

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION No.454/2015.

(Ms. Shobha R. Choudhary Vs. State of Maha. & Ors.)

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

DATE : 18.11.2016.

ORAL ORDER

Heard Shri S. M. Avhad, learned Advocate for the applicant and Shri D. R. Patil, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 11.1.2017.

MEMBER (J)

18.11.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION No.39/2015.

(T. B. Jadhav Vs. State of Maha. & Ors.)

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

DATE : 18.11.2016.

ORAL ORDER

Heard Shri RK Wagh, learned Advocate holding for Shri R.K. Jadhavar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant seeks time. Time granted.

3. S.O. to 9.1.2017.

MEMBER (J)

18.11.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION No.863/2016.

(B. D. Tathe Vs. State of Maha. & Ors.)

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

DATE : 18.11.2016.

ORAL ORDER

Heard Shri J. B. Chaudhary, learned Advocate for the applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Vide impugned order dated 27.7.2016 to pay scale of the applicant has been released and it is directed that the excess payment be recovered. The order of recovery of excess payment is stayed till further orders. In the mean time, issue notices to the respondents, returnable on 6.1.2017.

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

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

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

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

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

8. S.O. 6.1.2017.

MEMBER (J)

18.11.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

M.A.No.422/2016 in OA St. No.1713/2016.
(B. G. Randive Vs. State of Maha. & Ors.)

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

DATE : 18.11.2016.

ORAL ORDER

Heard Shri G. J. Kore, learned Advocate for the applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Issue notices to the respondents in MA No.422/2016, returnable on 6.1.2017.

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

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

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

-2- **M.A.No.422/2016 in OA St. No.1713/2016.**

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. Steno copy and Hamdast is allowed to both parties.

8. S.O. 6.1.2017.

MEMBER (J)

18.11.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION No.127/2016.

(S. N. Markad & Ors. Vs. State of Maha. & Ors.)

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

DATE : 18.11.2016.

ORAL ORDER

None present for the applicants. Smt P.R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. The argument of the applicant has already been heard.

The respondent no.3 has already filed additional affidavit.

Hence, the matter is closed for orders.

MEMBER (J)

18.11.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION No.255/2015.

(R. A. Sande Vs. State of Maha. & Ors.)

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

DATE : 18.11.2016.

ORAL ORDER

Heard Shri V.Y. Patil, learned Advocate holding for Shri A.R. Devkate, learned Advocate for the applicant and Smt R. S. Deshmukh, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 9.1.2017.

MEMBER (J)

18.11.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION No.638/2015.

(H. D. Patil Vs. State of Maha. & Ors.)

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

DATE : 18.11.2016.

ORAL ORDER

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

2. Learned Advocate for the applicant seeks time. Time granted.

3. S.O. to 3.1.2017.

MEMBER (J)

18.11.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION No.752/2015.

(Dr. V.G. Nimbalkar Vs. State of Maha. & Ors.)

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

DATE : 18.11.2016.

ORAL ORDER

Heard Shri A. D. Sugdare, learned Advocate for the applicant and Smt R. S. Deshmukh , learned Presenting Officer for the Respondents no.1 & 2 and Shri P.R. Tandale, learned Advocate for the Respondent no.3.

2. In the O.A. the applicant claimed relief for direction to Respondent no.3 to complete all necessary procedure in respect of grant of final pension and same be paid to the applicant.

3. Learned Advocate for the applicant submits that, the applicant has already received all the dues and the pension on 17.11.2016. However, he has not received the interest. He submits that, with liberty to file representation for grant of interest the application be disposed of.

4. In view thereof, the O.A. stands disposed of with no order as to costs, with liberty to file representation if any, for interest.

MEMBER (J)

18.11.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION No.800/2015.

(D. K. Kulkarni Vs. State of Maha. & Ors.)

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

DATE : 18.11.2016.

ORAL ORDER

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

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

3. S.O. to 9.1.2017.

MEMBER (J)

18.11.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION No.13/2016.

(L.R. Kulkarni Vs. State of Maha. & Ors.)

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

DATE : 18.11.2016.

ORAL ORDER

None present for the applicant. Shri I. S. Thorat,
learned Presenting Officer for the Respondents.

2. Learned P. O. seeks time to file reply affidavit. Granted
as a most last chance, on condition that, heavy costs will be
imposed, if reply affidavit is not filed on the next date.

MEMBER (J)

18.11.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION No.278/2016.

(M. K. Devbone Vs. State of Maha. & Ors.)

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

DATE : 18.11.2016.

ORAL ORDER

Heard Shri K. M. Nagarkar, learned Advocate for the applicant and Smt S.K. Ghate Deshmukh, learned Presenting Officer for the Respondents.

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

3. S.O. to 10.1.2017.

MEMBER (J)

18.11.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION No.418/2016.

(M. M. Gatkal Vs. State of Maha. & Ors.)

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

DATE : 18.11.2016.

ORAL ORDER

None present for the applicant. Smt S.K. Ghate -
Deshmukh, learned Presenting Officer for the Respondents.

2. Nobody appeared for the applicant on 30.8.2016 as well as on 5.10.2016. It seems that, the applicant may not be interested in prosecuting the matter. Hence it be kept for dismissal on the next date.

3. S.O. to 11.1.2017.

MEMBER (J)

18.11.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION No.435/2016.

(P. Y. Patil Vs. State of Maha. & Ors.)

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

DATE : 18.11.2016.

ORAL ORDER

Heard Shri P.B. Kothari, learned Advocate holding for Shri V. B. Patil learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the Respondents no. 1 to 6 and Shri V. M. Vibhute, learned Advocate for the Respondent no.7.

2. Shri V. M. Vibhute, learned Advocate for the Respondent no.7 seeks time to file reply affidavit. Time granted.

3. S.O. to 11.1.2017.

MEMBER (J)

18.11.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION No.518/2016.

(B. P. Patil Vs. State of Maha. & Ors.)

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

DATE : 18.11.2016.

ORAL ORDER

Heard Shri P. B. Kothari, learned Advocate holding for Shri S.S. Bora, learned Advocate for the applicant and Smt P.R. Bharaswadkar, learned Presenting Officer for the Respondents no.1 to 3. None present for Respondent no.4.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 11.1.2017.

MEMBER (J)

18.11.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION No.609/2016.

(D.R. Pawar Vs. State of Maha. & Ors.)

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

DATE : 18.11.2016.

ORAL ORDER

Heard Shri Sham Patil, learned Advocate holding for Shri V. B. Wagh, learned Advocate for the applicant and Smt P.R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of Respondents no.1 to 4. Same is taken on record. Its copy is served on the learned Advocate for the applicant.

3. Learned Advocate for the applicant seeks time to file rejoinder, if necessary.

4. S.O. to 2.1.2017.

MEMBER (J)

18.11.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION No.705/2016.

(Smt. Panchfulabai. R. Shirsath Vs. State of Maha. & Ors.)

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

DATE : 18.11.2016.

ORAL ORDER

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

2. Learned C.P.O. seeks time to file reply affidvit. Time granted.

3. S.O. to 2.1.2017.

MEMBER (J)

18.11.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION St.No.1004/2015.

(Smt.Jaibunbee R. Shaikh Vs. State of Maha. & Ors.)

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

DATE : 18.11.2016.

ORAL ORDER

Heard Heard Shri P. B. Kothari, learned Advocate holding for Shri S.S. Bora, learned Advocate for the applicant and Shri N. U. Yadav, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant seeks time. Time granted.

3. S.O. to 13.1.2017.

MEMBER (J)

18.11.2016-ATP

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

**M.A. No. 300/2016 in O.A. St. No. 1459/2016
[Kailas Dashrat Patil Vs. The State of Mah. & Ors.]**

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

DATE : 18.11.2016.

ORAL ORDER:

Shri A.D. Sugdare– learned Advocate for the Applicant and
Smt. Resha S. Deshmukh – learned Presenting Officer for the
respondents.

2. The learned Presenting Officer seeks time to file affidavit in
reply on behalf of respondents in M.A. Time granted.

3. S.O. to 12.01.017.

MEMBER (J)

18.11.2016-KPB(SB)

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

M.A. No. 268/2016 in O.A. St. No. 209/2016

[Kelsing Sonarya Pawar Vs. The State of Mah. & Ors.]

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

DATE : 18.11.2016.

ORAL ORDER:

Shri A.P. Avhad- learned Advocate for the Applicant and
Shri I.S. Thorat – learned Presenting Officer for the respondents.

2. The learned Presenting Officer submits that he will file
affidavit in reply during the course of the day.

3. S.O. to 11.01.017.

MEMBER (J)

18.11.2016-KPB(SB)

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

M.A. No. 239/2016 in O.A. St. No. 1171/2016

[Dr. Sushilkumar Balajirao Kendre Vs. The State of Mah. & Ors.]

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

DATE : 18.11.2016.

ORAL ORDER:

Heard Shri A.B. Rajkar – learned Advocate for the Applicant, Shri I.S. Thorat – learned Presenting Officer for the respondent No. 1 and Shri S.S. Shahane, learned Advocate holding for Shri Pradeep Shahan, learned Advocate for respondent nos. 2 & 3. Shri Nikhil S. Tekale, learned Advocate for respondent no. 4, **absent**.

2. The learned Presenting Officer submits that there is no need to file affidavit in reply of respondent no.1, considering the claim.

3. In the Original Application, the applicant is claiming salary for the month of March 2013 to June 2013. The learned Advocate for respondent nos. 2 and 3 submits that the said salary has already been paid to the applicant and this fact can be seen from the documents filed by the applicant himself in the form of bank extract. The respondents may file short affidavit to this effect explaining the details regarding deposit of salary.

//2// M.A. No. 239/2016 in
O.A. St. No. 1171/2016

4. The learned Advocate for respondent nos. 2 & 3 strongly objected for condonation of delay. However, considering the fact that the non-payment of salary is continuous cause of action and therefore, the M.A. for condonation of delay in filing O.A. is allowed in the interest of justice and equity and the same stands disposed of with no order as to costs.

5. The O.A. be registered and numbered.

MEMBER (J)

18.11.2016-KPB(SB)

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

O.A. St. No. 1171/2016

[Dr. Sushilkumar Balajirao Kendre Vs. The State of Mah. & Ors.]

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

DATE : 18.11.2016.

ORAL ORDER:

Heard Shri A.B. Rajkar – learned Advocate for the Applicant, Shri I.S. Thorat – learned Presenting Officer for the respondent No. 1 and Shri S.S. Shahane, learned Advocate holding for Shri Pradeep Shahan, learned Advocate for respondent nos. 2 & 3. Shri Nikhil S. Tekale, learned Advocate for respondent no. 4, **absent**.

2. S.O. to 12.01.2017, for filing short affidavit of respondent nos. 2 and 3.

MEMBER (J)

18.11.2016-KPB(SB)

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

**ORIGINAL APPLICATION NO. 325/2015
[V.S. Dipak Vs. The State of Mah. & Ors.]**

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

DATE : 18.11. 2016.

ORAL ORDER:

Heard Shri I.G. Durani – learned Advocate for the Applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted.

3. S.O. to 2.1.2017. Interim relief granted earlier to continue till then.

MEMBER (J)

18.11.2016-KPB(SB)

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

**ORIGINAL APPLICATION NO. 661/2016
[V.V. Dudhe Vs. The State of Mah. & Ors.]**

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

DATE : 18.11.2016.

ORAL ORDER:

Heard Shri S.B. Mene- learned Advocate for the Applicant,
Shri M.S. Mahajan - learned Chief Presenting Officer for the respondent
nos. 1 to 3 & 5 and Shri M.R. Kulkarni, learned Advocate for the
respondent no. 4.

2. The learned Chief Presenting Officer seeks time to file
short affidavit of respondent no. 5. Time granted.

3. S.O. to 10.01.2017.

MEMBER (J)

18.11.2016-KPB(SB)

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

**M.A. No. 433/2016 in O.A. St. No. 1863/2016
[P.M. Koushike Vs. The State of Mah. & Ors.]**

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

DATE : 18.11.2016.

ORAL ORDER:

Shri S.D. Joshi – learned Advocate for the Applicant and
Shri M.S. Mahajan – learned Chief Presenting Officer for the
respondents.

2. For the reasons stated in the application for amendment,
the amendment is allowed and it shall be incorporated in the O.A..

3. In view thereof, M.A. No. 433/2016 stands disposed of
with no order as to costs.

MEMBER (J)

18.11.2016-KPB(SB)

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

**O.A. St. No. 1863/2016
[P.M. Koushike Vs. The State of Mah. & Ors.]**

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

DATE : 18.11.2016.

ORAL ORDER:

Shri S.D. Joshi – learned Advocate for the Applicant and
Shri M.S. Mahajan – learned Chief Presenting Officer for the
respondents.

2. Issue notices to the respondents in duly amended O.A.,
returnable on 03.01.2017.

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

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

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

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O.A. St. No. 1863/2016

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. Steno copy and Hamdast is allowed to both parties.

8. S.O. to 03.01.2017.

MEMBER (J)

17.11.2016-KPB(DB)

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

M.A. No. 326/2015 in O.A. St. No. 754/2015

[Sk Mujib Sk Gafar Vs. The State of Mah. & Ors.]

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

DATE : 18.11.2016.

ORAL ORDER:

Heard Shri A.D. Gadekar – learned Advocate for the Applicant, Shri V.R. Bhumkar – learned Presenting Officer for the respondent nos. 1 and 2 and Smt S.A. Dhongde, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for the respondent no. 3.

2. The learned Advocate for respondent no. 3 has filed affidavit in reply. It is taken on record and the copy thereof has been served upon the other side.

3. In the Original Application, the applicant is claiming appointment on compassionate ground. The delay in filing O.A. is of 2 years and 156 days.

4. For the grounds stated in the application, the delay caused in filing O.A. is condoned in the interest of justice and equity and also considering the claim in respect of appointment on compassionate ground. The M.A. is allowed and the same stands disposed of with no order as to costs.

4. The O.A. be registered and numbered.

MEMBER (J)

18.11.2016-KPB(SB)

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

**O.A. St. No. 754/2015
[Sk Mujib Sk Gafar Vs. The State of Mah. & Ors.]**

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

DATE : 18.11. 2016.

ORAL ORDER:

Heard Shri A.D. Gadekar – learned Advocate for the Applicant, Shri V.R. Bhumkar – learned Presenting Officer for the respondent nos. 1 and 2 and Smt S.A. Dhongde, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for the respondent no. 3.

2. Issue notices to the respondents, returnable on 10.01.2017.

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

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

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O.A. St. No. 754/2015

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. Steno copy and Hamdast is allowed to both parties.

8. S.O. to 10.01.2017.

MEMBER (J)

17.11.2016-KPB(DB)

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

M.A. No. 282/2015 in O.A. St. No. 1080/2015

[N.T. Adhe Vs. The State of Mah. & Ors.]

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

DATE : 18.11.2016.

ORAL ORDER:

Heard Shri A.D. Sugdare – learned Advocate for the Applicant, Smt. Priya R. Bharaswadkar – learned Presenting Officer for the respondent nos. 1 and 2 and Smt. S.D. Shelke, learned Advocate for the respondent nos. 3 & 4.

2. This is an application for condonation of delay. According to the applicant, the delay caused in filing O.A. is one year and two months.

3. The learned Presenting Officer however, invited my attention to the prayer clause in the O.A. from which it seems that the applicant is claiming deemed date of promotion to the post of Junior Engineer from 1.2.1991. The learned Advocate for the applicant invited my attention to the order dated 23.02.2012 vide which as many as 32 employees were promoted to the post of Junior Engineers including applicant. The only contention is that the applicant should have been promoted from 1991 but he has been promoted on 23.02.2012. It seems that after getting

//2//

M.A. No. 282/2015 in
O.A. St. No. 1080/2015

promotion the applicant has filed representations but the same were not decided. Considering the fact that the promotion is already granted, the only question is whether the promotion should have been granted since 1991 and that will have to be decided on merits.

4. Considering the cause and contention in the application, I feel, in the interest of justice and equity, to condone the delay and heard the applicant on merits. Hence, the M.A. for condonation of delay is allowed and the same stands disposed of with no order as to costs.

5. The O.A. be registered and numbered.

MEMBER (J)

18.11.2016-KPB(SB)

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

**O.A. St. No. 1080/2015
[N.T. Adhe Vs. The State of Mah. & Ors.]**

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

DATE : 18.11.2016.

ORAL ORDER:

Heard Shri A.D. Sugdare – learned Advocate for the Applicant, Smt. Priya R. Bharaswadkar – learned Presenting Officer for the respondent nos. 1 and 2 and Smt. S.D. Shelke, learned Advocate for the respondent nos. 3 & 4.

2. Issue notices to the respondents, returnable on 10.01.2017.

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

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

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

//2//

O.A. St. No. 1080/2015

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. Steno copy and Hamdast is allowed to both parties.

8. S.O. to 10.01.2017.

MEMBER (J)

17.11.2016-KPB(DB)

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

**ORIGINAL APPLICATION NO. 535/2016
[R.P. Salve Vs. The State of Mah. & Ors.]**

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

DATE : 18.11.2016.

ORAL ORDER:

Heard Shri R.M. Deshmukh – learned Advocate for the Applicant and Shri M.P. Gude – learned Presenting Officer for the respondent.

2. The applicant is claiming appointment on compassionate ground that his mother was appointed as Scavenger Labour/Sweeper and after retirement, the applicant is entitled to claim service in her place on the basis of G.R. dated 10.11.2015. It is admitted fact that the said G.R. has been canceled vide G.R. dated 11.3.2016.

3. From the affidavit in reply of respondents it seems that the respondents have denied that the applicant's mother was appointed as Sweeper/Scavenger Labour and therefore, it is stated that the G.R. is not applicable. It is further stated that the applicant is claiming appointed in Class-III post, whereas as per the G.R. only legal heirs of the Sweeper/Scavenger Labour are entitled for Group-D posts.

4. The learned Advocate for the applicant invited my attention to the entry in service book at Annexure A-1, from which it seems that the applicant's mother shown "Bauddha" category and she was appointed as Labour and not as Sweeper/Scavenger Labour. Form of cast certificate shows that the cast of the applicant's mother has been shown as "Mahar". In order to know, as to whether the applicant was really appointed as Sweeper/Scavenger Labour, it is necessary to go through the appointment order, if any, in respect of applicant's mother.

5. The learned Advocate for the applicant as well as learned Presenting Officer both are directed to place on record documents in this regard, if any, to prove that as to whether the applicant's mother was appointed in the post of Sweeper/Scavenger Labour.

6. The matter is to be treated as part heard.

7. S.O. to 9.1.2017.

MEMBER (J)

18.11.2016-KPB(SB)

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

**ORIGINAL APPLICATION NO. 864/2016
[V.S. Londhe Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench
due to non-availability of Division Bench)**

DATE : 18.11.2016.

ORAL ORDER:-

Heard Shri V.B. Jogdand Patil, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 09.01.2017.

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

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

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

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O.A. 864/2016

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. Steno copy and Hamdast is allowed to both parties.

8. S.O. to 09.01.2017.

MEMBER (J)

18.11.2016-KPB(DB)

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

**ORIGINAL APPLICATION NO. 865/2016
[V.E. Jogdand Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench
due to non-availability of Division Bench)**

DATE : 18.11.2016.

ORAL ORDER:-

Heard Shri V.B. Jogdand Patil, learned Advocate for the Applicant and Shri I.S. Thoart, learned Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 09.01.2017.

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

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

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

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O.A. 865/2016

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. Steno copy and Hamdast is allowed to both parties.

8. S.O. to 09.01.2017.

MEMBER (J)

18.11.2016-KPB(DB)

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

**ORIGINAL APPLICATION NO. 866/2016
[V.G. Deshmukh Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench
due to non-availability of Division Bench)**

DATE : 18.11.2016.

ORAL ORDER:-

Heard Shri V.B. Jogdand Patil, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 09.01.2017.

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

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

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

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O.A. 866/2016

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. Steno copy and Hamdast is allowed to both parties.

8. S.O. to 09.01.2017.

MEMBER (J)

18.11.2016-KPB(DB)

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

**ORIGINAL APPLICATION NO. 867/2016
[S.S. Solanke Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench
due to non-availability of Division Bench)**

DATE : 18.11.2016.

ORAL ORDER:-

Heard Shri V.B. Jogdand Patil, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 09.01.2017.

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

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

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

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O.A. 867/2016

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. Steno copy and Hamdast is allowed to both parties.

8. S.O. to 09.01.2017.

MEMBER (J)

18.11.2016-KPB(DB)

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

**ORIGINAL APPLICATION NO. 869/2016
[D.T. Lazade Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench
due to non-availability of Division Bench)**

DATE : 18.11.2016.

ORAL ORDER:-

Heard Shri H.P. Jadhav, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. The learned Advocate for the applicant submits that the respondent no. 2 is appointed respondent no. 3 on the post of Assistant Professor (Philosophy), in view of the advertisement dated 16.04.2015. It is stated that the interview was held on 5.10.2016 and the selection order has been issued on 18.10.2016. The applicant was even not called for interview. In such circumstances, there is no question of grant of interim stay. The applicant's claim can be considered only on merits, for which the reply of the respondents is necessary.

3. Hence, issue notices to the respondents, returnable on 09.01.2017.

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 of O.A. 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. Steno copy and Hamdast is allowed to both parties.

9. S.O. to 09.01.2017.

MEMBER (J)

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

**M.A. 103/15 in C.P. St. 333/2015 in O.A. 529/2011
[S.L. Kulkarni & Ors. Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench
due to non-availability of Division Bench)**

DATE : 18.11.2016.

ORAL ORDER:-

Heard Shri S.D. Joshi, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the Applicants and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. The learned Presenting Officer has filed separate affidavit in replies on behalf of respondent nos. 4 & 5 respectively, as per the directions given by the Hon'ble Chairman on 14.10.2016. The copies of the same are taken on record and copies thereof have been served upon the learned Advocate for the applicants.

3. S.O. to 05.01.2017.

MEMBER (J)

18.11.2016-KPB(DB)

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

**M.A. 104/15 in C.P. St. 335/2015 in O.A. 197/2012
[N.V. Mundhe & Ors. Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench
due to non-availability of Division Bench)**

DATE : 18.11.2016.

ORAL ORDER:-

Heard Shri S.D. Joshi, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the Applicants and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. The learned Presenting Officer has filed separate affidavit in replies on behalf of respondent nos. 4 & 5 respectively, as per the directions given by the Hon'ble Chairman on 14.10.2016. The copies of the same are taken on record and copies thereof have been served upon the learned Advocate for the applicants.

3. S.O. to 05.01.2017.

MEMBER (J)

18.11.2016-KPB(DB)

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

**M.A. 105/15 in C.P. St. 337/2015 in O.A. 830/2011
[S.S. Deshmukh & Ors. Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench
due to non-availability of Division Bench)**

DATE : 18.11.2016.

ORAL ORDER:-

Heard Shri S.D. Joshi, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the Applicants and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. The learned Presenting Officer has filed separate affidavit in replies on behalf of respondent nos. 4 & 5 respectively, as per the directions given by the Hon'ble Chairman on 14.10.2016. The copies of the same are taken on record and copies thereof have been served upon the learned Advocate for the applicants.

3. S.O. to 05.01.2017.

MEMBER (J)

18.11.2016-KPB(DB)

M.A. NO. 432/2016 IN O.A. ST. NO. 1862/2016

{MS Civil Engineering Assistant Employees Association through its
President Vs. The State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)
(This matter is placed before the Single Bench due
to non-availability of Division Bench.)

DATE :- 18.11.2016

Oral Order :-

1. Heard Shri S.D. Joshi, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. This is an application preferred by the applicants seeking leave to sue jointly.
3. For the reasons stated in the M.A. and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid multiplicity, leave to sue jointly is granted, subject to payment of court fee stamps, unless it is paid already.
4. M.A. stands disposed of accordingly. There shall be no order as to costs.

MEMBER (J)

ORAL ORDERS ARJ 18.11.2016

O.A. ST. NO. 1862/2016

{MS Civil Engineering Assistant Employees Association through its President Vs. The State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE :- 18.11.2016

Oral Order :-

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

2. The Association of Civil Engineering Assistants has filed this O.A., wherein the seniority list published on 2.1.2016 has been challenged. The applicants are claiming the interim relief that the res. no. 2 be restrained from effecting the promotions to the post of Jr. Engineer till the decision on merit is taken on the validity of that seniority list.

3. The learned Advocate for the applicants pointed out the history of the litigation from which, it seems that, various cadres were amalgamated in one cadre of Civil Engineering Assistant (for short C.E.A.) vide G.R. dated 31.1.1989. The seniority list was to be prepared as per the guidelines given in the said G.R. and particularly as per para

10 of the said G.R. The respondents, however, did not follow the guidelines and not only that, but published the first seniority list in the year 2014 i. e. on 2.12.2014. Objections were taken to the said seniority list on 5.12.2014. The Association then was pleased to file O.A. no. 312/2014, wherein by the order dated 20.3.2015 passed by this Tribunal, directions were issued to the res. no. 3 the Secretary, Public Works Department, Mantralaya, Mumbai to complete the exercise of preparing the State Level Seniority List for promotions of Jr. Engineers within the period of 6 months from the date of receipt of copy of that order, and to declare the same.

4. Accordingly, the seniority list was published by the competent authority as per letter dated 20.5.2015. The said seniority list, however, was cancelled and second seniority list was published on 10.8.2015, which was objected in view of objection dated 29.9.2015. Thereafter, now, the impugned seniority list dated 2.1.2016 has been published. According to the learned Advocate for the applicant, in the seniority list published on 2.1.2016 the guidelines as per clause 10 of the

G.R. dated 31.1.1989 are not followed and, therefore, great injustice has been caused to the members of the Association.

5. It is true that the point of illegality of the seniority list is under dispute since long and particularly considering the fact that the respondents have taken almost 25 years for publishing the first seniority list and it is not yet to the satisfaction of the members of the Association. However, it is also a fact that time and again the promotion orders have been issued. Considering this aspect, it is necessary to deal with the subject matter once for all. However, for such decision affidavit in reply of the respondents is necessary.

6. In view thereof, the point of interim relief is kept open and it will be considered on very date the affidavit in reply is filed by the respondents. Considering the fact that the matter relates to the seniority list, which is published by the Government, it is expected that the Officer at the level of Secretary or Deputy Secretary of the concerned Department shall file affidavit in reply on behalf of res. no. 2.

7. It is made clear that whatever promotion orders that may be issued during the pendency of this O.A., shall be subject to result of this O.A.

8. Issue notice before admission to the respondents, returnable on 9th January, 2017.

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

10. 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.

11. 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.

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O.A. ST. NO. 1862/2016

12. 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.

13. S.O. TO 9th January, 2017.

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

MEMBER (J)

ORAL ORDERS ARJ 18.11.2016

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

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

DATE :- 18.11.2016

Oral Order :-

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

2. At the request of learned Advocate for the applicants, place these matters on board on 13.1.2017.

MEMBER (J)

ORAL ORDERS ARJ 18.11.2016