

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**  
**M.A.No.140/2017 IN C.P.St.No.472/2017 IN O.A.No.63/2015**  
**(Saylu P. Nawod V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri S.D.Joshi learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.
2. Accepting the facts and reasons discussed in present M.A. and the facts of failure to obey the order passed in O.A., the M.A. is allowed. It stands disposed of accordingly.
3. C.P. be registered and numbered as per procedure.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

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

**C.P.St.No.472/2017 IN O.A.No.63/2015  
(Saylu P. Nawod V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri S.D.Joshi learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.
  
2. At the request of learned P.O., S.O. to 08-01-2018.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

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

**M.A.No.358/2017 IN C.P.St.No.1261/201 IN O.A.No.801/2015  
(Smt. Yasmin Hashmi Vasim Hashmi V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri V.G.Pingle learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for respondents.
  
2. Accepting the facts and reasons discussed in present M.A. and the facts of failure to obey the order passed in O.A., the M.A. is allowed. It stands disposed of accordingly.
  
3. C.P. be registered and numbered as per procedure.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

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

**C.P.St.No.1261/201 IN O.A.No.801/2015  
(Smt. Yasmin Hashmi Vasim Hashmi V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri V.G.Pingle learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for respondents.

2. At the request of learned P.O., S.O. to 08-01-2018.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

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

**M.A.No.317/2016 IN C.P.St.No.1491/2016 IN O.A.No.554/2013  
(Dr. Ashok Biradar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri J.S.Deshmukh learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for respondents.
  
2. Accepting the facts and reasons discussed in present M.A. and the facts of failure to obey the order passed in O.A., the M.A. is allowed. It stands disposed of accordingly.
  
3. C.P. be registered and numbered as per procedure.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

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

**C.P.St.No.1491/2016 IN O.A.No.554/2013  
(Dr. Ashok Biradar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
-----

**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri J.S.Deshmukh learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for respondents.

2. At the request of learned P.O., S.O. to 08-01-2018.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

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

**M.A.No.356/2016 IN C.P.St.No.1518/2016 IN O.A.No.396/1998  
(Chandulal Ganu Seth (died through LRs) Smt. Suhasini Seth  
V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri Girish Nagori learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.
  
2. Accepting the facts and reasons discussed in present M.A. and the facts of failure to obey the order passed in O.A., the M.A. is allowed. It stands disposed of accordingly.
  
3. C.P. be registered and numbered as per procedure.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**  
**C.P.St.No.1518/2016 IN O.A.No.396/1998**  
**(Chandulal Ganu Seth (died through LRs) Smt. Suhasini Seth**  
**V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri Girish Nagori learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. At the request of learned P.O., S.O. to 08-01-2018.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F



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

**M.A.No.543/2015 IN C.P.St.No.1721/2017 IN O.A.No.717/1998  
M.A.No.544/2015 IN C.P.St.No.1723/2015 IN O.A.No.522/2000  
M.A.No.545/2015 IN C.P.St.No.1727/2015 IN O.A.No.718/1998  
M.A.No.546/2015 IN C.P.St.No.1731/2015 IN O.A.No.1203/1999  
M.A.No.547/2015 IN C.P.St.No.1725/2015 IN O.A.No.492/2002  
M.A.No.548/2015 IN C.P.St.No.1719/2015 IN O.A.No.493/2002  
M.A.No.549/2015 IN C.P.St.No.1729/2015 IN O.A.No.525/2002  
M.A.St.No.1328/2015 IN C.P.St.No.1329/2015 IN O.A.No.705/1996  
M.A.St.No.1330/2015 IN C.P.St.No.1331/2015 IN O.A.No.682/1996  
M.A.St.No.1332/2015 IN C.P.St.No.1333/2015 IN O.A.No.718/1996**

**(S.V.Sonar (died through his LRs) Sumatibai Sonar & Ors.  
V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri A.S.Deshmukh learned Advocate holding for Shri M.H.Patil learned Advocate for the applicants and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.
  
2. Accepting the facts and reasons discussed in present M.As. and the facts of failure to obey the orders passed in O.As., the M.As. are allowed. Those are disposed of accordingly.
  
3. C.Ps. be registered and numbered as per procedure.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

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

**C.P.St.No.1721/2017 IN O.A.No.717/1998  
C.P.St.No.1723/2015 IN O.A.No.522/2000  
C.P.St.No.1727/2015 IN O.A.No.718/1998  
C.P.St.No.1731/2015 IN O.A.No.1203/1999  
C.P.St.No.1725/2015 IN O.A.No.492/2002  
C.P.St.No.1719/2015 IN O.A.No.493/2002  
C.P.St.No.1729/2015 IN O.A.No.525/2002  
C.P.St.No.1329/2015 IN O.A.No.705/1996  
C.P.St.No.1331/2015 IN O.A.No.682/1996  
C.P.St.No.1333/2015 IN O.A.No.718/1996**

**(S.V.Sonar (died through his LRs) Sumatibai Sonar & Ors.  
V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri M.H.Patil & Shri A.S.Deshmukh learned Advocates for the applicants in respective cases and Shri M.S.Mahajan learned Chief Presenting Officer for respondents all the matters.
  
2. At the request of learned CPO, S.O. to 12-02-2018.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**  
**ORIGINAL APPLICATION NO.244/2017**  
**(Shri Amol Salve V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri K.B.Jadhav learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.
2. Applicant has not applied for scrutiny of Sport Certificate at an earliest opportune time. He has applied for scrutiny on 14-03-2017 when last date for submitting application was 17-03-2017.
3. Hence, applicant does not deserve any indulgence. O.A. has no merit and it is dismissed with no order as to costs.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**  
**ORIGINAL APPLICATION NO.123/2017**  
**(Krishna Jadhav V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri K.B.Jadhav learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.
2. Learned P.O. Shri N.U.Yadav states that the case be kept back. He does not state the reason as to why the case should be kept back. It is obvious that learned P.O. has not studied the case. The attitude of coming unprepared is a usual habit and needs to be dealt with heavy hand.
3. Learned P.O. was called to show cause as to why he should not be personally saddled with costs for failure to appear without studying and what should be the amount.
4. Learned P.O. keeps quite as if he has no remorse or regret.
5. Therefore, learned P.O. is saddled with costs of Rs.10,000/- (Rs. Ten Thousand only) to be paid by him personally with the Registry of the Tribunal.

6. On the condition of payment of costs hearing is adjourned to 08-01-2018.

**CHAIRMAN**

**LATER ON**

7. Learned P.O. Shri N.U.Yadav has tendered written apology and requested for waiving the costs.

8. In view of the written apology of the learned P.O., payment of costs is waived.

9. S.O. to 08-01-2018.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD  
ORIGINAL APPLICATION NO.429/2017  
(Krushna Basar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri F.R.Tandale learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for respondents.
2. Learned Advocate for the applicant states that he wants to study as to how the discrimination should be pleaded.
3. S.O. to 08-01-2018.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

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

**C.P.No.06/2017 IN O.A.No.536/2011  
(Digambar Jadhav V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri A.S.Deogude learned Advocate holding for Shri P.D.Suryavanshi learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. Learned Advocate for the applicant states that the order is complied with. Hence, the case is disposed of accordingly with no order as to costs.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

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

**M.A.No.495/2017 IN O.A.No.897/2017  
(Shri Avinash Chonde V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri A.R.Rathod learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.
2. Though application for Transfer is filed, since the question involved has attained finality, MPSC ought to amend its stance and make its plea clear on the next date.
3. Steno copy and hamdust is allowed to the parties on their request.
4. Learned P.O. shall communicate this order to the respondents.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F



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

**M.A.No.496/2017 IN O.A.No.898/2017  
(Shri Amol D. Rathod V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri A.R.Rathod learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.
2. Though application for Transfer is filed, since the question involved has attained finality, MPSC ought to amend its stance and make its plea clear on the next date.
3. Steno copy and hamdust is allowed to the parties on their request.
4. Learned P.O. shall communicate this order to the respondents.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

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

**C.P.No.01/2017 IN O.A.No.487/2014  
(Dr. Sunil Kulkarni V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. 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 respondents.

2. At the request of learned P.O., S.O. to 08-01-2018.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

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

**C.P.No.11/2017 IN O.A.No.918/2010  
(Gayabai Pokale V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

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

2. At the request of learned CPO, S.O. to 08-01-2018.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

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

**C.P.No.04/2017 IN O.A.No.122/2015  
(Dr. Ashok Havelikar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

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

2. At the request of learned PO, S.O. to 08-01-2018.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

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

**C.P.No.13/2017 IN O.A.No.12/2017  
(Shri Dattatray Ubale V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri V.G.Pingle learned Advocate holding  
for Shri V.B.Wagh learned Advocate for the applicant  
and Shri M.P.Gude learned Presenting Officer for  
respondents.

2. At the request of learned Advocate for the  
applicant, S.O. to 16-04-2018.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

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

**M.A.No.14/2017 IN O.A.No.176/2017  
(Shri Jalindar Ubale V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri S.G.Dhumak learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents.

2. At the request of learned P.O., S.O. to 08-01-2018.

**CHAIRMAN**

YUK ORAL ORDER 22-12-2017 AHJ F

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

**C.P.No.12/2017 IN O.A.No.46/2015  
(Shri Nikhil Chavan V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

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

**DATE : 22.12.2017**

**ORAL ORDER :**

1. Heard Shri R.P.Bhumkar learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.
2. Learned CPO states that the contemnor Mr. Nagori has retired in last month. CPO is directed to furnish the name of present incumbent to the applicant today itself.
3. Learned Advocate for the applicant prays to adjourn the hearing for enabling the applicant to serve notice on the present incumbent. He prays for leave to add new incumbent as contemnor and make amendment in case despite service of notice, order still remains uncomplied.
4. Leave to amend as prayed is granted. Amendment be carried out one week before next date.
5. S.O. to 12-02-2018.

**CHAIRMAN**

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

**M.A. NO. 510/2017 IN O.A. ST. NO. 1116/2017  
(Dr. Sadanand S. Deshpande & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Smt. Punam Mahajan, learned Advocate for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent nos. 1 to 3 and Smt. Neha Kamble, learned Advocate holding for Shri S.V. Advant, learned Advocate for respondent no. 4.

2. The present M.A. has been filed by the applicants for permission to sue jointly the accompanying O.A.

3. Perused the application. Considered the contentions.

4. For the reasons stated in the M.A., it is hereby allowed and disposed of without any order as to costs and the applicants are permitted to sue joint the O.A.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017



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

**O.A. ST. NO. 1116/2017**

**(Dr. Sadanand S. Deshpande & Ors. V/s. State of Maharashtra & Ors.)**

**WITH**

**O.A. NO. 945/2017**

**(Shri Vasudev B. Jaware Vs. State of Maharashtra & Ors.)**

**WITH**

**O.A. NO. 964/2017**

**(DR. Sunil R. Adhau & Ors. Vs. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Smt. Punam Mahajan, learned Advocate for herself and holding for Shri M.V. Thorat, learned Advocate for the applicants in respective matters, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent nos. 1 to 3 in O.A. st. 1116/2017 & O.A. no. 964/2017 and for respondent nos. 1 & 2 in O.A. no. 945/2017 and Smt. Neha Kamble, learned Advocate holding for Shri S.V. Advant, learned Advocate for respondent nos. 4 in O.A. st. 1116/2017 & 964/2017.

2. Heard both the sides on the issue of grant of interim relief.

3. In the present matters the respondents have 2 advertisements for the same post. The present applications are filed by the persons, who were candidates for selection to the post of Principal in Govt. Polytechnic for which

advertisement is issued vide Annex. A. 3 page 74 in O.A. no. 964/2017. All the applicants are Lecturer (Selection Grade) for a period of more than 3 years on the prescribed dates. So far as educational qualification and experience is concerned, at 4.3 (C) on the same page we have the condition as under :-

“4.3 (C) Minimum of 10 years relevant experience in teaching / research / industry out of which at least 3 years shall be at the level of Head of Department or equivalent.”

4. At Annex. B page 72 of O.A. no. 964/2017 we have a copy of Principal, Head of Department, Lecturer and Workshop Superintendent in Government Polytechnics and Equivalent Institutes (Recruitment) Rules, 2012. The rule 3 and more particularly sub rule (b) thereof is relevant for the present controversy. The entire rule 3 is as under :-

“3. Appointment to the post of Principal of Government Polytechnics and Equivalent Institutes shall be made by nomination on the basis of strict selection on merit from amongst the candidates who,

(a) are not more than 54 years of age,

(b) possess the qualification and experience as prescribed by AICTE or relevant statutory body for this post from time to time.”

5. All India Council for Technical Education (A.I.C.T.E.) had issued notification on 5.3.2010 (page 89 in O.A.st. no. 1116/2017). At page 106 we have the faculty norms for the post of Principal, which would *inter alia* show that at least 3 years experience in teaching / research etc. at the level of the Head of Department or equivalent is required.

6. At Annex. A.1 at page 19 in O.A. no. 964/2017 is a copy of Govt. Resolution dated 26.5.1992. Annex. A. 6 of the said Resolution (page 33 of O.A. no. 964/2017) *inter alia* prescribes the duties and responsibilities of teachers of Polytechnics and more particularly the Head of Department and Lecturer (Selection Grade) which are one and same.

7. From all above facts, it is clear that while A.I.C.T.I. by notification had prescribed 3 years experience as Head of Department / equivalent, in the notification at Annex. A, as detailed above, does not differentiate between Head of Department and Lecturer (Selection Grade) and their duties and responsibilities are one and same.

8. The respondent – Maharashtra Public Service Commission – in all these matters, however, rejected the candidature of all the

present applicants on the ground that they do not possess administrative experience of 3 years.

9. The learned C.P.O. attracted attention of the Tribunal to the submissions made in the affidavit in reply of res. no. 3 in O.A. no. 964/2017 and more particularly para nos. 21 & 25 thereof, which reads as under :-

“21 With reference to contents of Paragraph No. 6.15, I say that teaching experience cannot be considered as administrative experience. The Government Resolution dated 9.9.2004 clearly stated that Lecturer and Head of Department are totally different posts.

21(i) Head of Department is the administrative post and selection grade Lecturer is only teaching post. Hence Commission relied on that G.R. dated 9.9.2004 and held Lecturer selection grade experience ineligible for the post. A copy of the said Government Resolution dated 9.9.2004 is annexed hereto and marked as EXHIBIT “R-2”.

25. With reference to contents of Paragraph No. 6.19, I say that as already mentioned above, the Government of Maharashtra by its letter dated 4.7.2016 and 2.11.2016 clarified that, having similar pay-scale doesn't mean equivalence to the Head of Department posts. Lecturer selection grade post is not equivalent to the Head of Department as per the Government Resolution dated 9.9.2004.

10. Upon hearing both the sides, it appears that the respondent – M.P.S.C. – is making confusion between Lecturer and Lecturer (Selection Grade). As already revealed from the documents, the duties and responsibilities of Head of Department and Lecturer (Selection Grade) are one and same. The refusal of the respondent M.P.S.C. to conduct interview of the present applicants, therefore, prima-facie, does not appear to be sustainable.

11. In that view of the matter, interim relief in terms of prayer clause 10 (a) of O.A. is hereby granted. The res. – M.P.S.C. – is hereby directed to conduct the interview of the applicants on the date suitable to the M.P.S.C. by notifying it to all the applicants by their usual mode.

12. The respondent M.P.S.C. is further directed to notify the fact of filing of present O.As. by the applicants on their website and shall send a separate letters to this effect to the State Government.

13. The learned C.P.O. is permitted to file reply of respondents on the next date.

14. Issue notices to respondents in O.A. st. no. 1116/2017, returnable on 7.2.2018.

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

16. 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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

17. 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.

18. 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.

19. S.O. to 7.2.2018.

20. Steno copy allowed to the both the sides.

**VICE CHAIRMAN**

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

**O.A. ST. NO. 1892/2017  
(Suresh D. Machal V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

Shri J.M. Murkute, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Heard both the sides on the point of limitation.

3. By the present application the applicant is seeking promotions to the various posts as per the prayer clause (B) of the present O.A., which reads as under :-

“B. The respondents may kindly be directed to give promotion to the applicant on the post of Sr. Clerk w.e.f. 2000 and thereafter promotion for the post of Junior Assistant w.e.f. 2003 onwards, Senior Assistant w.e.f. 2006 onwards, and Office Superintendent w.e.f. 2009 onwards, the applicant is eligible and qualified for all the promotions.”

4. The learned Advocate for the applicant submits that an internal communication made by the Joint Secretary to the Dean, Govt. Medical College, Nanded (Annex. A. 8 page 46) dtd.

31.3.2017 is a starting point of cause of action for the applicant. As the said letter is sent to the Dean on 31.3.2017, the present O.A. filed on 15.12.2017 is within limitation.

5. The provisions of sec. 20 & 21 of the Administrative Tribunals Act, 1985 reads as under :-

**“20. Application not to be admitted unless other remedies exhausted :-**

(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances,-

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances,-

(a) if a final order has been made by Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance; or

(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.



(3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be one of the remedies which are available unless the applicant had elected to submit such memorial.”

**“21. Limitation.-** (1) A Tribunal shall not admit an application,-

(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.

(2) Notwithstanding anything contained in sub-section (1), where-

(a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and

authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates; and

(b) no proceedings for the redressal of such grievance had been commenced before the said date before any High Court, the application shall be entertained by the Tribunal if it is made within the period referred to in clause (a), or, as the case may be, clause(b), of sub-section (1) or within a period of six months from the said date, whichever period expires later.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of sub-section (1) or, as the case may be, the period of six months specified in sub-section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.”

6. It is not the case of the applicant that he has made any representation according to Service Rules. In fact, there are no such rules in existence for making representation, if the promotion is not granted within time.

7. In the circumstances, non grant of promotion allegedly in the years as mentioned in prayer clause (B) would be the starting point of limitation. Mere a letter from the superior

authority to a junior Officer (Annex. A.8 page 46) cannot be a starting point of limitation.

8. In the circumstances, the present O.A. is rejected being beyond limitation without any order as to costs.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**ORIGINAL APPLICATION NO. 957/2017  
(Madan D. Dube V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri J.M. Murkute, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Issue notices to the respondents in the O.A., returnable on 6.2.2018.
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. 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 question such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 6.2.2018.
8. Steno copy allowed to the both the sides.

**VICE CHAIRMAN**

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

**M.A. NO. 516/2017 IN O.A. ST. NO. 1948/2017  
(Vasant D. Karke & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

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

2. The present M.A. has been filed by the applicants for permission to sue jointly the accompanying O.A.

3. Perused the application. Considered the contentions.

4. For the reasons stated in the M.A., it is hereby allowed and disposed of without any order as to costs and the applicants are permitted to sue joint the O.A.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**M.A. NO. 516/2017 IN O.A. ST. NO. 1948/2017  
(Vasant D. Karke & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

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

2. The present M.A. has been filed by the applicants for permission to sue jointly the accompanying O.A.

3. Perused the application. Considered the contentions.

4. For the reasons stated in the M.A., it is hereby allowed and disposed of without any order as to costs and the applicants are permitted to sue joint the O.A.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**O.A. ST. NO. 1948/2017  
(Vasant D. Karke & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

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

2. Issue notices to the respondents in the O.A., returnable on 15.2.2018.

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 O.A. 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

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. Before filing any detailed affidavit in reply, the concerned respondents are directed to take a decision on the proposal submitted vide Annex. A.5 & A. 6 pages 42 & 43 respectively of the present O.A. and shall file report about the decision of the next date.

8. Till the decision as above on the proposal at A.5 & A.6 is taken by the concerned respondent, interim relief in terms of prayer clause (F) of the O.A. is hereby granted, which reads as under :-

“(F) Pending the admission, hearing and final disposal of this Original Application the Respondents in general and the Resp. No. 4 in particular may kindly be restrained from terminating the services of the applicants from their respective posts.”

9. S.O. to 15.2.2018.

10. Steno copy allowed to the both the sides.

**VICE CHAIRMAN**



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

**O.A. NO. 412/2017  
(Prashant R. Shelke V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

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

2. At the request of learned C.P.O., S.O. to  
20.1.2017 for filing affidavit in reply of the  
respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**O.A. NO. 486/2017  
(Vijeta M. Ade V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

None appears for the applicant. Shri M. P. Gude, learned Presenting Officer for respondents, is present.

2. The record would show that even notices could not be served upon the respondents. The learned P.O. on instructions submits that, in fact the grievance of the applicant is redressed. In the circumstances, without going into the merit of the present O.A., it is dismissed in default without any order as to costs.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**O.A. NO. 623/2017**

**(Priti T. Waghmare & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. At the request of learned C.P.O., as a last chance S.O. to 17.1.2018 for filing affidavit in reply of the respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**O.A. NO. 624/2017  
(Monika D. Chaure & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. At the request of learned P.O., as a last chance S.O. to 17.1.2018 for filing affidavit in reply of the respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**O.A. NO. 634/2017  
(Kalyani V. Gadekar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

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

2. At the request of learned C.P.O., as a last chance S.O. to 17.1.2018 for filing affidavit in reply of the respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**O.A. NO. 632/2017  
(Jayshri A. Markali V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

Shri V.B. Wagh, learned Advocate for the applicant **(leave note)**. Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents, is present.

2. The learned Advocate for the applicant has filed leave note. At the request of learned P.O., S.O. to 30.1.2018 for filing affidavit in reply of the respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**O.A. NO. 664/2017  
(Shaikh Kalim Sk. Mannu V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

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

2. None has appeared for the applicant on the last date also. In the circumstances, S.O. to 24.1.2018.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**ORIGINAL APPLICATION NO. 834/2017  
(Ganesh S. Kale V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

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

2. Issue notices to the respondents in the O.A., returnable on 2.2.2018.

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. 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 question such as limitation and alternate remedy are kept open.

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

7. S.O. to 2.2.2018.

8. Steno copy allowed to the both the sides.

**VICE CHAIRMAN**



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

**O.A. NO. 724/2017  
(Guruprasad P. Gaikwad V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate  
for the applicant and Shri V.R. Bhumkar, learned  
Presenting Officer for respondents.

2. At the request of learned P.O., S.O. to  
24.1.2018 for filing affidavit in reply of the  
respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**O.A. NO. 760/2017  
(Jeetesh A. Jangale V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

None appears for the applicant. Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, is present.

2. At the request of learned P.O., S.O. to 30.1.2018 for filing affidavit in reply of the respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**O.A. NO. 829/2017  
(D.D. Jaybhaya V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri V.D. Godbharle, learned Advocate for the applicant and Smt. D.S. Deshpande, learned Presenting Officer for respondents.

2. At the request of learned P.O., S.O. to 5.1.2018 for filing affidavit in reply of the respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**O.A. NO. 845/2017  
(R.L. Kuskar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate  
for the applicant and Smt. P.B. Bharaswadkar,  
learned Presenting Officer for respondents.

2. At the request of learned P.O., S.O. to  
7.2.2018 for filing affidavit in reply of the  
respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**M.A. NO. 470/2017 IN O.A. NO. 735/2017  
(Chandrabhan H. Parate V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri N.D. Thombre, learned Advocate holding for Shri R.H. Bharaswadkar, learned Advocate for the applicant in M.A., Shri M.S. Mahajan, learned Chief Presenting Officer for respondent nos. 1 & 2 in the present M.A. & A.B. Jagtap, learned Advocate for res. no. 3 in the present M.A. / applicant in O.A.

2. At the request of learned CPO, S.O. to 16.1.2018 for filing reply as a last chance.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**MA 325/2017 IN O.A. ST. NO. 941/2017  
(b.k. Chaudhari V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

Shri S.S. Shinde, learned Advocate for the applicant (leave note). Smt. P.R. Bharaswadkar, learned Presenting Officer for respondents.

2. At the request of learned P.O., S.O. to 7.2.2018 for filing affidavit in reply of the respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**O.A. NO. 543/2016  
(P.N. Nhavi V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

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

2. The learned P.O. submits that reply is not filed in the present matter. The order dtd. 3.1.2017 would show that this Tribunal had allowed completion of the D.E. till the stage of passing of final order. In the circumstances, permission to file reply is granted. The said reply shall also state the present status of the D.E. S.O. to 7.2.2018 for filing reply by the respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**O.A. NO. 629/2017  
(Shankar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

Shri A.D. Sugdare, learned Advocate for the applicant (leave note). Shri N.U. Yadav, learned Presenting Officer for respondents, is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 24.1.2018.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017



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

**O.A. NO. 646/2016 WITH CAVEAT 293/2016  
(Anil V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondent authorities is present. None appears for other respondents.

2. Upon hearing both the sides, it appears that, decision on merit at the hands of D.B. is required in the present matter. In the circumstances, O.A. be placed before the D.B. whenever it is available.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**O.A. NO. 752/2016  
(Sanjay V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

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

2. Upon hearing, it appears that, decision on merit at the hands of D.B. is required in the present matter. In the circumstances, O.A. be placed before the D.B. whenever it is available.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**O.A. NO. 958/201**  
(Nalinidevi R. Thakor V/s. State of Maharashtra & Ors.)

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri Raghuvirsing M. Patil, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondent.

2. The learned Advocate for the applicant submits that, inadvertently copy of advertisement remained to be filed in the present matter. In the circumstances, liberty is hereby granted to the applicant to file on record copy of advertisement.

3. The applicant is also at liberty to move this matter on 26.12.2017 before the Vacation Judge.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 22-12-2017

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

**ORIGINAL APPLICATION NO. 935/2017  
(Shri Sandu R. Magar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

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

2. At the request of learned Advocate for the applicant, S.O. to 25.01.2018.

**MEMBER (J)**

KPB ORAL ORDER 21-12-2017

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

**ORIGINAL APPLICATION NO. 947/2017  
(Smt. Sudhamati M. Gaikwad V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

Shri D.B. Gaikwad, learned Advocate for the applicant (**Absent**). Shri N.Y. Yadav, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 11.01.2018.

**MEMBER (J)**

KPB ORAL ORDER 21-12-2017

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

**ORIGINAL APPLICATION NO. 807/2016  
(Shri M.N. Jadhav V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

Shri V.G. Pingle, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondent No. 1, present. Shri Shamsundar B. Patil, learned Advocate for respondent No. 2 (**Leave Note**).

2. S.O. to 05.01.2018. Interim relief granted earlier to continue till then.

**MEMBER (J)**

KPB ORAL ORDER 21-12-2017

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

**ORIGINAL APPLICATION NO. 808/2016  
(Shri G.a. Kakde V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

Shri V.G. Pingle, learned Advocate holding  
for Shri V.B. Wagh, learned Advocate for the  
applicant and Smt. Resha S. Deshmukh, learned  
Presenting Officer for respondents, present.

2. S.O. to 05.01.2018. Interim relief granted  
earlier to continue till then.

**MEMBER (J)**

KPB ORAL ORDER 21-12-2017

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

**ORIGINAL APPLICATION NO. 307/2017  
(Shri Prakash S. Gadekar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

Shri V.G. Pingle, learned Advocate holding  
for Shri V.B. Wagh, learned Advocate for the  
applicant and Shri V.R. Bhumkar, learned  
Presenting Officer for respondents, present.

2. S.O. to 08.01.2018. Interim relief granted  
earlier to continue till then.

**MEMBER (J)**

KPB ORAL ORDER 21-12-2017



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

**ORIGINAL APPLICATION NO. 752/2017  
(Dr. Rajendra G. Godekar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

Shri V.B. Wagh, learned Advocate for the applicant (**Leave Note**). Shri V.R. Bhumkar, learned Presenting Officer for respondent Nos. 1 to 4 and Shri A.S. Deshmukh, learned Advocate for respondent No. 5, are present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 24.01.2018.

**MEMBER (J)**

KPB ORAL ORDER 21-12-2017

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

**ORIGINAL APPLICATION NO. 950/2017  
(Shri Devendra T. Katke V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri Umakant R. Awate, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The applicant has challenged the impugned suspension order dated 18.12.2017 issued by the respondent No. 2 i.e. the Divisional Commissioner, Aurangabad suspending him with immediate effect. It is contention of the applicant that he has been transferred from Aurangabad to Jalna without following provisions of the "Transfer Act, 2005" and therefore, he approached this Tribunal and got interim relief. But subsequently, it has been vacated and therefore, he challenged the said order of vacation of interim relief before the Hon'ble High Court and Hon'ble High Court continued the

interim relief granted in favour of the applicant. It is contention of the applicant that since he has challenged the order of transfer issued by the respondent No. 2, an enquiry has been initiated against him and he has been victimized by the respondent No. 2. As a result of the preliminary enquiry, the impugned order has been passed by the respondent No. 2. It is his contention that the respondent No. 2 has no authority to issue suspension order, as he is not appointing authority. It is his contention that the order has not yet been served on him and he has not handed over the charge till today.

3. Learned Advocate for the applicant has submitted that the impugned order is issued without authority and against the provisions of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. He has submitted that the Government is the competent authority of the applicant to suspend him and no powers of the disciplinary authority has been delegated to the respondent No. 2 by the Government and the

respondent No. 2 is not empowered to issue such order of suspension. He has submitted that the suspension order has been issued on 18.12.2017, but the applicant was on casual leave since 16.12.2017 to 20.12.2017. Thereafter he joined his duties, but the suspension order has not been served on him. Therefore, he prayed to grant stay to the execution and operation of the impugned suspension order dated 18.12.2017.

4. Learned Presenting Officer has submitted that in view of the provisions of the Rule 4(1) r/w sub Rule (2) of Rule 6 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979, the respondent No. 2 is the disciplinary authority and therefore, he is empowered to issue order of suspension of the applicant provided that he shall forthwith report to the appointing authority about it and the circumstances in which the order was made. She has submitted that accordingly, the respondent No. 2 has issued the order of suspension of the applicant mentioning

all the reasons and the circumstances, in which the order was made. She has submitted that the after issuing the suspension order on 18.12.2017, the respondent No. 2 has forwarded the order of the applicant to the Government immediately on the very day. Not only this, but on 21.12.2017, the respondent No. 2 informed the Government the circumstances in which the suspension order of the applicant was made. She has submitted that the applicant has complied with the requirement of the provisions of Rule 4(1) and therefore, there is no illegality in the order under challenge. She has submitted that the effect of the suspension order come into force with immediate effect and the respondent No. 3 i.e. the Collector on the basis of the said order, handed over the charge of the post held by the applicant to another Deputy Collector by the order dated 20.12.2017. She has submitted that in view of the above circumstances, there is no just reason to grant interim relief as prayed for by the learned Advocate for the applicant and therefore, he prayed to reject the interim relief.

5. Learned Presenting Officer has further submitted that the appeal has been provided under Rule 17 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 against the orders including the order of suspension made under Rule 4 of the said Rule. She has submitted that the applicant has not challenged the said order before the appellate authority as provided under Rule 18 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. She has submitted that as the applicant has not availed the remedy of appeal available to him under the provisions of M.C.S.R. for redressal of his grievance and, therefore, the O.A. cannot be admitted in view of the provisions of the Section 20 of the Administrative Tribunals Act, 1985 and on that ground also, she prayed to dismiss the present Original Application.

6. Learned Advocate for the applicant has submitted that the applicant was victimized, since he has filed the O.A. No. 354/2017 challenging his transfer order issued by the

respondent No. 2 and therefore, this Tribunal can entertain the present Original Application as exceptional case in view of the provisions of the Section 20 of the Administrative Tribunals Act, 1985. In support of his submissions, he has placed reliance on the judgment delivered by the Hon'ble Supreme Court in case of **State of Maharashtra Vs. Dr. Subhash Dhondiram Mane** reported in **2015 (4) Mh.L.J. page 791.**

7. I have gone through the Rule 17 and 18 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 regarding appeal provision challenging the order by the concerned authority. As per the said Rule the order of suspension made under Rule 4 is appealable and appeal lies before the appellate authorities as provided under Section 18 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. The impugned order of the suspension is made under Rule 4 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 and it is appealable as per the Service Rules, but the

applicant has not availed the said remedy available to him by preferring the appeal challenging the order of suspension before the competent authority in view of the provisions of Rule 17 & 18 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. Not only this, but he has not mentioned the circumstance, in which he has approached this Tribunal, when the alternate remedy is available to him. Therefore, in my opinion, in view of the provisions of Section 20 of the Administrative Tribunals Act, 1985, the present Original Application cannot be admitted, as the applicant approached this Tribunal without availing the remedy available to him under the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 for redressal of his grievance regarding impugned suspension order. Therefore, the present Original Application is not maintainable and deserves to be rejected.

8. As the O.A. is not maintainable and cannot be admitted in view of the provisions of section



20 of the Administrative Tribunals Act, 1985, no question of considering the interim relief claimed by the applicant arises.

9. In view of the above circumstances, the O.A. stands rejected as it is not maintainable. There shall be no order as to costs.

**MEMBER (J)**

KPB ORAL ORDER 21-12-2017

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

**ORIGINAL APPLICATION NO. 536 OF 2017**

[Shri Harichandra N. Sapkal Vs. State of Maharashtra & Others]

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : B.P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

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

3. Though the show cause notice has been issued to the Tahsildar, Soygaon on 12.12.2017 directing to file his personal affidavit showing cause as to why he should not be held responsible for paying interest on the delay payment of pension as provided under Rule 129-(A) of the M.C.S. (Pension) Rules, 1982 as there was intentional and deliberate delay on his part for furnishing necessary documents and information to respondent No. 6 to release pension to the applicant in view of the PPO issued by the A.G. Nagpur, the Tahsildar, Soygaon has not appeared before this Tribunal on the previous date, as well as, today also. It reveals that the Tahsildar, Soygaon is intentionally avoided to appear before this Tribunal and flouted the order of this Tribunal. Hence, a show cause notice be issued to the Tahsildar, Soygaon, calling explanation as to why heavy cost should not be saddled on him

**O.A. NO. 536 OF 2017**

for not obeying the order passed by this Tribunal dated 12.12.2017.

4. S.O. to 8<sup>th</sup> January, 2018.

5. Learned Chief Presenting Officer to act upon steno copy.

**MEMBER (J)**

ORAL ORDERS 22.12.2017-HDD

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

**ORIGINAL APPLICATION NO. 385 OF 2017**

[Shri Chandulal B. Sathe Vs. State of Maharashtra & Others]

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : B.P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Ms. P.R. Wankhade, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed separate affidavits in reply on behalf of respondent No. 1 and respondent No. 2 and they are taken on record and copies thereof have been served on the learned Advocate for the applicant.

3. Learned Presenting Officer has submitted that the respondents are going to take corrective measures in the impugned transfer order. Therefore, she prays two weeks' time. Time granted as prayed for.

4. S.O. to 8<sup>th</sup> January, 2018.

**MEMBER (J)**

ORAL ORDERS 22.12.2017-HDD

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

**ORIGINAL APPLICATION NO. 952 OF 2017**

[Shri Vilas G. Shirolkar Vs. State of Maharashtra & Others]

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : B.P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 5<sup>th</sup> January, 2018.

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.. 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.

**O.A. NO. 952 OF 2017**

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

**7. Issue of interim relief is kept open.**

8. S.O. to 5<sup>th</sup> January, 2018.

9. Steno copy and hamdust is allowed to both the parties.

**MEMBER (J)**

ORAL ORDERS 22.12.2017-HDD

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

**ORIGINAL APPLICATION NO. 320 OF 2016**

[Smt. Meena N. Bengal Vs. State of Maharashtra & Others]

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : B.P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri V.P. Golewar, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri R.P. Bhumkar, learned Advocate for respondent No. 5.

2. The applicant has challenged the order of appointment of the respondent No. 5 as Police Patil of village Vitthalwadi, Taluka Gangakhed, District Parbhani, on the ground that the respondent No. 5 is not holding landed property at village Vitthalwadi and she is not resident of village Vitthalwadi. It is the contention of the applicant that she has submitted applications dated 25.2.2016 and 4.4.2016 before the Sub Divisional Magistrate, Gangakhed, raising objection regarding appointment of respondent No. 5, but the respondent No. 3 has not decided the said objections and, therefore, she has challenged the appointment of respondent No. 5 by filing the present Original Application.

3. Learned Presenting Officer for the respondent Nos. 1 to 4, as well as, learned

**O.A. NO. 320 OF 2016**

Advocate for respondent No. 5 have admitted the fact that the applications dated 25.2.2016 & 4.4.2016 raising objection filed by the applicant have not been decided by the Sub Divisional Magistrate, Gangakhed. Learned Presenting Officer has admitted that the representations / applications dated 25.2.2016 & 4.4.2016 filed by the applicant have not been decided by the respondent No. 3; while learned Advocate for respondent No. 5 has submitted that he has no instructions from the respondent No. 5 in that regard.

4. On perusal of the record, it reveals that the impugned order has been issued by the Sub Divisional Magistrate, Gangakhed, on 6.4.2016 without deciding the objections raised by the applicant by filing applications dated 25.2.2016 & 4.4.2016. Therefore, it is just to direct respondent No. 3 to take decision on the objections raised by the applicant by filing applications dated 25.2.2016 & 4.4.2016 by giving an opportunity of hearing to both the parties within two weeks' from the date of order.

5. In view of this, the Original Application is disposed of with a direction to respondent No. 3 to decide objections raised by the applicant by filing applications dated 25.2.2016 & 4.4.2016 within a period of two weeks' from the date of this



**O.A. NO. 320 OF 2016**

order on merits after giving an opportunity of hearing to both the parties.

There shall be no order as to costs.

**MEMBER (J)**

ORAL ORDERS 22.12.2017-HDD

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

**ORIGINAL APPLICATION NO. 601 OF 2017**

[Smt. Sarika S. Kshirsagar Vs. State of Maharashtra & Others]

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : B.P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

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

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted.

3. S.O. to 24<sup>th</sup> January, 2018 for filing affidavit in reply.

**MEMBER (J)**

ORAL ORDERS 22.12.2017-HDD

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

**ORIGINAL APPLICATION NO. 568 OF 2017**

[Shri Vishnu J. Gaikwad Vs. State of Maharashtra & Others]

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : B.P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 5<sup>th</sup> January, 2018.

**MEMBER (J)**

ORAL ORDERS 22.12.2017-HDD

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

**ORIGINAL APPLICATION NO. 263 OF 2017**

[Shri Bhaskar D. Meshram Vs. State of Maharashtra & Others]

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : B.P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 25<sup>th</sup> January, 2018.

**MEMBER (J)**

ORAL ORDERS 22.12.2017-HDD

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

**ORIGINAL APPLICATION NO. 257 OF 2017**

[Shri Jagannath N. Ghadge Vs. State of Maharashtra & Others]

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : B.P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri Vishal Borkal, learned Advocate holding for Shri V.S. Kadam, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has submitted that she will file affidavit in reply on behalf of respondent Nos. 1, 2 & 3 during the course of the day. She also undertook to serve the copy of the same on the learned Advocate for the applicant.

3. In view thereof, S.O. to 31<sup>st</sup> January, 2018.

**MEMBER (J)**

ORAL ORDERS 22.12.2017-HDD

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

**ORIGINAL APPLICATION NO. 129 OF 2017**

[Shri Shafi Pasha Vs. State of Maharashtra & Others]

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : B.P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri Quadri Taher Ali, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 25<sup>th</sup> January, 2018.

**MEMBER (J)**

ORAL ORDERS 22.12.2017-HDD

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

**ORIGINAL APPLICATION ST. NO. 1902 OF 2017**  
[Shri Bhaskar H. Channe Vs. State of Maharashtra & Others]

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : B.P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri P.H. Sukale, learned Advocate holding for Shri K.J. Suryawanshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time. Time granted as a last chance.
3. S.O. to 15<sup>th</sup> January, 2018.

**MEMBER (J)**

ORAL ORDERS 22.12.2017-HDD

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

**ORIGINAL APPLICATION NO. 953 OF 2017**

[Shri Vijay P. Magar Vs. State of Maharashtra & Others]

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : B.P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri Ravindra Nirmal, learned Advocate holding for Shri Ramchandra J. Nirmal, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant, on instructions, submits that the applicant does not want to proceed with the present Original Application and he wants to withdraw the same.

3. Since the applicant wants to withdraw the present Original Application and does not want to proceed further, the same stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

ORAL ORDERS 22.12.2017-HDD



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

**ORIGINAL APPLICATION NO. 954 OF 2017**

[Smt. Anita P. Kadam Vs. State of Maharashtra & Others]

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : B.P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri Ravindra Nirmal, learned Advocate holding for Shri Ramchandra J. Nirmal, learned Advocate for the applicant and Shri Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant, on instructions, submits that the applicant does not want to proceed with the present Original Application and he wants to withdraw the same.

3. Since the applicant wants to withdraw the present Original Application and does not want to proceed further, the same stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

ORAL ORDERS 22.12.2017-HDD

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

**ORIGINAL APPLICATION NO. 955 OF 2017**

[Shri Dilip N. Bhongane Vs. State of Maharashtra & Others]

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : B.P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

Heard Shri Ravindra Nirmal, learned Advocate holding for Shri Ramchandra J. Nirmal, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant, on instructions, submits that the applicant does not want to proceed with the present Original Application and he wants to withdraw the same.

3. Since the applicant wants to withdraw the present Original Application and does not want to proceed further, the same stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

ORAL ORDERS 22.12.2017-HDD

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

**ORIGINAL APPLICATION ST. NO. 1942 OF 2017**

[Shri Shaikh Yunus Mohamad Pasha Vs. State of Maharashtra & Ors.]

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : B.P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant, on instructions, seeks permission of this Tribunal to withdraw the present Original Application.

3. Permission granted. Withdrawal is allowed. Accordingly, the present Original Application stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

ORAL ORDERS 22.12.2017-HDD

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

**M.A.NO.507/2017 IN O.A.NO. 491/2017**

[Shri Santosh U. Gomsale Vs. State of Maharashtra & Ors.]

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OFFICE ORDER

TRIBUNAL'S ORDERS

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**CORAM : B.P. PATIL, MEMBER (J)**

**DATE : 22.12.2017.**

**ORAL ORDER :**

Shri S.M. Kamble, learned Advocate holding for Shri S.S. Salve, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. This is an application filed by the applicant seeking permission to amend the O.A. and to add the Police Inspector, Local Crime Branch, Ahmednagar as a party respondent to the Original Application.

3. I have gone through the present miscellaneous application and the Original Application and I find that the proposed party is not necessary party to the O.A.. Therefore, no question of adding the Police Inspector, Local Crime Branch, Ahmednagar, as a party respondent to the Original Application, arises. Hence, the present M.A. is rejected. No order as to costs.

**MEMBER (J)**

ORAL ORDERS 22.12.2017-HDD