

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.792/2012.
(SR Ghodkar Vs. State of Mah.& Ors.)

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

DATE : 21.10.2016.

ORAL ORDER:-

None present for the Applicant. Shri Dr Patil, learned Presenting Officer for the respondents.

2. The applicant was absent on 11.8.2014. Again on 28.8.2014 none was present for the applicant and O.A. was disposed of due to non compliance of the earlier orders. By order dated 24.9.2014 the O.A. was ordered to be restored and it was kept for further hearing on 27.10.2014 when none was present for the applicant. The matter was heard subsequently on a few occasions and finally by order dated 19.11.2015 the liberty was granted to the parties to move the matter before Division Bench whenever the Division Bench was available. However, the matter was not mentioned by any of the parties and it was listed for final hearing on 18.10.2016 the none was present for the applicant. The matter was therefore, kept for dismissal on 21.10.2016. Today also none is present for the applicant. Hence, O.A. is dismissed in default.

MEMBER(J)

VICE CHAIRMAN (A)

21.10.2016-DB-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.632/2012.
(A.S. Dahiphale Vs. State of Mah.& Ors.)

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

DATE : 21.10.2016.

ORAL ORDER:-

None present for the Applicant. Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. This O.A. was kept for final hearing on 17.10.2016 none was present for the applicant. In fact, it was last heard on 6.8.2013 when it was admitted and it was ordered that it may be kept for final hearing in due course of time. Accordingly, it was placed before us on 17.10.2016 when none was present. The matter was therefore, kept for dismissal on 21.10.2016. Today also none is present for the applicant. Hence, O.A. is dismissed in default.

MEMBER(J)

VICE CHAIRMAN (A)

21.10.2016-DB-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.915/2012.
(MD Jadhav Vs. State of Mah.& Ors.)

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

DATE : 21.10.2016.

ORAL ORDER:-

None present for the Applicant. Shri MS Mahajan, learned Chief Presenting Officer for the respondents.

2. This O.A. was kept for final hearing on 17.11.2014 none was present for the applicant. However, it was admitted and it is ordered that it may be kept for final hearing in due course of time. Accordingly, it was placed before us on 19.10.2016 when none was present. The matter was therefore, kept for dismissal on 21.10.2016. Today also none is present for the applicant. Hence, O.A. is dismissed in default.

MEMBER(J)

VICE CHAIRMAN (A)

21.10.2016-DB-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.743/2012.
(S.V. Phulsaundar & Ors. Vs. State of Mah.& Ors.)

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

DATE : 21.10.2016.

ORAL ORDER:-

None present for the Applicant. Shri DR Patil, learned Presenting Officer for the respondents.

2. This O.A. was kept for hearing on 08.02.2013 none was present for the applicant. However, it was admitted and it is ordered that it may be kept for final hearing in due course of time. Accordingly, it was placed before us on 20.10.2016 when none was present. The matter was therefore, kept for dismissal on 21.10.2016. Today also none is present for the applicant. Hence, O.A. is dismissed in default.

MEMBER(J)

VICE CHAIRMAN (A)

21.10.2016-DB-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.772/2012.
(S. Y. Dhumal Vs. State of Mah.& Ors.)

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

DATE : 21.10.2016.

ORAL ORDER:-

None present for the Applicant. Shri IS Thorat, learned Presenting Officer for the respondents.

2. This O.A. was kept for hearing on 28.1.2015, 11.3.2015 and on 23.4.2015 when none was present for the applicant. On 23.4.2015 it was ordered that the matter may be kept for final hearing before Division Bench whenever it was available. Accordingly it was placed before us for hearing on 18.10.2016 when none was present for the applicant. The matter was therefore, kept for dismissal on 21.10.2016. Today also none is present for the applicant. Hence, O.A. is dismissed in default.

MEMBER(J)

VICE CHAIRMAN (A)

21.10.2016-DB-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.774/2012.
(S. P. Kulkarni Vs. State of Mah.& Ors.)

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

DATE : 21.10.2016.

ORAL ORDER:-

Heard Shri C.P. Patil, learned Advocate for the Applicant and Shri NU Yadav, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant says that he has not received the copy of affidavit in reply filed on behalf of Respondent no.1. It is seen that the same was filed on 14.3.2014 and the applicant has been remaining absent repeatedly. However, in the interest of justice his request that copy of the reply may be granted to him is considered. Learned P.O. to make available the copy of the reply. The matter may be kept for final hearing as and when the Division Bench is next available.

MEMBER(J)

VICE CHAIRMAN (A)

21.10.2016-DB-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.824/2012.
(V.G. Palwe Vs. State of Mah.& Ors.)

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

DATE : 21.10.2016.

ORAL ORDER:-

None present for the Applicant. Shri IS Thorat, learned Presenting Officer for the respondents.

2. This O.A. was admitted by order of this Tribunal dated 10.06.2014. It was ordered that it may be placed for final hearing in due course of time. Accordingly it was kept on 20.10.2016 when none was present for the applicant. It was therefore, kept for dismissal on 21.10.2016. Today also none is present for the applicant. Hence, O.A. is dismissed in default.

MEMBER(J)

VICE CHAIRMAN (A)

21.10.2016-DB-ATP

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

**M.A. No. 402/15 in C.P. St. 1406/15 in O.A. No. 236/14
[Adhikrao S. Mane Vs. The State of Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN
(This matter is placed before Single Bench due
to non-availability of Division Bench)**

DATE : 21.10.2016.

ORAL ORDER:

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

2. Parties agree that review filed by the State in O.A. No. 236/2014
is due to be heard on 28.11.2016.

3. In view of the aforesaid statement, this case is adjourned to
22.12.2016 with liberty to move for early hearing, if occasion arise.

4. S.O. to 22.12.2016

CHAIRMAN

21.10.2016-Kpb(DB)

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

**M.A. No. 198/16 in C.P. St. 746/16 in O.A. No. 318/14
[Iqbal s/o Abdul Aziz Patel Vs. The State of Mah. & Ors.]**

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN
(This matter is placed before Single Bench due
to non-availability of Division Bench)**

DATE : 21.10. 2016.

ORAL ORDER:

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned Advocate Smt. Ujjwal Agrawal appeared today and has tendered her **VAKALATNAMA** on behalf of Respondent No. 4 and the same is taken on record.

3. Learned P.O. states as follows:-

(i) He has received oral instructions from the Collector, Jalgaon.

(ii) The Applicant's pension case is being dealt with at the Government level.

(iii) He needs time to take instructions from the Government as to within how much period procedure pending at the level of Government would be finalized.

//2// M.A. 198/16 in C.P. St.
746/16 in O.A. 318/14

(iv) Time may be granted for making statement.

4. However, it is expected that the every endeavour should have been made by the Government to finalize the procedure at its level, in view that the Government is already in contempt.

5. Hence, adjourn to 6.12.2016.

CHAIRMAN

21.10.2016-Kpb(DB)

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

**M.A. No. 325/16 in C.P. St. 1514/16 in O.A. No. 956/10
[A.R. Vyavahare & Ors. Vs. The State of Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN
(This matter is placed before Single Bench due
to non-availability of Division Bench)**

DATE : 21.10.2016.

ORAL ORDER:

Heard Shri R.K. Temkar, learned Advocate for the Applicant and Shri D.T. Devane, learned Chief Presenting Officer for respondents.

2. The learned Advocate for the applicants states as follows:-
'Applicants realise that applicants ought to have served the Contemnors an intimation of contempt of the order of this Tribunal dated 14.3.2016 passed in O.A. No. 956/2010, committed by them, before filing this application for action for contempt.'
3. The learned Advocate for the applicants, therefore, states that the applicants would serve on the alleged Contemnors, personal notice giving them 30 days' time to comply with the order of this Tribunal and thereafter if the order is still not complied, then the applicants would file fresh contempt petition.
4. Accordingly, present Misc. Application filed for permission to file Contempt Petition and Contempt Petition are disposed of with liberty to applicants to file fresh Contempt Petition before this Tribunal.

CHAIRMAN

21.10.2016-Kpb(DB)

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

**M.A. No. 357/16 in C.P. St. 1644/16 in O.A. No. 663/14
[Nagorao S. Bele Vs. The State of Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN
(This matter is placed before Single Bench due
to non-availability of Division Bench)**

DATE : 21.10.2016.

ORAL ORDER:

Heard Shri V.B. Wagh, learned Advocate for the Applicant and Shri D.T. Devane, learned Chief Presenting Officer for respondents.

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

‘Applicant realise that applicant ought to have served the Contemnors an intimation of contempt of the order of this Tribunal dated 14.1.2016 passed in O.A. no. 663/2014, committed by them, before filing this application for action for contempt.’

3. The learned Advocate for the applicants, therefore, states that the applicants would serve on the alleged Contemnors, personal notice giving them 30 days’ time to comply with the order of this Tribunal and thereafter if the order is still not complied, then the applicants would file fresh contempt petition.

4. Accordingly, present Misc. Application filed for permission to file Contempt Petition and Contempt Petition are disposed of with liberty to applicants to file fresh Contempt Petition before this Tribunal.

CHAIRMAN

21.10.2016-Kpb(DB)

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

**ORIGINAL APPLICATION NO. 572 OF 2015
[Subhash G. Chavan Vs. The State of Mah. & Ors.]**

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

DATE : 21.10.2016.

ORAL ORDER:

Shri Ajay Deshpande – learned Advocate for the Applicant
(**Absent**). Shri V.R. Bhumkar – learned Presenting Officer for
respondents, present.

2. The learned Presenting Officer seeks time to file fresh reply
on behalf of respondents. Time granted.

3. S.O. to 16.11.2016.

MEMBER (J)

29.09.2016- Kpb(SB)

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

**M.A.NO. 359 OF 2016 IN O.A. NO. 647 OF 2013
[Shri Ganesh T. Ragare Vs. The State of Mah. & Ors.]**

**(CIRCULATION FILED BY INTERVENOR AND LEARNED ADVOCATE
FOR THE APPLICANT IN O.A.)**

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

DATE : 21.10.2016.

ORAL ORDER:

Heard Shri Sachin Gandle, learned Advocate holding for Shri M.S. Indani – learned Advocate for the intervenor, Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents and Shri S.P. Urgunde – learned Advocate for the Applicant in Original Application.

2. Learned Advocate for the applicant in Original Application has prayed for continuation of interim relief, which was earlier granted in the O.A. and continued till today; whereas Learned Advocate for intervenor prays for preponing the date and also he has filed application to that effect and the same is taken on record.

3. Both the requests are granted.

4. At the request and with the consent of both the parties, S.O. to 25th October, 2016.

5. Interim relief granted earlier in O.A. No. 647/2016 to continue till further orders.

MEMBER (J)

21.10.2016-HDD(DB).doc

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

ORIGINAL APPLICATION NO. 142 OF 2011

[Shri Nivrutti G. Davane Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
ABD
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 21.10.2016.

ORAL ORDER:

Shri P.B. Salunke – learned Advocate for the Applicant (**absent**).

Shri I.S. Thorat – learned Presenting Officer for respondents, present

2. It appears from the proceeding that this Original Application was dismissed in default by this Tribunal vide its order dated 15.1.2016. However, subsequently, the applicant had filed M.A. No. 222/2016 in this Original Application seeking restoration of the present Original Application.

3. By an order dated 06.10.2016 this Tribunal allowed the M.A. No. 222/2016 and the O.A. was restored in the interest of justice and equity. This O.A. was thereafter fixed on 17.10.2016 for hearing, when none was present for the applicant. This O.A., therefore, kept for dismissal today i.e. on 21.10.2016. However, today also none is present for the Applicant. Hence, again this Original Application is dismissed in default. No order as to costs.

MEMBER (J) VICE CHAIRMAN (A)

21.10.2016-HDD(DB).doc

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

ORIGINAL APPLICATION NO. 275 OF 2012

[Shri Punjabrao D. Bhosle & Ors. Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
ABD
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 21.10.2016.

ORAL ORDER:

Shri Vikram S. Kadam – learned Advocate for the Applicant (**absent**). Mrs. Deepali S. Deshpande – learned Presenting Officer for respondents, present.

2. It appears from the proceeding that this Original Application was heard on 23.09.2016, when the applicant was presented by learned Advocate Shri R.D. Khadap holding for Shri Vikram S. Kadam. At the request of learned Advocate for the Applicant, this O.A. was kept for final hearing before the Division Bench as and when it is available. Accordingly, this O.A. was kept for final hearing on 17.10.2016, when none is present for the Applicant. Therefore, this O.A. was kept for dismissal today i.e. on 21.10.2016. However, today also none appeared for the applicant.

3. In view thereof, this Original Application is dismissed in default.
No order as to costs.

MEMBER (J) VICE CHAIRMAN (A)

LATER ON

Learned Advocate Shri Vikram S. Kadam for the Applicant appeared and he prayed that the order of dismissed in default passed by this Tribunal today may kindly be recalled, as there was some delay in coming in this Court, when matter was called out.

2. Accordingly, the order of dismissed in default passed in the present O.A. is recalled and the O.A. is restored to its original file and the same is taken up for final hearing.

3. After hearing the matter quite some time, the same is reserved for order.

MEMBER (J) VICE CHAIRMAN (A)

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

ORIGINAL APPLICATION ST. NO. 778 OF 2015

**[Syed Muzafarrudin Khan S/o Md. Abdul Qqayyum Khan Vs. The
State of Mah. & Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
ABD**

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

DATE : 21.10.2016.

ORAL ORDER:

Heard Shri Avinash Deshmukh – learned Advocate for the Applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for respondents.

2. Learned Chief Presenting Officer seeks four weeks' time to file affidavit in reply. Time granted.

3. Hence, this O.A. may be placed before the next Division Bench whenever it is available.

MEMBER (J) VICE CHAIRMAN (A)

21.10.2016-HDD(DB).doc

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

**ORIGINAL APPLICATION NO. 492 OF 2012
[Dr. Amarnath V. Awargaonkar Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
ABD
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 21.10.2016.

ORAL ORDER:

Shri Nandkumar B. Khandare – learned Advocate for the Applicant (**absent**). Shri S.K. Shirase – learned Presenting Officer for respondents, present.

2. However, order dated 17.10.2016 may be perused. The reasons why this Original Application has been kept for dismissal today has been mentioned in the aforesaid order (17.10.2016). However, none is present for the applicant today also and the Original Application is, therefore, dismissed in default. No order as to costs.

MEMBER (J) VICE CHAIRMAN (A)

21.10.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 286 OF 2012

[Ankush Rama Jadhav & Anr. Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)

ABD

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

DATE : 21.10.2016.

ORAL ORDER:

Shri Ajay Deshpande – learned Advocate for the Applicant (**absent**). Shri D.R. Patil – learned Presenting Officer for respondents, present.

2. This Original Application was heard on 13.10.2015. However, on the said date this Original Application was admitted and the parties were given liberty to mention it for final hearing before the Division Bench whenever it is available. However, the matter came before this Tribunal for final hearing in due course on 21.09.2016. However, on 21.09.2016 Learned Advocate for the Applicant had filed leave note. This Original Application was, therefore, postponed for final hearing before the Division Bench as and when it is available. Accordingly, it was placed before the Division Bench on 17.10.2016, when none was present for the applicant. This O.A., therefore, kept for dismissal today i.e. on 21.10.2016. However, today also none is present for the Applicant.

3. This Original Application is, therefore, dismissed in default. No order as to costs.

MEMBER (J) VICE CHAIRMAN (A)

21.10.2016-HDD(DB).doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT
AURANGABAD**

ORIGINAL APPLICATION NO.133/2016

(S.N.Atkulwar V/s. State of Maharashtra & Ors)

CORAM : HON'BLE SHRI JUSTICE A. H. JOSHI, CHAIRMAN
**(This case is placed before the Single Bench due to
non-availability of Division Bench)**

DATE : 21-10-2016.

ORAL ORDER :

Heard Shri A.S.Golegankar learned Advocate for the Applicant and Shri M.S.Mahajan learned Chief Presenting Officer for Respondents.

2. Learned Advocate for the Applicant states that he has served 2 respondents and will take steps to serve notice upon the unserved respondents.

3. Issue fresh notice to the unserved respondents, returnable on 06-12-2016.

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

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

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

=2=

O.A.No.133/16

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

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

9. S.O. 06-12-2016.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT
AURANGABAD**

ORIGINAL APPLICATION NO.192/2016

(M.S.Koli V/s. State of Maharashtra & Ors)

CORAM : HON'BLE SHRI JUSTICE A. H. JOSHI, CHAIRMAN
**(This caseis placed before the Single Bench due to
non-availability of Division Bench)**

DATE : 21-10-2016.

ORAL ORDER :

Heard Shri A.S.Golegaonkar learned Advocate for the Applicant and Shri N.U.Yadav learned Presenting Officer for Respondents.

2. Learned Advocate for the applicant prays for one month's time for placing on record recent Government decision by virtue of which the respondents will have to act. Time granted.

3. S.O.06-12-2016.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT
AURANGABAD**

ORIGINAL APPLICATION NO.209/2016

(Syed Mois Ali V/s. State of Maharashtra & Ors)

CORAM : HON'BLE SHRI JUSTICE A. H. JOSHI, CHAIRMAN
**(This case is placed before the Single Bench due to
non-availability of Division Bench)**

DATE : 21-10-2016.

ORAL ORDER :

Heard Shri S.S.Dixit learned Advocate holding for Shri
V.V.Deshmukh learned Advocate for the Applicant and Smt.
Deepali Deshpande learned Presenting Officer for Respondents.

2. Shri S.S.Dixit learned Advocate holding for Shri
V.V.Deshmukh learned Advocate for the Applicant prays for
adjournment on the ground that Shri V.V.Deshmukh is indisposed.
Adjournment granted.

3. S.O.29-11-2016.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT
AURANGABAD**

ORIGINAL APPLICATION NO.696/2016
(P.D.Ahirrao V/s. State of Maharashtra & Ors)

CORAM : HON'BLE SHRI JUSTICE A. H. JOSHI, CHAIRMAN
**(This case is placed before the Single Bench due to
non-availability of Division Bench)**

DATE : 21-10-2016.

ORAL ORDER :

Heard Shri M.R.Wagh learned Advocate for the Applicant and Smt. Priya Bharaswadkar learned Presenting Officer for Respondents.

2. Learned P.O. prays for time for filing reply. Learned P.O. was called upon to state as to whether all respondents have instructed the learned P.O. to ask for enlargement of time. Learned P.O. states that Respondent No.4 has sent request seeking time and any request from other respondents is not received so far.

3. Learned Advocate for applicant submits that the issue involved in this O.A. arises in the background that respondent nos.5 and 6 were promoted in supersession of applicant's claim, though they are Junior to him.

4. It is very sorry state of affairs that the order of respondent no.3 is under challenge and said Respondent has failed to respond the O.A.

5. Learned P.O. is directed to furnish the name of the incumbent holding post of Respondent No.3. Learned P.O. has furnished name of Respondent No.3 which is as under:

Shri N.V.Rathod, Regional Dairy Development Officer,
Nashik, Ta. Nashik, Distr. Nashik.

6. Shri N.V.Rathod, Regional Dairy Development Officer, Nashik is called upon to explain the reasons due to which he did not respond to the notice of the Tribunal though, order under challenge is passed by him. Shri N.V.Rathod, Regional Dairy Development Officer, Nashik is directed to show cause as to why costs should not be saddled on him personally, for failure to take note of notice of the Tribunal and towards his failure to file reply.

7. This shall not preclude the Respondent No.3 from filing reply, answering crucial issues raised in the O.A. as regards promotion of employees, who were declared as surplus and later on absorbed in the service.

8. Learned P.O. is directed to communicate this order for which Steno copy and Hamdust is allowed.

9. S.O. 6th December, 2016.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT
AURANGABAD**

ORIGINAL APPLICATION NO.728/2016

(S.E.Choudhary & Ors. V/s. State of Maharashtra & Ors)

CORAM : HON'BLE SHRI JUSTICE A. H. JOSHI, CHAIRMAN
**(This case is placed before the Single Bench due to
non-availability of Division Bench)**

DATE : 21-10-2016.

ORAL ORDER :

Heard Shri Pradeep Tambde learned Advocate holding for Shri S.S.Jadhavar learned Advocate for the Applicant and Smt. Deepali Deshpande learned Presenting Officer for Respondents.

2. In this O.A. respondent no.2 Maharashtra Public Service Commission (MPSC) is the contesting respondent.

3. Learned P.O. for respondents prays for time for filing reply on behalf of respondent no.2.

4. Learned P.O. was called upon to state as to whether respondent no.2 requested her for enlargement of time for filing reply.

5. Learned P.O. states that office of C.P.O. has not received any communication from the respondent no.2 praying for time for filing reply.

6. Respondent No.2 i.e. Secretary, M.P.S.C. is called to show reasons due to which M.P.S.C. has not filed reply inspite of receipt of notice in the O.A. and though interim order passed by this Tribunal in favour of the applicant.

7. Secretary, M.P.S.C. is called upon to show cause as to why costs should not be saddled on him personally for failure to respond to the notice of the Tribunal being the contesting respondent in the O.A., and reason towards failure to file and even failed to instruct the learned P.O.

8. Incumbent holding the post of Secretary, M.P.S.C. is put to notice that if satisfactory reason for failure to file affidavit in reply is not put forth, he will be saddled with heavy costs which would be recovered from his personal pocket.

9. Affidavit answering show cause notice be filed by the Secretary, M.P.S.C., personally.

10. Learned P.O. is granted steno copy and hamdust which shall be communicated to the Secretary, M.P.S.C.

11. S.O.06-12-2016.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT
AURANGABAD**

M.A.No.535/2015 IN O.A.St.No.1624/2015

(K.A.Bagul V/s. State of Maharashtra & Ors)

CORAM : HON'BLE SHRI JUSTICE A. H. JOSHI, CHAIRMAN
**(This case is placed before the Single Bench due to
non-availability of Division Bench)**

DATE : 21-10-2016.

ORAL ORDER :

Shri A.B.Katkar learned Advocate for the Applicant is **absent**. Shri D.R.Patil learned Presenting Officer for Respondents is present.

2. Learned P.O. states that, he has received instruction from the respondents.

3. It is seen that though many chances were granted reply has not been filed. Grant of further time in the matter to the respondents is, therefore, unjust.

4. Perused M.A. for condonation of delay caused in filing the O.A. Applicant has shown satisfactory reasons for failure to file O.A. punctually and towards the delay caused.

5. In view thereof, this Tribunal is satisfied that delay caused in filing the O.A. is explained properly. Hence, delay is condoned. M.A.No.535/2015 stands disposed of accordingly.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT
AURANGABAD**

O.A.St.No.1624/2015

(K.A.Bagul V/s. State of Maharashtra & Ors)

CORAM : HON'BLE SHRI JUSTICE A. H. JOSHI, CHAIRMAN
**(This case is placed before the Single Bench due to
non-availability of Division Bench)**

DATE : 21-10-2016.

ORAL ORDER :

Shri A.B.Katkar learned Advocate for the Applicant is **absent**. Shri D.R.Patil learned Presenting Officer for Respondents is present.

2. Issue notice to the remaining respondents, returnable on 06-12-2016.
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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. Steno copy and Hamdast is allowed to both parties.
8. S.O. 06-12-2016.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT
AURANGABAD**

M.A.No.35/2016 IN O.A.St.No.1807/2016

(A.H.Patil V/s. State of Maharashtra & Ors)

CORAM : HON'BLE SHRI JUSTICE A. H. JOSHI, CHAIRMAN
**(This case is placed before the Single Bench due to
non-availability of Division Bench)**

DATE : 21-10-2016.

ORAL ORDER :

Shri V.P.Patil learned Advocate for the Applicant is **absent**.
Shri N.U.Yadav learned Presenting Officer for Respondents is
present.

2. None appears for the Applicant. None had appeared on the
earlier date. Even notice issued by the Tribunal has not been served by
the applicant.

3. In view of the foregoing observations M.A. and O.A. are dismissed
for want of prosecution.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT
AURANGABAD**

M.A.No.163/2016 IN O.A.St.No.1288/2015
(D.B.Bagul V/s. State of Maharashtra & Ors)

CORAM : HON'BLE SHRI JUSTICE A. H. JOSHI, CHAIRMAN
**(This case is placed before the Single Bench due to
non-availability of Division Bench)**

DATE : 21-10-2016.

ORAL ORDER :

Heard Ku. Madhavi Ayyappan learned Advocate holding for Shri S.B.Talekar learned Advocate for the Applicant and Shri M.P.Gude learned Presenting Officer for Respondents.

2. Learned P.O. files affidavit in reply on behalf of the respondent nos.1 to 3. It is taken on record. Copy thereof has been served on the other side.

3. Applicant has stated in paragraph 5 of the M.A. that seniority list was published on 20th May, 2015. This aspect has not been dealt with in the affidavit in reply.

4. This attitude of evasive reply on the part of the respondents only proves higher skills in dishonesty than honesty. Such an attitude deserves to be abhorred and deprecated. This Tribunal is, therefore, satisfied to grant declaration in favour of the applicant as prayed in Clause "A" of the M.A. that there is no delay in filing the Original Application.

5. Objection of delay, if any, raised earlier is over ruled. M.A. is allowed and disposed of accordingly with no order as to costs.

6. In view of above, O.A. be registered and numbered.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT
AURANGABAD**

Original Application St.No.1288/2015

(D.B.Bagul V/s. State of Maharashtra & Ors)

CORAM : HON'BLE SHRI JUSTICE A. H. JOSHI, CHAIRMAN
**(This case is placed before the Single Bench due to
non-availability of Division Bench)**

DATE : 21-10-2016.

ORAL ORDER :

Heard Ku. Madhavi Ayyappan learned Advocate holding for Shri S.B.Talekar learned Advocate for the Applicant and Shri M.P.Gude learned Presenting Officer for Respondents.

2. Issue notice to the respondents, returnable on 06-12-2016.
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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. Steno copy and Hamdast is allowed to both parties.
8. S.O. 06-12-2016.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT
AURANGABAD**

M.A.No.199/2016 IN O.A.St.No.753/2016
(S.G.Waghatkar V/s. State of Maharashtra & Ors)

CORAM : HON'BLE SHRI JUSTICE A. H. JOSHI, CHAIRMAN
**(This case is placed before the Single Bench due to
non-availability of Division Bench)**

DATE : 21-10-2016.

ORAL ORDER :

Heard Shri S.D.Dhongde learned Advocate for the Applicant and Shri V.R.Bhumkar learned Presenting Officer for Respondents.

2. Filing of O.A. is delayed by one year and 3 months. Application is opposed by the learned P.O.

3. Perused the record. For the reasons stated in the miscellaneous application, which are found satisfactory, delay caused in filing the O.A. is condoned.

4. M.A.No.199/2016 is allowed and disposed of accordingly with no order as to costs.

5. O.A. be registered and numbered.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT
AURANGABAD**

Original Application St.No.753/2016

(S.G.Waghatkar V/s. State of Maharashtra & Ors)

CORAM : HON'BLE SHRI JUSTICE A. H. JOSHI, CHAIRMAN
**(This case is placed before the Single Bench due to
non-availability of Division Bench)**

DATE : 21-10-2016.

ORAL ORDER :

Heard Shri S.D.Dhongde learned Advocate for the Applicant and Shri V.R.Bhumkar learned Presenting Officer for Respondents.

2. Learned P.O. is directed to take instruction as to time frame within which the applicant's representation dated 23rd January, 2014 would be decided and speaking order would be passed thereon.
3. Statement in this regard be made on the next date.
4. In the meantime, issue notice to the respondents, returnable on 09-11-2016.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
6. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
7. 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.
8. 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.
9. Steno copy and Hamdast is allowed to both parties.
10. S.O. 09-11-2016.

CHAIRMAN

C.P. NO. 16/2014 IN O.A. NO. 330/2009

{Shri Sharad W. Pande Vs. The State of Mah. & Ors.}

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

DATE :- 21.10.2016

Oral Order :-

1. Heard Shri Ajay Deshpande, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant prays for time as he wants to consult his client on the certain crucial aspects.
3. Time granted.
4. S.O. to 5.12.2016.

CHAIRMAN

ARJ 21.10.2016 HON. CHAIRMAN

MA 294/2016 IN OA 421/2015

{Shri Saiyed Gaus Saiyed Pasha Vs. The State of Mah. & Ors.}

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

DATE :- 21.10.2016

Oral Order :-

1. Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. This misc. application has been filed by the applicant for permission to amend the O.A. no. 421/2015. The copy of the draft is annexed with the M.A.
3. Perused the misc. application & draft amendment. Considered the contentions.
4. In the interest of justice the learned Advocate for the applicant is permitted to amend the O.A. as per draft amendment.
5. The said amendment be carried out within a period of 15 days and the amended copy of the O.A. be served upon the respondents.
6. Accordingly, misc. application stands disposed of. There shall be no order as to costs.

CHAIRMAN

ARJ 21.10.2016 HON. CHAIRMAN

OA 421/2015

{Shri Saiyed Gaus Saiyed Pasha Vs. The State of Mah. & Ors.}

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

DATE :- 21.10.2016

Oral Order :-

1. Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply to the amended O.A.
3. Time granted.
4. S.O. to 15.12.2016.

CHAIRMAN

ARJ 21.10.2016 HON. CHAIRMAN

**MA 282/16 IN MA 127/16 WITH TA 03/16 WITH OA 232/16 WITH
TA 02/16**

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

DATE :- 21.10.2016

Oral Order :-

1. Heard Shri M.B. Kolpe, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent no. 1 and Shri Pradip Tambde, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for respondent no. 1.
2. Shri Tambde, learned Advocate holding for Shri Jadhavar prays for enlargement of time for carrying out amendment in T.A. no. 3/16. He seeks 6 weeks time therefor.
3. Leave and time as prayed for is granted on the condition, if the amendment is not carried out by the six weeks and acknowledge of service of amended T.A. upon the respondents is not filed on record, the matter shall stand dismissed without reference to the Tribunal.
4. S.O. after 6 weeks.

CHAIRMAN

ARJ 21.10.2016 HON. CHAIRMAN

CP 122/2003 IN TA 2285/1991 (WP 1231/1990)

{Shri N.K. Vayas Vs. The State of Mah. & Ors.}

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

DATE :- 21.10.2016

Oral Order :-

1. Heard Shri Ajay Deshpande, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. Today, Shri Jivan Patil, learned Law Officer, Divisional Commissioner Office, Aurangabad is present.
3. By consent S.O. to 6.12.2016.

CHAIRMAN

ARJ 21.10.2016 HON. CHAIRMAN

OA 247/2016

{Shri Shamrao B. Satote Vs. The State of Mah. & Ors.}

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

DATE :- 21.10.2016

Oral Order :-

1. None appears for the applicant. Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.
2. It is seen that the applicant and his learned Advocate were absent on last 2 previous dates.
3. Today also when the case was called in the morning session, none appeared for the applicant. The matter was kept back and again the same was called in the second session but in the second session also none appeared for the applicant.
4. The O.A. stands dismissed for want of prosecution. There shall be no order as to costs.

CHAIRMAN

ARJ 21.10.2016 HON. CHAIRMAN

MA 55/2013 WITH MA 101/13 IN OA NO. 102/2013

{Shri Kishan S. Magre & Ors. Vs. The State of Mah. & Ors.}

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

DATE :- 21.10.2016

Oral Order :-

1. Heard Shri S.G. Kulkarni, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

(a) He wants to ascertain whether the recent policy decision of the State Government helps the applicant.

(b) He also wants to take instructions from his client whether the O.A. shall be prosecuted or not in view of the recent policy decision of the State Government.

3. The learned Advocate for the applicants, therefore, prays for time. Time granted.

4. S.O. to 5.12.2016.

CHAIRMAN

ARJ 21.10.2016 HON. CHAIRMAN

MA 323/2016 IN REV. ST. 1366/2016 IN OA 341/2014

{Shri Shivaji K. Suryawanshi Vs. The State of Mah. & Ors.}

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

DATE :- 21.10.2016

Oral Order :-

1. Heard Shri M.R. Wagh, holding for Shri R.B. Narwade, learned Advocate for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondents.
2. This M.A. & Rev. Application require to be heard by the Division Bench.
3. Hence, M.A. & Review Application be placed before the D.B. whenever it is available.

CHAIRMAN

ARJ 21.10.2016 HON. CHAIRMAN

MA 05/2016 IN OA ST. NO. 1147/2015

{Shri K.B. Bahure Vs. The State of Mah. & Ors.}

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

DATE :- 21.10.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjavani Deshmukh Ghate, learned Presenting Officer for the respondents.
2. Today, Shri Jivan Patil, learned Law Officer, Divisional Commissioner Office, Aurangabad is present.
3. The learned P.O. has filed affidavit in reply on behalf of res. nos. 1 & 2. It is taken on record & copy thereof has been served upon the learned Advocate for the applicant.
4. The learned P.O. was called upon to explain as to how the Tahsildar (Revenue) of the office the Divisional Commissioner is entitled to file affidavit on behalf of the res. no. 1.
5. The learned P.O. states that the affidavit is filed on the basis of authorization and para wise remarks received from the office of res. no. 1.
6. The applicant has shown in para vi (8) of the O.A. that the Tribunal has decided the O.A. no. 220/2006 and copy of which is placed on record at Annex. A.6 of the O.A., order in which was obeyed and complied with by the Govt.

7. In the aforesaid situation that order passed in O.A. no. 220/2006 on same issue is obeyed by the Govt., now the Govt. is taking a stand which is contrary to the adjudication done by this Tribunal and followed by the Govt.

8. In view of the foregoing, the learned P.O. is directed to furnish the name of the Secretary, whose office has permitted the Divisional Commissioner, Aurangabad's office to file such affidavit in reply in the matter.

9. The learned P.O. states that, Shri Manukumar Shrivastav is a Principal Secretary of the Revenue & Forest Department, Mantralaya, Mumbai, whose office has authorized the office of the Divisional Commissioner, Aurangabad to file above reply in the present case.

10. In the circumstances, Shri Manukumar Shrivastav, Principal Secretary of the Revenue & Forest Department, Mantralaya, Mumbai is directed to file his own affidavit on the following point :-

- (a) Has he received the copy of the judgment as referred in para vi (8) of the O.A. i. e. O.A. no. 220/2006 to present O.A.
- (b) Is he entitled to take a different view of the matter, which would amount to defiance of the order and ratio of order passed by this Tribunal in said O.A. no. 220/2006.

(c) Is applicant's case different from the case of applicant's in O.A. no. 220/2006 ?

11. Affidavit answering points narrated in foregoing paragraph be filed within a period of six weeks. It is made clear that, no further time will be granted in this regard.

12. In case stand taken before this Tribunal is reconsidered, and applicant's prayers are granted, affidavit as ordered in para 10 & 11 need not be filed.

13. S.O. to 6.12.2016.

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

CHAIRMAN

ARJ 21.10.2016 HON. CHAIRMAN

MA 457/2015 IN C.P. ST. NO. 1650/2015 IN O.A. NO. 74/2013

{Shri N.D. Waghmare Vs. The State of Mah. & Ors.}

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

DATE :- 21.10.2016

Oral Order :-

1. Shri K.G. Salunke, learned Advocate for the applicant (absent). Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

2. The learned P.O. states as follows :-

that the applicant's pension case is forwarded to the Accountant General and the said pension case of the applicant would be persuaded and statement as regards release of pension to the applicant will be made on the next date.

3. The learned P.O. seeks time of 6 weeks therefor.

4. Time granted as prayed for.

5. S.O. to 6 weeks.

CHAIRMAN

ARJ 21.10.2016 HON. CHAIRMAN

MA 413/2016 IN CP ST. 1846/2016 IN OA 357/2015

{Shri Arun G. Suryawanshi Vs. The State of Mah. & Ors.}

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

DATE :- 21.10.2016

Oral Order :-

1. Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The learned P.O. states that the applicant being temporarily transferred to Latur and her regular posting will be done till January, 2017.

3. The learned Advocate for the applicant states that, compliance now done by the respondents is half-hearted and if applicant is to be sent to Latur on lone basis, it is an eyewash. If the respondents wish to retain the respondent no. 4 Smt. M.P. More and / or respondent no. 5 Smt. Satyavati S. Gholap in O.A., their services may be kept at Latur on loan basis, but applicant ought to be sent to Latur on substantive basis.

4. The learned C.P.O. is directed to take instructions from the respondents as to whether suitable proper steps would be taken by the respondents, in regards to submission of the learned Advocate for the applicant, recorded in foregoing para, particularly in the background that the compliance now reported, does not result in purging the contempt at all.

5. S.O. to 6.12.2016.

6. Steno copy allowed for the use of learned C.P.O.

CHAIRMAN

ARJ 21.10.2016 HON. CHAIRMAN

O.A. NO. 226/2015

{Shri R.B. Yedke Vs. The State of Mah. & Ors.}

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

DATE :- 21.10.2016

Oral Order :-

1. Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned P.O., S.O. to 26.10.2016 to ascertain as to why the instructions in the matter are not received, so far.

3. S.O. to 26.10.2016.

CHAIRMAN

ARJ 21.10.2016 HON. CHAIRMAN

O.A. NO. 622/2015

{Shri Ramesh K. Munde Vs. The State of Mah. & Ors.}

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

DATE :- 21.10.2016

Oral Order :-

1. None appears for the applicant. Smt. Sanjivani Deshmukh - Ghate, learned Presenting Officer for the respondents, is present.
2. As applicant and his learned Advocate are absent today, S.O. to 30.11.2016.

CHAIRMAN

ARJ 21.10.2016 HON. CHAIRMAN

O.A. NO. 132/2016

{Smt. Mandabai G. Thakur Vs. The State of Mah. & Ors.}

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

DATE :- 21.10.2016

Oral Order :-

1. Heard Shri Anil Golegaonkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Advocate for the Applicant undertakes to file service report within one week.

3. The Registrar of this bench to accept the service report, which the learned Advocate for the applicant is going to submit within one week.

4. In this case affidavit in reply of respondents has not come forward, though the notices of the Tribunal are served upon the respondents, and though the case has been adjourned from time to time.

5. Heard.

6. The limited question involved in this case is as follows:-

Whether a candidate, who is appointed on compassionate ground can be called upon to furnish the caste / tribe validity certificate ?

O.A. NO. 132/2016

::-2-::

7. As the impugned order dated 24.2.2006 is passed by the res. no. 2, his affidavit in reply is necessary on the above referred limited question.

8. In the meantime, the applicant shall file affidavit, whether she is willing to forego the arrears of back wages.

9. Parties are put to notice that, if affidavit in reply is not filed on the next date, the O.A. will be heard without reply on record.

10. S.O. to 5.12.2016.

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

CHAIRMAN

ARJ 21.10.2016 HON. CHAIRMAN

O.A. NO. 816/2016

{Dr. Deshmukh Md. Shahir Abdul Wahed & Ors. Vs. The State of Mah. & Ors.}

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

DATE :- 21.10.2016

Oral Order :-

1. Issue notices before admission to the respondents, returnable on 5.12.2016.
2. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
3. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
4. 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.
5. 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. Applicants are directed to file affidavit of compliance and notice.

6. Heard S/shri Arun Rakh & N.D. Kendre, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents, on the point of interim relief.
7. The learned Advocate for the applicants states as follows :-
that, if the applicants do not pass the departmental examination within the prescribed chances, their services may be terminated in view of the condition nos. 4 & 5 contained in the appointment order.
8. Applicants claim that though they had applied for permission to appear for examination, they are not allowed to appear for the departmental examination, which is scheduled on 3rd and 4th November, 2016.
9. If applicants' version is factually correct in that event it will not be open for the respondents to terminate their services on the ground that the applicants have not appeared for the departmental examination in the current session.
10. It is made clear that, the respondents are free to allow the applicants to appear for the departmental examination which is scheduled on 3rd & 4th November, 2016.
11. Liberty is granted to the State to move for modification of the observation in paragraph No. 9, if it prejudices the State

:: -3 - ::

O.A. NO. 816/2016

12. S.O. 5.12.2016.
13. Steno copy & hamdust allowed to both the parties.

CHAIRMAN

ARJ 21.10.2016 HON. CHAIRMAN