

O.A. NO. 812/2016

(Dr. Vijay M Katte Vs. The State of Maharashtra & Ors.)

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

DATE :- 20.12.2016

Oral Order :-

1. Heard Shri A.D. Gadekar, 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 file affidavit in reply. Time granted.

3. S.O. to 8.2.2017.

MEMBER (J)

ARJ 20.12.2016 (s.B.)

O.A. NO. 826/2016

(Laxman B. Parandkar Vs. The State of Maharashtra & Ors.)

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

DATE :- 20.12.2016

Oral Order :-

1. Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply. Time granted.
3. S.O. to 8.2.2017.

MEMBER (J)

ARJ 20.12.2016 (s.B.)

O.A. NO. 774/2016

(Dr. Aruna G. Dahiphale Vs. The State of Maharashtra & Ors.)

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

DATE :- 20.12.2016

Oral Order :-

1. Heard Shri Prashant P. Dama, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. The learned P.O. states that he will take instructions from the respondents whether it is necessary to file affidavit in reply or not. Time granted.
3. S.O. to 21.12.2016.

MEMBER (J)

ARJ 20.12.2016 (s.B.)

MA 396/2016 IN OA 691/2016

(Pravin V. Gaikwad Vs. The State of Maharashtra & Ors.)

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

DATE :- 20.12.2016

Oral Order :-

1. Heard Shri M.P. Bangar, learned Advocate holding for Shri V.A. Dhakne, learned Advocate for the applicant in the present M.A., Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 2 & 3 in the present M.A. / respondents in O.A. and Shri Ganesh Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for respondent no. 1 in the present M.A. / applicants in O.A..
2. Shri Bangar, learned Advocate submits that Shri Dhakne, learned Advocate for the applicant in the present M.A. has some personal difficulty and, therefore, the matter be adjourned.
3. In view thereof S.O. to 1.2.2017.

MEMBER (J)

ARJ 20.12.2016 (s.B.)

O.A. NO. 581/2011

(M.U. Khade Vs. The State of Maharashtra & Ors.)

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

DATE :- 20.12.2016

Oral Order :-

1. Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Smt. Resha S. Deshpande, learned Presenting Officer for the respondents.
2. The learned P.O. has filed additional affidavit in reply of res. No. 2. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.
3. At the request of learned Advocate for the applicant and learned P.O. for the respondents, S.O. to 22.12.2016.

MEMBER (J)

ARJ 20.12.2016 (s.B.)

O.A. NO. 310/2015

(V.D. Bhapkar Vs. The State of Maharashtra & Ors.)

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

DATE :- 20.12.2016

Oral Order :-

1. Heard Shri Shrikant Patil, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.
2. Arguments are concluded and hence reserves for order.

MEMBER (J)

ARJ 20.12.2016 (s.B.)

O.A. NO. 276/2016

(G.H. Khandagale & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE :- 20.12.2016

Oral Order :-

1. Shri D.G. Kamble, learned Advocate for the applicants **(absent)**. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. It seems that the applicants and their Counsel are not appearing in the matter on 4.4.2016, 20.7.2016, 4.8.2016, 16.9.2016 and 15.11.2016. Today also none appeared for the applicants.

3. In view thereof, this O.A. be placed on board for dismissal on 23.12.2016.

MEMBER (J)

ARJ 20.12.2016 (s.B.)

O.A. NO. 502/2016

(V.S. Chapte Vs. The State of Maharashtra & Ors.)

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

DATE :- 20.12.2016

Oral Order :-

1. Heard Shri N.P. Bangar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3 and Shri K.B. Jadhav, learned Advocate for respondent no. 4.
2. Arguments are concluded hence, closed for orders.

MEMBER (J)

ARJ 20.12.2016 (s.B.)

O.A. NO. 585/2016

(P.M. Raner Vs. The State of Maharashtra & Ors.)

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

DATE :- 20.12.2016

Oral Order :-

1. Heard Shri D.T. Devane, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 to 4 and Shri A.S. Deshmukh, learned Advocate for respondent no. 5.
2. At the request of learned Advocate for the applicant, S.O. to 11.1.2017.

MEMBER (J)

ARJ 20.12.2016 (s.B.)

MA 198/2016 IN CP ST. 746/2016 IN OA 318/2014

(Iqbal Abdul Aziz Patel Vs. The State of Maharashtra & Ors.)

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

DATE :- 20.12.2016

Oral Order :-

1. Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 to 3 and Smt. Ujjwal Agrawal, learned Advocate holding for Shri Vinod Joshi, learned Advocate for respondent no. 4.

2. At the request of learned P.O. for the res. nos. 1 to 3, S.O. to 22.12.2016.

MEMBER (J)

ARJ 20.12.2016 (s.B.)

MA 165/2016 IN CP ST. 611/2016 IN OA 487/2014

(Dr. Sunil S. Kulkarni Vs. The State of Maharashtra & Ors.)

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

DATE :- 20.12.2016

Oral Order :-

1. Heard 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. has filed separate affidavits in replies on behalf of res. nos. 2 & 4. The said replies are taken on record and copies thereof are served upon the learned Advocate for the applicant.

3. The learned P.O. submits that the res. no.1 Smt. Sujata Sounik has been transferred now and in her place one Shri V.S. Singh has been posted. Similarly, res. no. 3 Dr. R.T. Chavan has been transferred recently and in his place one Shri Vijay Kandewad has been posted.

4. The learned Advocate for the applicant submits that, he will incorporate these newly posted Officers respectively and he seeks leave for amending the M.A. & C.P. accordingly, forthwith.

5. Permission as sought for is granted. The M.A. & C.P. be amended accordingly forthwith.

6. It seems that while disposing of the O.A. no. 487/2014 on 15.4.2015, the respondents were directed to consider the date of retirement of the applicant as 29.1.2015 after office hours and to extend the pensionary benefits of retiring pension under the rule 62 (2) and 64 of the M.C.S. (Pension) Rules, 1982 as may be admissible to the applicant.

7. Against the order dated 15.4.2015 passed by this Tribunal in O.A. 487/2014, the respondents have approached Hon'ble Bombay High Court, Bench at Aurangabad by filing writ petition no. 11486/2015 and Hon'ble High Court has dismissed the said writ petition vide its order dated 21.1.2016 and thereby confirmed the order passed by this Tribunal in the O.A.

8. Thereafter, on 27.9.2016, this Tribunal has passed order in the present M.A. no. 165/2016 and in para 3 this Tribunal observed as under :-

“3. It seems that the State had filed Writ Petition No. 11486/2015 against the said order and Hon'ble

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**MA 165/2016 IN CP ST.
611/2016 IN OA 487/2014**

Bombay High Court, Bench at Aurangabad vide order dated 21.01.2016 was pleased to reject the Writ Petition. In view thereof, there remains nothing for the respondents but to submit papers for regular pension.”

9. In spite of the above factual position, till today, the regular pension has not been sanctioned to the applicant and on the contrary affidavit in the form of short affidavit in reply has been filed by Dr. (Shri) Satish Dhanaji Pawar, Director in the office of Director of Health Services, Mumbai (res. no. 3) and Dr. (Shri) Govardhan Marotirao Gaikwad, Civil Surgeon, Civil Hospital, Aurangabad (res. no. 4) today. In the said replies unconditional apology is tendered by the respective respondents, however, the said apology cannot be accepted as prima-facie there seems to be a clear cut breach of the order passed by this Tribunal in the O.A. However, since the respondent nos. 1 & 3 are newly added / substituted in the present M.A. as well as in the C.P., it will not be proper to take any action without giving opportunity to the newly added respondents.

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**MA 165/2016 IN CP ST.
611/2016 IN OA 487/2014**

10. Hence, issue notices to the newly added res. nos. 1 & 3 in M.A., returnable on 11.1.2017.

11. The res. nos. 1 & 3 shall file short affidavit mentioning as to why the proceeding under contempt shall not be initiated against them and they shall also file reply whether they are bound to obey the order dated 15.4.2015 passed by this Tribunal in O.A. 487/2014, which is confirmed by Hon'ble High Court in writ petition no. 11486/2015 vide its order dated 21.1.2016.

12. S.O. to 11.1.2017.

13. Steno copy allowed for the use of learned P.O. for the respondents.

MEMBER (J)

ARJ 20.12.2016 (s.B.)

O.A. NO. 719/2016

(Pandurang M. Chandanshiv Vs. The State of Maharashtra & Ors.)

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

DATE :- 20.12.2016

Oral Order :-

1. Shri L.H. Kawale, learned Advocate holding for Shri K.J. Suryawanshi, learned Advocate for the applicant is present.

2. The learned Advocate for the applicant submits that, description of res. nos. 1 & 3 is not properly given in the array of O.A. and, therefore, he wants to substitute the O.A. by properly describing the res. no. 1 the State of Maharashtra & res. no. 3 The Chief Engineer.

3. Leave to substitute the O.A. is granted. The applicant shall substitute the O.A. on or before next date.

4. S.O. to 22.12.2016.

MEMBER (J)

HDD / ARJ 20.12.2016 (s.B.)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

MA NO.460/2016 IN OA ST.NO.1999/2016.

(H.S. Sarode Vs. State of Mah.&Ors.)

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

DATE:20.12.2016.

ORAL ORDER:-

Heard ShriS.S. Thombre, learned Advocate holding for Shri M.B. Ubale, learned Advocate for the applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Issue notices to the respondents in M.A., returnable on 7.2.2017.

3. Applicant is authorized and directed to serve on all respondents notice of O.A. authenticated by Registry, along with complete paper book of O.A. stating that this Tribunal may take the case for final disposal at this stage and a separate notice for final disposal not be issued.

4. Authorization for service of 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.

5. The service of notice may be done by the applicant by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry as far as possible before the due date.

-2- **MA NO.460/2016 IN OA ST.NO.1999/2016**

6. Affidavit of service be filed one week before due date.
7. Learned P.O. is directed to communicate this order.
8. Affidavit in reply be filed before due date.
9. Steno copy and Hamdast is allowed to both parties.
10. S.O. to 7.2.2017.

MEMBER (J).

ORAL ORDERS 20.12.2016-ATP

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

ORIGINAL APPLICATION NO.701/2015.

(M. R. Chaudhari Vs. State of Mah.&Ors.)

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

DATE:20.12.2016.

ORAL ORDER:-

Heard ShriA.D. Sugdare, learned Advocate for the applicant and ShriD.R. Patil,learned Presenting Officer for the Respondents.

2. The pleadings are complete, hence the matter is admitted and kept for final hearing.

3. S.O. to 7.2.2017.

MEMBER (J).

ORAL ORDERS 20.12.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.170/2016.

(S. B. Dhangar Vs. State of Mah.&Ors.)

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

DATE:20.12.2016.

ORAL ORDER :-

None present for the applicant.Heard ShriM.S. Mahajan,
learned Chief Presenting Officer for the Respondents.

2. The detail order was passed on 16.11.2016 and the matter has been kept today for dismissal. It seems that, nobody is appearing for the applicant since last so-many dates and therefore, the applicant may not be interested in prosecuting the O.A. Hence, the O.A. is dismissed in default with no order as to costs.

MEMBER (J).

ORAL ORDERS 20.12.2016-ATP

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

ORIGINAL APPLICATION NO.268/2016.

(K. D. Patil Vs. State of Mah.&Ors.)

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

DATE:20.12.2016.

ORAL ORDER :-

Heard ShriA.D. Sugdare, learned Advocate for the applicant and Smt D.S. Deshpande, learned Presenting Officer for the Respondents.

2. The pleadings are complete, hence the matter is admitted and kept for final hearing.

3. S.O. to 7.2.2017.

MEMBER (J).

ORAL ORDERS 20.12.2016-ATP

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

ORIGINAL APPLICATION NO.546/2016.

(S. N. Londhe Vs. State of Mah.&Ors.)

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

DATE:20.12.2016.

ORAL ORDER :-

Heard Shri A.D. Sugdare, learned Advocate holding for Shri R. P. Bhumkar, learned Advocate for the applicant and Smt D.S. Deshpande, learned Presenting Officer for the Respondents.

2. The pleadings are complete, hence the matter is admitted and kept for final hearing.

3. S.O. to 19.1.2017.

MEMBER (J).

ORAL ORDERS 20.12.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.387/2016.

(Dr. Nomani Vs. State of Mah.&Ors.)

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

DATE:20.12.2016.

ORAL ORDER :-

None present for the applicant. Heard Shri N. U. Yadav,
learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted
as a last chance.

3. S.O. to 8.2.2017.

MEMBER (J).

ORAL ORDERS 20.12.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.620/2016.

(B. R. Sonawane Vs. State of Mah.&Ors.)

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

DATE:20.12.2016.

ORAL ORDER :-

Heard ShriV. B. Wagh, learned Advocate for the applicant and ShriM. P. Gude, learned Presenting Officer for the Respondents.

2. The argument of learned Advocate for the applicant is heard. Learned P.O. seeks time to argue the matter on 22.12.2016.

3. Hence, S.O. to 22.12.2016.

MEMBER (J).

ORAL ORDERS 20.12.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.621/2016.

(A. Y. Kalokhe Vs. State of Mah.&Ors.)

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

DATE:20.12.2016.

ORAL ORDER :-

Heard Shri V. B. Wagh, learned Advocate for the applicant and ShriD.R. Patil, learned Presenting Officer for the Respondents.

2. The argument of learned Advocate for the applicant is heard. Learned P.O. seeks time to argue the matter on 22.12.2016.

3. Hence, S.O. to 22.12.2016.

MEMBER (J).

ORAL ORDERS 20.12.2016-ATP

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

ORIGINAL APPLICATION NO.658/2016.

(M. E. Mali Vs. State of Mah.&Ors.)

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

DATE:20.12.2016.

ORAL ORDER :-

Heard ShriV. B. Wagh, learned Advocate for the applicant and Smt. P. R. Bharaswadkar,learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant submits that no application for vacation of the interim stay is filed. However, the same is not necessary since the applicant is requesting for vacation of the stay in view of the order passed by Hon'ble High Court. Learned Advocate for the applicant submits that, he may be permitted to file rejoinder and he will supply copy of rejoinder in advance to the learned P.O.

3. Hence, S.O. to 22.12.2016.

MEMBER (J).

ORAL ORDERS 20.12.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.659/2016.

(D.S. Patil Vs. State of Mah.&Ors.)

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

DATE:20.12.2016.

ORAL ORDER :-

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

2. Learned Advocate for the applicant submits that no application for vacation of the interim stay is filed. However, the same is not necessary since the applicant is requesting for vacation of the stay in view of the order passed by Hon'ble High Court. Learned Advocate for the applicant submits that, he may be permitted to file rejoinder and he will supply copy of rejoinder in advance to the learned C.P.O.

3. Hence, S.O. to 22.12.2016.

MEMBER (J).

ORAL ORDERS 20.12.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.660/2016.

(N. R. Patil Vs. State of Mah.&Ors.)

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

DATE:20.12.2016.

ORAL ORDER :-

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

2. Learned Advocate for the applicant submits that no application for vacation of the interim stay is filed. However, the same is not necessary since the applicant is requesting for vacation of the stay in view of the order passed by Hon'ble High Court. Learned Advocate for the applicant submits that, he may be permitted to file rejoinder and he will supply copy of rejoinder in advance to the learned C.P.O.

3. Hence, S.O. to 22.12.2016.

MEMBER (J).

ORAL ORDERS 20.12.2016-ATP

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

ORIGINAL APPLICATION NO.695/2016.

(J. S. Pendalwar Vs. State of Mah.&Ors.)

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

DATE:20.12.2016.

ORAL ORDER :-

Heard Shri A.D. Sugdare, learned Advocate for the applicant and SmtP.R. Bharaswadkar, learned Presenting Officer for the Respondents.

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

3. The pleadings are complete, hence the matter is admitted and kept for final hearing.

4. S.O. to 7.2.2017.

MEMBER (J).

ORAL ORDERS 20.12.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.698/2016.

(S. M. Patil Vs. State of Mah.&Ors.)

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

DATE:20.12.2016.

ORAL ORDER :-

Heard ShriA. D. Sugdare, learned Advocate for the applicant and ShriN. U. Yadav,learned Presenting Officer for the Respondents.

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

3. S.O. to 7.2.2016.

MEMBER (J).

ORAL ORDERS 20.12.2016-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.718/2016.

(A. T. Bari &Ors. Vs. State of Mah.&Ors.)

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

DATE:20.12.2016.

ORAL ORDER :-

ShriS. S. Deshmukh, learned Advocate for the applicant (Absent). HeardShriS.K. Shirse, learned Presenting Officer for the Respondents.

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

3. S.O. to 8.2.2016.

MEMBER (J).

ORAL ORDERS 20.12.2016-ATP