

ORIGINAL APPLICATION NO. 472 OF 20 2016

{Syed Fahimoddin Moiuddin Vs. The State of Mah. & Ors.}

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

DATE :- 22.8.2016

Oral Order :-

1. Heard Shri S.R. Barlinge, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent nos. 1 to 3 & 5
2. Today, Shri Vijay V. Deshmukh, learned Advocate has filed his V.P. on behalf of res. No. 4. It is taken on record.
3. The learned P.O. as well as learned Advocate for res. No. 4 seek time to file affidavit in reply. Time granted.
4. S.O. to 29.8.2016.

MEMBER (J)

ARJ 22.8.2016

**MA 324/2015 WITH MA ST. 1348/2016 WITH MA 115/2012
IN OA 1179/2009**

{Dr. Dilip B. Mote & Ors. Vs. The State of Mah. & Ors.}

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

DATE :- 22.8.2016

Oral Order :-

1. Heard Shri Sham Patil, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. Issue notices to the respondents in M.A. No. 324/2016, returnable on 22.9.2016.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. 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 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. Applicants are directed to file affidavit of compliance and notice.
7. S.O. 22.9.2016.
8. Steno copy & hamdust allowed to both the parties.

MEMBER (J)

MA 430/2015 IN OA ST. 419/2015

{Rajesh B. Yawalkar Vs. The State of Mah. & Ors.}

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

DATE :- 22.8.2016

Oral Order :-

1. Heard Shri S.R. Barlinge, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant seeks time to file rejoinder to the affidavit in reply filed by res. No. 2. Time granted.
3. S.O. to 29.8.2016.

MEMBER (J)

ARJ 22.8.2016

MA 219/2016 WITH MA 77/2016 IN OA 423/2015
{Dinesh Suresh Thakur Vs. The State of Mah. & Ors.}

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

DATE :- 22.8.2016

Oral Order :-

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

2. The learned Advocate for the applicant submits that, number of employees from Class-IV grade have been promoted on the post of Class-III grade. It is stated that, admittedly the applicant is entitled to the promotion subject to submission of caste validity certificate. He further submits that the caste validity claim of the applicant is pending with the competent authority.

3. The learned Advocate for the applicant has invited my attention to the affidavit in reply filed by the respondents in the O.A. in which it has been stated that, only one post of S.T. category was available. However, learned Advocate for the applicant has placed on record the copy of the order dated 10.8.2016 and submits that, as many as 5 candidates from S.T. category have been promoted, who are junior to the applicant. These 5 candidates are at sr. Nos. 3, 12, 13, 22 & 26. The applicant is not promoted only on the ground that,

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MA 219/2016 WITH MA
77/2016 IN OA 423/2015

he has not submitted the caste validity certificate and, therefore, by filing M.A. No. 219/2016 the applicant is claiming temporary promotion on the Class-III post.

4. In view thereof, the learned P.O. is directed to file short affidavit of the competent authority making it clear as to whether the 5 S.T. candidates, as mentioned in the promotion order dated 10.8.2016 have been promoted and whether they have submitted the caste validity certificate as claimed.

5. S.O. to 6.9.2016.

MEMBER (J)

ARJ 22.8.2016

ORIGINAL APPLICATION NO. 543 OF 2016

{Pitambar Namdev Nhavi Vs. The State of Mah. & Ors.}

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

DATE :- 22.8.2016

Oral Order :-

1. Heard Shri D.J. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply.
3. The learned Advocate for the applicant submits that the departmental enquiry has been initiated without sanction in view of the provisions of rule 27 of M.C.S. (Pension) Rules, 1982 and the applicant also filed preliminary reply in the said D.E.
4. In view thereof, S.O. to 21.9.2016.

MEMBER (J)

ARJ 22.8.2016 (D.B.)

M.A. 328/16 WITH MA ST. 1353/16 IN OA ST. 1354/16
{Mah. Rajya Rojandari Va Kayam Van Kamgar Kruti
Samity, through General Secretary Vs. The State of Mah.
& Ors.}

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

DATE :- 22.8.2016

Oral Order :-

1. Heard Shri A.S. Shelke, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Issue notices to the respondents in M.A., returnable on 20.9.2016.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. 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 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. Applicants are directed to file affidavit of compliance and notice.
7. S.O. 20.9.2016.
8. Steno copy & hamdust allowed to both the parties.

MEMBER (J)

**M.A. 326/2016 in C.P. St. 1528/2016 in O.A. 568/2015
(Mohd. Hussain Tayyubsab Inamdar Vs. State of Maha. & Ors.)**

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

DATE : 22.08.2016.

ORAL ORDER

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

2. The applicant is claiming permission to file Contempt Petition against the respondents for noncompliance of the order dated 1.12.2015 passed by this Tribunal in O.A. No. 568/2015. Vide said order, the respondents were directed to decide the applicant's departmental appeal within four months from the date of the said order. It is stated that till today the appeal is not decided and thus, there seems to be prima-facie noncompliance of the order.

3. However, in the interest of justice, issue notices to the respondents in M.A., returnable on 22.09.2016.

MEMBER (J)

22.08.2016-KPB(DB)

ORIGINAL APPLICATION NO. 658 OF 2016

{Mahendra E. Mali Vs. The State of Mah. & Ors.}

WITH

ORIGINAL APPLICATION NO. 659 OF 2016

{Deepak S. Patil Vs. The State of Mah. & Ors.}

WITH

ORIGINAL APPLICATION NO. 660 OF 2016

{Namdeo R. Patil Vs. The State of Mah. & Ors.}

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

DATE :- 22.8.2016

COMMON ORDER :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicants in all these 3 Original Applications and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in O.A. Nos. 658 & 659/2016 and Smt. Priya Bharaswadkar, learned Presenting Officer for respondents in O.A. no. 660/2016.

2. These 3 OAs have been filed by the 3 different applicants. Vide the impugned order dated 20.8.2016 in all these 3 OAs, the applicant in O.A. No. 658/2016 Shri Mahendra E. Mali has been transferred from the post of Tahsildar Parola, Dist. Jalgaon to the post of Tahsildar, Shrigonda, Dist. Ahmednagar and the applicant in O.A. no.

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O.A. NOS. 658, 659 & 660/2016

659/2016 Shri Deepak S. Patil has been transferred from the post of Tahsildar, Pachora, Dist. Jalgaon to the post of Tahsildar at Shevgaon, Dist. Ahmednagar, whereas the applicant in O.A. No. 660/2016 Shri Namdeo R. Patil has been transferred from the post of Tahsildar SGY, Jalgaon City to the post of Tahsildar at Pathardi, Dist. Ahmednagar. It seems that the applicant in O.A. No. 658/2016 joined at Parola on 30.5.2016, the applicant in O.A. No. 659/2016 joined at Pachora on 4.11.2015, whereas the applicant in O.A. No. 660/2016 has been transferred at Jalgaon city on 25.1.2016. Thus, all these 3 applicants have not completed their normal tenure at their respective places and by the impugned transfer order dated 20.8.2016 they have been transferred within the span of 3 to 9 months at their respective places. The impugned transfer order is passed on 20.8.2016 and thus it is not passed in the month of April or May. The learned Counsel for the applicants also stated that the impugned transfer order is midtenure as well as midterm transfer order and there seems to be no doubt about this.

3. In the impugned order of transfer a reference has been given to the policy decision taken by the State Election Commission to transfer the Officers out of District even at the time of election of Z.P. and Panchaysamiti. The learned Counsel for the applicants has invited my attention to various writ petitions filed before Hon'ble High Court at Bombay and its Bench at Aurangabad challenging the said policy decision of the State Election Commission.

4. It seems that whosoever approached the Hon'ble High Court challenging the policy decision are protected by granting interim relief to their respective transfer orders.

5. The learned Counsel for the applicants further pointed out that the applicant in O.A. No. 658/2016 Shri Mahendra E. Mali has been posted at Shrigonda in place of Smt. Vandana Kharmale and said Smt. Vandana Kharmale is one of the petitioner before Hon'ble Bombay High Court in W.P. No. 8421/2016 for challenging the policy decision of the State Election Commission and interim protection has been

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O.A. NOS. 658, 659 & 660/2016

granted to her transfer order. Similarly the applicant in O.A. 659/2016 Shri Deepak Patil is transferred to Shevgaon in place of Shri Dadasaheb Gite and said Shri Gite is one of the petitioner before Hon'ble Bombay High Court in W.P. no. 8421/2016 filed for challenging the decision of State Election Commission and Hon'ble High Court granted interim protection to his transfer.

6. Thus, it seems that in spite of specific stay granted by Hon'ble High Court, the impugned transfer order dated 20.8.2016 has been issued by the respondents. Since, these orders cannot be implemented, since Hon'ble High Court has granted stay as mentioned above.

7. In view thereof, the impugned transfer order dated 20.8.2016 is stayed till further orders, so far as the applicants in O.A. Nos. 658, 659 & 660/2016 are concerned.

8. Hence, issue notices to the respondents in all these 3 OAs, returnable on 27.9.2016.

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

10. 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.As. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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O.A. NOS. 658, 659 & 660/2016

13. S.O. 27.9.2016.

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

MEMBER (J)

ARJ 22.8.2016

ORIGINAL APPLICATION NOS. 71, 72 & 73 all OF 2013

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

DATE :- 22.8.2016

Oral Order :-

1. Heard Shri A.S. Shelke, learned Advocate for the applicants in all these matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these matters.

2. These matters have been transferred to S.B. in view of Circular dated 28/29.1.2016. It seems that the subject noted on the Raper (front page of the matter) is 'Regulatization' and, therefore, the matters seems to have been transferred to S.B. However, from the relief claimed, it seems that the applicants have challenged the order dtd. 16.11.2012 issued by res. No. 2, whereby they are terminated from the service. As per item at sr. No. 11 of the Circular dated 28/29.1.2016 the subject 'Termination' falls within ambit of D.B.

3. The Registrar is, therefore, directed to place these matters before the D.B. and the same be placed in the list of Final Hearing and it be placed before the D.B. whenever the same is available.

MEMBER (J)

ORIGINAL APPLICATION NO. 654 OF 2016
[M.H. Suryawanshi Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri R.P. Adgaonkar – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 21st September, 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 of O.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

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O.A. NO. 654 OF 2016

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 21st September, 2016.
8. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

22-8-2016-HDD

**ORIGINAL APPLICATION NO. 689 OF 2014
[Priya S. Marathe Vs. State of Mah. & Ors.]**

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri K.J. Tandale – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. The learned Presenting Officer for the respondents seeks time to file affidavit in reply. Time granted.
3. S.O. to 21st September, 2016.

MEMBER (J)

22-8-2016-HDD

**ORIGINAL APPLICATION NO. 649 OF 2015
[Shakir K. Shaikh Vs. State of Mah. & Ors.]**

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Smt. M.B. Bharaswadkar – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondent No. 1. Shri Vivek Bhavthankar – learned Special Counsel for respondent Nos. 2 & 3 (**absent**).

2. The learned Presenting Officer for the respondents seeks time to file affidavit in reply. Time granted.
3. S.O. to 21st September, 2016.

MEMBER (J)

22-8-2016-HDD

ORIGINAL APPLICATION NO. 254 OF 2016
[Shaikh H. Dagdumiya & Ors.Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri V.G. Pingle – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. The learned Presenting Officer for the respondents seeks four weeks' time to file affidavit in reply. Time granted as prayed for.

3. S.O. to 27th September, 2016.

MEMBER (J)

22-8-2016-HDD

ORIGINAL APPLICATION NO. 264 OF 2016
[Shri V.A. Chaudhari Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Shri M.M. Bhokarikar – learned Advocate for the applicant (**absent**). Shri S.K. Shirse – learned Presenting Officer for the respondents, present.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 3 and the same is taken on record. The copy of the same could not serve upon the applicant, since nobody appeared on his behalf. The learned P.O. undertakes to serve the copy of the reply upon the learned Advocate for the applicant.

3. The learned Presenting Officer further submits that there is no necessity to file separate affidavit in replies on behalf of other respondents.

4. S.O. to 29th September, 2016 for filing affidavit in rejoinder, if any.

MEMBER (J)

22-8-2016-HDD

ORIGINAL APPLICATION NO. 279 OF 2016
[Kalyan S. Pawar Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri V.G. Pingle – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.

2. The learned Presenting Officer for the respondents seeks four weeks' time to file affidavit in reply. Time granted as prayed for.

3. S.O. to 27th September, 2016.

MEMBER (J)

22-8-2016-HDD

ORIGINAL APPLICATION NO. 284 OF 2016
[Dr. Usha N. Bholane Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri K.A. Ingle – learned Advocate for the applicant and Smt. P.R. Bharaswadkar – learned Presenting Officer for the respondent Nos. 1 to 4. Shri B.S. Deshmukh – learned counsel for respondent No. 5 (**absent**).

2. The learned Presenting Officer for the respondent Nos. 1 to 4 seeks time to file affidavit in reply. Time granted.
3. S.O. to 28th September, 2016.

MEMBER (J)

22-8-2016-HDD

ORIGINAL APPLICATION NO. 285 OF 2016
[Devidas.V. Salgarkar Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri Ajay Deshpande, learned Advocate holding for Shri Ajay Deshpande – learned Advocate for the applicant, Shri I.S. Thorat – learned Presenting Officer for respondent Nos. 1 & 2 and Shri S.D. Dhongde – learned Advocate for respondent No. 3.

2. The learned Advocate for respondent No. 3 submits that he will file affidavit in reply during the course of the day.

3. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1 & 2. Time granted.

4. S.O. to 20th September, 2016.

MEMBER (J)

22-8-2016-HDD

ORIGINAL APPLICATION NO. 411 OF 2016
[D.V. Pantewad Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri V.B. Wagh – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and the copy thereof has been served upon the learned counsel for the applicant.

3. In that view of the matter and considering the cause made out in the present OA, it is admitted.

4. S.O. to 29th September, 2016 for final hearing.

MEMBER (J)

22-8-2016-HDD

ORIGINAL APPLICATION NO. 412 OF 2016
[Bapurao L. Jadhav Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

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

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and the copy thereof has been served upon the learned counsel for the applicant.

3. In that view of the matter and considering the cause made out in the present OA, it is admitted.

4. S.O. to 29th September, 2016 for final hearing.

MEMBER (J)

22-8-2016-HDD

ORIGINAL APPLICATION NO. 415 OF 2016
[Laxman R. Gaikwad Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri V.B. Wagh – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply. Time granted.

4. S.O. to 26th September, 2016.

MEMBER (J)

22-8-2016-HDD

**ORIGINAL APPLICATION NO. 419 OF 2016
[Deepak D. Pujari Vs. State of Mah. & Ors.]**

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri A.D. Gadekar, learned Advocate holding for Shri S.D. Joshi – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondent Nos. 2 & 3.

2. The learned Presenting Officer for the respondents states that the Government has appointed Advocate Shri Dinesh Khaire as a Special Counsel on behalf of respondent No. 1.

3. The learned Presenting Officer for respondent Nos. 2 & 3 seeks time to file affidavit in reply on their behalf. Time granted.

4. S.O. to 20th September, 2016.

MEMBER (J)

22-8-2016-HDD

ORIGINAL APPLICATION NO. 556 OF 2016
[Deepak D. Pujari Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri A.D. Gadekar, learned Advocate holding for Shri S.D. Joshi – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondent Nos. 2 & 3.

2. Learned Advocate Shri S.B. Mene appeared for learned Advocate Shri Ajay Deshpande and he has filed **VAKALATNAMA** on behalf of respondent No. 4 and the same is taken on record.

3. The learned Presenting Officer for the respondents states that the Government has appointed Advocate Shri Dinesh Khaire as a Special Counsel on behalf of respondent No. 1.

4. The learned Presenting Officer for respondent Nos. 2 & 3 seeks time to file affidavit in reply on their behalf. Time granted.

5. S.O. to 20th September, 2016.

MEMBER (J)

**ORIGINAL APPLICATION NO. 427 OF 2016
[Dr. Dilip B. Mote Vs. State of Mah. & Ors.]**

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri G.K. Naikwade, learned Advocate holding for Shri M.B. Kolpe – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. The learned Presenting Officer for the respondents seeks time to file affidavit in reply. Time granted.
3. The learned Advocate for the applicant submits that the applicant has not yet received his salary and he will be filing separate O.A. for that purpose.
4. S.O. to 23rd September, 2016 for filing affidavit in reply.

MEMBER (J)

22-8-2016-HDD

ORIGINAL APPLICATION NO. 563 OF 2016
[Devidas K. Kardule Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. The learned Presenting Officer for the respondents seeks time to file affidavit in reply. Time granted.
3. S.O. to 27th September, 2016.

MEMBER (J)

22-8-2016-HDD

ORIGINAL APPLICATION NO. 574 OF 2016
[Smt. Jyoti D. Siddhewar Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.

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

3. S.O. to 23rd September, 2016.

MEMBER (J)

22-8-2016-HDD

M.A.NO. 187/2016 IN O.A.NO. 306/2016
[Smt. G.B. Gajbhare Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri V.B. Wagh – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.

2. The learned Presenting Officer for the respondents seeks time to file affidavit in reply. Time granted.

3. S.O. to 23rd September, 2016.

MEMBER (J)

22-8-2016-HDD

ORIGINAL APPLICATION NO. 132 OF 2012
[C.M. Suryawanshi Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Shri A.G. Magare – learned Advocate for the applicant (**absent**). Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents, present.

2. It appears from the record that prior to transfer of this original application to the Single Bench, the same was pending before the Division Bench. On 5.11.2014 and 3.12.2014, none appeared for the applicant. Thereafter on 7.1.2015 learned Advocate Shri R.N. Jain appeared and thereafter on 28.1.2015 S/Shri A.G. Magare & D.S. Bagul, learned Advocate for the applicant appeared.

3. Subsequently vide Circular No. MAT/Mumbai/JUD/356/2016 dated 28/29.1.2016 this case has been transferred to Single Bench.

4. However, on 12.2.2016 learned Advocate Shri K.B. Jadhav appeared on behalf of the learned Advocate Shri A.G. Magare for the applicant and submitted that learned Advocate Shri A.G. Magare for the applicant on record has been appointed as A.G.P. in the Hon'ble Bombay High Court Bench at Aurangabad and sought time for taking instructions. This case was thereafter adjourned on 21.03.2016.

O.A. NO. 132 OF 2012

5. However, on 21.03.2016 again nobody appeared for the applicant and the present case was kept for passing dismissal order on 18th April, 2016.

6. From the record, it seems that the Advocate for the applicant has been appointed as a Assistant Government Pleader in the Hon'ble Bombay High Court Bench at Aurangabad. The possibility that he might not have informed the applicant cannot be ruled out and, therefore, in the interest of justice and considering the fact that it is a matter of appointment on compassionate ground, it will be necessary to issue notice to the applicant through office of this Tribunal Bench at Aurangabad.

7. The Registrar of this Tribunal Bench at Aurangabad is, therefore, directed to issue notice to the applicant through regular process, as well as, Registered Post and matter be kept after six weeks.

MEMBER (J)

**M.A.NO. 329/2016 IN Rev.St.1432/2016 IN O.A. 236/14
[State of Mah. & Ors. Vs. Mr. Adikrao Shamrao Mane]**

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Smt. P.R. Bharaswadkar – learned Advocate for the miscellaneous applicants/ original respondents and Shri V.B. Wagh – learned Advocate for the applicant/ original respondent.

2. This M.A. No. 329/2016 has been filed by the original respondents for condonation of delay in filing Review Application.

3. The original respondents have filed Writ Petition No. 1905/2016, which has been decided vide order dated 29th June, 2016. It was the contention of the original respondents before the Hon'ble High Court that they have received some documents to show that the charge-sheet was served upon the original applicant, but the same was not filed before this Tribunal. The Hon'ble High Court has granted liberty to the original respondents to file Review Application.

4. In view thereof, the application for condonation of delay is allowed in the interest of justice and equity. The registry shall be registered and numbered the Review Application.

**M.A. 329/16 IN Rev.St.1432/16
IN O.A. 236/14**

5. Accordingly, the M.A. stands disposed of with no order as to costs.

MEMBER (J)

22-8-2016-HDD

Rev.St.1432/2016 IN O.A. 236/14
[State of Mah. & Ors.Vs. Mr. Adikrao Shamrao Mane]

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Smt. P.R. Bharaswadkar – learned Advocate for the miscellaneous applicants/ original respondents and Shri V.B. Wagh – learned Advocate for the applicant/ original respondent.

2. Issue notice to the respondent/ original applicant in Review Application.

3. Learned Advocate Shri V.B. Wagh for original applicant submits that he waives notice and, therefore, the Review Application shall be kept for final hearing.

4. The learned Advocate for the original applicant further submits that he will file short affidavit and seeks time. Hence, S.O. to 21st September, 2016 for filing affidavit.

MEMBER (J)

22-8-2016-HDD

ORIGINAL APPLICATION NO. 721 OF 2015
[Karim D. Maniyar (Mannar) Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri Anant Devkate – learned Advocate for the applicant and Smt. P.R. Bharaswadkar – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that the similar matters arising on same cause of action are fixed on 14th September, 2016 and, therefore, this case may also be fixed on the said date.

3. Hence, S.O. to 14th September, 2016.

MEMBER (J)

22-8-2016-HDD

ORIGINAL APPLICATION NO. 722 OF 2015
[Mahadeo S. Shinde Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri Anant Devkate – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that the similar matters arising on same cause of action are fixed on 14th September, 2016 and, therefore, this case may also be fixed on the said date.

3. Hence, S.O. to 14th September, 2016.

MEMBER (J)

22-8-2016-HDD

ORIGINAL APPLICATION NO. 340 OF 2016
[Satish V. Kondekar Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri Anant Devkate – learned Advocate for the applicant and Smt. Deepali S. Deshpande – learned Presenting Officer for the respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 4 and the same is taken on record.

3. The learned Advocate for the applicant submits that the similar matters arising on same cause of action are fixed on 14th September, 2016 and, therefore, this case may also be fixed on the said date.

3. Hence, S.O. to 14th September, 2016.

MEMBER (J)

22-8-2016-HDD

ORIGINAL APPLICATION NO. 744 OF 2013
[Dnyandeo T. Chemte Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri Anant Devkate – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that the similar matters arising on same cause of action are fixed on 14th September, 2016 and, therefore, this case may also be fixed on the said date.

3. Hence, S.O. to 14th September, 2016.

MEMBER (J)

22-8-2016-HDD

**ORIGINAL APPLICATION NO. 634 OF 2014
[Sudhakar N. Suryawanshi Vs. State of Mah. & Ors.]**

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri Anant Devkate – learned Advocate for the applicant and Smt. P.R. Bharaswadkar – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that the similar matters arising on same cause of action are fixed on 14th September, 2016 and, therefore, this case may also be fixed on the said date.

3. Hence, S.O. to 14th September, 2016.

MEMBER (J)

22-8-2016-HDD

ORIGINAL APPLICATION NO. 682 OF 2014
[Abdul Mohammad Patel Vs. State of Mah. & Ors.]

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

DATE : 22.08.2016

ORAL ORDER: -

Heard Shri Anant Devkate – learned Advocate for the applicant and Smt. Deepali S. Deshpande – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that the similar matters arising on same cause of action are fixed on 14th September, 2016 and, therefore, this case may also be fixed on the said date.

3. Hence, S.O. to 14th September, 2016.

MEMBER (J)

22-8-2016-HDD

**ORIGINAL APPLICATION NO. 825/2012
(Sutar Yelba Dagdoba Vs. State of Maharashtra & Ors.)**

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

DATE : 22.08.2016.

ORAL ORDER

Shri Asif Ali, learned Advocate holding for Smt. A.N. Ansari, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. The learned Advocate for the applicant has filed rejoinder affidavit. It is taken on record and copy thereof has been served upon the learned Presenting Officer.

3. At the request of learned Presenting Officer, S.O. to 23.08.2016.

MEMBER (J)

22.08.2016-KPB(SB)

**ORIGINAL APPLICATION NO. 772/2015
(Satish Govindrao Bilapatte Vs. State of Maha. & Ors.)**

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

DATE : 22.08.2016.

ORAL ORDER

Shri M.B. Kolpe, learned Advocate has filed VAKALATNAMA on behalf of the applicant. He has also filed no objection of learned Advocate Shri R.K. Ingole Patil. Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. The learned Advocate for the applicant seeks time to file amendment application. Time granted.

3. S.O. to 20.09.2016.

MEMBER (J)

22.08.2016-KPB(SB)

ORIGINAL APPLICATION NO. 423/2016
(Harinarayan Satyanarayan Morellu Vs. State of Maha. & Ors.)

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

DATE : 22.08.2016.

ORAL ORDER

Shri S.N. Pagare, learned Advocate for the applicant
(**Absent**). Shri D.R. Patil, learned Presenting Officer for the
Respondents, present.

2. When the matter was earlier heard, Shri A.D. Gadekar, appeared for the applicant and requested that the matter be kept back. Again, matter was called for hearing, when none appeared for the applicant.

3. The learned Presenting Officer seeks time to file affidavit in reply on behalf of the respondents. Time granted.

4. S.O. to 20.09.2016.

MEMBER (J)

22.08.2016-KPB(SB)

ORIGINAL APPLICATION NO. 601/2016
(Tukaram Ramji Adbalwar Vs. State of Maharashtra & Ors.)

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

DATE : 22.08.2016.

ORAL ORDER

Shri S.N. Pagare, learned Advocate for the applicant
(Absent). Shri S.K. Shirse, learned Presenting Officer for the
Respondents, present.

2. When the matter was earlier heard, Shri A.D.
Gadekar, appeared for the applicant and requested that the
matter be kept back. Again, matter was called for hearing,
when none appeared for the applicant.

3. The learned Presenting Officer seeks time to file
affidavit in reply on behalf of the respondents. Time granted.

4. S.O. to 20.09.2016.

MEMBER (J)

22.08.2016-KPB(SB)