

ORIGINAL APPLICATION NO. 132 OF 2012

{Shri Chandrakant M. Suryawanshi Vs. The State of Mah. & Ors.}

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

DATE :- 3.10.2016

Oral Order :-

1. Heard Shri Umesh B. Shriram, learned Advocate holding for Shri D.S. Bagul, learned Advocate for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 9.11.2016.

MEMBER (J)

ARJ 3.10.2016

MA 126/2016 IN OA ST. 314/2016

{Shri Rajan B. Darange Vs. The State of Mah. & Ors.}

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

DATE :- 3.10.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The learned P.O. has filed affidavit in reply on behalf of res. Nos. 1 to 5. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The applicant has filed this M.A. for condonation of delay in filing O.A. The so called delay in filing the O.A. as mentioned in the M.A. is 1460 days. In the O.A. the applicant has claimed directions to the respondents as per prayer clause 13 (B) as under :-

“B. To direct the respondent for disbursement of salary of Sept 2008 to Oct. 2008, Feb, July and August, 2009 and January, 2010 i. E. Rs. 1,93,994/- also T.A. bill from April, 2008 till Sept., 2008, Jan, Feb., March and July, 2009 Rs. 28,318 - 12715- = 15,603 and H.R.A. of Nov. 2008 till January, 2009 (i.e. Rs.3,813/-), the total amount comes to Rs. 2,13,410/- at the rate of 18% p.a. from its due date to actual its realization.”

4. It seems from the record that the applicant has filed number of representations for receiving the amount from time to time and his representations were recommended for

proper action to the competent authority. In 2010, it was intimated to the applicant that there was no balance in the particular account and, therefore, amount cannot be paid to him. It seems from the correspondence that the competent authorities are not denying that the applicant is entitled to claim the arrears etc. and the claim of the applicant is not yet rejected.

5. Thus, the cause of action is very much there considering the fact that the applicant is a Class-III employee and is claiming his legitimate dues, which are not being paid to him. The claim of the applicant seems to be within limitation and even otherwise the so called delay in filing O.A. can be condoned in the interest of justice and equity. Hence, I pass following order :-

ORDER

M.A. stands allowed and disposed of and the delay of 1460 days caused in filing O.A. stands condoned. There shall be no order as to costs.

MEMBER (J)

OA ST. 314/2016

{Shri Rajan B. Darange Vs. The State of Mah. & Ors.}

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

DATE :- 3.10.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.
2. Issue notice before admission to the respondents, returnable on 16.11.2016.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced 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 16.11.2016.
8. Steno copy & hamdust allowed to both the parties.

MEMBER (J)

ARJ 3.10.2016

OA 581/2011

{Shri M.U. Khade Vs. The State of Mah. & Ors.}

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

DATE :- 3.10.2016

Oral Order :-

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

2. The relief claimed by the applicant in this matter are as under :-

“B. The respondent no. 2 may kindly be directed to fix the pay fixation of the applicant in the regular pay scale as applicable to the applicant for that purpose issue necessary orders.

C. The respondent no. 2 may kindly be directed to pay the house rent allowance to the applicant from 19.6.2008 and for that purpose issue necessary orders.”

3. It seems from the admitted facts that the res. no. 2 has re-fixed the pay of the applicant and has also paid arrears. The next prayer of the applicant is issue directions to the res. no. 2 to pay the HRA amount of the applicant from 19.6.2008.

4. It seems from para 6 of the reply affidavit that the applicant has been paid with arrears of HRA for the period from 25.10.2009 to 30.9.2010 amounting to Rs. 20,510/-. Thereafter amount of Rs. 58,089/- is to be recovered from the applicant since he was occupying the Govt. quarter illegally.

5. In view thereof, the res. no. 2 is directed to file short affidavit stating as to why the arrears amount of HRA from 19.6.2008 to 24.10.2009 are not paid to the applicant. Whether, the applicant is entitled for the said amount of arrears or not, if he is not entitled for the said arrears of HRA of the said period, on what grounds?

6. The res. no. 2 also make a statement as regards whether the amount of Rs. 58,089/- for illegal occupation of the Govt. quarter is recovered from the applicant or not.

7. S.O. to 9.11.2016. To be treated as part heard.

MEMBER (J)

OA 477/2012

{Shri Vijay D. Sonawane Vs. The State of Mah. & Ors.}

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

DATE :- 3.10.2016

Oral Order :-

1. None appears for the applicant. Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.
2. It seems from the record that none is appeared for the applicant since long. The applicant and his Advocate were absent on 17.2.2016, 5.5.2016, 19.7.2016, 27.7.2016, 16.8.2016 and 20.9.2016.
3. On 16.8.2016 the learned P.O. filed on record communication dated 21.1.2012, paper book page 38. The same was taken on record and marked as document 'X' for the purpose of identification. It seems from the said document that the deemed date as claimed by the applicant in the present O.A. has already been granted to him.
4. This seems to be a reason as to why the applicant may not be interested in prosecuting the O.A. In view thereof, the O.A. stands dismissed. There shall be no order as to costs.

MEMBER (J)

ARJ 3.10.2016

OA 609/2013

{Shri Ambadasrao S. Akhude Vs. The State of Mah. & Ors.}

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

DATE :- 3.10.2016

Oral Order :-

1. Heard Shri Asif Ali, learned Advocate holding for Smt. A.N. Ansari, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. The learned P.O. files short affidavit of Dr. Prashant B. Narnaware, Dist. Collector, Osmanabad in view of the order of this Tribunal dated 20.7.2016. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.
3. The learned Advocate for the applicant submits that W.P. no. 2085/2015 is closed by the Hon'ble High Court for orders.
4. In view thereof S.O. to 17.10.2016.

MEMBER (J)

ARJ 3.10.2016

OA 443/2015

{Shri Baban R. Gunwant Vs. The State of Mah. & Ors.}

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

DATE :- 3.10.2016

Oral Order :-

1. None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.
2. On 5.8.2016, the matter was heard for considerable time and the learned Advocate for the applicant submitted that, he will file detailed representation. However, no such representation is filed even on the adjourned date i. e. on 19.9.2016. Today also none appears for the applicant.
3. Hence, matter be placed for dismissal on 16.11.2016.

MEMBER (J)

ARJ 3.10.2016

OA 444/2015

{Shri Ismil Ibrahim Tadvi Vs. The State of Mah. & Ors.}

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

DATE :- 3.10.2016

Oral Order :-

1. None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.
2. On 5.8.2016, the matter was heard for considerable time and the learned Advocate for the applicant submitted that, he will file detailed representation. However, no such representation is filed even on the adjourned date i. e. on 19.9.2016. Today also none appears for the applicant.
3. Hence, matter be placed for dismissal on 16.11.2016.

MEMBER (J)

ARJ 3.10.2016

OA 771/2015

{Shri Shravan B. Dabhade Vs. The State of Mah. & Ors.}

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

DATE :- 3.10.2016

Oral Order :-

1. Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. The learned P.O. submits that, he may be allowed to file short affidavit on behalf of res. no. 1. On last occasion also the matter was adjourned on the same ground, but no reply is filed till today.
3. In view thereof, it is hereby made clear that the matter may be heard on merits on the next date without fail. In the meantime, if the res. no. 1 wants to file short affidavit, he shall file it and serve the copy thereof upon the learned Advocate for the applicant, in advance.
4. S.O. to 24.10.2016.

MEMBER (J)

ARJ 3.10.2016

OA 420/2016

{Shri Shivaji P. Nikale Vs. The State of Mah. & Ors.}

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

DATE :- 3.10.2016

Oral Order :-

1. Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 1 to 3.
2. Today, Shri A.S. Shelke, learned Advocate appears and submits that he is appearing for proposed res. no.4.
3. The learned Advocate for the applicant submits W.P. no. 9751/2016 (RAJENDRA D. WANKHEDE VS. THE STATE OF MAHARASHTRA & ORS) has been disposed of by Hon'ble High Court on 22.9.2016, however, writ has not yet been received in the office. As per the direction in para 9 of the said judgment, the parties were directed to appear before this Tribunal on 3.9.2016 that is on today. He, therefore, filed copy of the said judgment, which is taken on record and marked as document 'X'.
4. In para 9 of the said judgment of W.P. no. 9751/2016 Hon'ble High Court observed as under :-

“9. The impugned order is quashed and set aside and the parties are relegated before the Maharashtra Administrative Tribunal, Aurangabad. The parties shall appear before the Tribunal on 03rd October,

2016. The respondent No. 1 shall array the present petitioner as respondent in the Original Application No. 420 of 2016. As date for appearance is already given, fresh notices to parties are not necessary. The petitioner shall file his say within a period of ten (10) days from the date of appearance before the Tribunal. Considering the fact that, it is a case of transfer and the matter is remitted back from this Court, we request the Tribunal to dispose of the proceedings as expeditiously as possible and preferably within a period of one month from the date of filing say by the petitioners.”

5. The learned Advocate for the applicant submits that, he may be permitted to add Shri Rajendra Daulatrao Wankhede as res. no. 4 in the present O.A. Permission as sought for is granted. He shall carry out amendment forthwith.

6. In view thereof, S.O. to 14.10.2016 for filing reply by res. no. 4.

MEMBER (J)

M.A. 386/2016 IN O.A. 614/2015

{Shri Bhanudas K. Waghmare Vs. The State of Mah. & Ors.}

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

DATE :- 3.10.2016

Oral Order :-

1. Heard Shri Asif Ali, learned Advocate holding for Smt. A.N. Ansari, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. As per the order dated 15.2.2016 passed by this Tribunal in O.A. 614/2015 the respondents were directed to pay the amount of interest on delayed payment before 31.3.2016. The learned Advocate for the applicant submits that till today arrears as directed by the Tribunal have not been received by the applicant.
3. In view thereof, issue notices to the respondents in M.A. No. 386/2016, returnable on 9.11.2016.

MEMBER (J)

ARJ 3.10.2016

MA 339/2016 IN O.A. NO. 401/2016

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

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

DATE :- 3.10.2016

Oral Order :-

1. Heard Shri G.D. Biradar, learned Advocate for the applicant / proposed intervenor in M.A. no. 339/2016, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3 and Shri S.D. Dhongde, learned Advocate for respondent no. 4 / applicant in O.A.

2. On 1.10.2016, the learned Advocate for the proposed intervenor sought time to take instructions from his client as to whether he is interested in contesting the application or not. Today, he submitted that the proposed intervenor wants to contest the matter. Hence, M.A. is taken on board.

3. According to proposed intervenor he is necessary party respondent in the O.A. and, therefore, he has filed this M.A.

4. The applicant in O.A., who is added as res. no. 4 in this M.A., has filed reply and strongly opposed the intervention application.

5. In the O.A., the applicant has challenged the order passed by the Collector, Jalna dated 1.8.2015 regarding annual increment payable to the applicant as on 1.7.2016 and the order passed by the Commissioner, Aurangabad

::-2-:: MA 339/2016 IN O.A. NO. 401/2016

dated 6.5.2016 reverting the applicant to the post of Naib Tahsildar.

6. Prima-facie, it seems that, though the order passed by the Commissioner, Aurangabad has been passed on the basis of complaint filed by the proposed intervenor, in fact, the proposed intervenor is not all concerned with the departmental action taken by the Commissioner, Aurangabad and, therefore, proposed intervenor is not a necessary party in the O.A. However, since the order was passed by the Commissioner, Aurangabad on his complaint, it will be in the interest of justice to allow him to put his grievance. The learned Advocate for the proposed intervenor submits that he is ready to face the consequences, if the O.A. is disposed of against the proposed intervenors.

7. In view of above submission of learned Advocate for the proposed intervenor, the M.A. is allowed to argue his grievance in the O.A. though he is not necessary party. With this direction M.A. no. 339/2016 stands disposed of. There shall be no order as to costs.

MEMBER (J)

ARJ 3.10.2016

MA 224/2016 IN O.A. NO. 401/2016

{Shri Jalamsing D. Valvi Vs. The State of Mah. & Ors.}

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

DATE :- 3.10.2016

Oral Order :-

1. Heard Shri S.D. Dhongde, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3 and Shri C.D. Biradar, learned Advocate for the intervenor.

2. At the request of learned C.P.O. & learned Advocate for res. no. 4, S.O. to 10.10.2016 for filing reply on behalf of respective respondents.

MEMBER (J)

ARJ 3.10.2016

ORIGINAL APPLICATION NO. 229 OF 2016

[Dr. Pratibha D. Gaikwad Vs. The State of Mah. & Ors.]

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

DATE : 03.10.2016.

ORAL ORDER:

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

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

3. S.O. to 15th November, 2016 for filing affidavit in reply.

MEMBER (J)

03.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 154 OF 2016

[Abhijeet T. Shinde Vs. The State of Mah. & Ors.]

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

DATE : 03.10.2016.

ORAL ORDER:

Heard Shri Sham Patil, learned Advocate holding for Shri V.B. Wagh – learned Advocate for the Applicant and Shri N.U. Yadav – learned Presenting Officer for respondent.

2. Learned Presenting Officer seeks time to file affidavit in reply.

3. It appears from the proceedings that so many chances are already granted to the respondents to file affidavit in reply. However, time is granted as a last chance.

4. It is made clear that if the respondents fail to file affidavit in reply on the next date, the matter will be heard finally on merits without reply.

5. S.O. to 11th November, 2016.

MEMBER (J)

03.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 170 OF 2016

[Sandip Bajirao Dhangar Vs. The State of Mah. & Ors.]

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

DATE : 03.10. 2016.

ORAL ORDER:

Shri L.K. Pradhan – learned Advocate for the Applicant (**absent**). Shri D.R. Patil – learned Presenting Officer for respondent.

2. Learned Presenting Officer seeks time to file affidavit in reply.

3. It appears from the proceedings that so many chances are already granted to the respondents to file affidavit in reply. However, time is granted as a last chance.

4. It is made clear that if the respondents fail to file affidavit in reply on the next date, the matter will be heard finally on merits without reply.

5. S.O. to 16th November, 2016.

MEMBER (J)

03.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 59 OF 2016

[Laxmibai Deorao Waghmare Vs. The State of Mah. & Ors.]

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

DATE : 03.10.2016.

ORAL ORDER:

Shri V.S. Panpatte – learned Advocate for the Applicant (**absent**). Shri I.S. Thorat – learned Presenting Officer for respondent.

2. It appears from the proceedings that the affidavit in reply on behalf of respondent Nos. 2 & 3 has already been filed on record.

3. In view thereof and considering the cause made out in the present Original Application, the same is admitted with liberty to the applicant to file rejoinder, if any.

4. S.O. to 16th November, 2016 for final hearing.

MEMBER (J)

03.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 53 OF 2016

[Babasaheb Ramdas Dhakne Vs. The State of Mah. & Ors.]

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

DATE : 03.10. 2016.

ORAL ORDER:

Heard Shri J.S. Deshmukh – learned Advocate for the Applicant and Shri M.P. Gude – learned Presenting Officer for respondent.

2. It appears from the proceedings that the affidavit in reply on behalf of respondent Nos. 1 to 4 has already been filed on record.

3. Learned Advocate for the applicant submits that he will file rejoinder during the course of the day and he will serve the copy of the same on the respondents in advance.

4. In view thereof and considering the cause made out in the present Original Application, the same is admitted.

5. S.O. to 11th November, 2016 for final hearing.

MEMBER (J)

03.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 52 OF 2016

[Dr. Waman Chandrakant Rathod Vs. The State of Mah. & Ors.]

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

DATE : 03.10.2016.

ORAL ORDER:

Heard Shri J.S. Deshmukh – learned Advocate for the Applicant and Shri M.P. Gude – learned Presenting Officer for respondent Nos. 1 to 3. Shri P.R. Tandale – learned Advocate for respondent No. 4 (**absent**).

2. Learned Presenting Officer seeks time to file affidavit in reply.

3. It appears from the proceedings that so many chances are already granted to the respondents to file affidavit in reply. However, time is granted as a last chance.

4. It is made clear that if the respondents fail to file affidavit in reply on the next date, the matter will be heard finally on merits without reply.

5. S.O. to 16th November, 2016.

MEMBER (J)

03.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 601 OF 2015

[Shrimant Maroti Ture Vs. The State of Mah. & Ors.]

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

DATE : 03.10.2016.

ORAL ORDER:

Heard Shri K.B. Jadhav – learned Advocate for the Applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. It appears from the proceeding that the affidavit in reply on behalf of respondent Nos. 1 to 7 has already been filed on record.

3. Learned Advocate for the Applicant submits that he will file rejoinder affidavit during the course of the day and he will serve the copy thereof on the respondents in advance.

4. In view thereof and considering the cause made out in the present Original Application, the same is admitted and kept for final hearing on 11th November, 2016.

MEMBER (J)

03.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 514 OF 2015

[Dr. Balaji S. Barure Vs. The State of Mah. & Ors.]

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

DATE : 03.10.2016.

ORAL ORDER:

Heard Shri J.S. Deshmukh – learned Advocate for the Applicant and Shri S.K. Shirase – learned Presenting Officer for respondents.

2. Learned Presenting Officer submits that in respite of 4-5 letters issued to the respondent authorities, the authorities are not giving any response. He, therefore, prayed that a most last chance be granted to file affidavit in reply.

3. It seems from the record that the most last chance was already granted, as per order dated 26.8.2016 and even thereafter on 19.9.2016. Hence, request for most last chance to file reply cannot be granted legally.

4. However, in the interest of justice a most last chance is granted on the clear understanding that in case affidavit in reply is not filed on the next date, the matter will be disposed of without reply of the respondents.

5. S.O. to 11th November, 2016.

MEMBER (J)

03.10.2016-(SB)-hdd

M.A.NO. 316/2015 IN O.A.NO. 709/2015

[Dr. Pralhad M. Kamble Vs. The State of Mah. & Ors.]

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

DATE : 03.10. 2016.

ORAL ORDER:

Heard Shri M.N. Deshmukh – learned Advocate for the Applicant and Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for respondents.

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

3. S.O. to 15th November, 2016.

MEMBER (J)

03.10.2016-(SB)-hdd

M.A.NO. 343/2016 IN O.A.ST.NO.1570/2016
[Datta Arjun Tumram Vs. The State of Mah. & Ors.]

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

DATE : 03.10. 2016.

ORAL ORDER:

Heard Shri Sanjay Pagare – learned Advocate for the Applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for respondents, present.

2. This is an application filed by the applicant for condonation of delay of about 671 days caused in filing accompanying Original Application.
3. Issue notices to the respondents in M.A. No. 343/2016, returnable on 15th November, 2016.
4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
5. 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 M.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. 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.

:: - 2 - ::

**M.A.NO. 343/2016 IN
O.A.ST.NO. 1570/2016**

7. 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.

8 S.O. to 15th November, 2016.

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

MEMBER (J)

03.10.2016-(SB)-hdd

M.A.NO. 382/2016 IN O.A.ST.NO. 1750/2016

[Bhagwat Trimbak Chaudhari Vs. The State of Mah. & Ors.]

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

DATE : 03.10. 2016.

ORAL ORDER:

Heard Shri A.D. Sugdare – learned Advocate for the Applicant and Shri D.R. Patil – learned Presenting Officer for respondents.

2. This is an application filed by the applicant for condonation of delay of about 7 years and 8 months caused in filing accompanying Original Application.

3. Issue notices to the respondents in M.A. No. 382/2016, returnable on 15th November, 2016.

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

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

6. 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.

:: - 2 - ::

**M.A.NO. 382/2016 IN
O.A.ST.NO. 1750/2016**

7. 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.

8 S.O. to 15th November, 2016.

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

MEMBER (J)

03.10.2016-(SB)-hdd

M.A.NO. 383/2016 IN O.A.ST.NO. 1756/2016
[Smt. Mangal S. Kathar Vs. The State of Mah. & Ors.]

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

DATE : 03.10. 2016.

ORAL ORDER:

Heard Shri D.T. Devane – learned Advocate for the Applicant and Shri V.R. Bhumkar – learned Presenting Officer for respondents.

2. This is an application filed by the applicant for condonation of delay of about 2227 days caused in filing accompanying Original Application.

3. Issue notices to the respondents in M.A. No. 383/2016, returnable on 15th November, 2016.

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

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

6. 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.

:: - 2 - ::

**M.A.NO. 383/2016 IN
O.A.ST.NO. 1756/2016**

7. 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.

8 S.O. to 15th November, 2016.

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

MEMBER (J)

03.10.2016-(SB)-hdd

M.A.NO. 385/2016 IN O.A.ST.NO. 1604/2016

[M.P. Paratwagh & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 03.10. 2016.

ORAL ORDER:

Heard Shri S.D. Joshi – learned Advocate for the Applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for respondents.

2. All the applicants are claiming same relief in the O.A.St. No. 1604/2016 i.e. in respect of benefit of G.R. dated 19th July, 2011. The cause and relief claimed by the applicants being same and for the reasons stated in the present M.A., the same is allowed and the applicants are permitted to sue jointly.

3. Accordingly, the present M.A. No. 385/2016 stands disposed of with no order as to costs.

MEMBER (J)

03.10.2016-(SB)-hdd

ORIGINAL APPLICATION ST.NO. 1604 OF 2016

[M.P. Paratwagh & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 03.10. 2016.

ORAL ORDER:

Heard Shri S.D. Joshi – learned Advocate for the Applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for respondents.

2. Issue notices to the respondents in M.A. No. 383/2016, returnable on 15th November, 2016.

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

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

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

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

:: - 2 - ::

O.A. ST.NO. 1604 OF 2016

- 7 S.O. to 15th November, 2016.
8. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

03.10.2016-(SB)-hdd

M.A.NO. 388/2016 IN O.A.ST.NO. 1682/2016

[Smt. Shobha Ramesh Pathak & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 03.10. 2016.

ORAL ORDER:

Heard Shri S.D. Joshi – learned Advocate for the Applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for respondents.

2. Learned Advocate for the Applicant submits that there is, in fact, no delay in filing accompanying Original Application. However, he has filed application for condonation of delay for ample precaution. From the prayer clause, it seems that the delay is of about 3 years, 10 months and 26 days, and therefore, it will be necessary to obtain affidavit in reply from the respondents, and hence, issue notices to the respondents in M.A. No. 388/2016, returnable on 15th November, 2016.

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

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

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

:: - 2 - ::

**M.A.NO. 388/2016 IN
O.A.ST.NO. 1682/2016**

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

5. 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.

6. S.O. to 15th November, 2016.

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

MEMBER (J)

03.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 333 OF 2016

[Janardhan Sandu Borade Vs. The State of Mah. & Ors.]

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

DATE : 03.10. 2016.

ORAL ORDER:

Heard Shri Amol P. Ghule Patil – learned Advocate for the Applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for respondent Nos. 1 to 3.

2. Today, Learned Advocate Shri Balasaheb N. Magar Patil appeared before this Court and submitted that he is appearing on behalf of respondent No. 4 and he has also filed **VAKALATNAMA** on his behalf and the same is taken on record. He seeks time to file affidavit in reply. Time granted.

3. S.O. to 9th November, 2016.

MEMBER (J)

03.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 524 OF 2016

[Tajkhan Samsarkhan Pathan Vs. The State of Mah. & Ors.]

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

DATE : 03.10. 2016.

ORAL ORDER:

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

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

3. S.O. to 9th November, 2016.

MEMBER (J)

03.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 577 OF 2016

[Dr. Baban Laxmanrao Jadhav Vs. The State of Mah. & Ors.]

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

DATE : 03.10. 2016.

ORAL ORDER:

Heard Shri J.S. Deshmukh – learned Advocate for the Applicant, Mrs. Priya R. Bharaswadkar – learned Presenting Officer for respondent Nos. 1 to 3 and Shri H.P. Jadhav – learned Advocate for respondent No. 4.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 4 and the same has been taken on record and the copy thereof has been served upon the other side.

3. Learned Advocate for the applicant submits that he will go through the reply filed by respondent No. 4 and file rejoinder affidavit, if necessary and he seeks time for that purpose.

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

5. S.O. to 9th November, 2016.

MEMBER (J)

03.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 598 OF 2016

[Ramesh Sayanna Mundlod Vs. The State of Mah. & Ors.]

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

DATE : 03.10. 2016.

ORAL ORDER:

Heard Shri Shamsundar B. Patil – learned Advocate for the Applicant, Shri M.S. Mahajan – learned Chief Presenting Officer for respondent Nos. 1 to 3 and Shri R.P. Adgaonkar – learned Advocate for respondent No. 4.

2. Learned Advocate for respondent No.4 has filed affidavit in reply on his behalf and same has been taken on record and the copy thereof has been served upon the other side.

3. Learned Advocate for the Applicant submits that he will file rejoinder affidavit during the course of the day and he will serve the copy thereof on the other side well in advance.

4. In that view of the matter and considering the cause made out in the present OA, it is admitted and it be kept for final hearing on 27th October, 2016.

MEMBER (J)

03.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 692 OF 2016

[Prakash Tukaram Vaichal Vs. The State of Mah. & Ors.]

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

DATE : 03.10. 2016.

ORAL ORDER:

Heard Shri Avinash Deshmukh – learned Advocate for the Applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Only request in the present Original Application is that the departmental enquiry, which was initiated against the applicant vide memorandum of charge dated 03/03/2008 shall be completed /concluded within a stipulated period of about 3 months or so. The copy of memorandum of charge has been placed on record by the applicant at p.b. page-13 (Annexure 'A-1').

3. Learned Presenting Officer submits that she has not received instructions though she was directed to take instructions as to within how many days the said D.E. will be completed and file a short affidavit to that effect vide order dated 16.09.2016.

4. It is surprising to note that since 2008 enquiry is not yet completed and, therefore, the matter can be disposed of by giving

directions to the respondents in this regard. Hence, the following order: -

ORDER

- (i) The respondents are directed to complete and conclude the departmental enquiry in all respect within a period of four months from the date of this order: -

- (ii) Accordingly, the present original application stands disposed of with no order as to costs.

MEMBER (J)

03.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 701 OF 2016

[Bhimrao Shankarrao Narwade Vs. The State of Mah. & Ors.]

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

DATE : 03.10. 2016.

ORAL ORDER:

Heard Shri V.B. Wagh – learned Advocate for the Applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for respondents.

2. The Applicant is claiming only direction to the respondent No. 1 to give the approval/permission as per the recommendations of the Civil Services Board for transfer of the applicant from the office of Senior Geologist, G.S.D.A., Jalna to the office of Senior Geologist, G.S.D.A., Aurangabad on the post of Senior Clerk, as per the proposal dated 06.06.2016. A copy of the said proposal has been placed on record by the applicant at p.b. page-12, Annexure 'A-3'.

3. Vide order dated 16.9.2016, Learned Chief Presenting Officer was directed to take instructions as to within how many days a decision will be taken on the proposal dated 06.06.2016. Learned Presenting Officer submits that though he contacted the competent authority, no instructions are received by him.

4. Learned Advocate for the applicant submits that the present Original Application can be disposed of by giving necessary direction to respondent No. 1 i.e. Director, Ground Water Survey & Development Agency, Bhujal Bhavan, Wakdewadi, Shivajinagar, Near Agriculture College, Pune, to take decision on the said

proposal dated 06.06.2016. Learned Presenting Officer also concedes. The present Original Application is, therefore, disposed of with the following directions:-

ORDER

- (i) The respondent No. 1 viz. Director, Ground Water Survey & Development Agency, Bhujal Bhavan, Wakdewadi, Shivajinagar, Near Agriculture College, Pune, is directed to take appropriate decision on the proposal dated 06.06.2016 submitted by respondent No. 2, the Deputy Director, Ground Water Survey & Development Agency, Vikas Bhavan, Adalat Road, Near Baba Petrol Pump, Aurangabad.
- (ii) Such decision on the said proposal, as may be desired, by respondent No. 1 be taken within a period of two months from the date of this order and the same shall be conveyed to the concerned in writing.
- (iii) Accordingly, the present Original Application stands disposed of with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 711 OF 2016

[Omprakash Dhondiram Mane Vs. The State of Mah. & Ors.]

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

DATE : 03.10. 2016.

ORAL ORDER:

Heard Shri S.D. Joshi – learned Advocate for the Applicant and Shri D.R. Patil – learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 and the same has been taken on record and the copy thereof has been served on the learned Advocate for the Applicant.

3. Learned Advocate for the Applicant submitted that he will go through the affidavit in reply filed by respondent No. 2 and seeks time till tomorrow. Time granted as prayed for.

4. S.O. to 4th October, 2016.

MEMBER (J)

03.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 714 OF 2016

[Subhash Devrao Mahale Vs. The State of Mah. & Ors.]

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

DATE : 03.10.2016.

ORAL ORDER:

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

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

3. S.O. to 16th November, 2016.

MEMBER (J)

03.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 729 OF 2016

[Lalaji Babasaheb Diwane Vs. The State of Mah. & Ors.]

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

DATE : 03.10. 2016.

ORAL ORDER:

Heard Shri V.B. Wagh – learned Advocate for the Applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. Today, Learned Advocate Shri Avinash Deshmukh appeared before this Court and submits that he is appearing on behalf of respondent No. 4 and he has filed **VAKALATNAMA** on his behalf and the same is taken on record. He seeks time to file affidavit in reply, if necessary.

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

4. S.O. to 16th November, 2016.

MEMBER (J)

03.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 634 OF 2016

[Dr. S. Shailaja Kuppaswamy Vs. The State of Mah. & Ors.]

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

DATE : 03.10.2016.

ORAL ORDER:

Heard Shri J.S. Deshmukh – learned Advocate for the Applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for respondents.

2. Learned Chief Presenting Officer seeks time to file affidavit in reply.

3. It appears from the proceeding that on the last date i.e. on 19.9.2016 this matter was adjourned and was kept to today i.e. on 3.10.2016 for filing affidavit in reply, but no reply has been filed by the respondents. However, in the interest of justice, last chance is granted on the clear understanding that in case affidavit in reply is not filed on the next date, the matter will be disposed of without reply of the respondents.

4. S.O. to 11th November, 2016.

MEMBER (J)

03.10.2016-(SB)-hdd