

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

**ORIGINAL APPLICATION NO. 530 OF 2017
(Shri Sameer A. Dhamale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

Shri V.G. Pingle, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondent Nos. 1 to 3. Shri Shrinivas S. Wahg, learned Advocate holding for Shri S.T. Shelke, learned Advocate for respondent No. 4.

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

3. S.O. to 20.12.2017.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 725 OF 2017
(Shri Rahul G. Kotade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

Shri V.G. Pingle, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned Advocate for the applicant has filed rejoinder affidavit. Same is taken on record and the copy thereof has been served on the learned Chief Presenting Officer.

3. S.O. to 20.12.2017.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 193 OF 2017
(Shri Dnyaneshwar Kisan Sanap and Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 12.01.2018.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 51 OF 2017
(Shri Deelip M. Shinde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

Shri Vishwas Solanke, learned Advocate holding for Shri R.D. Khadap, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 15.01.2018.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**M.A. No. 330/2017 in O.A. No. 578/2016
(Shri C.H. Dongaonkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

Smt. Suchita A. Dhongde, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

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

3. S.O. to 15.01.2018.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 833 OF 2017
(Shri Bhagwat D. Warke V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 15.01.2018.

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

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

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

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

7. S.O. to 15.01.2018.

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

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 786 OF 2016
(Shri Subhash V. Bongulwar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondent Nos. 1, 2 & 4. Smt. Yogita S. Thorat-Kshirsagar, learned Advocate for respondent No. 3, **absent**.

2. Pleadings are complete. The matter is admitted and it be kept for final hearing on 16.01.2018.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 787 OF 2016
(Shri Vishwanath F. Jondhale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. Pleadings are complete. The matter is admitted and it be kept for final hearing on 16.01.2018.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 788 OF 2016
(Shri Madhav K. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

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

2. Pleadings are complete. The matter is
admitted and it be kept for final hearing on
16.01.2018.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**REVIEW NO. 06/2017 IN ORIGINAL APPLICATION NO. 110/2017
(Shri Dinesh R. Kurekar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. 29.01.2018.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**REVIEW NO. 07/2017 IN ORIGINAL APPLICATION NO. 111/2017
(Shri Ramesh U. Baviskar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer, S.O. 29.01.2018.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 15/2017
(Shri Subhash M. Sonwane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

Shri Sanjay Kolhare, learned Advocate for the applicant (**Leave Note**). Smt. Resha S. Deshmukh, learned Presenting Officer for respondents, present.

2. In view of the leave note filed by the learned Advocate for the applicant, S.O. 16.01.2018.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 202 OF 2017
(Shri Ashok B. Wagh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 5. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. S.O. to 17.01.2018.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

ORIGINAL APPLICATION NO. 208 OF 2017
(Marathwada Sarva Shramik Sanghatana and Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

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

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

3. S.O. to 17.01.2018.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

ORIGINAL APPLICATION NO. 209 OF 2017
(Marathwada Sarva Shramik Sanghatana and Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

Shri Ganesh Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

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

3. S.O. to 17.01.2018.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 229 OF 2017
(Shri Sunil S. Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

Shri S.P. Salgar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondent Nos. 1 and 3. Shri G.N. Patil, learned Advocate for respondent No. 2 has filed leave note.

2. Pleadings are complete. The matter is admitted and it be kept for final hearing on 10.01.2018.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 263 OF 2017
(Shri Bhaskar D. Meshram V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to
take instructions from the respondents. Time
granted.

3. S.O. to 14.12.2017.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 265 OF 2017
(Dr. Suresh M. Karamunge V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Shri I.D. Maniyar, 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 on behalf of respondent Nos. 1 and 3. Time granted as a most last chance.

3. S.O. to 15.01.2018.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 318 OF 2017
(Shri Shravan Y. Khairnar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

Shri D.J. Patil, learned Advocate for the
applicant (**Absent**). Shri N.U. Yadav, learned
Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to
12.12.2017, for passing necessary orders.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 472 OF 2017
(Shri Sanjay B. Kulkarni V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

Shri T.M. Venjane, learned Advocate for the
applicant (**Absent**). Shri D.R. Patil, learned
Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to
18.12.2017, for passing necessary orders.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 626 OF 2017
(Shri Ashok S. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

Shri A.R. Barate, learned Advocate holding
for Shri S.A. Wakure, learned Advocate for the
applicant and Shri N.U. Yadav, learned
Presenting Officer for respondents.

2. Learned Presenting Officer has filed
separate affidavit in replies on behalf of
respondent Nos. 2, 3, 4 & 5 respectively. Same
are taken on record and the copies thereof have
been served on the learned Advocate for the
applicant.

3. S.O. to 02.01.2018.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 699 OF 2017
(Smt. Sunita S. Gaikwad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

Shri V.G. Pingle, 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 on behalf of respondents.
Time granted.

3. S.O. to 03.01.2018.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

ORIGINAL APPLICATION NO. 631 OF 2016
(Smt. Vaidya Ujjwala A. Jadhav V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

Shri T.M. Venjane, learned Advocate for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 18.12.2017.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 322 OF 2017
(Shri Rajesh P. Deshmukh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 05.12.2017.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 847 OF 2017
(Shri Ashok D. Bagal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

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

2. The applicant is working as Assistant Registrar, Co-operative Society, Muktainagar Dist. Jalgaon and has been transferred as Assistant Registrar, Co-operative Society, Roha, Dist. Raigadh by impugned order dated 23.11.2017. A reference to the earlier order dated 4.9.2017 has been made in the said order. The applicant has challenged the impugned order dated 23.11.2017 by filing the present Original Application on the ground that he is not due for transfer and it is a mid-term and mid-tenure transfer. Therefore, he prayed to stay the execution and operation of impugned transfer order.

3. Learned Advocate for the applicant has submitted that the applicant has been transferred in the year 2015 to Muktainagar, Dist. Jalgaon and he had not completed his normal tenure of posting there, but he has been transferred by impugned order dated 23.11.2017 without mentioning any reasons. He has submitted that in the order dated 4.9.2017 it has been mentioned that the applicant be transferred out of Jalgaon district. In that order also, no reasons have been recorded. He has also submitted that the impugned transfer order of the applicant is mid-term and mid-tenure transfer and it is against the provisions of The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short the Transfer Act 2005) and therefore, he prayed to stay the execution and operation of the impugned transfer order.

4. Learned Presenting Officer has submitted that as many as 30 officers have been

transferred by order dated 4.9.2017 in view of the provision of Section 4(4)(2) and 4(5) of the Transfer Act, 2005 and that time the directions were given to the Commissioner, Co-operative Society to transfer the applicant out of Jalgaon district. He has submitted that in view of the said directions, the impugned transfer order has been issued on 23.11.2017 under the provisions of Transfer Act, 2005. The transfer of the applicant is on administrative ground and therefore, he prayed to reject the request of the applicant. He has also sought time to file detailed affidavit in reply by taking instructions from the respondents.

5. On perusal of the record it reveals that the applicant has been transferred to Muktainagar, Dist. Jalgaon in the year 2015. He has not completed his normal tenure of posting at Muktainagar, Dist. Jalgaon. No reasons have been recorded by the respondents while making transfer of the applicant by impugned transfer order dated 23.11.2017 as well as earlier order

dated 4.9.2017. Prima-facie, it seems that the impugned order is in violation of the Transfer Act, 2005. In these circumstances, it is just and proper to stay the execution and implementation of the impugned transfer order dated 23.11.2017 till filing of the affidavit in reply by the respondents. Therefore, the impugned transfer order dated 23.11.2017 is hereby stayed till filing of the affidavit in reply by the respondents.

6. Issue notices to the respondents, returnable on 11.01.2018.

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

8. 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.

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O.A. No. 847/2017

9. 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.

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

11. S.O. to 11.01.2018.

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

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 75 OF 2017
(Shri Adud Bin Abdulla V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant, Shri I.S. Thorat, learned Chief Presenting Officer for respondent Nos. 1 & 2 and Shri Shamsundar B. Patil, learned Advocate for respondent Nos. 3 & 4.

2. On perusal of the record it reveals that the Hon'ble High Court in W.P. No. 1405/2002 on 9.10.2014 directed the respondents to pay the entire amount payable to Abdu Bin till his death to the present applicant who is his widow and also directed to pay the family pension to the present applicant till her death. The respondents had not followed the directions of the Hon'ble High Court and therefore, the present applicant has filed C.P. No. 494/2015 in W.P. No. 1405/2002, which was disposed of on 10.03.2016 in view of the fact that the respondents have forwarded the pension papers

to the Accountant General for further action. On perusal of the record it further reveals that the respondents had prolonged the matter for granting benefits to the deceased employee and his widow on the ground that the approval of the Government is required for regularization of his services by condoning the technical break. But in fact, the Superintending Engineer, Nanded Irrigation Circle, Nanded has passed order on 5.2.2016 regularizing the services of the deceased employee. It seems that the powers were vested with the Superintending Engineer, Nanded Circle, Nanded but the Superintending Engineer and the subordinate officers working under him had intentionally made delay in regularizing the services of the employee and consequently, there was delay caused in sending family pension papers of the LRs. of the deceased employee to the Accountant General and granting the same to the present applicant. Prima-facie, it reveals that the Superintending Engineer, Nanded Circle, Nanded, and the concerned officers working under him were responsible for making delayed

payment of the pensionary benefits to the applicant. In view of the provisions of Section 129-A (2) of the Maharashtra Civil Services (Pension) Rules, 1982 the office of the Superintending Engineer ought to have considered the claim of the applicant regarding payment of interest on the delayed payment of retirement gratuity etc. sue moto, but the respondents have not considered the said aspect. Sub Rule (3) of the said Rule provides that the concerned Government servant and the officer shall be held responsible for delayed payment of said gratuity and other pensionary benefits to the retired Government employee.

3. Learned Advocate for respondent Nos. 3 and 4 has submitted that he will take instructions from the respondents as to whether they will consider the claim of the applicant regarding interest on delayed payment of retiral benefits in view of the provisions of Section 129-A (2) of the Maharashtra Civil Services (Pension) Rules, 1982 and therefore, he seeks short time.

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O.A. No. 75/2017

4. In view of the submissions made on behalf of the respondent No. 3, short time is granted.

5. S.O. to 13.12.2017.

6. Steno copy allowed to the learned Advocate for respondent Nos. 3 & 4 at his request.

MEMBER (J)

KPB ORAL ORDER 29-11-2017

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

**ORIGINAL APPLICATION NO. 848/2017
(Smt. Ranipanchshella V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

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

2. Issue notices to the respondents in the present O.A., returnable on 8.1.2018.

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

4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. 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 8.1.2018.

8. Steno copy & hamdast allowed to both the sides.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**CP ST. 1643/2017 IN CP ST. 1812/2015 IN OA 142/2013
(Dr. Jeevansingh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Shri Shrinivas Wagh, learned Advocate
holding for Shri V.B. Wagh, learned Advocate for the
applicant and Shri D.R. Patil, learned Presenting
Officer for respondents.

2. The matter is removed from the board for the
time being. The applicant is at liberty to satisfy the
Office regarding office objections raised by the Office
and then to ask for circulation of the matter.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**O.A. NO. 503/2017
(Panchamlal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Shri Shrinivas Wagh, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. The learned Advocate submits that the notices are served upon the respondents and only service affidavit is remained to be filed in the office.

3. The applicant to submit the service affidavit in the office first. Thereafter the matter be placed before the Tribunal for further orders on 5.12.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**O.A. NO. 872/2016
(Salim Shagir Shaikh & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicants, Shri N.U. Yadav, learned Presenting Officer for respondent nos. 1 & 2 and Shri S.D. Dhongde, learned Advocate for respondent nos. 3 to5.

2. Upon hearing both the sides, it appears that the order dtd. 26.9.2017 was passed under the mistaken statement made by the learned Advocate for the applicants that the posts of Daptar Karkun and the Civil Engineering Assistant are interchangeable. On reading the papers, it appears that, the applicants are appointed as a Daptar Karkun on compassionate ground and now are seeking the post of Civil Engineering Assistant. Therefore, the order dtd. 26.9.2017 is hereby withdrawn.

3. The learned P.O. seeks time to file affidavit in reply of res. nos. 1 & 2. At his request, S.O. to 3.1.2018 for filing reply of res. nos. 1 & 2.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**O.A. NO. 143/2017
(Udalsing V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for
the applicant and Shri M.S. Mahajan, learned Chief
Presenting Officer for respondents.

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

3. S.O. to 8.1.2018 for admission hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**O.A. NO. 442/2017
(Sunil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Shri Ganesh Jadhav, learned Advocate
holding for Shri A.S. Shelke, learned Advocate for the
applicant and Smt. Deepali S. Deshpande, learned
Presenting Officer for respondents.

2. At the request of learned P.O. S.O. to 8.1.2018
for filing affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**O.A. NO. 854/2017
(Uday V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

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

2. Issue notices to the respondents in the present O.A., returnable on 9.1.2018.

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

4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. 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. The submissions from the applicant would show that while the applicant is superannuated on 30.6.2016 (page 12), a departmental enquiry is initiated against him vide letter dtd. 20.7.2017 (Annex. A.1 collectively page 10).

8. The learned Advocate for the applicant has relied on the provisions of rule 27 (2) (b) (i) of the Maharashtra Civil Services (Pension) Rules, 1982, which provide that in such circumstances the departmental action shall not be initiated without sanction from the Government. The record would show that no sanction from the Government is obtained by the concerned respondent before issuing the impugned communication dtd. 20.7.2017.

9. The learned Advocate for the applicant has further relied on the ratio laid down by the Hon'ble Bombay High Court, Bench at Aurangabad in the case of RATNAKAR BHAGWANRAO MAHAJAN VS. THE DISTRICT AND SESSIONS JUDGE AND THE HON'BLE REGISTRAR, HIGH COURT OF JUDICATURE AT BOMBAY [(2009) 1 ALL MR 44].

10. In the circumstances, without going into the merit of the present matter, presently interim relief in terms of prayer clause 9 (a) is hereby granted until further order. The prayer clause 9 (a) reads as under :-

“9 (a) Pending the hearing and final disposal of this original application, the

impugned communication bearing Outward No. S.K. Commi. D.D.-19 (A), R.D.D.O., Nagpur/April 15/CN 26/2015/3522, dated 20th July, 2017 issued by respondent No. 2, thereby intending to initiate the Departmental Enquiry against the applicant may kindly be stayed.”

11. Before filing affidavit in reply, the concerned respondents are directed to go through the provisions of relevant rules and the decision of Hon’ble High Court as annexed to the present O.A. and to consider as to whether any corrective steps of withdrawing the charge sheet with liberty if required for fresh initiation according to rule can be taken.

12. In case the concerned respondents come to the conclusion that the corrective steps as detailed above can be taken, then the same be taken and report thereof be filed in the present matter on the next date. In case for any rule or law the corrective steps as detailed above cannot be taken, then short affidavit explaining the reasons therefor be filed on the next date.

13. S.O. to 9.1.2018.

14. Steno copy & hamdast allowed to both the sides.

VICE CHAIRMAN

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

**O.A. NO. 511/2017
(Suryakant V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. The learned P.O. submits that during the course of the day affidavit in reply of res. no. 2 would be filed and copy thereof would be supplied to the learned Advocate for the applicant. He also submits that affidavit in reply of res. no. 6 is already filed on record. He further submits that presently affidavit in reply of rest of the respondents is not required. In the circumstances, present matter be placed on board on 14.12.2017 for hearing on admission.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**O.A. NO. 570/2017
(Anita V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Shri D.D. Deshmukh, learned Advocate holding for Shri (Dr.) Swapnil Tawshikar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Shri Deshmukh, learned Advocate holding for Shri (Dr.) Tawshikar, learned Advocate for the applicant submits that the applicant does not wish to proceed with the present O.A. He, therefore, submits that the applicant be permitted to withdraw the present O.A. with liberty to take any recourse available as may be available under the law.

3. In the circumstances, the present O.A. stands disposed of as withdrawn without any order as to costs, with liberty as prayed for by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**O.A. NO. 591/2017
(Sachin V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Shri S.P. Dhoble, learned Advocate
holding for Shri N.L. Choudhary, learned Advocate for
the applicant and Shri M.S. Mahajan, learned Chief
Presenting Officer for respondents.

2. At the request of learned C.P.O., S.O. to
4.1.2018 for filing affidavit in reply of the
respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**O.A. NO. 708/2017
(Vishalkumar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

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

2. The learned Advocate for the applicant submits
that the misc. application for condonation of delay
caused in filing the O.A. is ready and it would be filed
in the Office today only. In the circumstances, S.O.
to 15.12.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**O.A. NO. 730/2017
(Swapnil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

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

2. The learned Advocate for the applicant submits
that he is under information that the order is placed
before the Deputy Director of Public Health Services
for signature, however, the said Officer is on leave the
said order could not be issued.

3. The learned P.O. seeks time to take
instructions in this regard. In the circumstances,
S.O. to 20.12.2017 for compliance of the order of the
Tribunal dtd. 21.11.2017.

4. The learned P.O. to act on the steno copy of
this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**O.A. NO. 107/2017
(Sahadev Manik Bedre V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. The present matter is taken on board in view of circulation note filed by the learned Advocate for the applicant for speaking to minutes.

3. The learned Advocate points out that, though while dictating the order on 9.11.2017, the Tribunal has dictated that the res. nos. 1 to 3 shall take the decision on the proposal sent by res. no. 4 dtd. 15.7.2016, within 3 months, the very words "within 3 months" are missing in the said order. The said submissions of the learned Advocate are reasonable.

3. In the circumstances, the para no. 3 of the order dtd. 9.11.2017 be corrected as under :-

"3. "In view thereof, the Original Application is disposed of with a direction to the respondent nos. 1 to 3 to decide the proposal sent by the res. no. 4 dtd. 15.7.2016, within a period of 3 months from the date of this order."

4. Accordingly the speaking to minutes application stands disposed of.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**MA 405/2017 IN OA 772/2013
(Ramesh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 3.1.2018
for filing affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**O.A. NO. 676/2006
(Baliram V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Shri S.P. Dhoble, learned Advocate holding for Shri N.L. Choudhary, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondents.

2. It appears that, by the order dtd. 4.10.2017 passed in M.A. st. 527/2017, the present O.A., which was dismissed in default by the Tribunal vide order dtd. 19.3.2013, is restored to its original position.

3. In the circumstances, issue notices to the respondents informing the fact that the present O.A. is restored to its original position, returnable on 8.1.2018.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**O.A. NO. 42/2014
(Surekha V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

None appears for the applicant. Shri I.S. Thorat, learned Presenting Officer for respondents, is present.

2. The learned P.O. files on record the copy of the communication received to him, which would show that the proposal of revision of Recruitment Rules is under active consideration. The said communication is taken on record and marked as document 'X' for the purpose of identification.

3. Upon hearing the learned P.O., it appears that, decision on merit at the hands of Division Bench is required in the present matter.

4. In the circumstances, the present matter is removed from the board for time being and it be placed before the Division Bench, whenever it is available.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**O.A. NOS. 488 & 489 BOTH OF 2016
(Sukhdeo & Abaji & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicants in both the matters and Shri M.P. Gude, learned Presenting Officer for respondents in both the matters.

2. The learned P.O. submits that inadvertently earlier order dtd. 31.10.2017 could not be communicated to the concerned respondents. He submits that the said order will be now communicated to the concerned respondents, positively. Hence, at his request S.O. to 9.1.2018.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

O.A. NOS. 825, 864, 865, 866 & 867 ALL OF 2016

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Shri Amol Sonawane, learned Advocate holding for Shri V.B. Jogadand Patil, learned Advocate for the applicants in all these matters and Shri V.R. Bhumkar, learned Presenting Officer for respondent nos. 1 to 4 in all these matters. None appears for respondent no. 5 in O.A. nos. 865, 866 & 867 all of 2016.

2. Upon hearing both the sides, it appears that the departmental appeal is not relevant in the matter as it is not a statutory appeal. In the circumstances, these matters be posted for hearing on admission on 9.1.2018.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**O.A. NO. 35/2015
(Ganesh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

Heard Shri Hemant Surve, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents.

2. Upon hearing the both the sides, it appears that, decision on merit at the hands of Division Bench is required in the present matter.

3. In the circumstances, the present matter is removed from the board for time being and it be placed before the Division Bench, whenever it is available.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**O.A. NO. 583/2015
(Sambhaji V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 29.11.2017.

ORAL ORDER :

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

2. The learned Advocate for the applicant seeks time. At his request, S.O. to 13.12.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017

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

**O.A. NO. 304/2014
(Shri Popat Bachkar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 29.11.2017.

ORAL ORDER :

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

2. Heard the learned P.O. She files on record the communication dtd. 24.11.2017 received to her from the Assistant Executive Engineer, Mula Irrigation Sub Division, Rahuri, Dist. Ahmednagar to the effect that the issue regarding parallel reservation as per the advertisement (page 158) is now sent to the Government for decision. It is to be noted that the said communication is issued by the very subordinate Officer. The advertisement was issued by the res. no. 2 the Superintending Engineer. It is, therefore, not known as to why either the present Officer or the res. no. 2 the Superintending Engineer are now seeking the decision from the State Government.

3. In the circumstances, the res. no. 2 the Superintending Engineer, Irrigation Department, Nashik Region, Nashik is hereby directed to take into consideration the above facts and to clarify as to why the decision from the State Government is required, when he himself has issued the advertisement, and

to make clear submissions on the issues those are raised vide earlier order dtd. 29.9.2017, within a period of 4 weeks.

4. If no communication is received from the res. No. 2 the Superintending Engineer, action like imposition of heavy costs or of directing the res. no. 2 to remain present before the Tribunal personally will have to be passed.

5. With these directions, S.O. to 9.1.2018 for compliance.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 29-11-2017