

ORIGINAL APPLICATION NO. 817 OF 2016

{Dr. Sanjay A. Joshi Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

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

2. The applicant a retired Medical Officer, who superannuated on 30.6.2014, impugns the recovery order dated 2.9.2016 (A.11 page 92).

3. The recovery is sought from the amount of the gratuity payable to the applicant, which is not yet disbursed. The applicant apprehends recovery at any point of time. The learned Advocate for the applicant seeks the benefit on the basis of the observations made by Their Lordships of the Hon'ble Apex Court of the Land in the case of **STATE OF PUNJAB AND OTHERS ETC. VS. RAFIQ MASIH (WHITE WASHER) ETC. IN CIVIL APPEAL NO. 11527 OF 2014 {ARISING OUT OF SLP (C) NO. 11684 OF 2012}** delivered on 18.12.2014. The learned Advocate further submitted that recovery cannot be done since the applicant has retired and his case is covered as per clause no. 2 mentioned in the said judgment.

4. The learned P.O. places reliance on the judgment delivered by Hon'ble Apex Court of the Land in the case of **HIGH COURT OF PUNJAB & HARIYANA & ORS. VS. JAGDEV SINGH** in Civil Appeal No. 3500 of 2006 dated 29.7.2016. In this case Hon'ble Supreme Court had considered the aspects in which cases the recovery cannot be stalled. Hon'ble Supreme Court also considered the judgment in the case of **STATE OF PUNJAB AND OTHERS ETC. VS. RAFIQ MASIH (WHITE WASHER) ETC.** (supra) in this case. It is observed that when the applicant is a Class-I Officer and has given an undertaking that, he will refund the excess payment, if any, then such Officer is not entitled for the reliefs based on the judgment of Hon'ble Supreme Court in the case of **STATE OF PUNJAB AND OTHERS ETC. VS. RAFIQ MASIH (WHITE WASHER) ETC.** (supra). Consequently, recovery cannot be stayed in this case.

5. However, matter does not end there. The applicant submits that, pay fixation of the applicant based on the recommendations of 5th Pay Commission was wrongly done. He also relied on the judgment delivered by the principal seat of this Tribunal at Mumbai on 8.8.2016 in **O.A. no. 160/2016 {Dr. Ashok s/o Nanaso Waydande & Ors. Vs. the State of Mah. & Ors.}**. In the said case it is decided that the Medical Officers, who are absorbed from Local Bodies to Government and their pay fixation is done wrongly & ought to have been fixed on higher scale. Present applicant's case is identically situated.

6. In effect, considering the cases of **STATE OF PUNJAB AND OTHERS ETC. VS. RAFIQ MASIH (WHITE WASHER) ETC.** (supra), **HIGH COURT OF PUNJAB & HARIYANA & ORS. VS. JAGDEV SINGH** (supra) and the judgment of this Tribunal at Mumbai in **O.A. no. 160/2016** (supra), the aspect needs to be considered in the present case, whether the recovery can be done in the light of above 2 cited judgments of Hon'ble Supreme Court. As such, till decision of that aspect, the recovery deserves to be stayed.

7. Consequently, interim relief is granted in favour of the applicant. By way of interim relief the respondents are directed that the recovery shall not be made from the applicant as per the impugned order dated 2.9.2016 until further orders.

8. Issue notice before admission to the respondents.

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

10. 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.

11. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and

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

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

13. Put up after service of notices upon the respondents.

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

MEMBER (J)

ARJ 25.10.2016 (s.B.)

MA ST. 1828/2016 IN OA ST. 1829/2016

{S.S. Waghumbare & Ors. Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

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

2. This is an application preferred by the applicants seeking leave to sue jointly. The applicants sought the relief based on the G.R. dated 29.9.2003. Thus their grievance is common.

3. For the reasons stated in the M.A. and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid multiplicity, leave to sue jointly is granted, subject to payment of court fee stamps, unless it is paid already.

4. M.A. stands disposed of accordingly. There shall be no order as to costs.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

OA ST. 1829/2016

{S.S. Waghumbare & Ors. Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. Issue notice before admission to the respondents.
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. Put up after service of notices upon the respondents.
8. Steno copy & hamdust allowed to both the parties.
9. The learned P.O. points out that the office order referred in the prayer clauses are not annexed with the matter.
10. The Registrar to verify this fact and get it complied from the concerned and also to see that such mistake should not happen in future.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 460/2016

{M.J. Khating Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Shri Swapnil Tawshikar, learned Advocate for the applicant, Smt. Priya Bharaswadkar, learned Presenting Officer for the respondent nos. 1 to 4 and Shri V.M. Vibhute, learned Advocate for respondent nos. 5 & 6.

2. Shri Vibhute, learned Advocate has filed reply on behalf of res. nos. 5 & 6. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 2.12.2016.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 754/2016

{R.A. Vhatkar Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. At the request of learned P.O., S.O. to 2.12.2016 for filing reply of the respondents.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 745/2016

{S.M. Bhabad Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. None appears for the applicant. Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, is present.
2. The learned P.O. seeks time to file reply. Time granted.
3. S.O. to 2.12.2016.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 727/2016

{S.M. Sawai Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. At the request of learned P.O., S.O. to 1.12.2016 for filing reply of the respondents.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 556/2016

{D.D. Pujari Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Shri Ashish Rajkar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 1 to 3. None appears for respondent no. 4.

2. The learned Advocate for applicant files copy of the order dated 3.10.2016 showing that there is modification in the transfer order of the applicant and now the applicant is transferred as a Deputy Commissioner at Meera-Bhaindar Municipal Corporation, Dist. Thane. The learned Advocate for the applicant submits that the grievance of the applicant is now redressed. The copy of the said order is taken on record & marked 'X'.

3. Accordingly, the O.A. stands disposed of as the grievance of the applicant is redressed. There shall be no order as to costs.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 553/2016

{M.N. Kamble Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. At the request of learned P.O., S.O. to 1.12.2016 for filing reply of the respondents.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 463/2016

{I.S. Pawar Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Miss. Preeti Wankhade, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.
2. At the request of learned P.O., S.O. to 30.11.2016 for filing reply of the respondents.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 464/2016

{M.L. Kulkarni Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Miss. Preeti Wankhade, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.
2. At the request of learned P.O., S.O. to 30.11.2016 for filing reply of the respondents.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 465/2016

{V.S. Jadhav Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Miss. Preeti Wankhade, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.
2. At the request of learned P.O., S.O. to 30.11.2016 for filing reply of the respondents.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 425/2016

{Dr. S.A. Kokare Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. At the request of learned P.O., S.O. to 21.11.2016 for filing reply of the respondents.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 332/2016 WITH CAVEAT NO. 38/2016

{M.B. Borse Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Shri H.U. Dhage, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 & 2, Shri S.R. Dhepale, learned Advocate for respondent no. 3 and Shri S.A. Ambilwade, learned Advocate for respondent no. 4.

2. The learned P.O. has filed reply of res. no. 2. Shri Dhepale, learned has filed reply for res. no. 3. Both the replies are taken on record and copies thereof are served upon the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 30.11.2016.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 322/2016

{Swati Narhari. Joshi @ Swati w/o Anil Kulkarni & Anr. Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Shri B.S. Kudale, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned P.O., S.O. to 30.11.2016 for filing reply of the respondents as a last chance.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 262/2016

{D.W. Bansode Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. At the request of learned P.O., S.O. to 1.12.2016 for filing reply of the respondents as a last chance.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 250/2016

{A.K. Kulkarni Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Shri S.K. Mathpati, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent nos. 1 to 3. None appears for respondent no. 4.
2. At the request of learned P.O., S.O. to 21.11.2016 for filing reply of the respondents as a last chance.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 18/2016

{Dr. L.S. Pawar Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. At the request of learned P.O., S.O. to 21.11.2016 for filing reply of the respondents.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 19/2016

{Dr. B. A. Daule Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. At the request of learned P.O., S.O. to 21.11.2016 for filing reply of the respondents.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 30/2016

{Dr. G.C. Hon Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. At the request of learned P.O., S.O. to 21.11.2016 for filing reply of the respondents.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 45/2016

{Dr. DD. Gund Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. At the request of learned P.O., S.O. to 21.11.2016 for filing reply of the respondents.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 196/2016

{D.L. Thakur Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. None present for the applicant. Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 to 3 and Shri S.K. Sawangikar, learned Advocate for respondent no. 4.
2. The learned P.O. has filed reply for res. nos. 2 & 3 and the learned Advocate for res. no. 4 has also filed reply for res. no. 4. Both the replies are taken on record and copies thereof are served upon the learned Advocate for the applicant.
3. S.O. to 1.12.2016.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 197/2016

{A.H. Mekane Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. None present for the applicant. Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 to 3 and Shri S.K. Mathpati, learned Advocate holding for Shri D.M. Shinde, learned Advocate for respondent no. 4.

2. The learned P.O. has filed reply for res. nos. 2 & 3 and the learned Advocate for res. no. 4 has also filed reply for res. no. 4. Both the replies are taken on record and copies thereof are served upon the learned Advocate for the applicant.

3. S.O. to 1.12.2016.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 203/2016

{J.K. Dadhate Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. None present for the applicant. Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent nos. 1 to 3 and Shri S.K. Mathpati, learned Advocate holding for Shri D.M. Shinde, learned Advocate for respondent no. 4.

2. The learned Advocate for res. no. 4 has also filed reply for res. no. 4. It is taken on record and copy thereof is served upon the learned Advocate for the applicant.

3. S.O. to 1.12.2016.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 204/2016

{P.N. Pawar Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. None present for the applicant. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 to 3 and Shri V.D. Jadhav, learned Advocate for respondent no. 4.
2. At the request of learned Advocate for res. no. 4, S.O. to 1.12.2016, for filing reply.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NO. 205/2016

{P.J. Jadhav Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. None present for the applicant. Shri M.P. Gude, learned Presenting Officer for the respondent nos. 1 to 3 and Shri S.K. Mathpati, learned Advocate holding for Shri D.M. Shinde, learned Advocate for respondent no. 4.

2. At the request of learned Advocate for res. no. 4, S.O. to 1.12.2016 for filing reply.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

O.A. NOS. 205, 396, 410, 416, 442 453, 479, 484, 542, 590, 613, 621, 643, 686, 463, 571, 611, 731, 594 ALL 2015, O.A. NOS. 2, 5, 15, 41, 55, 171, 282, 331, 441, 519 ALL OF 2016

CORAM :- Hon'ble Shri S.S. Hingne, Member (J)

DATE :- 25.10.2016

Oral Order :-

1. Heard Shri J.B. Choudhary for himself and holding for Shri A.M. Kulkarni, Smt. Suchita Dhongde for Shri S.D. Dhongde, S/shri S.B. Sant, & H.A. Joshi, learned Advocate for the applicants in all these applicants and S/shri I.S. Thorat, S.K. Shirse, D.R. Patil, M.P. Gude, N.U. Yadav, V.R. Bhumkar, Smt. Priya Bharaswadkar, Smt. Resha S. Deshmukh, Smt. Deepali S. Deshpande & Smt. Sanjivani Deshmukh Ghate, learned Presenting Officers for the respondents in respective matters.

2. At the request of learned P.Os., S.O. to 5.12.2016.

MEMBER (J)

ARJ 25.10.2016 (s.B.)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.114/2015 WITH M.A.St.No.376/2015 IN
O.A.St.No.377/2015**

(Sk. Jeelani V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri S.S.Hingne, Member (J)

DATE : 25-10-2016

ORAL ORDER:-

Heard Smt. Suchita Dhongde learned Advocate holding for Shri S.D.Dhongde learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for respondents is present.

2. At the request of learned P.O., S.O.30-11-2016, for filing affidavit in reply on behalf of the respondents.

YUK ORAL ORDER 25-10-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.148/2016 WITH M.A.St.No.534/2016 IN
O.A.No.167/2016**

(K.K.Inamdar V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri S.S.Hingne, Member (J)

DATE : 25-10-2016

ORAL ORDER:

Shri K.G.Salunke learned Advocate for the applicant has filed leave note on record. Shri V.R.Bhumkar learned Presenting Officer for respondents is present. Shri G.N.Patil learned Special Counsel for respondent nos.2 to 4 is **absent**.

2. In view of leave note of learned Advocate for the applicant, S.O.29-11-2016.

YUK ORAL ORDER 25-10-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.703/2011

(Dr. R.M.Lahurikar V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri S.S.Hingne, Member (J)

DATE : 25-10-2016

ORAL ORDER:-

Heard Shri A.D.Gadekar learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. Learned P.O. files reply to the rejoinder. It is taken on record. Copy thereof is served on the other side.

3. At the request of learned Advocate for the applicant, S.O.02-12-2016.

YUK ORAL ORDER 25-10-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.38/2015

(Dr. K.N.Swami V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri S.S.Hingne, Member (J)

DATE : 25-10-2016

ORAL ORDER:-

Heard Shri A.D.Gadekar learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents. Shri K.G.Salunke learned Advocate for respondent nos.4 and 5 has filed leave note on record.

2. In view of leave note of learned Advocate for respondent nos.4 and 5, S.O.02-12-2016.

YUK ORAL ORDER 25-10-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.324/2015

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

CORAM: Hon'ble Shri S.S.Hingne, Member (J)

DATE : 25-10-2016

ORAL ORDER:-

Heard Shri D.J.Patil learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents.

2. On consent of both sides, S.O.02-12-2016.

YUK ORAL ORDER 25-10-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.347/2015

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

CORAM: Hon'ble Shri S.S.Hingne, Member (J)

DATE : 25-10-2016

ORAL ORDER:-

Heard Shri Ganesh Jadhav learned Advocate holding for Shri A.S.Shelke learned Advocate for the applicants and Shri N.U.Yadav learned Presenting Officer for respondents.

2. At the request of Shri Ganesh Jadhav learned Advocate holding for Shri A.S.Shelke learned Advocate for the applicants, S.O.06-12-2016.

YUK ORAL ORDER 25-10-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.802/2015

(R.J.Mhaske V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri S.S.Hingne, Member (J)

DATE : 25-10-2016

ORAL ORDER:-

Heard Shri Ganesh Jadhav learned Advocate holding for Shri A.S.Shelke learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. At the request of Shri Ganesh Jadhav learned Advocate holding for Shri A.S.Shelke learned Advocate for the applicant, S.O.06-12-2016.

YUK ORAL ORDER 25-10-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.404/2016

(Dr. A.T.Landge V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri S.S.Hingne, Member (J)

DATE : 25-10-2016

ORAL ORDER:-

Heard Shri Ganesh Jadhav learned Advocate holding for Shri A.S.Shelke learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for respondent nos.1 to 3 and Shri R.L.Adhe learned Advocate holding for Shri A.A.Nimbalkar learned Advocate for respondent no.4.

2. At the request of Shri Ganesh Jadhav learned Advocate holding for Shri A.S.Shelke learned Advocate for the applicant, S.O.06-12-2016.

MEMBER (J)

YUK ORAL ORDER 25-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.619/2015

(A.S.Palekar V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri S.S.Hingne, Member (J)

DATE : 25-10-2016

ORAL ORDER:-

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

2. Learned Advocate for the applicant files rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O.02-12-2016 for final hearing

MEMBER (J)

YUK ORAL ORDER 25-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.623/2015

(P.P.Rathod V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri S.S.Hingne, Member (J)

DATE : 25-10-2016

ORAL ORDER:-

Shri K.B.Jadhav learned Advocate for the applicant is **absent**. Shri V.R.Bhumkar learned Presenting Officer for respondents is present.

2. Since none present for the applicant, S.O. 02-12-2016.

YUK ORAL ORDER 25-10-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.663/2015

(P.B.Choudhary V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri S.S.Hingne, Member (J)

DATE : 25-10-2016

ORAL ORDER:-

Heard Shri A.D.Sugdare learned Advocate for the applicant, Shri N.U.Yadav learned Presenting Officer for respondent and Smt. Suchita Dhongde learned Advocate holding for Shri S.D.Dhongde learned Advocate for respondent nos.2 and 3.

2. At the request of Smt. Suchita Dhongde learned Advocate holding for Shri S.D.Dhongde learned Advocate for respondent nos.2 and 3, S.O. 01-12-2016.

YUK ORAL ORDER 25-10-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.773/2015

(W.B.Shirsath V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri S.S.Hingne, Member (J)

DATE : 25-10-2016

ORAL ORDER:-

Heard Shri A.D.Gadekar learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, this matter be put up with connected matters which are already fixed for hearing on 24-11-2016.

3. S.O.24-11-2016.

MEMBER (J)

YUK ORAL ORDER 25-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.711/2016

(O.D.Mane V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri S.S.Hingne, Member (J)

DATE : 25-10-2016

ORAL ORDER:-

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

2. Learned P.O. wants to ascertain whether undertaking was taken from the applicant that amount overpaid will be recovered from applicant if he is not found entitled to enhanced pay fixation. Learned P.O. submits that fate of the O.A. can be decided after instructions are received from the respondents in this regard.

3. Reply has already been filed by the respondents. Since the pleadings are complete, matter is admitted. Learned P.O. waives notice for the respondents.

4. This O.A. be fixed for final hearing on 24-11-2016.

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 647 OF 2013
[Ganesh T. Pagare Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

Dated : 25.10.2016

Oral Order:

Heard in detail to Shri S.P. Urgunde, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents and M.S. Indani, learned Advocate for the intervenor.

2. The matter was listed on 20.10.2016 and adjourned to 21.11.2016. The matter was taken on board of 21.10.2016, on the circulation by the learned Advocate for the applicant in O.A. and on that date next date was given of 25.10.2016 and thus, this matter has come on today's board.

3. The learned Advocate for the interevenor approached for vacation of the interim order dated 19.08.2016. Considering the chequerred facts of the matter, it is not desirable and proper to pass any order at this stage, unless both the parties are heard and due opportunity is given to the respective parties to put up their case.

4. Hence, S.O. to 8.11.2016 for hearing on the point of vacation of interim relief.

Member (J)

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

ORIGINAL APPLICATION NO. 816 OF 2015

[Smt. Amita K. Jawale(Kamble) Vs. The State of Mah. & Ors.]
Coram : Hon'ble Shri S.S. Hingne, Member(J).

Dated : 25.10.2016

Oral Order:

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

2. The learned Presenting Officer filed affidavit in reply on behalf of respondent nos. 1 to 5. It is taken on record and copy thereof has been served upon the learned counsel for the applicant.

3. The learned Advocate for the applicant submits that the amount of T.A. bill of Rs. 13698/- is received. The proposal for payment of G.P.F. amount is already sent to the Accountant General-II, Nagpur and it will be released in due course. The bill for the difference of 5th installment of 6th Pay Commission amounting to Rs. 32159/- is also prepared by the Civil Surgeon and it will be submitted to the Treasury Office. As such, the grievance of the applicant can be redressed on receipt of the above due amounts, which can be paid before 31.12.2016.

//2//

O.A. No. 816/2015

4. Thus, the respondents are directed to release the unpaid amounts as mentioned above to the applicant before 31.12.2016. In the result, the O.A. stands disposed of with no order as to costs.

Member (J)

Kpb/25.10.2016 – KPB(SB)

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

**ORIGINAL APPLICATION NO. 624 OF 2013
[Y.P. Ghuge & Ors. Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

[This matter is placed before Single Bench due to non-availability of Division Bench]

Dated : 25.10.2016

Oral Order:

Shri M.C. Ghode, learned Counsel for the applicant (**Absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, present.

2. Admit.

3. Place the matter before the Division Bench in due course of time for final hearing wherever it is available.

Member (J)

Kpb/25.10.2016 – KPB(DB)

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

**ORIGINAL APPLICATION NO. 701 OF 2013
[R.T. Rathod Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

[This matter is placed before Single Bench due to non-availability of Division Bench]

Dated : 25.10.2016

Oral Order:

Shri K.B. Jadhav, learned Counsel for the applicant
(**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting
Officer for the respondents, present.

2. Admit.

3. Place the matter before the Division Bench in due
course of time for final hearing wherever it is available.

Member (J)

Kpb/25.10.2016 – KPB(DB)

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

**ORIGINAL APPLICATION NO. 471 OF 2015
[V.B. Patil Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

[This matter is placed before Single Bench due to non-availability of Division Bench]

Dated : 25.10.2016

Oral Order:

Heard Shri N.L. Chaudhari, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

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

3. Admit.

4. Place the matter before the Division Bench in due course of time for final hearing wherever it is available.

Member (J)

Kpb/25.10.2016 – KPB(DB)

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

**T.A. No. 7/2016 (W.P. No. 1533/2014)
[Chandrakala Kacharu Navhire Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

[This matter is placed before Single Bench due to non-availability of Division Bench]

Dated : 25.10.2016

Oral Order:

Heard Shri Nassim R. Shaikh, learned Counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 and 2 and Shri S.S. Shinde, learned Advocate holding for Shri Vivek Bhavthankar, learned Special counsel for respondent nos. 3 to 6.

2. The learned Special counsel for respondent nos. 1 to 6 filed affidavit in reply. It is taken on record and copies thereof are served on other sides.

3. Admit.

4. Place the matter before the Division Bench in due course of time for final hearing wherever it is available.

Member (J)

Kpb/25.10.2016 – KPB(DB)

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

**ORIGINAL APPLICATION NO. 327 OF 2016
[D.B. Thite Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

[This matter is placed before Single Bench due to non-availability of Division Bench]

Dated : 25.10.2016

Oral Order:

Heard Shri S.G. Chapalgaonkar, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The learned Presenting Officer filed affidavit in reply on behalf of respondent no. 5 i.e. Police Inspector, in the office of Commandant, S.R.P.F. Group-XII, Hingoli. It is taken on record and copy thereof has been served upon the learned counsel for the applicant.

3. At the request of learned Presenting Officer, S.O. to 29.11.2016 for reply of other respondents.

Member (J)

Kpb/25.10.2016 – KPB(DB)

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

**ORIGINAL APPLICATION NO. 456 OF 2016
[Mohd. I. Khan & Ors. Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

[This matter is placed before Single Bench due to non-availability of Division Bench]

Dated : 25.10.2016

Oral Order:

Shri S.D. Joshi, learned Counsel for the applicant
(**Absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for
the respondents, present.

2. At the request of learned Presenting Officer, S.O. to
29.11.2016 for reply.

Member (J)

Kpb/25.10.2016 – KPB(DB)

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

**ORIGINAL APPLICATION NO. 466 OF 2016
[S.B. Kakandikar & Ors. & Ors. Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

[This matter is placed before Single Bench due to non-
availability of Division Bench]

Dated : 25.10.2016

Oral Order:

Smt. S.A. Dhongde, learned Advocate holding for Shri
S.D. Dhongde, learned Counsel for the applicant and Shri I.S.
Thorat, learned Presenting Officer for the respondents, present.

2. At the request of learned Presenting Officer, S.O. to
9.1.2017 for reply.

Member (J)

Kpb/25.10.2016 – KPB(DB)

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

**ORIGINAL APPLICATION NO. 483 OF 2016
[G.D. Phulware Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

[This matter is placed before Single Bench due to non-availability of Division Bench]

Dated : 25.10.2016

Oral Order:

Heard Shri M.M. Bhokarikar, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The learned Presenting Officer filed affidavit in reply on behalf of respondent no. 3. It is taken on record and copy thereof has been served upon the learned counsel for the applicant.

3. At the request of learned counsel for the applicant, S.O. to 21.11.2016.

Member (J)

Kpb/25.10.2016 – KPB(DB)

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

**ORIGINAL APPLICATION NO. 543 OF 2016
[P.N. Nhavi Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

[This matter is placed before Single Bench due to non-availability of Division Bench]

Dated : 25.10.2016

Oral Order:

Shri D.J. Patil, learned Counsel for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.S. Shinde, learned Advocate holding for Shri Vivek Bhavthankar, learned Special counsel for respondent nos. 3 & 4.

2. At the request of learned Presenting Officer, S.O. to 30.11.2016 for reply.

Member (J)

Kpb/25.10.2016 - KPB(DB)

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

**ORIGINAL APPLICATION NO. 595 OF 2016
[D.R. Dhumare Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

[This matter is placed before Single Bench due to non-availability of Division Bench]

Dated : 25.10.2016

Oral Order:

Shri Ujwal Agarwal, learned advocate holding for Shri B.R. Warmaa, learned Counsel for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 06.12.2016 for reply.

Member (J)

Kpb/25.10.2016 – KPB(DB)

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

**ORIGINAL APPLICATION NO. 599 OF 2016
[Sunita R. Bahiram Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

[This matter is placed before Single Bench due to non-availability of Division Bench]

Dated : 25.10.2016

Oral Order:

Shri D.J. Patil, learned Counsel for the applicant and
Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to
24.11.2016 for reply.

Member (J)

Kpb/25.10.2016 – KPB(DB)

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

**ORIGINAL APPLICATION NO. 603 OF 2016
[Dr. Sunita K. Shere Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

[This matter is placed before Single Bench due to non-availability of Division Bench]

Dated : 25.10.2016

Oral Order:

Heard Shri Sham B. Patil, learned Counsel for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 to 3, Shri A.S. Deshmukh, learned counsel for respondent no. 4, Shri H.A. Joshi, learned counsel for respondent no. 6 and Shri V.C. Suradkar, learned counsel for respondent no. 7. None present for respondent no. 5.

2. The learned Presenting Officer filed affidavit in reply on behalf of respondent no. 3. It is taken on record and copies thereof are served on other sides.

3. The learned counsel for respondent no. 6 filed affidavit in reply. It is taken on record and copies thereof are served on other sides.

4. At the request of learned counsel Shri A.S. Deshmukh, S.O. to 16.11.2016 for reply of respondent no. 4.

Member (J)

Kpb/25.10.2016 – KPB(DB)

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

**ORIGINAL APPLICATION NO. 624 OF 2016
[Dr. Aparna R. Dikondwa Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

[This matter is placed before Single Bench due to non-availability of Division Bench]

Dated : 25.10.2016

Oral Order:

Heard Shri Sham B. Patil, learned Counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 to 3, Shri A.S. Deshmukh, learned counsel for respondent no. 4, Shri H.A. Joshi, learned counsel for respondent no. 6 and Shri V.C. Suradkar, learned counsel for respondent no. 7. None present for respondent no. 5.

2. The learned Presenting Officer filed affidavit in reply on behalf of respondent no. 3. It is taken on record and copies thereof are served on other sides.

3. The learned counsel for respondent no. 6 filed affidavit in reply. It is taken on record and copies thereof are served on other sides.

4. At the request of learned counsel Shri A.S. Deshmukh, S.O. to 16.11.2016 for reply of respondent no. 4.

Member (J)

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

**ORIGINAL APPLICATION NO. 708 OF 2016
[V.S. Harale Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

[This matter is placed before Single Bench due to non-availability of Division Bench]

Dated : 25.10.2016

Oral Order:

Shri S.S. Deshmukh, learned Counsel for the applicant
(**Absent**). Shri M.P. Gude, learned Presenting Officer for the
respondents, present.

2. At the request of learned Presenting Officer, S.O. to
30.11.2016 for reply.

Member (J)

Kpb/25.10.2016 – KPB(DB)

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

**M.A. No. 409/2014 in O.A. St. 1452/2014
[Manjushree B. Deshpande Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

**[This matter is placed before Single Bench due to non-
availability of Division Bench]**

Dated : 25.10.2016

Oral Order:

Shri H.A. Joshi, learned Counsel for the applicant and
Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for
the respondents.

2. At the request of learned counsel for the applicant,
S.O. to 09.12.2016.

Member (J)

Kpb/25.10.2016 – KPB(DB)

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

**M.A. No. 336/2016 in O.A. St. 1567/2016
[B.P. Gosavi Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

[This matter is placed before Single Bench due to non-availability of Division Bench]

Dated : 25.10.2016

Oral Order:

Shri J.S. Deshmukh, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 10.12.2016 for reply in M.A..

Member (J)

Kpb/25.10.2016 – KPB(DB)

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

**M.A. No. 379/2016 in O.A. 249/2016
[P.N. Rankhamb Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

**[This matter is placed before Single Bench due to non-
availability of Division Bench]**

Dated : 25.10.2016

Oral Order:

Learned Advocate Shri Sham Patil, appeared and he has filed Vakalatnama on behalf of the applicant. Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The learned Presenting Officer filed affidavit in reply on behalf of respondent no. 2. It is taken on record and copy thereof has been served upon the learned counsel for the applicant.

3. At the request of learned counsel for the applicant, S.O. to 10.11.2016.

Member (J)

Kpb/25.10.2016 – KPB(DB)

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

**ORIGINAL APPLICATION NO. 100 OF 2012
[Dr. Meena R. Sawate Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

**[This matter is placed before Single Bench due to non-
availability of Division Bench]**

Dated : 25.10.2016

Oral Order:

Smt. Sheela Kadam (Shinde), learned Counsel for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1, 2 & 4, present. Ms. Bhavana Panpatil, learned Advocate holding for Shri S.B. Talekar, appeared and he has filed Vakalatnama on behalf of respondent no. 5. He has also filed no objection of learned Advocate M.S. Mhase. None for respondent no. 3.

2. At the request of learned counsel for respondent no. 5, S.O. to 30.11.2016.

Member (J)

Kpb/25.10.2016 – KPB(DB)

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

**ORIGINAL APPLICATION NO. 258 OF 2012
[Dr. V.R. Jusuja & Ors. Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

[This matter is placed before Single Bench due to non-availability of Division Bench]

Dated : 25.10.2016

Oral Order:

Shri K.G. Salunke, learned Counsel for the applicant
(**Leave Note**). Shri M.P. Gude, learned Presenting Officer for the
respondents.

2. In view of leave note filed by the learned Advocate for
the applicant, S.O. to 09.12.2016.

Member (J)

Kpb/25.10.2016 – KPB(DB)

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

**ORIGINAL APPLICATION NO. 800 OF 2016
[M.P. Sapkale Vs. The State of Mah. & Ors.]**

Coram : Hon'ble Shri S.S. Hingne, Member(J).

[This matter is placed before Single Bench due to non-availability of Division Bench]

Dated : 25.10.2016

Oral Order:

Heard Shri A.C. Deshpande, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. In the earlier order dated 18.10.2016 this Tribunal has observed that without notices to the respondents the aspects of the interim relief cannot be considered on such stage.

3. The M.P.S.C. served with the notice. However, as per oral instructions of the learned Presenting Officer, the applicant scored 88 marks in preliminary examination and the cutoff marks for the S.B.C. category is 92. The applicant has applied from S.B.C. category. The learned counsel for the applicant submits that the applicant has also applied from Open category. Learned Presenting Officer submits that cutoff for the open category is 86 and now therefore, the applicant wants to switchover.

4. The learned Presenting Officer also submits that last selected candidate from Open category has scored total 121 marks and the applicant's total comes to 120 and therefore, he is not qualified from Open category.

5. As such, matter requires consideration and reply of the respondents is necessary without which the application cannot be decided properly, and also cannot be considered even for interim relief.

6. The learned Presenting Officer is directed to file affidavit in reply at the earliest so that the aspect of interim relief can be considered.

7. At the request of learned Presenting Officer, S.O. to 10.11.2016 for reply.

Member (J)