

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.204/2015**

(Sanjay D. Deshpande V/s. The State of Mah. & Ors.)

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

Heard Shri G.G. Suryawanshi, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for respondent nos. 1 to 3 and Shri G.N. Patil, learned Advocate for respondent no. 4.

2. The learned P.O. seeks time to comply with the order of the Tribunal dated 23.1.2017. The learned Advocate for the applicant opposed the same on the ground that earlier many opportunities were granted to the respondents therefor.

3. In the circumstances, as a last chance, S.O. to 13.6.2017 with a direction to the respondents to comply the earlier order dated 23.1.2017. In case of failure, coercive action like calling the responsible respondent to personally appear before the Tribunal or any other steps as permissible under Law will be taken.

4. Steno copy allowed for the use of learned Presenting Officer.

**VICE CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**MA 89/2016 IN OA 704/2012**

(Parmeshwar D. Damdlikar V/s. The State of Mah. &  
Ors.)

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

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

None appears for the applicant in the present M.A. Smt. Resha S. Deshmukh, learned Presenting Officer for respondent nos. 1 to 3 in the present M.A. and Shri Sudhir Patil, learned Advocate for respondent nos. 4 & 5 of the present M.A. / applicants in O.A., are present.

2. The present misc. application has been filed by the applicant for permission to intervene in the original application.

3. As none appears for the applicant in the present misc. application, the same is dismissed in default. There shall be no order as to costs.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 24.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**OA 704/2012**

(Pradeep Dattatraya Akadkar & Ors. V/s. The State of  
Mah. & Ors.)

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

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

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

2. The O.A. is already admitted. The learned Advocate for the applicants submits that in O.A. no. 821/2012 decided by Nagpur Bench of this Hon'ble Tribunal on 2.9.2014 the issue involved was only regarding advertisement and accordingly the said advertisement has been quashed and set aside by the Tribunal. The copy of the said order is taken on record and marked as document 'X'.

3. In the present O.A. there is challenge to the Rules. Thus, arguable case is made out by the learned Advocate for the applicant.

4. Accordingly the O.A. is removed from board for time being with a direction to place it on board whenever D.B. is available. Both the sides are at liberty to circulate the matter whenever D.B. is available.

**VICE CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 183/2016 IN CP ST. 686/2016 IN OA 352/2014**  
(Shri Rohidas S. Jadhav V/s. the State of Mah. & Ors.)

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The learned P.O. has filed additional affidavit in reply of res. nos. 1 to 3 contending therein that the order dated 16.10.2012 passed by the Tribunal in O.A. no. 352/2014 has been complied with by the Tribunal. It is taken on record and copy of the same has been supplied to the learned Advocate for the applicant.

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

4. S.O. to 15.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 24.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 348/2016 IN OA ST. 1609/2016**

(Shri Abhiman M. Kale V/s. the State of Mah. & Ors.)

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

Heard Shri Vivek Pingle, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent no. 1 and Shri Shamsundar B. Patil, learned Advocate for respondent nos. 2 to 6.

2. At the request of both the sides, S.O. to 8.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 24.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 443/2016 IN OA 453/2016**

(Shri Sopan B. Adkine V/s. the State of Mah. & Ors.)

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

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

2. In the circumstances, as a last chance, S.O. to 13.6.2017 either for hearing or for passing necessary orders.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 24.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 149/2017 IN CP ST. 480/2017 IN OA 220/2016**  
(Shri Suresh L. Moholkar V/s. the State of Mah. & Ors.)

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

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

2. Issue notices to the respondents in the misc. application, returnable on 14.6.2017. In the mean time positive steps for compliance of the order of O.A. shall be taken by the respondents and file compliance report on the next date.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 24.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA ST. 447/2017 IN CP ST. 448/2017 IN OA 619/2015**  
(Shri Anil S. Palekar V/s. the State of Mah. & Ors.)

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

Heard Shri A.R. Tapse, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. For time being the office objection is waived. Issue notices to the res. no. 2 only in the misc. application, returnable on 14.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 24.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 244/2017**  
(Shri Amol R. Salve V/s. the State of Mah. & Ors.)

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

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

2. Issue notices to the respondents, returnable on 14.6.2017.

3. Tribunal may take the cases 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 along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. 14.6.2017.

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

**VICE CHAIRMAN**

ARJ ORAL ORDERS 24.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA ST. 447/2017 IN CP ST. 448/2017 IN OA 619/2015**  
(Shri Anil S. Palekar V/s. the State of Mah. & Ors.)

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

Heard Shri A.R. Tapse, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. For time being the office objection is waived. Issue notices to the res. no. 2 only in the misc. application, returnable on 14.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 24.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 843 OF 2016**

(Shri Shamrao G. Wagatkar V/s. the State of Mah. & Ors.)

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

2. The learned P.O. submits that he will take inspection in his office regarding affidavit in reply as he is having copy of it and original is not with him.

3. S.O. to 12.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 24.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 103/2015 IN CP ST. 333/2015 IN OA 529/2011  
MA 104/2015 IN CP ST. 335/2015 IN OA 197/2012  
MA 105/2015 IN CP ST. 337/2015 IN OA 830/2011**

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

None appears for the applicants in all these matters. Smt. Sanjivani Deshmukh Ghate, Shri V.R. Bhumkar & Smt. Resha S. Deshmukh, learned Presenting Officers for the respondents in respective matters.

2. Shri Bhumkar, learned P.O. on the strength of communication dated 15.3.2017 in M.A. no. 103/2015 (document 'X') and in other matters on the basis of statement made on oath in the replies submits that the respective respondents have complied with the order passed by the Tribunal in the respective O.As.

3. As none appears in all these misc. applications, the same stand dismissed in default. In view of dismissal in default of misc. applications, the contempt petitions do not survive. Hence the same are also disposed of. There shall be no order as to costs.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 24.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 369/2016 IN OA 225/2012**

(Shri Erranna M. Kongalwar V/s. the State of Mah. & Ors.)

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

None appears for the applicant. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. Previous history of the case would show that since 19.12.2016 for last 4 dates none is appearing for the applicant. In the circumstances, the misc. application is dismissed in default. There shall be no order as to costs.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 24.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 125/2017 IN OA 225/2012**

(Shri Erranna M. Kongalwar V/s. the State of Mah. & Ors.)

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

None appears for the applicant. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. Previous history of the case would show that since 19.12.2016 for last 4 dates none is appearing for the applicant. In the circumstances, the misc. application is dismissed in default. There shall be no order as to costs.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 24.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 56 OF 2007**

(Shri Mohd M. Siddiqui V/s. the State of Mah. & Ors.)

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

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

2. This O.A. is already admitted. Hence, place the matter for final hearing whenever D.B. is available. Liberty granted to both the sides to circulate the matter for final hearing whenever D.B. is available.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 24.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 401 OF 2013**

(Shri Anita M. Chavan V/s. the State of Mah. & Ors.)

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

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

2. This O.A. is already admitted. Hence, place the matter for final hearing whenever D.B. is available. Liberty granted to both the sides to circulate the matter for final hearing whenever D.B. is available.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 24.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 439 OF 2007**

(Shri Sakharam G. Ghoghule V/s. the State of Mah. & Ors.)

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

Heard Shri R.D. Khadap, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. This O.A. is already admitted. Hence, place the matter for final hearing whenever D.B. is available. Liberty granted to both the sides to circulate the matter for final hearing whenever D.B. is available.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 24.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.NO. 32/2017 IN O.A.ST.NO.883/2016**

**(Smt. Dwarkabai W/o. Prabhakar Ramteke Vs. The State  
of Maharashtra and Others.)**

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

**DATE : 24.04. 2017.**

**ORAL ORDER:**

1. Heard Shri Sudhir Patil, learned Advocate holding for Smt. Kalpalata Patil Bharaswadkar – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. It transpires from the proceedings that the notices are not served on the respondents by the applicant since long.
3. Learned Advocate for the applicant undertakes to serve the notices on the respondents and seeks time for that purpose. Time granted.
4. S.O. to 21<sup>st</sup> June, 2017.

**MEMBER (J)**

ORAL ORDERS 24.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.NO. 155/2017 IN O.A.NO.701/2015**

**(Shri Mohan Ramdas Chaudhari Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 24.04. 2017.**

**ORAL ORDER:**

1. Heard Shri A.D. Sugdare – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks leave of this Tribunal to amend the present Miscellaneous Application. Leave granted as prayed for by the applicant.
3. At the request of learned Advocate for the applicant, S.O. to 6<sup>th</sup> June, 2017.

**MEMBER (J)**

ORAL ORDERS 24.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.NO. 422/2016 IN O.A.ST.NO.1713/2016**

**(Shri Baburao S/o. Genba Randive Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 24.04. 2017.**

**ORAL ORDER:**

1. Heard Shri S.B. Solanke, learned Advocate holding for Shri G.J. Kore – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 29<sup>th</sup> June, 2017.

**MEMBER (J)**

ORAL ORDERS 24.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 132 OF 2017**

**(Shri Dattu S/o. Rama Sonawane Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 24.04. 2017.**

**ORAL ORDER:**

1. Heard Shri J.B. Choudhary – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed affidavit in rejoinder to the reply filed by respondent Nos. 3 & 4 and the same is taken on record and the copy thereof has been served on the learned Chief Presenting Officer.

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

4. S.O. to 20<sup>th</sup> June, 2017. Interim relief granted earlier by an order dated 28.02.2017 to continue till then.

**MEMBER (J)**

ORAL ORDERS 24.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 694 OF 2016**

**(Shri Sanjay Kisan Gaikwad Vs. The State of Maharashtra  
and Others.)**

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

**DATE : 24.04. 2017.**

**ORAL ORDER:**

1. Heard Shri S.R. Sapkal – learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents.
2. Learned Presenting Officer has placed on record a copy of communication dated 18.4.2017 addressed to the Chief Presenting Officer by Superintendent of Police, Wireless Headquarter, Pune and the same is taken on record and marked as document 'X' for the purpose of identification.
3. At the request of learned Presenting Officer, S.O. to 28<sup>th</sup> June, 2017.

**MEMBER (J)**

ORAL ORDERS 24.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 106 OF 2017**

**(Jayshree Sanjay Kakde Vs. The State of Maharashtra and  
Others.)**

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

**DATE : 24.04. 2017.**

**ORAL ORDER:**

1. Heard Shri S.B. Salanke – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer for the respondents seeks time to file affidavit in reply. Time granted.
3. S.O. to 21<sup>st</sup> June, 2017.

**MEMBER (J)**

ORAL ORDERS 24.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 97 OF 2017**

**(Sayyd Mujahed Ali Sayyd Khurshid Ali Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 24.04. 2017.**

**ORAL ORDER:**

1. Heard Shri Kakasaheb B. Jadhav – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.
2. Learned Presenting Officer for the respondents seeks time to file affidavit in reply. Time granted.
3. S.O. to 7<sup>th</sup> June, 2017.

**MEMBER (J)**

ORAL ORDERS 24.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 40 OF 2017**

**(Smt. Sushilabai W/o. Ganpatrao Kalaskar & Others Vs.  
The State of Maharashtra and Others.)**

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

**DATE : 24.04. 2017.**

**ORAL ORDER:**

1. Heard Shri P.V. Suryawanshi – learned Advocate for the applicants and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2, 4 & 5 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicants, S.O. to 19<sup>th</sup> June, 2017.

**MEMBER (J)**

ORAL ORDERS 24.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 246 OF 2016**

**(Shri Raju Manohar Dabhade & Others Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 24.04. 2017.**

**ORAL ORDER:**

1. Heard Shri P.V. Suryawanshi – learned Advocate for the applicants and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicants, S.O. to 19<sup>th</sup> June, 2017.

**MEMBER (J)**

ORAL ORDERS 24.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 572 OF 2016**

**(Shri Shivrajappa Mahantayappa Sulfule & Others Vs. The  
State of Maharashtra and Others.)**

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

**DATE : 24.04. 2017.**

**ORAL ORDER:**

1. Heard Shri P.V. Suryawanshi – learned Advocate for the applicants and Shri S.K. Shirase – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicants, S.O. to 19<sup>th</sup> June, 2017.

**MEMBER (J)**

ORAL ORDERS 24.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 765 OF 2016**

**(Shri Bansilal Harishchandra Tarte & Others Vs. The  
State of Maharashtra and Others.)**

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

**DATE : 24.04. 2017.**

**ORAL ORDER:**

1. Heard Shri P.V. Suryawanshi – learned Advocate for the applicants and Shri S.K. Shirase – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicants, S.O. to 19<sup>th</sup> June, 2017.

**MEMBER (J)**

ORAL ORDERS 24.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 535 OF 2016**

**(Shri Ravindra Pandurang Salve Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 24.04. 2017.**

**ORAL ORDER:**

1. Heard Shri R.M. Deshmukh – learned Advocate for the applicants and Shri I.S. Thorat – learned Presenting Officer for the respondents.
2. The present Original Application is heard at quite some length and reserved for orders.

**MEMBER (J)**

ORAL ORDERS 24.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 183 OF 2016**

**(Shri Ramesh V. Devne Vs. The State of Maharashtra and  
Others.)**

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

**DATE : 24.04. 2017.**

**ORAL ORDER:**

1. Heard Shri S.P. Landge, learned Advocate holding for Shri V.S. Tanwade – learned Advocate for the applicant, Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondent Nos. 1, 3 & 5 and Shri A.D. Aghav – learned Advocate for respondent Nos. 2 & 4.

2. Learned Advocate for the applicant has submitted that the applicant has received pensionary benefits after filing the present Original Application. He has submitted that the interest on the delayed payment of pensionary benefit has not been yet paid by the respondents and, therefore, he prayed to issue directions to the respondents accordingly.

3. Learned Advocate for the respondent Nos. 2 & 4 has submitted that the proposal for payment of interest on the delayed payment of gratuity and pension has been calculated and has been sent to the Under Secretary to Water Resources Department, Mantralaya, Mumbai, for his approval. He has further submitted that the proposal for taking action against erring employee, who was responsible for delay caused in making payment of pensionary benefits to the applicant has been made and also same is pending for decision. In view of the aforesaid fact, he prayed to dispose of the present Original Application.

4. Learned Advocate for the applicant has submitted that he has no objection to dispose of the Original Application in view of the proposal sent by the respondent No. 2 for granting

**O.A. NO. 183 OF 2016**

interest on the delayed payment, but he requested to fix outer limit for taking decision on the proposal by respondents while disposing of the present Original Application.

5. In view of the aforesaid submissions made by both the parties, it would be just and proper to dispose of the present Original Application with a direction to respondent No. 1 to take decision on the proposal forwarded by the respondent No. 2 on 21.04.2017 for payment of interest on delayed payment of pensionary benefits to the applicant within a period of two months from the date of this order.

6. With the above observations and directions, the present Original Application is disposed of with no order as to costs.

**MEMBER (J)**

ORAL ORDERS 24.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 52 OF 2017**

**(Smt. Dr. Bharti S. Sonwane Vs. The State of Maharashtra  
and Others.)**

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

**DATE : 24.04. 2017.**

**ORAL ORDER:**

1. Heard Shri B.B. Lakhkar – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.

2. The applicant has sought direction of this Tribunal to the respondents to release the salary from the month of November, 2016 onwards after regularization of her service, in view of Government Resolution dated 22.10.2016. It is the contention of the applicant that she has joined the service in the year 1990 and since then her services are continued. He has submitted that in view of the Government Resolution dated 22.10.2016 her service has been regularized. It is her contention that as she is entered in the service in the year 1990, old Pension Rules, as well as, GPF Rules are applicable to her, but in Appendix 'B' clause-5 of the Government Resolution dated 22.10.2016, it has been mentioned that provision of new pension scheme are applicable to the candidates mentioned in Annexure 'A' attached to the said G.R. and, therefore, she is challenging the said G.R. and, therefore, according to the applicant, the G.R. is not legal. Therefore, the applicant sought directions of this Tribunal to the respondents to release the salary from the month of November, 2016 onwards.

3. The respondents have filed their affidavit in reply and contended that the applicant was appointed on purely temporary basis in the year 1990 and her services were

**O.A. NO. 52 OF 2017**

remained continued due to intervention of orders of the Hon'ble High Court. Benefits of the temporary services for the purpose of leave, increments have been granted as per the direction given by the Hon'ble Tribunal and it was never directed by this Tribunal to consider temporary service of the applicant for the purpose of pension. It is their contention that the decision of State Cabinet to regularize the temporary services of the persons holding Medical Educational Qualifications was a policy decision which had been taken for fulfillment of the norms of Medical Council of India for the welfare of entire Medical Education and Research Service of the State and accordingly G.R. dated 22.10.2016 has been issued. The applicant has accepted the G.R. dated 22.10.2016 and as per the terms and conditions contained in the said G.R. joined the service of Government Medical College and Hospital, Aurangabad after regularization of her temporary service. The applicant is not entitled for the pension, GPF and Gratuity, unless her temporary services are regularized. In view of the G.R. dated 22.10.2016, the temporary services of the applicant has been regularized w.e.f. 24.10.2016. Therefore, she is entitled for New National Pension Scheme and she is not entitled to the benefit of Old Pension Scheme, 1982. For getting the benefit of Old Pension Scheme it is necessary to regularize the temporary service of the applicant from the first date of her initial appointment. It is further contention of the respondents that the applicant was appointed in view of the G.R. dated 22.10.2016. Provisions of New National Pension Scheme is applicable to those Government employees who are appointed on and after 01.11.2005 and therefore, the applicant was asked to open NPS Account. However, she has not responded and that's

**O.A. NO. 52 OF 2017**

why her salary since November, 2016 onwards is not released yet. Therefore, they prayed to dismiss the present Original Application.

4. Learned Advocate for the applicant submitted that the applicant is challenging the illegality of the Government Resolution dated 22.10.2016 and more particularly condition No. 5 as regards applicability of New National Pension Scheme to the applicant in the present O.A. Learned Advocate for the applicant has submitted that the applicant intends to amend the O.A. suitably as there is no specific prayer in that regard in prayer clause and, therefore, he sought time.

5. On perusing the O.A. it reveals that no relief challenging the G.R. dated 22.10.2016 has been sought by the applicant and no prayer to that effect has been made in the prayer clause. The applicant intends to amend prayer clause of the Original Application suitably. Hence, time granted to amend the O.A.

7. S.O. to 20<sup>th</sup> June, 2017.

**MEMBER (J)**

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

**ORIGINAL APPLICATION NO.211/2016.**

(Smt Sayshri N. More & Ors.  
V/s. The State of Mah. & Ors.)

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

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

**DATE** : 24-04-2017

**ORAL ORDER:-**

Heard Shri M. B. Bharaswadkar learned Advocate holding for Shri V. B. Anjanwatikar learned Advocate for the applicants and Shri I. S. Thorat learned Presenting Officer for the respondents.

2. Shri M. B. Bharaswadkar learned Advocate holding for Shri V. B. Anjanwatikar learned Advocate for the applicant seeks time. At his request, S.O.12-06-2017.

ORAL

ORDERS

**VICE CHAIRMAN.**

24-04-2017

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

**MA NO.65/2017 IN OA ST.NO.217/2017.**

(Shri R. R. Hadoltikar V/s. The State of Mah. & Ors.)

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

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

**DATE** : 24-04-2017

**ORAL ORDER:-**

Heard Smt Suchita Dhongde, learned Advocate for the applicants and Shri M. P. Gude, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in MA, returnable on 20.6.2017

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. 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. to 20.06.2017.

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

ORAL

ORDERS

**VICE CHAIRMAN.**

24-04-2017

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

**MA ST. NO.216/2017 IN OA ST.NO.217/2017.**  
(Shri R. R. Hadoltikar V/s. The State of Mah. & Ors.)

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

**DATE** : 24-04-2017

**ORAL ORDER:-**

Heard Smt Suchita Dhongde, learned Advocate for the applicants and Shri M. P. Gude, learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

ORAL

ORDERS

**VICE CHAIRMAN.**

24-04-2017

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

**MA NO.150/2017 IN OA NO.157/2015.**

(Shri A. B. Shinde & Ors. V/s. The State of Mah. & Ors.)

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

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

**DATE** : 24-04-2017

**ORAL ORDER:-**

Heard Shri I. S. Thorat , learned Presenting Officer for the Misc. applicants / original respondents in O.A.No.157/2015 and Shri A. S. Bayas, learned Advocate for the Respondents / original applicants in OA No.157/2015 **(Absent)**.

2. Learned P.O. submits that, the copy of the present application is served on the learned Advocate for the Original Applicants on 13.04.2017.

3. Since nobody appears for the original applicants, S.O. to 7.6.2017.

ORAL

ORDERS

**VICE CHAIRMAN.**

24-04-2017

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

**ORIGINAL APPLICATION NO.487/2016.**

(Shri Mohammed Badar V/s. The State of Mah. & Ors.)

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

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

**DATE** : 24-04-2017

**ORAL ORDER:-**

Heard Mrs. A. N. Ansari learned Advocate for the applicant and Shri S. K. Ghate learned Presenting Officer for the respondents.

2. The pleadings are complete. The arguable case is made out.
3. Admit.
4. Learned P.O. waives the notice for the respondents upon admission hearing.
5. Remove from Board. The matter be fixed for final hearing as and when the Division Bench is available.

ORAL

ORDERS

**VICE CHAIRMAN.**

24-04-2017

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

**CP NO.04/2016 IN OA NO.610/2009.**

(Shri S. V. Navthar V/s. The State of Mah. & Ors.)

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

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

**DATE** : 24-04-2017

**ORAL ORDER:-**

Heard Shri A. D. Sugdare learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. Learned C.P.O. seeks time to file reply on behalf of added Respondent no.4. Time granted at a last chance.
3. S.O.06-06-2017.

ORAL

ORDERS

**VICE CHAIRMAN.**

24-04-2017

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

**ORIGINAL APPLICATION NO.525/2016.**

(Shri M. K. Borse V/s. The State of Mah. & Ors.)

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

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

Heard Shri L. H. Kawale learned Advocate holding for Shri S. S. Dambe, learned Advocate for the applicant and Smt S. K. Ghate Deshmukh, learned Presenting Officer for the respondents.

2. Learned P.O. files affidavit in reply on behalf of Respondents no.2 & 3. The same is taken on record. Its copy is served on the learned Advocate for the applicant. She submits that, affidavit in reply on behalf of Respondents no.1 & 4 is not necessary.

3. The pleadings are complete. The arguable case is made out.

4. Admit.

5. Learned P.O. waives the notice for the respondents upon admission hearing.

6. Remove from Board. The matter be fixed for final hearing as and when the Division Bench is available.

ORAL

ORDERS

**VICE CHAIRMAN.**

24-04-2017

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

**ORIGINAL APPLICATION NO.722/2016.**

(Shri K. S. Hinge V/s. The State of Mah. & Ors.)

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

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

Heard Shri V. B. Kale learned Advocate for the applicant and Shri D. R. Patil learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to comply with the earlier order dated 12.4.2017. It is to be noted that though on the earlier date the Officer from the respondent was present. Today nobody is present and no compliance of the earlier order is made. In the circumstances, last chance is granted to comply the order.

3. S.O.08-06-2017.

4. Learned P.O. is directed to act on the Steno copy of this order.

ORAL

ORDERS

**VICE CHAIRMAN.**

24-04-2017

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

**ORIGINAL APPLICATION NO.924/2016.**

(Smt. U. Z. Bahure V/s. The State of Mah. & Ors.)

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

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

**DATE** : 24-04-2017

**ORAL ORDER:-**

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

2. Learned P.O. submits that, during the course of the day she will file affidavit in reply on behalf of respondents no.1 & 2 and she will supply its copy to the other side.

3. S.O.13-06-2017.

ORAL

ORDERS

**VICE CHAIRMAN.**

24-04-2017

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

**ORIGINAL APPLICATION NO.07/2017.**

(Shri S. K. Ghonmode V/s. The State of Mah. & Ors.)

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

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

**DATE** : 24-04-2017

**ORAL ORDER:-**

Heard Shri R. R. Bangar learned Advocate holding  
for Smt Surekha Mahajan learned Advocate for the  
applicant and Shri D. R. Patil learned Presenting Officer  
for the respondents.

2. Learned P.O. submits that the affidavit in reply on  
behalf of Respondents no.1 & 2 is not necessary.

3. Learned Advocate for the applicant seeks time to file  
rejoinder. At his request, S.O.08-06-2017.

ORAL

ORDERS

**VICE CHAIRMAN.**

24-04-2017

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

**ORIGINAL APPLICATION NO.64/2017.**

(Dr. Snehal I. Nagre V/s. The State of Mah. & Ors.)

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

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

**DATE** : 24-04-2017

**ORAL ORDER:-**

Shri J. G. Toshniwal learned Advocate for the applicant, Smt P. R. Bharaswadkar learned Presenting Officer for the respondents no.1 to 4 and Shri D. M. Shinde, learned Advocate for the respondent no.5.

2. Learned P.O. submits that, affidavit in reply on behalf of Respondents no.1 & 2 is not necessary.

3. At the request of learned Advocate for the respondent no.5, S.O.14-06-2017.

ORAL

ORDERS

**VICE CHAIRMAN.**

24-04-2017

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

**ORIGINAL APPLICATION NO.70/2017.**

(Shri R. S. Shendge V/s. The State of Mah. & Ors.)

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

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

**DATE** : 24-04-2017

**ORAL ORDER:-**

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

2. Learned P.O. files affidavit in reply on behalf of Respondents no.3 & 4. The same is taken on record. Its copy is served on the learned Advocate for the applicant. He submits that, affidavit in reply on behalf of Respondents no.1 & 2 is not necessary.

3. S.O.14-06-2017 for hearing on admission.

ORAL

ORDERS

**VICE CHAIRMAN.**

24-04-2017

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

**ORIGINAL APPLICATION NO.154/2017.**

(Smt. Naseem Banu V/s. The State of Mah. & Ors.)

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

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

**DATE** : 24-04-2017

**ORAL ORDER:-**

Heard Shri Prasad Jadhavar learned Advocate for the applicant and Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. The learned P.O. files on record the affidavit in replies on behalf of Respondents no.1 & 3 and Respondent no.2 separately. They are taken on record. Its copies are served on the learned Advocate for the applicant.

3. Learned Advocate for the applicant seeks time. At his request, S.O.06-06-2017.

ORAL

ORDERS

**VICE CHAIRMAN.**

24-04-2017

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

**ORIGINAL APPLICATION NO.102/2017.**

(Shri S. G. Chavan V/s. The State of Mah. & Ors.)

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

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

**DATE** : 24-04-2017

**ORAL ORDER:-**

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

2. Earlier on two occasions the learned Advocate for the applicant sought time to satisfy this Court on the issue of tenability of the application. In view of the absence of the learned Advocate for the applicant today, S.O. to 06-06-2017.

ORAL

ORDERS

**VICE CHAIRMAN.**

24-04-2017

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

**ORIGINAL APPLICATION NO.221/2017.**

(Shri H. A. Khokale V/s. The State of Mah. & Ors.)

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

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

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

2. Issue notices to the Respondents, returnable on 14-06-2017. Issue of grant of interim relief is hereby kept open.

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 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 14-062017.

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

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

**MA NO.358/2014 IN OA ST.1184/2014.**

(Dr. G. D. Chate V/s. The State of Mah. & Ors.)

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

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

**DATE** : 24-04-2017

**ORAL ORDER:-**

Heard Shri Ashish Rajkar learned Advocate holding for Shri S. V. Munde learned Advocate for the applicant and Shri S. K. Ghate Deshmukh learned Presenting Officer for the respondents no.1 to 3. None appears for the respondent no.4.

2. Shri Ashish Rajkar learned Advocate holding for Shri S. V. Munde learned Advocate for the applicant seeks time. At his request, S.O.12-06-2017.

ORAL

ORDERS

**VICE CHAIRMAN.**

24-04-2017

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

**MA NO.426/2015 IN OA ST.NO.1577/2015.**

(Shri T. D. Kubade V/s. The State of Mah. & Ors.)

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

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

**DATE** : 24-04-2017

**ORAL ORDER:-**

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

2. Shri S. G. Kulkarni learned Advocate holding for Shri S. D. Dhongde, learned Advocate for the applicant seeks time. At his request, S.O.13-06-2017.

**VICE CHAIRMAN.**

ORAL ORDERS 24-04-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 423/2017  
[Shri Tushar P. Mahajan Vs. The State of Mah. & Ors.]**

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

Shri R.N. Bharaswadkar, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned Advocate for the applicant seeks time to file application for condonation of delay. Time granted.

3. S.O. to 04.05.2017

**MEMBER (J)**

**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 316/2015 in O.A. St. No. 709/2015  
[Dr. Pralhad M. Kamble Vs. The State of Mah. & Ors.]**

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

Shri M.N. Deshmukh, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply in M.A. Time granted.

3. S.O. to 28.06.2017

**MEMBER (J)**

**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 81/2017  
[Shri Pandurang S. Shete Vs. The State of Mah. & Ors.]**

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

Shri V.B. Wagh, 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 28.06.2017

**MEMBER (J)**

**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 278/2017  
[Shri Mohan K. Devbone Vs. The State of Mah. & Ors.]**

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

Shri S.B. Sathe, learned Advocate holding for Shri Kiran M. Nagargar, learned Advocate for the Applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has filed rejoinder affidavit to the affidavit in reply filed by the respondent nos. 2 to 4. Same is taken on record and copy thereof has been served upon the learned Presenting Officer for respondents.

3. S.O. to 28.06.2017

**MEMBER (J)**

**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 130/2017 in O.A. St. No. 406/2017  
[Smt. Yamuna L. Bhosale & Ors. Vs. The State of Mah. & Ors.]**

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

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

2. Learned Advocate for the applicant submits that since the name of applicant nos. 2 to 5 are deleted, no question for permission to sue jointly remains.

3. In view of the submission made by the learned Advocate for the applicant, the M.A. No. 130/2017 stands disposed of.

**MEMBER (J)**

**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**O.A. St. No. 406/2017**

**[Smt. Yamuna L. Bhosale & Ors. Vs. The State of Mah. & Ors.]**

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

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

2. Learned Advocate for the applicant sought leave of this Tribunal to correct the prayer clause-A.

3. Leave as prayed for by the learned Advocate for the applicant is granted.

4. Issue notices to the respondents, returnable on 29<sup>th</sup> June, 2017.

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

6. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case

would be taken up for final disposal at the stage of admission hearing.

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

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

9. S.O. to 29<sup>th</sup> June, 2017.

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

**MEMBER (J)**  
**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 520/2017  
[Shri Idris Khan Pathan Vs. The State of Mah. & Ors.]**

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

Shri O.D. Mane, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 04.05.2017

**MEMBER (J)**

**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 827/2016  
[Shri Syed Asifuddin Syed Mohammed Vs. The State of  
Mah. & Ors.]**

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

Heard Ms. Preeti Wankhade, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. After hearing the matter for considerable time, it is closed for orders.

**MEMBER (J)**

**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 219/2016  
[Smt. Shobha Krushna Ovhal Vs. The State of Mah. & Ors.]**

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

Shri V.S. Undre, learned Advocate for the Applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for respondents, present.

2. It transpires from the proceedings that on last occasion i.e. on 22.03.2017 none present for the applicant.

3. Hence, S.O. to 14.06.2017 for dismissal.

**MEMBER (J)**

**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 625/2016  
[Shri Bhaskar Devidas Rathod Vs. The State of Mah. &  
Ors.]**

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

Shri S.B. Solanke, learned Advocate for the Applicant, Shri V.R. Bhumkar, learned Presenting Officer for respondent nos. 1 & 2 and Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for respondent no. 3.

2. The learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted.

3. S.O. to 21.06.2017.

**MEMBER (J)**

**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 714/2016  
[Shri Subhash D. Mahale Vs. The State of Mah. & Ors.]**

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

Shri V.G. Pingle, learned Advocate for the Applicant,  
Shri D.R. Patil, learned Presenting Officer for respondent  
no. 1 and Shri Shamsundar B. Patil, learned Advocate for  
respondent nos. 2 & 3.

2. Learned Presenting Officer submits that he will file  
affidavit in reply during the course of the day.

3. S.O. to 07.06.2017.

**MEMBER (J)**

**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 838/2016  
[Dr. Deepak Sonu Thakare Vs. The State of Mah. & Ors.]**

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

Shri J.B. Chaudhary, learned Advocate for the Applicant, Shri S.K. Shirse, learned Presenting Officer for respondent nos. 1 to 3 and Smt. Vaishali S. Choudhary, learned Advocate for respondent no. 4.

2. Learned Advocate for respondent no. 4 seeks time to file rejoinder affidavit. Time granted as a last chance.

3. S.O. to 15.06.2017.

**MEMBER (J)**

**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 839/2016  
[Dr. Anil Gulabsing Valvi Vs. The State of Mah. & Ors.]**

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

Shri J.B. Chaudhary, learned Advocate for the Applicant, Shri I.S. Thorat, learned Presenting Officer for respondent nos. 1 to 3 and Smt. Vaishali S. Choudhary, learned Advocate for respondent no. 4.

2. Learned Advocate for respondent no. 4 seeks time to file rejoinder affidavit. Time granted as a last chance.

3. S.O. to 15.06.2017.

**MEMBER (J)**

**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 944/2016  
[Shri Sunil Vitthal Jagtap Vs. The State of Mah. & Ors.]**

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

Shri Chandrakant Patil, learned Advocate holding for Shri P.B. Patil, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned Chief Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted as a most last chance.

3. S.O. to 16.06.2017.

**MEMBER (J)**

**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 943/2016  
[Shri Uttam Lalu Bahirwad Vs. The State of Mah. & Ors.]**

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

Shri G.N. Kulkarni, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 19.06.2017.

**MEMBER (J)**

**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 22/2017  
[Shri Pradeep Vinayak Kale Vs. The State of Mah. & Ors.]**

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

Shri J.B. Chaudhary, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

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

3. S.O. to 16.06.2017.

**MEMBER (J)**

**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 719/2016**  
[Shri Pandurang M. Chandanshiv Vs. The State of Mah. & Ors.]

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

Heard Shri K.J. Suryawanshi, learned Advocate for the Applicant, Shri S.K. Shirse, learned Presenting Officer for respondent nos. 1 to 3 and Shri A.R. Tapse, learned Advocate holding for Shri P.D. Suryawanshi, learned Advocate for respondent no. 4.

2. Learned Advocate for the applicant submitted that the respondent no. 2 has sanctioned the regular pension to the applicant vide order dated 24.07.2015. According to the applicant, he was getting regular pension till February, 2016. But the respondent no. 4 i.e. the Chief Executive Officer, Zilla Parishad, Beed, vide letter dated 17.05.2016 (page no. 96 of the paper book), granted provisional pension.

3. The respondent no. 2 in his affidavit in reply at page no. 160 of the paper book has contended that on the basis of proposal of respondent no. 4 he had called back to the letter sanctioning the regular

pension to the applicant by letter dated 19.02.2016. The said letter is not on record. According to the applicant, copy of the said letter is not served on him. The said letter is material and therefore, the respondent no. 2 is directed to produce the said letter dated 19.02.2016 on record and respondent no. 4 is also directed to give explanation under which provisions he has sanctioned the provisional pension, when regular pension was granted to the applicant by respondent no. 2 on 24.07.2015.

4. The respondents are directed to file short affidavit explaining all facts on the next date.

5. Learned Advocate for the applicant has insisted to pass order regarding provisional pension today itself, though the matter has been adjourned on the next date calling explanation of respondent nos. 2 and 4. The respondent no. 2 granted regular pension which is at page no. 85 and the respondent no. 4 has passed the order which is at page no. 96 of the paper book granting provisional pension to the applicant. In spite of that, the

learned Advocate for the applicant pressing for passing order regarding provisional pension. As already order regarding provisional pension has been passed, the applicant has to approach concerned authority to act upon it, if he wanted to get release of provisional pension.

6. Therefore, at this juncture, it would not be just and proper to pass any order regarding release of provisional pension, since the explanation of respondent nos. 2 and 4 has been called by this Tribunal by passing earlier order. Hence, the matter be fixed on 8.6.2017.

7. S.O. to 8.6.2017.

**MEMBER (J)**  
**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 862/20160**

[Shri Shimant Gahininath Gaikwad Vs. The State of Mah. & Ors.]

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

**DATE : 24.04.2017.**

**ORAL ORDER:**

Heard Shir M.R. Kulkarni, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant submitted that the applicant has filed representation dated 18.08.2016 with the Deputy Director, Social Forest, Osmanabad and he has requested to revoke his suspension. He has submitted that in the affidavit in reply of respondent nos. 1 to 4 in paragraph no. 7 (page no. 55 of the paper book) respondents have submitted that the proposal for review of suspension of the applicant was sent to the Suspension Review Committee vide letter dated 3.3.2017 and the same is pending. The said proposal is at page no. 70 of the paper book onwards.

3. Learned Advocate for the applicant submitted that the applicant's limited prayer is to direct the respondents to decide the proposal dated 3.3.2017 at the earliest.

4. Learned Presenting Officer submitted that the proposal sent by respondent no. 3 has to be placed before the Suspension Review Committee and same is pending and the committee is going to take decision on it at the earliest.

5. In view of the above said facts and circumstances and submissions made by both the parties, it would be just and proper to direct the respondents to take decision on the proposal sent by respondent no. 3 dated 3.3.2017 by placing it before the Suspension Review committee at the earliest. Therefore, the respondents are directed to consider and decide the proposal sent by respondent no. 3 on merit within a period of three months from the date of this order.

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

**MEMBER (J)**

**ORAL ORDERS 24.04.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

- (1) **ORIGINAL APPLICATION NO.61/2017**  
(Vandana M. Kharmale V/s. State of Mah. & Ors.)  
with
- (2) **ORIGINAL APPLICATION NO.62/2017**  
(Dadasaheb R. Gite V/s. State of Mah. & Ors.) with
- (3) **ORIGINAL APPLICATION NO.693/2016**  
(Dattatraya M. Borude V/s. State of Mah. & Ors.)  
with
- (4) **ORIGINAL APPLICATION NO.721/2016**  
(Pradeep V. Marwale V/s. State of Mah. & Ors.)

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

**DATE : 24-04-2017**

**ORAL ORDER:-**

**(1 & 2) Original Application Nos. 61 & 62/2017**

1. Heard Shri Avinash Deshmukh, learned Advocate holding for Shri Shamsundar Patil, learned Advocate for the applicants in O.A. nos. 61 & 62 both of 2017, Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondent nos. 1 to 3 in both these matters and Shri S.B. Mene, learned Advocate for respondent no. 4 in O.A. no. 61/2017 & Shri V.B. Wagh, learned Advocate for respondent no. 4 in O.A. no. 62/2017.

**(3 & 4) Original Application Nos. 693 & 721 both of  
2016**

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2. Heard Shri V.B. Wagh, learned Advocate for the applicants in both these matters and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondent nos. 1 to 3 in both these matters. None appears for respondent no. 4 in O.A. no. 721/2016.

3. Since common issue has arisen in all these original applications, those are being disposed of by this common order.

4. It is an admitted fact that due to holding of local body elections, the State Election Commission had issued directions dated 18.5.2016, the present applicants came to be transferred from their respective postings to the different postings. It is the common contention that since the respective applicants were native of the very same places where they were posted, directions for transferring them were issued by the State Election Commission. In O.A. no. 721/2016 the respondents have filed the said direction under reference. More particularly at page no. 28 wherein the directions are issued that in case the Officer, who may be concerned

with the election process is native of the said place, he shall be transferred / posted at different place.

5. The argument from both the sides would show that while various departments are issuing the order of deputation of such Officers at different places for the necessary period only, as per the vary submission of the learned Presenting Officer the Revenue & Forest Department has taken a different recourse i.e. permanent transfers.

6. Copy of the judgment in the writ petition nos. 9499/2016 along with other writ petitions dated 7.12.2016 (document 'X') would show that the Division Bench of Hon'ble Bombay High Court had directed the State of Maharashtra in para 11 therein as under :-

“11. The State Government and the State Election Commission are free to contemplate on the issue of transfer of officers keeping in view various aspects for consideration and frame a proper policy for future with sole objective of holding free and fair election.”

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7. Shri Avinash Deshmukh, learned Advocate holding for Shri Shamsundar B. Patil, learned Advocate for the applicants in O.A. nos. 61 & 62/2017 submits that other organs of the State Government has come over the difficulty of holding of post by a particular Officer at his native place, and accordingly, only deputing him elsewhere during election period, the res. no. 1 i. e. the Revenue & Forest Department directly passed the transfer orders, mid-tenure & midterm, albeit on the directions of the State Election Commission. He further submitted that instructions of the State Election Commission however do not compel the respondent no. 1 to transfer the Officer.

8. In the circumstances, Shri Avinash Deshmukh, learned Advocate submits that the impugned orders issued by the respondents transferring the applicants for all the time are made only under guise of the direction of the State Election Commission.

9. The learned Presenting Officer on the other hand submits that in some cases in view of the transfer orders

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some of the incumbents have already joined and if the present O.As. are allowed by the Tribunal, it would unsettle the cart. She submits that direction of the State Election Commission has caused administrative exigency and, therefore, transfer orders were valid and legal.

10. Shri Mene, learned Advocate for res. no. 4 in O.A. no. 61/2017 submits that the res. no. 4 has joined the post in the month of January, 2017 and, therefore, unsettling the res. no. 4 would cause injustice to him.

11. Upon hearing both the sides, in my view, the recourse being taken and taken regularly by the Revenue & Forest Department does not confirm the policy of the fairness. It is to be noted that the State Election Commission did not issue directions for transfers of any Officers. Merely they wanted that the Officer who is posted at native place should not discharge his duties during election period at that place and therefore wording in the direction is used as 'transfer / posting'. The different departments, therefore, are merely issuing

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orders for deputation for specific period so that the Officer would again resume his public duties at the previous post after the election period is over.

12. As already pointed out in writ petition no. 9499/2016 & other writ petition, the Division Bench of Hon'ble Bombay High Court has already issued directions for framing of proper policy decision in future in this regard. No doubt the said writ petitions seeking annulment of transfer orders were dismissed for the reason that process of election was still continuing at the time of disposing of those writ petitions.

13. It is no doubt some inconvenience would cause to res. no. 4 in O.A. no. 61/2017, however, that is a result of the illegal orders passed by the res. no. 1. The administrative exigency was not for all the time, but only for definite period and after lapse of that period, the said reason cannot stand. Even the State Election Commission suggested an alternative as detailed earlier

14. In the circumstances the following order :-

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(i) Original Application nos. 61/2017, 62/2017, 693/2016 and 721/2016 are hereby allowed. The impugned order dated 17.1.2017 issued by the res. nos. 2 & 3 in O.A. nos. 61 & 62 of 2017, the impugned order dated 20.8.2016 issued by the res. no. 1 in O.A. no.693/2016 and the impugned order dated 6.9.2016 issued by the res. 1 in O.A. no. 721/2016 so far as the respective applicants in respective O.As. are concerned, are hereby quashed and set aside. The respective applicant in respective O.A. shall be reposted at their previous posts as per the prayer clauses in all these O.As.

(ii) On the request of Shri Mene, learned Advocate for res. no. 4 in O.A. no. 61/2017, the effect and operation of the present order in the said O.A. no. 61/2017 is hereby stayed for a period of next three weeks.

There shall be no order as to costs.

**VICE CHAIRMAN**