

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 459/2012 IN CP ST. 1521/2012 IN OA 216/1995**  
(Shri Dhansing D. Prasad Vs. The State of Maharashtra &  
Ors.)

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

**Date : 20.07.2017**

**ORAL ORDER:-**

Heard Shri H.A. Joshi, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The learned P.O. submits that compliance of the order passed by the Tribunal in O.A. no. 216/1995 is made by the respondents. She has also filed on record the copy of cheque issued by the respondents in the name of applicant and copy of receipt signed by the applicant.

3. The learned Advocate for the applicant seeks time to take definite instructions from the applicant in this regard. At his request, S.O. to 10.8.2017 for taking instructions.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 20.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 199/2015 IN O.A. ST. NO. 780/2015**

(Shri Devendra S. Jade Vs. The State of Maharashtra & Ors.)

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

**Date : 20.07.2017**

**ORAL ORDER:-**

Heard Shri T.S. Lodhe, learned Advocate holding for Smt. Pratibha Bharad, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to comply the order dated 16.6.2017 passed by the Tribunal in the present matter. In the circumstances, S.O. to 2.8.2017 for compliance of the order dated 16.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 20.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 201/2016 IN CP ST. 705/2016 IN OA 918/2010**  
(Smt. Gayabai G. Pokale Vs. The State of Maharashtra & Ors.)

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

**Date : 20.07.2017**

**ORAL ORDER:-**

None appears for the applicant. Smt. I.S. Thorat, learned Presenting Officer for the respondents, is present.

2. the learned P.O., on the basis of the case status extract from the official website of Hon'ble High Court submitted that the writ petition bearing no. 10085/2016 challenging the order dated 18.3.2016 passed by the Tribunal in O.A. no. 918/2010 is still pending before the Hon'ble High Court and it is now fixed on 8.8.2017. The said extract is taken on record and marked as document 'X'.

3. In view of above situation, S.O. to 28.8.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 20.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 133/2017 IN OA 949/2016**

(Shri Dinesh D. Kachare Vs. The State of Maharashtra & Ors.)

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

**Date : 20.07.2017**

**ORAL ORDER:-**

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

2. The learned P.O. has filed affidavit in reply of res. no. 2 in the misc. application. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant. So also, the learned Advocate for the applicant has filed on record the copy of the verification report dated 6.7.2017, which must have been received by the res. no. 3 by this time, which is taken on record and marked as document 'X' and copy of the same has been served upon the learned P.O. for the respondents.

3. The learned P.O. seeks time to take instructions about the verification report and regarding further action taken or would be taken in the mean time by the concerned respondents.

4. S.O. to 28.7.2017 for taking instructions by the learned P.O.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 20.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 204/2017 IN CP ST. 608/2017 IN OA 654/2015**  
(Shri Arun A. Pardeshi & Ors. Vs. The State of Maharashtra &  
Ors.)

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

**Date : 20.07.2017**

**ORAL ORDER:-**

Heard Shri S.S. Dixit, learned Advocate holding for Shri D.J. Patil, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The learned C.P.O. files on record affidavit in reply of res. no. 5. It is taken on record and copy thereof has been served upon the learned Advocate for the Applicant. The learned C.P.O. submits that, compliance of the order of the Tribunal passed in O.A. is made by the concerned respondent and the papers are forwarded to the Accountant General, Nagpur for further necessary action in the matter.

3. The learned Advocate for the applicant seeks time to take definite instructions from the applicant in this regard. Time granted.

4. S.O. to 28.8.2017 for taking instructions from the applicant.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 20.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 259/2017 WITH MA ST. 922/2017 WITH MA  
213/2013 IN OA 700/2012**

(Shri Atharoddin A. Siddique Vs. The State of Maharashtra &  
Ors.)

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

**Date : 20.07.2017**

**ORAL ORDER:-**

Heard Shri Y.P. Deshmukh, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in M.A. no. 259/2017, returnable on 22.8.2017.

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

7. S.O. 22.8.2017.

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

**VICE CHAIRMAN**

ARJ ORAL ORDERS 20.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 210/2017**

(Shri Ramesh B. Pimple Vs. The State of Maharashtra & Ors.)

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

**Date : 20.07.2017**

**ORAL ORDER:-**

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

2. The learned C.P.O. seeks time to take definite instructions from the concerned respondents on the line of the order of this Tribunal dated 23.6.2017. At his request, as a last chance, S.O. to 2.8.2017 with a caveat that, if necessary compliance is not made by the respondents, by the next date, necessary coercive action would be taken against the said respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 20.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 683/2013**

(Shri Sopan B. Patil & Ors. Vs. The State of Maharashtra &  
Ors.)

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

**Date : 20.07.2017**

**ORAL ORDER:-**

Heard Shri Ashish Rajkar, learned Advocate for the applicants and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that, since the Division Bench would be available during the period from 31.7.2017 to 4.8.2017 at Aurangabad bench, this matter be placed before the said Division Bench. At his request, S.O. to 3.8.2017 before the Division Bench.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 20.7.2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 694/2013**

(Shri Bashir Khan Daulat Khan Patel Vs. The State of  
Maharashtra & Ors.)

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

**Date : 20.07.2017**

**ORAL ORDER:-**

Heard Smt. Vidhya Taksal, learned Advocate holding for  
Shri Avinash S. Deshmukh, learned Advocate for the  
applicants and Shri I.S. Thorat, learned Presenting Officer for  
the respondents.

2. At the request of learned Advocate for the applicant,  
S.O. to 4.8.2017 before the Division Bench.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 20.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 701/2013**

(Shri Ramrao T. Rathod Vs. The State of Maharashtra & Ors.)

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

**Date : 20.07.2017**

**ORAL ORDER:-**

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

2. This matter, which pertains to Division Bench, is pending for final hearing and hence the same be removed from the board for time being.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 20.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 395/2015**

(Shri Rajaram J. Gaikwad & Ors. Vs. The State of  
Maharashtra & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman**

**Date : 20.07.2017**

**ORAL ORDER:-**

Heard Shri Ravi R. Bangar, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 1 to 6 and Shri Suresh D. Dhongde, learned Advocate for respondent no. 7.

2. Upon hearing both the sides, it appears that, the respondents have relied over the Civil Engineering Assistant's Rules, 2002 as quoted in para 5 of the affidavit in reply of respondents. The said rules inter alia provides in respect of seniority upon passing of the departmental / professional examination. The G.R. dated 16.9.2016 (Annex. B-1 paper book page 219) provides grant of benefits of assured career progression scheme to the eligible employees on getting exemption from passing the departmental / professional examination on completion of 45 years of age. The learned P.O. submits that, while affidavit in reply is filed by the respondents on 21.7.2016 thereafter aforesaid G.R. is issued on 16.9.2016.

3. In the circumstances, the respondents are directed to reconsider the issue involved in the present matter in the light of G.R. dated 16.9.2016 (Annex. B-1 paper book page 219) and find as to whether the present applicant can be considered for grant of benefits of assured career progression scheme and report the same accordingly.

4. S.O. to 21.8.2017 for submitting report. This matter be treated as part heard.

5. The learned P.O. to act upon the Steno copy of this order.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 20.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 514/2015**

(Shri (Dr.) Balaji S. Barure Vs. The State of Maharashtra &  
Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman**

**Date : 20.07.2017**

**ORAL ORDER:-**

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

2. At the request of learned P.O., as a last chance, S.O. to 10.8.2017 for filing the compliance report as directed by the Tribunal vide order dated 8.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 20.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 758/2016**

(Shri Jagdish M. Kale Vs. The State of Maharashtra & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman**

**Date : 20.07.2017**

**ORAL ORDER:-**

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, 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 20.7.2017 received to him from the res. no. 4. It is taken on record and marked as document 'X' and copy thereof has been supplied to the learned Advocate for the applicant. The learned Advocate for the applicant seeks time. At her request, S.O. to 25.7.2016. The interim relief granted earlier to continue till then.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 20.7.2017

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

**ORIGINAL APPLICATION NO.843/2016.**  
**(Shri S. G. Wagatkar Vs. State of Mah. & Ors.)**

**CORAM: Hon.Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE : 20-07-2017**

**ORAL ORDER:-**

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

2. The learned P. O. files affidavit in reply on behalf of Respondents no.1 & 2. The same is accepted. Its copy is served on the other side. He seeks time to file affidavit in reply on behalf of Respondent no.3. At his request, S. O. to 07.08.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 20-07-2017-ATP**

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

**ORIGINAL APPLICATION NO.403/2017.**  
**(Shri B. V. Kaldate Vs. State of Mah. & Ors.)**

**CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE : 20-07-2017**

**ORAL ORDER:-**

Heard Shri Sham Patil learned Advocate for the  
applicant.

2. Not on board. Production allowed. Liberty to  
correct the designation etc. of respondent no.1 is granted.  
It be carried out during course of the day. After  
correction, Registrar of this Tribunal is directed to issue  
fresh notice to the concerned respondent. The same is

**VICE CHAIRMAN.**

**ORAL ORDERS 20-07-2017-ATP**



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

**ORIGINAL APPLICATION NO.67/2017.**  
**(Smt Surekha M. Tak Vs. State of Mah. & Ors.)**

**CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE : 20-07-2017**

**ORAL ORDER:-**

Heard Shri P. V. Suryawanshi learned Advocate for the applicant and Shri V. R. Bhumkar learned Presenting Officer for the respondents.

2. The learned P.O. files affidavit in reply on behalf of the Respondents no.2 & 3. The same is taken on record. Its copy is served on the learned Advocate for the applicant.

3. At the request of the learned Advocate for the applicant, S. O. to 21.8.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 20-07-2017-ATP**

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

**ORIGINAL APPLICATION NO.680/2017.**

(Shri V. R. Gangadhane & Ors. Vs. State of Mah. & Ors.)

**CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.**

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

**DATE : 20-07-2017**

**ORAL ORDER:-**

Heard Shri P. V. Suryawanshi learned Advocate for  
the applicants and Shri N. U. Yadav learned Presenting  
Officer for the respondents.

2. At the request of the learned Advocate for the  
applicants, S. O. to 28.9.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 20-07-2017-ATP**

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

**MA 421/2016 IN CP 6/1998 IN OA 01/1998.**

(Shri S. S. Tupe Vs. State of Mah. & Ors.)

**CORAM: Hon. Shri Justice M. T. Joshi, Vice Chairman.**

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

**DATE : 20-07-2017**

**ORAL ORDER:-**

Heard Shri P. V. Suryawanshi learned Advocate for  
the applicant and Shri N. U. Yadav learned Presenting  
Officer for the respondents.

2. At the request of the learned Advocate for the  
applicant place before the matter before Division Bench  
on 02.08.2017.

3. S. O. to 02.08.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 20-07-2017-ATP**

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

**MA ST.931/17 IN CP ST.932/17 IN OA 138/2016.**  
**(Dr. Shaikh Faiz Mohammad Vs. State of Mah. & Ors.)**

**CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE : 20-07-2017**

**ORAL ORDER:-**

Heard Shri I. D. Maniyar learned Advocate for the applicant and Shri I. S. Thorat learned Presenting Officer for the respondents.

2. Subject to the objection, issue notices to the respondents, returnable on 09.08.2017.

3. S. O. to 09.08.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 20-07-2017-ATP**

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

**ORIGINAL APPLICATION NO.108/2016.**  
**(Shri V. N. Pawar Vs. State of Mah. & Ors.)**

**CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE : 20-07-2017**

**ORAL ORDER:-**

Heard Shri A. B. Rajkar learned Advocate for the applicant and Shri S. K. Shirse learned Presenting Officer for the respondents.

2. The learned P.O. files affidavit in reply on behalf of Respondent no.3 to the amended O.A. The same is accepted. Its copy is served on the other side.

3. S. O. to 11.8.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 20-07-2017-ATP**

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

**ORIGINAL APPLICATION NO.132/2016.**  
**(Smt Mandabai Thakur Vs. State of Mah. & Ors.)**

**CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE : 20-07-2017**

**ORAL ORDER:-**

1. None appears for the applicant.
2. Heard Shri I. S. Thorat, learned Presenting Officer for the respondents.
3. Upon hearing the learned P. O. it appears that, corrective steps can be taken by the Respondent no.2 as the G.R. dated 30.7.2002 (page 68) on which the Respondents themselves are relying would show that, the appointment will have to be given and the said appointment shall be subject to the validity of the caste claim, if any, of the person to be appointed. Not only this, the clarification to the said G.R. filed by Respondents themselves at page no.70 dated 30.05.2016 would show that, since reservation is not applicable in case of compassionate appointments, if any candidate from Reserved / Backward category is to be appointed to fill a backlog, there would be necessity of submission of

validity certificate "if the candidate wants to seek the benefit available for reserved category."

4. The Respondent no.2 therefore, is directed to reconsider the issue and find out as to whether the impugned direction issued by him at Annexure A-8, dated 24.2.2006 (page no.50) can be withdrawn and the corrected orders can be issued.

5. If the Respondent no.2 comes to the conclusion that the corrective steps can not be taken, report with the reasons be filed in this Tribunal on or before 22.8.2017.

6. S. O. to 22.08.2017 for report.

7. The learned P.O. is directed to act on the Steno copy of this order.

**VICE CHAIRMAN.**

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

**ORIGINAL APPLICATION NO.187/2016.**

**(Shri V. G. Kulkarni Vs. State of Mah. & Ors.)**

**CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.**

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

**DATE : 20-07-2017**

**ORAL ORDER:-**

Heard Shri P. M. Shinde learned Advocate for the applicant and Shri M. P. Gude learned Presenting Officer for the respondents.

2. The learned P. O. files on record final order of Division Bench dated 6.4.2017. The same is accepted and marked as "X" for the purpose of identification. The copy is served on the learned Advocate for the applicant.

3. The learned Advocate for the applicant seeks time to take definite instructions from the applicant for withdrawal of the present application, as the present application was for changing the Enquiry Officer.

4. At the request of the learned Advocate for the applicant, S. O. to 22.8.2017 for taking instructions by the learned Advocate for the applicant.

**VICE CHAIRMAN.**

**ORAL ORDERS 20-07-2017-ATP**



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

**ORIGINAL APPLICATION NO.114/2017.**  
**(Marathwada Sarva Shramik Sanghatana and Ors.**  
**Vs. State of Mah. & Ors.)**

**CORAM: Hon. Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE : 20-07-2017**

**ORAL ORDER:-**

Heard Shri G. R. Jadhav learned Advocate holding  
for Shri A. S. Shelke learned Advocate for the applicants  
and Shri D. R. Patil learned Presenting Officer for the  
respondents.

2. The learned P.O. seeks time to file affidavit in reply.  
At his request, S. O. to 10.08.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 20-07-2017-ATP**

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

**ORIGINAL APPLICATION NO.137/2017.**  
**(Shri N. S. Arsale Vs. State of Mah. & Ors.)**

**CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE : 20-07-2017**

**ORAL ORDER:-**

Heard Shri AB Rajkar learned Advocate holding for  
Shri S. D. Joshi learned Advocate for the applicant and  
Smt P. R. Bharaswadkar learned Presenting Officer for  
the respondents.

2. The learned P. O. seeks time to file affidavit in reply.  
At her request, S. O. to 22.8.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 20-07-2017-ATP**

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

**ORIGINAL APPLICATION NO.547/2016.**  
**(Shri D. U. Rathod Vs. State of Mah. & Ors.)**

**CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE : 20-07-2017**

**ORAL ORDER:-**

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

2. The learned P. O. seeks time to file affidavit in reply on behalf of Respondents no.1 & 2. The record would show that, time and again since Sept. 2016 time is being granted. On 25.4.2017 it was therefore cautioned that, last chance to file reply was granted. Thereafter, again on 14.06.2017 no reply was filed. Learned P.O. however, submit that, the reply is sent to the Respondents no.1 and 2 for swearing on 7.6.2017, however, still it is not received duly swearing to the learned P.O.

3. It appears that, the Respondents no.1 & 2 are not taking due care for complying with the order of this Tribunal and the case is unnecessarily dragged.

4. With a caution that, if the affidavit in reply is not filed within two weeks the cost of Rs.25,000/- by Government cheque may be saddled on each of the Respondents no.1 & 2 separately, time to file reply is hereby granted till 3.8.2017.

5. S. O. to 03.08.2017.

6. The learned P.O. is directed to act on the Steno copy of this order.

**VICE CHAIRMAN.**

**ORAL ORDERS 20-07-2017-ATP**

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

**ORIGINAL APPLICATION NO.722/2016.**  
**(Shri K. S. Hinge Vs. State of Mah. & Ors.)**

**CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE : 20-07-2017**

**ORAL ORDER:-**

None present for the applicant. Heard Shri. V. R. Bhumkar learned Presenting Officer for the respondents.

2. The learned P.O. submits that, now the record is reached to him and the Respondents desires to file short affidavit along with necessary documents i.e. report of Examiner of documents and other documents to clarify all the facts. At his request, S. O. to 28.7.2017 for filing additional affidavit in reply on behalf of Respondents no.2 and 4.

**VICE CHAIRMAN.**

**ORAL ORDERS 20-07-2017-ATP**

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

**ORIGINAL APPLICATION NO.190/2017.**  
**(Shri D. J. Zombade Vs. State of Mah. & Ors.)**

**CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE : 20-07-2017**

**ORAL ORDER:-**

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

2. The learned Advocate for the applicant submits that a clerical mistake has occurred in not challenging the order dated 13.03.2006 though the copy of the same is filed at Annexure A-9 (page 70) and even the applications are made regarding the said order at page no.9, page no.13. In the circumstances, liberty to add a prayer clause in this respect is hereby granted. The amendment be carried within one week.

3. S. O. to 27.07.2017 for effecting amendment.

**VICE CHAIRMAN.**

**ORAL ORDERS 20-07-2017-ATP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 578/ 2016**  
(C.H. Dongaonkar & Ors. Vs. State of Maharashtra & Ors.)

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).**

**DATE : 20.07.2017.**

**ORAL ORDER:-**

Shri Amit Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent no. 1 and Shri D.T. Devane, learned Advocate for respondent nos. 2 to 5.

2. At the request of learned Advocate for the applicant, S.O. to 08.08.2017.

**MEMBER (J)**

KPB ORAL ORDER 20-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 33/ 2017**  
(Shri Bharat L. Kharat Vs. State of Maharashtra & Ors.)

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).**

**DATE : 20.07.2017.**

**ORAL ORDER:-**

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

2. At the request of learned Advocate for the applicant, S.O. to 27.07.2017.

**MEMBER (J)**

KPB ORAL ORDER 20-07-2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 16/ 2017**  
(Shri Sk Mukhtyar Sk Noor Ali Vs. State of Maharashtra & Ors.)

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).**

**DATE : 20.07.2017.**

**ORAL ORDER:-**

Shri S.G. Magre, learned Advocate holding for Shri M.D. Godamgaonkar, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. It transpires from the proceedings that the reply of respondent nos. 2 & 3 has already been filed on record.

3. S.O. to 10.08.2017.

**MEMBER (J)**

**KPB ORAL ORDER 20-07-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 138/ 2017**  
(Shri Babu J. Phule Vs. State of Maharashtra & Ors.)

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).**

**DATE : 20.07.2017.**

**ORAL ORDER:-**

Shri S.G. Magre, learned Advocate holding for Shri M.D. Godamgaonkar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 10.08.2017.

**MEMBER (J)**

**KPB ORAL ORDER 20-07-2017**

MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 325/ 2017  
(Shri (Dr.) Vivek V. Kamble Vs. State of Maharashtra & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 20.07.2017.

ORAL ORDER:-

Shri Gajanan Kadam, learned Advocate for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 to 5, present. Shri A.B. Gaikwad, learned Advocate for respondent no. 6, **absent**.

2. As none present for the applicant, S.O. to 03.08.2017, for passing necessary order.

MEMBER (J)

KPB ORAL ORDER 20-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 201/2017 in O.A. St. No. 633/2017  
(Shri Shrimant P. Bhalerao Vs. State of Maharashtra & Ors.)**

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).**

**DATE : 20.07.2017.**

**ORAL ORDER:-**

Heard Shri A.B. Rajkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent nos. 1 and 2. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. The respondents are directed to file affidavit as to whether they have complied with the direction given by this Tribunal on 16.06.2017 and if not complied, show cause why he has not complied the order, in spite of specific direction given by this Tribunal.

4. Issue notices to the respondents in M.A., returnable on 8.8.2017.

5. Learned C.P.O. waives notice for respondent nos. 1 and 2.

6. Steno copy allowed to the learned Chief Presenting Officer at his request.

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 778/ 2017**  
(Shri Bharat L. Kharat Vs. State of Maharashtra & Ors.)

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).**

**DATE : 20.07.2017.**

**ORAL ORDER:-**

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

2. Learned Advocate for the applicant has submitted that the applicant does not want to proceed with the O.A. and wants to withdraw it, as his representation dated 4.5.2017 is still pending with the respondents.

3. In view of the above submission made on behalf of the applicant, leave is granted to withdraw the O.A. with liberty to file fresh O.A., as and when cause of action arose.

4. Accordingly, the O.A. stands disposed of as withdrawn with the above said liberty. There shall be no order as to costs.

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 102/ 2016**  
(Shri Shankar A. Tamke Vs. State of Maharashtra & Ors.)

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).**

**DATE : 20.07.2017.**

**ORAL ORDER:-**

Shri A.V. Patil (Indrale), learned Advocate for the applicant (**Absent**). Shri M.P. Gude, learned Presenting Officer for the respondents, present.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent no. 2, Time granted as a last chance.

3. S.O. to 03.08.2017.

**MEMBER (J)**

**KPB ORAL ORDER 20-07-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 130/ 2016**  
(Shri Vinayak B. Kulkarni Vs. State of Maharashtra & Ors.)

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).**

**DATE : 20.07.2017.**

**ORAL ORDER:-**

Heard Shri M.C. Ghode, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to take instruction from the applicant. Time granted as a most last chance.

3. S.O. to 03.08.2017.

**MEMBER (J)**

**KPB ORAL ORDER 20-07-2017**

MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 878/ 2016  
(Shri Nitinkumar T. Adhe Vs. State of Maharashtra & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 20.07.2017.

ORAL ORDER:-

Shri A.D. Sugdare, learned Advocate for the applicant (**Leave Note**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent nos. 1 & 2, present. Shri S.D. Shelke, learned Advocate for the respondent nos. 3 & 4, **absent**.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 18.08.2017.

MEMBER (J)

KPB ORAL ORDER 20-07-2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 921/ 2016**  
(Shri Sanjay T. Mali Vs. State of Maharashtra & Ors.)

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).**

**DATE : 20.07.2017.**

**ORAL ORDER:-**

Shri A.D. Sugdare, learned Advocate for the applicant (**Leave Note**). Shri V.R. Bhumkar, learned Presenting Officer for the respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 18.08.2017.

**MEMBER (J)**

KPB ORAL ORDER 20-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 943/ 2016**  
(Shri Uttam Lalu Bahirwad Vs. State of Maharashtra & Ors.)

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).**

**DATE : 20.07.2017.**

**ORAL ORDER:-**

Heard Shri G.N. Kulkarni, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 18.08.2017.

**MEMBER (J)**

KPB ORAL ORDER 20-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 115/ 2017**  
(Shri Tulshiram M. Lande Vs. State of Maharashtra & Ors.)

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).**

**DATE : 20.07.2017.**

**ORAL ORDER:-**

Heard Shri Satyajeet S. Dixit, 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 satisfy the Tribunal on the point of maintainability of the O.A. in view of the provisions of Section 20 of the Administrative Tribunals Act, 1985. Time granted.

3. S.O. to 27.07.2017.

**MEMBER (J)**

**KPB ORAL ORDER 20-07-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 125/ 2017**  
(Shri Syed Amjad Syed Hamza Vs. State of Maharashtra & Ors.)

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).**

**DATE : 20.07.2017.**

**ORAL ORDER:-**

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Chief Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 2. Same is taken on record and the copy thereof, has been served on the learned Advocate for the applicant.

3. Learned Presenting Officer has submitted that the respondent no. 1 does not want to file affidavit in reply.

4. S.O. to 21.08.2017.

**MEMBER (J)**

**KPB ORAL ORDER 20-07-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 126/ 2017**  
(Shri Arjun Y. Rakshe Vs. State of Maharashtra & Ors.)

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).**

**DATE : 20.07.2017.**

**ORAL ORDER:-**

Shri A.D. Sugdare, learned Advocate for the applicant (**Leave Note**). Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 18.08.2017.

**MEMBER (J)**

KPB ORAL ORDER 20-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 133/ 2017**  
(Shri Radhakrushna S. Bodkhe Vs. State of Maharashtra & Ors.)

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).**

**DATE : 20.07.2017.**

**ORAL ORDER:-**

Shri A.D. Gadekar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

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

3. S.O. to 10.08.2017.

**MEMBER (J)**

KPB ORAL ORDER 20-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 211/ 2017**  
(Shri Ashok B. Bankar Vs. State of Maharashtra & Ors.)

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).**

**DATE : 20.07.2017.**

**ORAL ORDER:-**

Shri S.M. Shegaonkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 10.08.2017.

**MEMBER (J)**

KPB ORAL ORDER 20-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 291/ 2017**  
(Shri Bibishan V. Tutare Vs. State of Maharashtra & Ors.)

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).**

**DATE : 20.07.2017.**

**ORAL ORDER:-**

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 1 & 2. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. Learned Advocate for the applicant has submitted that the applicant has filed representations dated 7.7.2016, 30.08.2016 & 3.9.2016 before the respondents for granting him exemption in passing the departmental examination on completion of 45 years of age in view of the G.R. dated 13.09.2012. But the respondents had not decided the said representations till today. Therefore, he prayed to direct the respondents to take decision on his representations.



4. Learned Presenting Officer has submitted that as per the Rules, the applicant is not entitled to get exemption, but he has admitted fact that the representations filed by the applicant are still pending with the respondents and no decision has been taken by the respondents on these representations.

5. In view of the above said fact, it would be just and proper to direct the respondent nos. 1 and 2 to take decision on the pending representations dated 7.7.2016, 30.08.2016 & 3.9.2016 filed by the applicant, on merit, by giving opportunity being heard to the applicant within a period of six weeks from the date of this order and communicate the decision to the applicant in writing accordingly.

6. Accordingly, the O.A. stands disposed of with the above said direction. There shall be no order as to costs.

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.364/2017**

(Shri Hari Panchal & Ors. V/s. The State of Mah. & Ors.)

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

DATE : 20-07-2017

**ORAL ORDER:-**

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

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

3. Learned Advocate for the applicant has tendered a copy of the schedule for recovery of excess payment for the month of June, 2017 relating to applicant nos.1 to 3 dated 08-07-2017. It is taken on record and marked as document "X" for identification. He has submitted that this Tribunal passed an order dated 13-06-2017 and granted stay to the execution of impugned order. He has further submitted that notice of O.A. was served to respondent no.5 on 17-06-2017. He has submitted that inpsite of service of stay order passed in the O.A., respondent no.5 has recovered amount from the salary

for the month of June, 2017. He has submitted that respondent no.5 has deliberately made deduction from the applicant nos.1 to 3 and flouted order of the Tribunal.

4. Learned P.O. submits that she will take instructions in this regard from the concerned authorities and she prayed to grant time for taking instructions from the respondents.

5. From the record, it reveals that, inspite of service of stay order on respondent no.5, respondent no.5 recovered the amount from the salary of applicant nos.1 to 3 and has flouted the order of this Tribunal. Hence, issue notice to the respondent no.5 to show cause as to why appropriate action should not be initiated against him for flouting the order of the Tribunal, deliberately.

6. S.O.10-08-2017.

7. Steno copy be provided to the learned P.O. on her request.

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.401/2017**

(Rizwana Rafiq Pathan V/s. The State of Mah. & Ors.)

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

DATE : 20-07-2017

**ORAL ORDER:-**

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

2. Learned Advocate for the applicant has submitted that the applicant has been transferred by impugned order dated 31-05-2017 from Ahmednagar to Samsheerpur. Thereafter, applicant filed representations to the respondents dated 02-06-2017, 06-06-2017 and 23-06-2017 and requested to reconsider her transfer and to modify the order by giving posting to her at suitable place in view of circular dated 11-08-2007. Applicant has submitted that respondents have not taken decision on the said representation till today, and therefore, she prayed to issue direction to the respondents to take

decision on the representations at the earliest and also prays to dispose of O.A. with these directions.

3. Learned P.O. states that necessary order considering the facts and circumstances of the case may be passed.

4. By the impugned order dated 31-05-2017 applicant has been transferred from Ahmednagar to Samsheerpur. Thereafter, applicant has filed representations dated 02-06-2017, 06-06-2017 and 23-06-2017 to modify the order and to transfer/post her at convenient place in view of her family problems as per the Circular dated 11-08-2007. Her representations are still pending.

5. In these circumstances, it would be just and proper to direct the respondents to take appropriate decision on representations dated 02-06-2017, 06-06-2017 and 23-06-2017 filed by applicant in view of Circular dated 11-08-2007 and other rules and regulations, on merit.

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O.A.No.401/17

Accordingly, O.A. is disposed of with a direction to the respondents to decide the representations dated 02-06-2017, 06-06-2017 and 23-06-2017 filed by applicant in view of circular dated 11-08-2007 and other rules and regulations on merit within 2 months from today.

**MEMBER (J)**

YUK ORAL ORDER 20-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.358/2017**  
(Sapna Jawkar V/s. The State of Mah. & Ors.)

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

DATE : 20-07-2017

**ORAL ORDER:-**

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

2. Issue fresh notices to the respondents, returnable on 31-08-2017.

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, 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. S.O.to 31-08-2017.

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

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.359/2017**  
(Saraswati Lakhmaji V/s. The State of Mah. & Ors.)

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

DATE : 20-07-2017

**ORAL ORDER:-**

Heard Shri V.R.Jain learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Issue fresh notices to the respondents, returnable on 31-08-2017.

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, 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. S.O.to 31-08-2017.

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

**MEMBER (J)**

YUK ORAL ORDER 20-07-2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.378/2017**  
(Shri Vasant Khange V/s. The State of Mah. & Ors.)

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

DATE : 20-07-2017

**ORAL ORDER:-**

Heard Shri V.R.Jain learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant states that notices are served on the respondents. He prays for time to file service affidavit on record. Time granted.

3. S.O. to 31-08-2017.

**MEMBER (J)**

YUK ORAL ORDER 20-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A.No.80/2017 IN O.A.St.No.109/2017**  
(Shri Shashikant Dive V/s. The State of Mah. & Ors.)

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

DATE : 20-07-2017

**ORAL ORDER:-**

Heard Ku. Preeti Wankhade learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

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

3. S.O. to 02-08-2017.

**MEMBER (J)**

YUK ORAL ORDER 20-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A.No.188/2017 IN O.A.St.No.495/2017**  
(Anjali Khedkar V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)  
DATE : 20-07-2017

**ORAL ORDER:-**

Heard Shri P.B.Sawant learned Advocate holding for Shri S.B.Kakde learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that leave to amend M.A. and O.A. was granted on 12-06-2017 by this Tribunal but the applicant could not carry out amendment accordingly, and therefore, he prayed for leave of the Tribunal to amend the M.A. as well as the O.A. on today only. Leave as prayed for is granted. Applicant shall carry out the amendment forthwith.

3. Issue fresh notices to the respondents in the M.A. after carrying out amendment, returnable on 17-08-2017.

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 the case. 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. S.O.to 17-08-2017.

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

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.833/2016**  
(Dr. Sanjay Mule V/s. The State of Mah. & Ors.)

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

DATE : 20-07-2017

**ORAL ORDER:-**

Heard Shri J.S.Deshmukh learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned P.O. tendered letter dated 20-07-2017 received from Dr. Satish Pawar, Director, Health Services Mumbai and submitted that the Director, Health Services, Mumbai sought one day's time for passing necessary order as per directions given by this Tribunal 14-03-2017.

3. Dr. Vijay Kandewad, Deputy Director, Health Services is present before the Tribunal. He has submitted that Dr. Pradeep Vyas, Principal Secretary, Health Department, Mantralaya, Mumbai would take decision as directed by the Tribunal. He has submitted that Principal Secretary, Health Department, Mantralaya, Mumbai and Director, Health Services, Mumbai will take decision positively as per direction of the Tribunal till

=2=  
tomorrow. Therefore, he was directed to collect undertaking from the concerned authorities stating that decision will be taken till tomorrow as per the direction given by the Tribunal.

4. In view thereof, he has placed communication dated 20-07-2017 received from Dr. Satish Pawar, Director, Health Services, Mumbai wherein 1 day's time is sought but no undertaking of Dr Pawar or Dr. Vyas is given. In these circumstances, respondents are directed to furnish undertaking of both concerned officers, namely, Dr. Vyas and Dr. Pawar that they will take decision in the matter positively by tomorrow.

5. This case be kept in the afternoon session at 4.30 p.m.

**MEMBER (J)**

**LATER ON**

Heard Shri J.S.Deshmukh learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

6. Now, learned P.O. has produced order dated 20-07-2017 issued by the Deputy Secretary, Government

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of India by which he cancelled extraordinary leave granted to the applicant for 2 years and granted study leave for 1 year for the period commencing from 01-07-2016 to 30-06-2017. She has submitted that respondents have complied with the directions given by the Tribunal on 14-03-2017.

7. Learned Advocate for the applicant has submitted by the said communication dated 20-07-2017 respondents have granted study leave for only 1 year though the applicant has sought leave for 2 years. Therefore, he prayed to issue necessary directions to the respondents.

8. At this juncture, learned P.O. on instruction from Dr. Kandewad, Deputy Director informed that there is typographic mistake regarding period of leave in the order dated 20-07-2017 and the respondents will correct the said mistake. Therefore, she prayed for time till Monday. Time granted.

9. S.O. to 24-07-2017.

YUK ORAL ORDER 20-07-2017

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.154/2016**  
(Shri Abhijit Shinde V/s. The State of Mah. & Ors.)

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

DATE : 20-07-2017

**ORAL ORDER:-**

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

2. Learned Advocate for the applicant has submitted that this Tribunal on 10-03-2017 directed the respondent no.1 to decide the representation filed by the applicant on 25-11-2015 (page 19) afresh considering the fact whether conditions mentioned in the G.R. dated 11-10-1994 were fulfilled or not. In spite of direction given by this Tribunal, respondent no.1 has not taken decision on the representation of the applicant. He, therefore, prayed to dispose of the O.A. with the said directions to decide representation of the applicant dated 25-11-2015 afresh in view of the G.R. dated 11-10-1994.



3. Learned P.O. has submitted that representation dated 25-11-2015 is under consideration of respondent no.1 in view of the directions given by this Tribunal on 10-03-2017 and he has no objection to dispose of the O.A. by fixing time limit for disposal of the representation dated 25-11-2015.

4. In view of the above circumstances, it will be just and proper to dispose of the O.A. with direction to the respondent no.1 to decide the representation dated 25-11-2015 afresh in view of G.R. dated 11-10-1994 within 2 months from the date of this order.

6. Accordingly, O.A. stands disposed of with direction to the respondent no.1 to decide the representation dated 25-11-2015 filed by the applicant on merit in view of the G.R. dated 11-10-2014 within 2 months from the date of this order and communicate the decision to the Tribunal as well as the applicant.

**MEMBER (J)**