

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.134/2017

(Shri B.B.Surwase V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 02-03-2017

ORAL ORDER:-

Heard Shri R.B.Deshmukh learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 11th April 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 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, 988, and the questions such as limitation and alternate remedy are kept open.

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

7. S.O.to 11th April 2017.

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

MEMBER (J)

YUK ORAL ORDER 02-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.52/2016
(Dr. W.C.Rathod V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 02-03-2017

ORAL ORDER:-

Heard Shri J.S.Deshmukh learned Advocate for the applicant is **absent**.

Heard Smt. Sanjivani Ghate learned Presenting Officer for the respondent nos.1 to 3 and Shri P.R.Tandale learned Advocate for respondent no.4.

2. None is present for the applicant.
3. On 16-11-2016 most last chance was granted to the respondents to file reply on condition that heavy costs will be imposed, if reply is not filed till 06-12-2016.
4. Today, again learned P.O. prays for time for filing affidavit in reply on behalf of the respondents. Time granted as a peremptory chance to file reply.
5. If reply is not filed on or before 22-03-2017, heavy costs will be imposed on the respondents.
6. S.O.22-03-2017.

MEMBER (J)

YUK ORAL ORDER 02-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.630/2016
(Shri M.M.Barase V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 02-03-2017

ORAL ORDER:-

Shri M.S.Taur learned Advocate for the applicant has filed **leave note** on record. Shri V.R.Bhumkar learned Presenting Officer for the respondents is present.

2. In view of leave note of learned Advocate for the applicant, S.O.11-04-2017.

YUK ORAL ORDER 02-03-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.714/2016
(Shri S.D.Mahale V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 02-03-2017

ORAL ORDER:-

Heard Shri V.G.Pingle learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for the respondent no.1.

2. Today, Shri Sham Patil learned Advocate appeared and submitted that he is appearing for respondent nos.2 and 3, and will file Vakalatnama on record. He prayed for time for filing affidavit in reply on behalf of the respondent nos.2 and 3.

3. Earlier, inspite of ample opportunity, respondent no.1 has not filed its affidavit on record. Today, learned P.O again prays for time for filing affidavit in reply on behalf of respondent no.1.

4. Time granted to the respondent no.1 to file reply on depositing costs of Rs.2000/-. Respondent no.1 shall deposit costs with the Registry till 07-04-2017.

5. S.O. 07-04-2017.

MEMBER (J)

YUK ORAL ORDER 02-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.766/2016
(Shri R.T.Jadhav V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 02-03-2017

ORAL ORDER:-

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

2. Since pleadings are complete, matter is admitted.

It may be kept for final hearing on 10-04-2017.

3. S.O. 10-04-2017.

MEMBER (J)

YUK ORAL ORDER 02-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.830/2016
(Smt. Suvarna S. Bedre V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 02-03-2017

ORAL ORDER:-

Heard Shri K.J.Suryavanshi learned Advocate for the applicant, Smt. Deepali Deshpande learned Presenting Officer for the respondent no.1 and Shri V.B.Wagh learned Advocate for respondent no.2.

2. Learned Advocate Shri Wagh has filed affidavit in reply on behalf of respondent no.2. It is taken on record. Copy thereof has been served on the other side.

3. Learned Advocate for the applicant submits that he will take instruction from his client as to whether she desires to proceed with the matter.

4. In view of the above, case be fixed on tomorrow.

5. S.O. 03-03-2017.

MEMBER (J)

YUK ORAL ORDER 02-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.15/2017
(Shri S.M.Sonawane V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 02-03-2017

ORAL ORDER:-

Shri Sanjay Kolhare learned Advocate for the applicant is **absent**. Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Learned CPO prays for time for filing affidavit in reply on behalf of the respondents. Time granted.

3. S.O. 11-04-2017.

MEMBER (J)

YUK ORAL ORDER 02-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.35/2017
(Shri R.S.Raising V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 02-03-2017

ORAL ORDER:-

Heard Shri S.B.Mene learned Advocate holding for Shri Ajay Deshpande learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned PO prays for time for filing affidavit in reply on behalf of the respondents. Time granted.

3. S.O. 10-03-2017.

MEMBER (J)

YUK ORAL ORDER 02-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.49/2017
(Shri U.S.Joshi V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 02-03-2017

ORAL ORDER:-

Heard Shri Sham Patil learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Learned CPO seeks time to file reply on behalf of the respondents. Time granted.

3. S.O. 11-04-2017.

MEMBER (J)

YUK ORAL ORDER 02-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.701/2015
(Shri M.R.Choudhary V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 02-03-2017

ORAL ORDER:-

Heard Shri A.D.Sugdare learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for the respondents.

2. Arguments of both sides are heard at some length.
3. S.O. to tomorrow for arguing the matter finally and placing on record some citations.
4. S.O.03-03-2017.

MEMBER (J)

YUK ORAL ORDER 02-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.13/2016
(Shri L.R.Kulkarni V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 02-03-2017

ORAL ORDER:-

Shri V.P.Golewar learned Advocate for the applicant is **absent**. Shri I.S.Thorat learned Presenting Officer for the respondents is present.

2. Since none present for the applicant,
S.O.27-03-2017.

YUK ORAL ORDER 02-03-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.77/2017 IN O.A.No.822/2015

M.A.No.78/2017 IN O.A.No.823/2015

M.A.No.79/2017 IN O.A.No.824/2015

(The State of Mah. & Ors. V/s. S.G.Pusnake & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 02-03-2017

ORAL ORDER:-

Heard S/Shri M.P.Gude, I.S.Thorat and S.K.Shirse learned Presenting Officers for the applicants (original respondents) in these matters. None present for the respondents (original applicants).

2. Learned P.Os. submitted that respondents (original applicants) are served with the notice but they remained absent.

3. Present applicants have sought extension of time to complete departmental enquiry on the ground that the enquiry is in progress. Enquiry is pending for recording statements of the disciplinary authorities. It is submitted that while deciding O.As., Tribunal had directed the respondents therein (present applicants) to complete

M.A.No.77/2017 IN O.A.No.822/2015
M.A.No.78/2017 IN O.A.No.823/2015
M.A.No.79/2017 IN O.A.No.824/2015

departmental enquiry within 6 months from the date of order i.e. from 01-09-2016. It is submitted that there are 7 delinquents in the enquiry and 16 charges have been framed against them. The enquiry is bulky. The enquiry officer commenced the enquiry immediately as per direction of the Tribunal.

4. Enquiry Officer made attempts to complete the enquiry in the stipulated time as directed by the Tribunal but due to bulky nature of the enquiry, it could not be completed within 6 months. Learned P.Os. have submitted that one witness on behalf of the disciplinary authority has been examined on 02-02-2017, and thereafter the matter has been adjourned. In spite of genuine efforts made by the enquiry officer, enquiry could not be completed within stipulated time, and therefore, they have prayed for extension of time for completion of the enquiry.

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M.A.No.77/2017 IN O.A.No.822/2015
M.A.No.78/2017 IN O.A.No.823/2015
M.A.No.79/2017 IN O.A.No.824/2015

5. In view of the aforesaid facts and circumstances of the case, in my opinion, it will be just and proper to extend the period by 3 months to complete departmental enquiry. Accordingly, M.As. stand disposed of with direction to the present applicants that they shall conclude the departmental enquiry by 31st May, 2017. No order as to costs.

MEMBER (J)

YUK ORAL ORDER 02-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.492/2016

(Shri K.T.Pawar V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 02-03-2017

ORAL ORDER:-

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

2. The applicant has challenged the order dated 17-06-2016 issued by the respondent no.3 withdrawing charge of Talathi of Sajja Savedi and allotting the same to the respondent no.4 as additional charge and directing the applicant to attend the duties in Drought Section of Tahsil Office, Ahmednagar.

3. During the pendency of the O.A., applicant moved representation dated 06-02-2017 to Collector, Ahmednagar with a request to assign him his earlier work on the post of Talathi Sajja Savedi as the work in

the Drought Section in Tahsil Office is over and he is workless.

4. Today, respondents have filed a short affidavit and submitted that one S.B.Gund, Senior Clerk of Scarcity Branch (Drought Section) has retired on 31-01-2017. Moreover, work of distribution of compensation for Rabbi season 2015-2016, preparing list of farmers, preparation of Scarcity Plan for year 2017-2018, are going on. A Team of Account Officers, Collector Office is visiting for audit of the grants allotted for fodder scarcity season, therefore, services of the applicant are required in Scarcity Branch (Drought Section) of Tahsil Office, Ahmednagar.

5. Learned Advocate for the applicant has submitted that the necessary direction may be given to the concerned authorities to consider applicant's representation dated 06-02-2017, sympathetically and with such direction O.A. may be disposed of.

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O.A.No.492/16

6. Considering the above facts and circumstances of the case, O.A. is disposed of with direction to the Collector, Ahmednagar to consider the representation dated 06-02-2017 filed by the applicant, on its own merit as per rules. Accordingly O.A. stands disposed of with no order as to costs.

MEMBER (J)

YUK ORAL ORDER 02-03-2017

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

ORIGINAL APPLICATION NO.689/2015.

(Dr. S. B. Tambe Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

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

DATE : 02.03.2017.

ORAL ORDER:-

Heard Miss Madhuri Ayyappan, learned Advocate holding for Shri S. B. Talekar, learned Advocate for the applicant and Smt S. K. Ghate Deshmukh, learned Presenting Officer for the Respondents no.1 to 4. None present for the Respondent no.5. Shri V. B. Wagh, learned Advocate for the Respondent no.6.

2. Learned P.O. seeks time to file affidavit in reply as directed earlier. At her request S.O. to 21.3.2017.

MEMBER (J).

ORAL ORDERS 02-03-2017-ATP

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

ORIGINAL APPLICATION NO.707/2015.

(Shri L. R. Dhage Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

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

DATE : 02.03.2017.

ORAL ORDER:-

Heard Shri A. D. Gadekar, learned Advocate for the applicant and Shri S. K. Shirse, learned Presenting Officer for the Respondents.

2. Rejoinder affidavit filed by the applicant is taken on record. Its copy is served to other side.
3. The pleadings are complete. The arguable case is made out.
4. Admit.
5. Learned P.O. waives the notice for the respondents upon admission hearing.
6. Hearing expedited.

MEMBER (J).

ORAL ORDERS 02-03-2017-ATP

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

OA NO.63/2016 WITH REV. NO.3/2016.

(Dr. Tanuja S. Kulkarni Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

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

DATE : 02.03.2017.

ORAL ORDER:-

Heard Miss Madhuri Ayyappan, learned Advocate holding for Shri S. B. Talekar, learned Advocate for the applicant and Smt P. R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. The pleadings are complete. The arguable case is made out.
3. Admit.
4. Learned P.O. waives the notice for the respondents upon admission hearing.
5. The matter be placed for final hearing as and when the Division Bench is available.

MEMBER (J).

ORAL ORDERS 02-03-2017-ATP

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

ORIGINAL APPLICATION NO.602/2016.

(Shri H. S. Gawali Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

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

DATE : 02.03.2017.

ORAL ORDER:-

Heard Shri A. D. Gadekar, learned Advocate for the applicant and Shri S. K. Shirse, learned Presenting Officer for the Respondents.

2. The rejoinder affidavit filed by the applicant along with copies of the two judgments of Division Bench of Hon'ble High Court is taken on record. Its copy is served on the other side.

3. Respondent no.2 is therefore, directed to consider the issue afresh in view of the decisions of the Division Bench of the Hon'ble High Court and to find out as to whether the grievance of the applicant can be addressed to. The said decision be taken within a period of four weeks.

4. S.O. to 5.4.2017.

5. Learned P.O. is directed to act on the Steno copy.

MEMBER (J).

ORAL ORDERS 02-03-2017-ATP

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

ORIGINAL APPLICATION NO.931/2016.

(Shri C. D. Pawar Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

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

DATE : 02.03.2017.

ORAL ORDER:-

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

2. The order dated 13.2.2017 of this Tribunal would show that, the applicant was required to satisfy this Tribunal on the issue of tenability of the present application.

3. At the request of the learned Advocate for the applicant, S.O. to 22.3.2017.

MEMBER (J).

ORAL ORDERS 02-03-2017-ATP

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

ORIGINAL APPLICATION NO.949/2016.

(Shri D. D. Kachare Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

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

DATE : 02.03.2017.

ORAL ORDER:-

Heard Shri H. A. Joshi, learned Advocate for the applicant and Smt R. S. Deshmukh, learned Presenting Officer for the Respondents.

2. Learned P.O. files on record the affidavit in reply on behalf of Respondent no.2. The same is taken on record. Its copy is served on the learned Advocate for the applicant.

3. Learned P.O. submit that, she will have to take instructions as to whether the Respondent no.1 is required to file affidavit in reply in view of the affidavit in reply filed by Respondent no.3. At her request, S.O. to 30.3.2017.

4. Learned P.O. is directed to act on the Steno copy.

5. Liberty to file rejoinder affidavit, if any, is hereby granted.

MEMBER (J).

ORAL ORDERS 02-03-2017-ATP

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

MA NO.409/14 in OA ST.NO.1452/2014.

(Smt.Manjushree B. Deshpande Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

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

DATE : 02.03.2017.

ORAL ORDER:-

Heard Shri H. A. Joshi, learned Advocate for the
applicant and Smt R. S. Deshmukh, learned Presenting
Officer for the Respondents.

2. At the request of the learned P.O., S.O. to 3.3.2017.

MEMBER (J).

ORAL ORDERS 02-03-2017-ATP

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

MA NO.21/2016 IN OA No.421/2015.

(Shri Sayyed Gaus Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

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

DATE : 02.03.2017.

ORAL ORDER:-

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

2. Learned P.O. submit that, despite communicating the order of this Tribunal dated 8.2.2017 nobody has given any instructions for filing reply and there is no response from the Respondent no.2. It is to be noted that, interim relief is running against the Respondents, still the Department appears to be negligent in attending the matter.

3. In the circumstances, the Respondent no.2 is directed to appear before this Tribunal on 12.4.2017 along with the reply duly scrutinized by the learned P.O. in advance, else necessary action that may be available in law may be taken against the Respondent no.2.

4. S.O. to 12.4.2017.

5. Interim relief to continue till then.

6. Learned P.O. is directed to act on the Steno copy.

MEMBER (J).

ORAL ORDERS 02-03-2017-ATP

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

MA NO.374/2016 IN CP ST.1692/16 IN OA 74/2016.

(Dr. M. N. Gude Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

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

DATE : 02.03.2017.

ORAL ORDER:-

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

2. The learned P.O. files on record the communication dated 1.2.2017, which would show that, the representation of the present applicant is decided. It is therefore, admitted by the learned Advocate for the applicant that, nothing survives in the present M.A. The application is therefore, disposed of without any order as to costs.

MEMBER (J).

ORAL ORDERS 02-03-2017-ATP

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

MA NO.317/2016 IN CP ST.1491/16 IN OA 554/2013.

(Dr. A. V. Biradar Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

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

DATE : 02.03.2017.

ORAL ORDER:-

Heard Shri J. S. Deshmukh, learned Advocate for the applicant and Smt P. R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. The learned P.O. submit that, since the competent Officer is deputed on training till 10.3.2917 no positive action can be taken. In that view of the matter, S.O. to 22.3.2017.

3. In the meantime, liberty to amend the names of the Respondents no.1 & 2 is hereby granted.

4. S.O. to 22.3.2017.

MEMBER (J).

ORAL ORDERS 02-03-2017-ATP

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

ORIGINAL APPLICATION NO.550/2014.

(Shri J. K. KagleVs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

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

DATE : 02.03.2017.

ORAL ORDER:-

Heard Shri H. A. Joshi, learned Advocate for the
applicant and Smt S. K. Ghate Deshmukh, learned Presenting
Officer for the Respondents.

2. At the request of the learned Advocate for the applicant,
S.O. to 5.4.2017.

MEMBER (J).

ORAL ORDERS 02-03-2017-ATP

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

ORIGINAL APPLICATION NO.192/2016.

(Shri M. S. Koli Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

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

DATE : 02.03.2017.

ORAL ORDER:-

None present for the applicant. Shri N. U. Yadav, learned Presenting Officer for the Respondents no.1 to 3 is present. None present for the Respondent no.4.

2. In view of the absence of the learned Advocate for the applicant, S.O. to 23.3.2017.

MEMBER (J).

ORAL ORDERS 02-03-2017-ATP

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

ORIGINAL APPLICATION NO.925/2016.

(Shri M. S. Koli Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

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

DATE : 02.03.2017.

ORAL ORDER:-

Heard Shri N. S. Tekale, learned Advocate for the applicant, Shri M. P. Gude, learned Presenting Officer for the Respondents no.1 to 4 and Shri P. A. Bhosale, learned Advocate for the Respondent no.5.

2. At the request of the learned P.O., S.O. to 18.4.2017 for filing affidavit in reply.

MEMBER (J).

ORAL ORDERS 02-03-2017-ATP

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

ORIGINAL APPLICATION NO.45/2017.

(Smt Sunita R. Thite Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

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

DATE : 02.03.2017.

ORAL ORDER:-

Heard Shri S. B. Mene, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri N. U. Yadav, learned Presenting Officer for the Respondents.

2. The candidate, who is already promoted is not made party to the present O.A. Hence, subject to the issue of dismissal of the O.A. for want of necessary party the O.A. is adjourned as the learned P.O. seeks time to file affidavit in reply. At his request, S.O. to 12.4.2017.

MEMBER (J).

ORAL ORDERS 02-03-2017-ATP

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

ORIGINAL APPLICATION NO.102/2017.

(Shri S. G. Chavan Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

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

DATE : 02.03.2017.

ORAL ORDER:-

Heard Shri G. J. Pahilwan, learned Advocate for the applicant and Shri G. K. Kshirsagar, learned Presenting Officer for the Respondents.

2. The learned Advocate for the applicant seeks time to satisfy this Tribunal regarding the tenability of the application. Earlier also vide order dated 17.2.2017 time was granted. However, at the request of the learned Advocate for the applicant as a last chance, S.O. to 30.3.2017.

MEMBER (J).

ORAL ORDERS 02-03-2017-ATP

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

MA NO.421/2016 IN CP ST.NO.6/98 IN OA NO.1/98.
(Shri S. S. Tupe Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).
(This matter is placed before Single Bench due
to non-availability of Division Bench)

DATE : 02.03.2017.

ORAL ORDER:-

Heard Shri P. V. Suryawanshi, learned Advocate for the applicant, Shri N. U. Yadav, learned Presenting Officer for the Respondents no.1 & 2 and Shri Sham Patil, learned Advocate for the Respondents no. 3 to 5.

2. At the request of the learned Advocate for the applicant, S.O. to 30.3.2017.

MEMBER (J).

ORAL ORDERS 02-03-2017-ATP

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

ORIGINAL APPLICATION NO.18/2017.

(Smt Ranjana S. Kamble Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

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

DATE : 02.03.2017.

ORAL ORDER:-

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

2. At the request of the learned Advocate for the applicant, S.O. to 10.3.2017.

MEMBER (J).

ORAL ORDERS 02-03-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 308 OF 2014

[Shri Ambadas N. Paikrao & Ors. Vs. State of Mah. & Ors.]

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 2.3.2017

Oral Order :-

1. None appears for the applicants. Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, is present.

2. As none appears for the applicant, S.O. to 29.3.2017 for final hearing.

MEMBER (J)

ARJ ORAL ORDERS 2.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 322 OF 2015

[Shri B.M. Kulkarni Vs. The State of Mah. & Ors.]

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 2.3.2017

Oral Order :-

1. Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to file notification regarding the pay scales those were available to the post of Typist as well to the post of Clerk in the year 1985. At his request, S.O. to 6.3.2017. To be treated as part heard.

MEMBER (J)

ARJ ORAL ORDERS 2.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA ST. 1377/2015 IN OA ST. 945/2015

[Miss. Chaya B. Dhabadge @ Mrs. Chaya w/o Vasant
Hanwate Vs. The State of Mah. & Ors.]

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 2.3.2017

Oral Order :-

1. Heard Shri Chetan Jadhav, learned Advocate holding for Shri K.V. Pawar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 6.3.2017.

MEMBER (J)

ARJ ORAL ORDERS 2.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 233 OF 2011

[Dr. Hussaini Sayed Khudadad Vs. The State of Mah. & Ors.]

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 2.3.2017

Oral Order :-

1. Heard Shri S.D. Joshi, learned Advocate holding for Shri G.C. Navandar, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 & 1-A and Shri S.G. Joshi, learned Advocate for respondent no. 2.

2. The learned Advocate for the applicant seeks time to file misc. application for amendment. At his request, S.O. to 30.3.2017.

MEMBER (J)

ARJ ORAL ORDERS 2.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 31/2017 IN CP ST. 77/2017 IN OA 500/2014

[Shri Dattatraya D. Parte Vs. The State of Mah. & Ors.]

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

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

DATE :- 2.3.2017

Oral Order :-

1. Heard Shri P.V. Suryawanshi, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. Separate affidavits in replies on behalf of res. nos. 2 & 3 are filed on record by the learned Presenting Officer. The same are taken on record and copies thereof have been served upon the learned Advocate for the applicant.
3. In view of the certain submissions made during the hearing, it has become essential to go through the Govt. Resolution, which had removed earlier provision of compassionate appointment on the ground of invalidity of the original employee. The learned Presenting Officer is directed to secure copy of the said G.R. and file the same on record on the next date.
4. S.O. to 22.3.2017.

MEMBER (J)

ARJ ORAL ORDERS 2.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 89/2017 IN OA 07/2016

[Shri Arun D. Ingole Vs. The State of Mah. & Ors.]

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

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

DATE :- 2.3.2017

Oral Order :-

1. Heard Shri H.P. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant submits that the order at Annex. A.1 is passed by the respondents during the pendency of the present original application and, therefore, the present misc. application for permission to amend the original application is filed.
3. Perused the misc. application. Considered the contentions.
4. For the reasons stated in the misc. application the same is allowed and the applicant is permitted to amend the original application suitably. The said amendment be

carried out in the original application on or before 14.3.2017.

5. The misc. application is disposed of without any order as to costs.

ARJ ORAL ORDERS 2.3.2017

MEMBER (J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 90/2017 IN OA 65/2016

[Shri Arvind P. Awad & Ors. Vs. The State of Mah. & Ors.]

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

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

DATE :- 2.3.2017

Oral Order :-

1. Heard Shri H.P. Jadhav, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant submits that the order at Annex. A.1 is passed by the respondents during the pendency of the present original application and, therefore, the present misc. application for permission to amend the original application is filed.
3. Perused the misc. application. Considered the contentions.
4. For the reasons stated in the misc. application the same is allowed and the applicants are permitted to amend the original application suitably. The said amendment be

carried out in the original application on or before 14.3.2017.

5. The misc. application is disposed of without any order as to costs.

ARJ ORAL ORDERS 2.3.2017

MEMBER (J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 721 OF 2012
WITH
ORIGINAL APPLICATION NO. 487/2013

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE :- 2.3.2017

Oral Order :-

1. Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants in both the matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in both the matters.
2. Additional affidavit as directed earlier is filed by the respondents and copy thereof has been served upon the learned Advocate for the applicants.
3. The original applications are already admitted. For the present the matters are removed from board with liberty to both the sides to circulate the matters as and when exigency arises or the Division Bench would be available.

MEMBER (J)

ARJ ORAL ORDERS 2.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 733 OF 2016

[Shri Vithal L. Badhe Vs. The State of Mah. & Ors.]
CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE :- 2.3.2017

Oral Order :-

1. None appears for the applicant. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. As none appears for the applicant, S. O. to 29.3.2017.

MEMBER (J)

ARJ ORAL ORDERS 2.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 897 OF 2016

[Smt. Shalini R. Raut Vs. The State of Mah. & Ors.]
CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE :- 2.3.2017

Oral Order :-

1. Heard Shri S.P. Salgare, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 5.4.2017.

ARJ ORAL ORDERS 2.3.2017

MEMBER (J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 386/2013 IN OA 381/2013

[Shri Uttam R. Kshirsagar Vs. The State of Mah. & Ors.]
CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE :- 2.3.2017

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate holding for Smt. Meera Kshirsagar, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The present applicant is seeking the condonation of delay of 2190 days in filing the accompanying original application before the Tribunal.

3. In the original application the pay scale fixed for the applicant by the respondents is challenged as wrong. From time to time representations were made by the applicant to the respondents in that regard. The learned Advocate for the applicant, therefore, relying on the ratio laid down by the Hon'ble Supreme Court in the case of **M.R. GUPTA VS. UNION OF INDIA AND OTHERS [AIR 1996 SC 669]**

submits that as cause of action is continued, the delay would be condoned.

4. The learned Presenting Officer submits that for a long period the applicant remained silent. No sufficient cause is shown in the misc. application for condonation of the delay and, therefore, the delay may not be condoned and the misc. application be dismissed.

5. Upon hearing both the sides and finding that the issue of fixation of pay is a recurring cause of action as has been held by the Hon'ble Apex Court, the delay of 2190 days in filing the original application is condoned. The misc. application is disposed of without any order as to costs.

6. In the original application the affidavit in reply is already filed by the respondents and, therefore, it be kept for admission hearing on 27.3.2017.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 381/2013

[Shri Uttam R. Kshirsagar Vs. The State of Mah. & Ors.]
CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE :- 2.3.2017

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate holding for Smt. Meera Kshirsagar, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. Today by passing separate order in the misc. application, the delay of 2190 caused in filing the original application has been condoned.
3. In the original application the affidavit in reply is already filed by the respondents and, therefore, it be kept for admission hearing on 27.3.2017.

MEMBER (J)

ARJ ORAL ORDERS 2.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

M.A. NO. 443/2016 IN O.A. NO. 453/2011

[Shri Sopan B. Adkine Vs. The State of Mah. & Ors.]
CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE :- 2.3.2017

Oral Order :-

1. None appears for the applicant. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. As none appears for the applicant, S.O. to 27.3.2017.

ARJ ORAL ORDERS 2.3.2017

MEMBER (J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 326/2013

[Shri Uttam R. Kshirsagar Vs. The State of Mah. & Ors.]
CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE :- 2.3.2017

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate holding for Smt. Meera Kshirsagar, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. Today by passing separate order in the misc. application, the delay of 2190 caused in filing the original application has been condoned.
3. In the original application the affidavit in reply is already filed by the respondents and, therefore, it be kept for admission hearing on 27.3.2017.

MEMBER (J)

ARJ ORAL ORDERS 2.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

**M.A. ST. NO. 260/2017 IN O.A. NOS. 326/2012 WITH O.A.
NO. 555/2015**

[Shri Madhav C. Padvi Vs. The State of Mah. & Ors.]

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

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

DATE :- 2.3.2017

Oral Order :-

1. Heard Shri F.R. Tandale, learned Advocate for the applicant in both the matters and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents in both the matters.

2. At the request of learned Advocate for the applicant, S.O. to 7.3.2017.

MEMBER (J)

ARJ ORAL ORDERS 2.3.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 268/2016
[Shri Kailas D. Patil Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 02.03.2017.

ORAL ORDER:

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

2. Since similar matter is fixed on 10.04.2017, the present matter be fixed on 10.04.2017 for final hearing.

ORAL ORDERS 2.3.2017-KPB(SB)BPP

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 416/2016
[Shri Ramhari G. Gosavi Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 02.03.2017.

ORAL ORDER:

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

2. The learned Presenting Officer seeks time to produce original service book of the applicant. Time granted.

3. S.O. to 11.04.2017.

MEMBER (J)

ORAL ORDERS 2.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 534/2016
[Shri Lalu Bhau Pawar Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 02.03.2017.

ORAL ORDER:

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

2. The learned Presenting Officer seeks time to produce original service book of the applicant. Time granted.

3. S.O. to 11.04.2017.

MEMBER (J)

ORAL ORDERS 2.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 470/2016
[Shri Tulshidas Keshav Patil Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 02.03.2017.

ORAL ORDER:

Shri Milind K. Deshpande, learned Advocate for the Applicant (**Absent**). Shri M.P. Gude, learned Presenting Officer for respondents.

2. As none present for the applicant, S.O. to 10.04.2017.

ORAL ORDERS 2.3.2017-KPB(SB)BPP

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 805/2016
[Shri Firoz Kalekha Jamadar Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 02.03.2017.

ORAL ORDER:

Shri V.B. Wagh, learned Advocate for the Applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondents.

2. At the request of learned advocate for the applicant, S.O. to 17.03.2017.

MEMBER (J)

ORAL ORDERS 2.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 813/2016
[Shri Avinash V. Gangode Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 02.03.2017.

ORAL ORDER:

Shri A.S. Deshmukh, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. At the request of learned Chief Presenting Officer for respondents, S.O. to 06.03.2017.

ORAL ORDERS 2.3.2017-KPB(SB)BPP

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 104/2016
[Dr. Laxmikant N. Dolas Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 02.03.2017.

ORAL ORDER:

Heard Shri A.S. Deshmukh, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

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

3. S.O. to 11.04.2017.

MEMBER (J)

ORAL ORDERS 2.3.2017-KPB(SB)BPP