER:**

Heard Shri Sudhir Patil, learned Advocate holding for Dr. Smt. K.P. Bharaswadkar, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. In this O.A. the applicant has challenged Departmental Enquiry which was pending against him. However, by order dated 3.10.2016 Joint Director, (Dental) in the office of Director of Medical Education and Research, Mumbai has informed Superintendent of Saint Georges Hospital, Mumbai that the D.E. of the Applicant has been closed. In view thereof nothing survives in this O.A. It is disposed of accordingly with no order as to costs.

**MEMBER (J)                      VICE CHAIRMAN (A)**  
**ORAL ORDERS 16.12.2016 – ATP(DB)**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD  
ORIGINAL APPLICATION NO.550/2012.  
[Shri Shamrao Vakil Dhage Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)  
AND  
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

**DATE : 16.12. 2016.**

**ORAL ORDER:**

None present for the Applicant. Smt R.S. Deshmukh, learned Presenting Officer for the respondents, is present.

2. This O.A. was last placed before this Bench on 14.12.2016 when none was present for the applicant and the Respondent no.3 was also absent. On the earlier occasion also on 16.11.2016 the applicant was found absent. We find that the applicant has not been attending this O.A. and has apparently lost interest in prosecuting the same. It is therefore, dismissed in default.

**MEMBER (J)                      VICE CHAIRMAN (A)**  
ORAL ORDERS 16.12.2016 – ATP(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD  
ORIGINAL APPLICATION NO.36/2013.  
[Anil Bbrowahan Tirthkar Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)  
AND  
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

**DATE : 16.12. 2016.**

**ORAL ORDER:**

None present for the Applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

2. This O.A. was kept before this Bench for hearing on 20.10.2016. Considering the fact that the applicant has not been remaining present for hearing of this O.A., this Tribunal directed that the matter may be kept for dismissal on 21.10.2016. However, on that date the matter could not be reached and it was placed before this very Bench for further hearing on 15.12.2016. On that date also none was present for the applicant and it was kept for hearing today. Today also the applicant is absent. This O.A. is therefore, dismissed in default.

**MEMBER (J)                      VICE CHAIRMAN (A)**  
ORAL ORDERS 16.12.2016 – ATP(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD  
OA No. 111/2013 with MA 105/2013.  
[Gajanan Marotrao Shikare Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)  
AND  
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

**DATE : 16.12. 2016.**

**ORAL ORDER:**

None present for the Applicant. Smt. R.S. Deshmukh learned Presenting Officer for the respondents no.1 to 2 and Shri S.K. Sawangikar, learned Advocate for the respondent no.4. Shri A.D. Gadekar, learned Advocate for the respondent no.3 has filed leave note.

2. This O.A. was heard on 23.9.2016 by this very Bench and it was kept for further hearing on 26.10.2016. On that date none was present for the applicant. It was therefore, kept for hearing on 13.12.2016 when again none was present for the applicant. This O.A. was therefore, kept for dismissal on 16.12.2016. Today also none was present for the Applicant. Hence, O.A. is dismissed in default.

As O.A. is dismissed nothing survives in the M.A. and the same also disposed of with no order as to costs.

**MEMBER (J)                      VICE CHAIRMAN (A)**  
**ORAL ORDERS 16.12.2016 – ATP(DB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD  
ORIGINAL APPLICATION NO.310/2015.  
[Shri V.D. Bhapkar Vs. The State of Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)  
AND  
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

**DATE : 16.12. 2016.**

**ORAL ORDER:**

Heard Shri Shrikant Patil, learned Advocate for the Applicant and Smt R.S. Deshmukh, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant states that this matter has been placed inadvertently before Division Bench, as matter pertains to Single Bench it was placed for further hearing on 20.12.2016 before the Single Bench. He therefore, prayed that it may be kept before Single Bench on 20.12.2016.

3. The matter may be removed from the caption of "dismissal" and may be kept for further hearing before Single Bench for further hearing.

4. S.O. to 20.12.2016.

**MEMBER (J)**  
ORAL ORDERS 16.12.2016 – ATP(DB)

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD  
ORIGINAL APPLICATION NO.738/2012.  
[Shri C.S. Jadhav Vs. The State of Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)  
AND  
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

**DATE : 16.12. 2016.**

**ORAL ORDER:**

Heard Shri Sudhir Patil, learned Advocate holding Dr. Smt. K. P. Bharaswadkar, learned Advocate for the Applicant and Smt Dipali Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed two original applications bearing Nos. 735/12 and 738/12. Respondents no.1 to 3 in the Original applications have filed affidavit. By mistake the affidavit which should have been filed in O.A.No.735/12, has been placed in OA No.738/12 and vice-versa, though the numbers are given correctly as per the original application numbers.

3. Learned P.O. sought leave of this Tribunal to place correct affidavit in OA No.738/12 on record. As OA No.735/12 has already been disposed of, the issue remains only in OA No.738/12. Learned P.O. is allowed to place correct affidavit on record on the next date. The P.O. should also file a fresh additional affidavit informing about the current state of affairs as far as D.E. against the applicant is concerned. The matter may be placed before Single Bench, if Division Bench is not available to ensure compliance of this order.

4. S.O. to 21.1.2017.

**MEMBER (J)                      VICE CHAIRMAN (A)**  
ORAL ORDERS 16.12.2016 – ATP(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.891/2012.**

**[Shri A.A. Khan Vs. The State of Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)  
AND**

**HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

**DATE : 16.12. 2016.**

**ORAL ORDER:**

Heard Shri K. M. Nagarkar, learned Advocate for the Applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent no.1 and Shri Vivek Bhavthankar, learned Special Counsel for the respondents no.2 & 3.

2. In W.P.No.1217/2014 by order dated 25.3.2015 Hon'ble Bombay High Court, Bench at Aurangabad has quashed order of this Tribunal in this O.A. dated 6.12.2013 and O.A. was restored on the file of this Tribunal. Hon'ble High Court has directed this Tribunal "to decide the matter on merit after giving opportunity to the concerned parties and after summoning the record from respondent no.1". Though respondent no.1 has filed a fresh affidavit on 7.1.2016, the original records have not been produced.

3. Learned Special Counsel Shri Vivek Bhavthankar states that, the original records will be placed for perusal of the Tribunal on the next date.

4. The matter may be placed before the Division Bench, as and when it is available.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**ORAL ORDERS 16.12.2016 – ATP(DB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.427/2001.**

**[Shri J.E.Chavan & Oth.Vs. The State of Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)  
AND**

**HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

**DATE : 16.12. 2016.**

**ORAL ORDER:**

Heard Shri M.B. Kolpe, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the Applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The affidavit is not filed by the respondents. Hence, the matter may be kept for hearing before the Division Bench, as when it is available.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 16.12.2016 – ATP(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.864/2011.**

**[Smt. V.B. Musale Vs. The State of Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)  
AND**

**HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

**DATE : 16.12. 2016.**

**ORAL ORDER:**

Heard Shri Mathpati, learned Advocate holding for Shri B.R. Kedar, learned Advocate for the Applicant and Smt S.K. Ghate Deshmukh, learned Presenting Officer for the respondents.

2. Learned P.O. has placed on record copy of the result declared by the Maharashtra Public Service Commission pursuant to their Advertisement No.48/2011. It may be kept in sealed cover along with the case papers. The case of the applicant is that, though she belongs to N.T.-D category, she has applied from the category of Open Female. A copy of her application has not been placed on record by the applicant. It is also not clear that the applicant has claimed that she has NCL certificate, which is pre-requisite for the Open category for the posts for females. Learned P.O. stated that, he will seek instructions and place the information on record on the next date along with the short affidavit.

3. The matter may be placed before the Division Bench, as and when it is available.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**ORAL ORDERS 16.12.2016 – ATP(DB)**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD  
ORIGINAL APPLICATION NO.841/2012.  
[Dr. J. B. Deshmukh & Ors. Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)  
AND  
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

**DATE : 16.12. 2016.**

**ORAL ORDER:**

Heard Shri Milind Patil, learned Advocate for the Applicant and Smt P.R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the Applicant Shri Milind Patil states that, the subject matter of this O.A. is identical with O.A. No.292/12, which has been kept for further hearing on 10.1.2016 and hence this matter may also be kept on that date.

3. Hence, S.O. to 10.1.2016 along with O.A. No.292/2012.

**MEMBER (J)**  
ORAL ORDERS 16.12.2016 – ATP(DB)

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 624 OF 2014  
[Shri Subhash S/o Popal Handore & Ors. Vs. The State of  
Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)  
AND  
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

**DATE : 16.12.2016.**

**ORAL ORDER:**

1. Heard Shri S.D. Joshi, learned Advocate for the Applicants and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant, on instructions, seeks permission of this Tribunal to withdraw the present Original Application.
3. Permission granted. Withdrawal is allowed. Accordingly, the present Original Application stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)                      VICE CHAIRMAN (A)**

**ORAL ORDERS 16.12.2016 – HDD(DB-VC&M(J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 497 OF 2014  
[Shri Kisan Rangnath Godam Vs. The State of Maharashtra &  
Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)  
AND  
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

**DATE : 16.12.2016.**

**ORAL ORDER:**

1. Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. Learned Presenting Officer (P.O.) states that his files are not traceable and he is unable to workout the present Original Application today. He seeks some accommodation to workout the O.A.
3. Hence, present Original Application may be placed before the next Division Bench, whenever it is available.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**ORAL ORDERS 16.12.2016 – HDD(DB-VC&M(J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 556 OF 2014  
[Shri Kisan Rangnath Godam Vs. The State of Maharashtra &  
Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)  
AND  
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

**DATE : 16.12.2016.**

**ORAL ORDER:**

1. Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. Learned Presenting Officer (P.O.) states that his files are not traceable and he is unable to workout the present Original Application today. He seeks some accommodation to workout the O.A.
3. Hence, present Original Application may be placed before the next Division Bench, whenever it is available.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**ORAL ORDERS 16.12.2016 – HDD(DB-VC&M(J)**