

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

**ORIGINAL APPLICATION NO.351/2018
(Vishnu Gaikwad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Smt. Amruta Paranjape-Menezes learned Advocate holding for Shri Joslyn Menezes learned Advocate for the applicant and Shri B.S.Deokar learned Presenting Officer for respondents.

2. Learned P.O. states that he will file affidavit in reply during the course of the day. He also undertakes to serve copy of the same on the other side.

3. S.O. to 13-08-2018 for filing affidavit in rejoinder, if any.

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**ORIGINAL APPLICATION NO.368/2018
(Mokshada Garje V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Smt. Amruta Paranjape-Menezes
learned Advocate for the applicant and
Shri B.S.Deokar learned Presenting Officer for
respondents.

2. At the request of learned Advocate for the
applicant, S.O. to 13-08-2018.

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**ORIGINAL APPLICATION NO.369/2018
(Shaila Tele V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Smt. Amruta Paranjape-Menezes
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 13-08-2018.

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**M.A.No.266/2017 IN O.A.St.No.517/2017
(Ratanrao Shejwal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

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

2. Learned P.O. files affidavit in reply on behalf of respondent nos.4 and 5 in the M.A. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 05-09-2018.

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**M.A.No.20/2018 IN O.A.St.No.1938/2017
(Madhukar Brahmane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri A.M.Nagarkar 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 06-09-2018 for filing affidavit in reply on
behalf of the respondents.

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**M.A.No.203/2018 IN O.A.St.No.962/2018
(Naserkhan Pathan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Smt. Amruta Paranjape-Menezes
learned Advocate for the applicant and
Smt. Sanjivani Ghate learned Presenting Officer
for respondents.

2. At the request of learned Presenting Officer,
S.O. to 13-08-2018 for filing affidavit in reply on
behalf of the respondents.

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**ORIGINAL APPLICATION NO.58/2017
(Maruti Kakad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri D.T.Devane learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 06-09-2018 for arguing the matter finally.

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**ORIGINAL APPLICATION NO.143/2018
(Sopan Shelke V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

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

2. It seems that the Registry has not scrutinized the O.A. in proper manner. Prayer clauses "A" and "B" mentioned in the O.A. are redundant.

3. Therefore, Registry is directed to re-scrutinize the case thoroughly as per rules/ procedure and place it before the Tribunal.

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

ORIGINAL APPLICATION NO.502/2018
(Bansilal Jaiswal V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 10-09-2018.

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 the case. 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 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. If notice is not collected within 7 days or service proof is not produced before 3 days of the next date, O.A. shall automatically stand dismissed without further reference to the Tribunal.

8. S.O.to 10-09-2018.

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

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

ORIGINAL APPLICATION NO.554/2018
(Sadashiv Sawai V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 11-09-2018.

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 the case. 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 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. If notice is not collected within 7 days or service proof is not produced before 3 days of the next date, O.A. shall automatically stand dismissed without further reference to the Tribunal.

8. S.O.to 11-09-2018.

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

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**ORIGINAL APPLICATION NO.557/2018
(Omprakash Mane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Smt. Juee Palekar-Parlikar learned Advocate holding for Shri S.D.Joshi learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Issue notice to the respondents, returnable on 11-09-2018.

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 the case. 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 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. If notice is not collected within 7 days or service proof is not produced before 3 days of the next date, O.A. shall automatically stand dismissed without further reference to the Tribunal.

8. S.O.to 11-09-2018.

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

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**ORIGINAL APPLICATION NO.558/2018
(Ganesh Deshpande V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri R.P.Bhumkar learned Advocate for the applicant and Shri B.S.Deokar learned Presenting Officer for respondents.

2. Point of interim relief is kept open.
3. Issue notice to the respondents, returnable on 12-09-2018.
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 the case. Respondents are 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 questions such as limitation and alternate remedy are kept open.

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. If notice is not collected within 7 days or service proof is not produced before 3 days of the next date, O.A. shall automatically stand dismissed without further reference to the Tribunal.

9. S.O.to 12-09-2018.

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

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**M.A.No.245/2018 WITH M.A.St.No.497/2018 IN
O.A.St.No.498/2018
(Arjun Maskar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri R.P.Bhumkar learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. Issue notice to the respondents in the M.A.No.245/2018, returnable on 12-09-2018.

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 the case. 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.

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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. If notice is not collected within 7 days or service proof is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O.to 12-09-2018.

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

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**M.A.St.No.1033/2018 IN O.A.St.No.1034/2018
(Panduran Nilewar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

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

2. The applicant is claiming that the benefit of first and second time bound promotion be extended to him in view of the G.R. dated 07-10-2016. It is his contention that representation dated 28-07-2016 has not been decided by the respondents, and therefore, he has rightly calculated the delay.

3. Learned CPO has submitted that the delay has not been properly calculated and inordinate delay is caused for filing the O.A.

4. Keeping the point of period of delay open, issue notice to the respondents in the M.A. returnable on 12-09-2018.

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

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

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

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

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

9. If notice is not collected within 7 days or service proof is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

10. S.O.to 12-09-2018.

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

MEMBER (J)

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

**M.A.St.No.1035/2018 IN O.A.St.No.1036/2018
(Mirza Rashid Baig V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri Ajay Deshpande learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents.

2. The applicant is claiming that the benefit of first and second time bound promotion be extended to him in view of the G.R. dated 07-10-2016. It is his contention that representations dated 20-10-2016 and 28-07-2016 have not been decided by the respondents, and therefore, he has rightly calculated the delay.

3. Learned CPO has submitted that the delay has not been properly calculated and inordinate delay is caused for filing the O.A.

4. Keeping the point of period of delay open, issue notice to the respondents in the M.A. returnable on 12-09-2018.

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

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

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

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

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

9. If notice is not collected within 7 days or service proof is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

10. S.O.to 12-09-2018.

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

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**ORIGINAL APPLICATION NO.431/2018
(Archana Lathkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri A.M.Nagarkar learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.

2. Since the pleadings are complete, matter is admitted. Matter be kept for final hearing on 06-09-2018.

3. Both the parties are directed to inform the Tribunal about the present status of Writ Petition No.6049/2016 on the next date.

4. S.O. to 06-09-2018 for final hearing.

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**T.A.No.04/2017 IN W.P.No.10375/2016
(Ramesh Sonawane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

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

2. Learned P.O. has filed sur-rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 05-09-2018.

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**ORIGINAL APPLICATION NO.275/2017
(Md. Asfiouddin V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

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

Shri S.E.Madne learned Advocate for respondent no.4 is **absent**.

2. Learned Advocate for the applicant has filed affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side. He also undertakes to serve copy of the reply on the respondent no.4.

3. S.O. to 05-09-2018.

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

O.A.No.510/2017 WITH M.A.No.266/2018
(Santosh Vetal V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri I.G.Durrani learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. Issue notice to the respondents in the M.A. returnable on 11-09-2018.

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

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

8. 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.

9. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of

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O.A.No.510/2017 WITH M.A.No.266/2018

compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

10. If notice is not collected within 7 days or service proof is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

11. S.O. to 11-09-2018.

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

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**ORIGINAL APPLICATION NO.161/2018
(Deepak Salunke V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri R.V.Gore learned Advocate for the applicant, Shri D.R.Patil learned Presenting Officer for respondents and Shri M.S.Kharat learned Advocate for respondent no.5.

2. Shri M.S.Kharat learned Advocate has filed affidavit in reply on behalf of respondent no.5. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 14-09-2018 for filing affidavit in rejoinder, if any.

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**ORIGINAL APPLICATION NO.339/2018
(Shrikrushna Kulkarni V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri Vishnu Patil learned Advocate for the applicant and Smt. M.S.Patni learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 16-08-2018.

3. Interim relief granted earlier to continue till then.

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**ORIGINAL APPLICATION NO.370/2018
(Dhammaratna Ghule V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Shri Mohit R. Deshmukh learned Advocate for the applicant is **absent**. Shri S.K.Shirse learned Presenting Officer for respondents.

2. Service report as regards respondent no.4 is not filed on record.

3. Learned P.O. has not filed affidavit in reply on behalf of the respondents.

3. S.O. to 21-08-2018 for passing appropriate order.

MEMBER (J)

YUK ORAL ORDER 31-07-2018 F

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

**ORIGINAL APPLICATION NO.559/2018
(Venkat Mittewad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

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

2. Learned CPO has produced communication dated 31-07-2018 received from Superintending Engineer, National Highways Circle, Aurangabad. It is taken on record and marked as document "X" for identification.

3. Learned Advocate for the applicant has submitted that the applicant has been transferred and posted as Executive Engineer, National Highways Division, Nanded on 22-08- 2016. Accordingly, he took charge of the said post on 22-08-2016. He has hardly completed 1 year and 11 months on the said post. He is not due for transfer. He has not been transferred by the respondents but the respondents issued order dated 17-07-2018

transferring the respondent no.4 on his request at the place of the applicant. It has been mentioned in the said order that separate order of transfer of the applicant will be issued. He has submitted that till today no such order is issued by the respondents and the applicant has not yet been relieved by the respondents. He has submitted that the impugned order has been issued to accommodate the respondent no.4. He has submitted that as there is no transfer order of the applicant, impugned order cannot be executed but the respondent no.4 has taken ex-parte charge of the said post on 19-07-2018. He has submitted that as the applicant has not been relieved and posted elsewhere, it is just to protect him by issuing interim relief.

4. Learned CPO has submitted that as per the communication received to him there are serious complaints against the applicant and proposal regarding his transfer has been sent to the Government and it is pending before the Government. He has submitted that in the meanwhile, Government passed the impugned

order and posted the respondent no.4 in place of the applicant. He has submitted that as per the directions of respondent nos.2 and 3, respondent no.4 took charge ex-parte of the post of the applicant on 19-07-2018 and he is working there since then. He has submitted that as respondent no.4 has joined the said post, no question of granting interim relief to the applicant arises.

5. On perusal of the impugned order, it reveals that by the impugned order, respondent no.4 has been transferred and posted in place of the applicant. No order of transfer of the applicant and posting elsewhere has been issued as per the said order. Not only this but till today transfer order of the applicant has not been issued. In the impugned order, in paragraph 4 it has been specifically mentioned that the controlling officer has to inform the Government about the date of relieving and date of joining of the officer who is under transfer.

6. On perusal of the communication received to learned CPO from Superintending Engineer, National Highways Circle, Aurangabad, it reveals

that no order regarding relieving of the applicant has been issued. Respondent no.4 took ex-parte charge of the post of the applicant.

7. Prima facie, it seems that applicant has not yet been relieved from the present post by the higher authorities. Therefore, it is just and proper to protect the applicant and direct the respondent no.3 not to relieve the applicant till filing of the reply by the respondents. Hence, respondent no.3 is hereby directed not to relieve the applicant till filing of the reply by the respondents.

8. Issue notice to the respondents, returnable on 31-08-2018.

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 the case. Respondents are 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 questions 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. If notice is not collected within 7 days or service proof is not produced before 3 days of the next date, O.A. shall automatically stand dismissed without further reference to the Tribunal.

14. S.O. to 31-08-2018.

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

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 560/2018
(Dr. Omprakash G. Kanade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

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

DATE : 31.7.2018

ORAL ORDER :

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

2. Issue notice before admission to the respondents, returnable on 31.8.2018.

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. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. to 31.8.2018.

9. Steno copy / humdast allowed for both the sides.

MEMBER (A)

ARJ ORAL ORDERS 31-7-2018

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

**ORIGINAL APPLICATION ST. NO. 1296/2018
(Prashant A. Bonge V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

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

DATE : 31.7.2018

ORAL ORDER :

Heard Shri S.S. Ware, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Issue notice before admission to the respondents, returnable on 23.8.2018.

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. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **By way of interim relief, it is hereby directed that the appointment made, if any, shall be subject to final outcome of the present O.a.**

9. S.O. to 23.8.2018.

10. Steno copy / humdast allowed for both the sides.

MEMBER (A)

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

**M.A. ST. 1258/2018 IN O.A. 550/2014
(Jagannath K. Kagale & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

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

DATE : 31.7.2018

ORAL ORDER :

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

2. In view of absence of learned Advocate for the applicants, S.O. to 24.8.2018.

MEMBER (A)

ARJ ORAL ORDERS 31-7-2018

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

**M.A.NO. 100/2018 IN O.A.ST.NO. 398/2018
(Shri Vitthal D. Savalsure V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri Ganesh J. Kore, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer, S.O. to 14th September, 2018 for filing affidavit in reply in the M.A.

MEMBER (J)

ORAL ORDER 31-07-2018-hdd

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

**M.A.NO. 71/2018 IN O.A.ST.NO. 103/2018
(Shri Khanderao D. Musande V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri Ganesh J. Kore, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer, S.O. to 14th September, 2018 for filing affidavit in reply in the M.A.

MEMBER (J)

ORAL ORDER 31-07-2018-hdd

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

**M.A.NO. 508/2017 IN O.A.ST.NO. 1873/2017
(Shri Vasant J. Joshi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 21st August, 2018 for filing affidavit in reply in the M.A.

MEMBER (J)

ORAL ORDER 31-07-2018-hdd

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

**M.A.NO. 357/2017 IN O.A.ST.NO. 1239/2017
(Shri Prabhu R. Rathod V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 14th September, 2018.

MEMBER (J)

ORAL ORDER 31-07-2018-hdd

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

**ORIGINAL APPLICATION NO. 144 OF 2017
(Shri Sharad R. Pathak V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed written notes of submissions and the same is accepted and taken on record.

3. Learned Advocate for the applicant has submitted that the applicant has received the benefit of V Pay Commission and pensionary benefits during the pendency of the present Original Application and, therefore, the applicant does not want to press the prayer clauses 'B' & 'C'. He has submitted that the applicant wants to press his claim regarding interest on the delayed payment of pension and gratuity.

4. Heard both the sides at length and reserved for orders.

MEMBER (J)

ORAL ORDER 31-07-2018-hdd

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

**ORIGINAL APPLICATION NO. 237 OF 2017
(Shri Mukund S. Kachare V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Shri J.B. Choudhary, learned Advocate for the applicant has filed leave note. Shri S.K. Shirse, learned Presenting Officer for respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 18th September, 2018.

MEMBER (J)

ORAL ORDER 31-07-2018-hdd

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

**ORIGINAL APPLICATION NO. 238 OF 2017
(Shri Pramod D. Sangave V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Shri J.B. Choudhary, learned Advocate for the applicant has filed leave note. Shri D.R. Patil, learned Presenting Officer for respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 18th September, 2018.

MEMBER (J)

ORAL ORDER 31-07-2018-hdd

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

**ORIGINAL APPLICATION NO. 167 OF 2017
(Shri Fakirrao A. Wadhve V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. By filing the present Original Application, the applicant is claiming interest on the amount of pension and gratuity payable to him, in view of the provisions of Rule 129-A and 129-B of the Maharashtra Civil Services (Pension) Rules, 1982, as the said amount has been paid to him after lapse of 22 years.

3. Learned Advocate for the applicant has submitted that the applicant desires to file application before the respondents claiming interest on the delayed payment of pension and gratuity and, therefore, he does not want to proceed with the O.A. He, therefore, prayed to dispose of the O.A. accordingly.

4. Learned Presenting Officer has no objection to dispose of the present Original Application.

5. In view of the aforesaid submissions made on behalf of the learned Advocate for the

O.A. NO. 167 OF 2017

applicant, the present Original Application is disposed of with liberty to the applicant to approach the respondents for claiming interest on the delayed payment of pension and gratuity.

6. The parties are directed to bear their own costs.

MEMBER (J)

ORAL ORDER 31-07-2018-hdd

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

**M.A.NO. 349/2017 IN O.A.ST.NO. 1166/2017
(Shri Udalsingh A. Bohara V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri G.D. Angad, learned Advocate holding for Shri A.L. Kanade, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondents.

2. Learned Presenting Officer submits that the respondent No. 5 has already been filed affidavit in reply and, therefore, there is no need to file affidavit in reply on behalf of respondent Nos. 1 to 4.

3. Learned Advocate for the applicant seeks time to file rejoinder, if any. Time granted.

4. S.O. to 11th September, 2018.

MEMBER (J)

ORAL ORDER 31-07-2018-hdd

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

**M.A.NO. 350/2017 IN O.A.ST.NO. 1168/2017
(Shri Janardhan P. Muley V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri G.D. Angad, learned Advocate holding for Shri A.L. Kanade, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for respondents.

2. Learned Presenting Officer submits that the respondent No. 5 has already been filed affidavit in reply and, therefore, there is no need to file affidavit in reply on behalf of respondent Nos. 1 to 4.

3. Learned Advocate for the applicant seeks time to file rejoinder, if any. Time granted.

4. S.O. to 11th September, 2018.

MEMBER (J)

ORAL ORDER 31-07-2018-hdd

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

**M.A. 337/17 WITH M.A.ST.973/17 IN O.A.ST.NO. 974/2017
(Shri Abdul Jabbar Abdul Rahim Shaikh & Ors. V/s. State of Maharashtra &
Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicants and Mrs. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of the respondents in M.A. No. 337/2017 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 12th September, 2018.

MEMBER (J)

ORAL ORDER 31-07-2018-hdd

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

M.A.NO. 476/2016 IN O.A.ST.NO. 2024/2016
(Shri Devidas B. Ahire V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri T.R. Daware, learned Advocate holding for Shri Pramod S. Gaikwad, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Issue notices to the respondents in M.A. No. 476/2016, returnable on 14th September, 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 M.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

**M.A.NO. 476/2016 IN
O.A.ST.NO. 2024/2016**

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. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, M.A. shall stand dismissed without reference to Tribunal and papers be consigned to the record.

8. S.O. to 14th September, 2018.

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

MEMBER (J)

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

**M.A.NO. 502/2017 IN O.A.ST.NO. 1752/2017
(Shri Balu H. Rathod V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate for the applicant and Shri B.S. Devkar, learned Presenting Officer for respondents.

2. This is an application filed by the applicant for condonation of delay of about 381 days caused in filing accompanying Original Application.

3. It is the contention of the applicant that his application is pending with the respondents and respondent No. 2 sent a communication to the higher authorities seeking guidance, but the respondent authorities have not taken decision on it since long and, therefore, the delay has been caused.

4. Learned Advocate for the applicant has placed reliance on the judgment in case of **ASHOK KUMAR VS. STATE OF BIHAR & ORS.** reported in **2008 DGLS(SC) 658 : 2008 AIR (SC) 2723** and prayed to condone the delay caused in filing the accompanying O.A., considering the grounds mentioned in the present Miscellaneous Application.

M.A.NO. 502/2017 IN
O.A.ST.NO. 1752/2017

5. Learned Presenting Officer has strongly objected to condone the delay.

6. Since the application of the applicant is pending with the respondents and the respondent No. 2 has not decided the same and sought guidance of the higher authorities in that regard in view of the principle laid down in the decision (supra) relied by the learned Advocate for the applicant, it is just and proper to condone the delay caused in filing the accompanying O.A. in the interest of justice.

7. In view of the above, the present M.A. is hereby allowed and the delay of about 381 days caused in filing accompanying O.A. is condoned. The registry of this Tribunal is directed to register the accompanying O.A. after due scrutiny.

8. There shall be no order as to costs.

MEMBER (J)

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

**ORIGINAL APPLICATION ST. NO. 1752 OF 2017
(Shri Balu H. Rathod V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 31.07.2018

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate for the applicant and Shri B.S. Devkar, learned Presenting Officer for respondents.

2. After registration of the present O.A., issue notices to the respondents, returnable on 18th September, 2018.

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

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

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

O.A. ST. NO. 1752 OF 2017

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

7. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, O.A. shall stand dismissed without reference to Tribunal and papers be consigned to the record.

8. S.O. to 18th September, 2018.

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

MEMBER (J)

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

**M.A. 197/2017 IN O.A. ST. 526/2017
(Chetan Y. Thakur V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : ATUL RAJ CHADHA, MEMBER (A)

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

DATE : 31.7.2018

ORAL ORDER :

Heard Shri Chetan V. Bhadane, learned Advocate holding for Shri N.L. Choudhary, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The present M.A. is filed by the applicant after delay of over 5 years and 10 months. The matter was heard at length on 30.7.2018 & 31.7.2018. On 30.7.2018, Shri R.C. Bora, learned Advocate holding for Shri N.L. Choudhary, learned Advocate for the applicant & Smt. Bharaswadkar, learned P.O. argued the matter at length. Thereafter on the request of Shri Bora, learned Advocate holding for Shri Choudhary, learned Advocate for the applicant, the matter was adjourned to 31.7.2018 for taking instructions.

3. On 31.7.2018 Shri Chetan V. Bhadane, learned Advocate holding for Shri Choudhary, learned Advocate for the applicant appeared in the matter. The matter was heard at length.

4. This Tribunal vide order dated 13.6.2017 directed to place the copy of caste verification certificate. The same was placed on record at pages

10 to 26. During the course of hearing the learned Advocate for applicant submitted the copy of prayer clauses of writ petition no. 965/2010, which was filed by the applicant before the Hon'ble High Court, Aurangabad Bench and the copy of the Hon'ble High Court dtd. 2.3.2010 passed therein. The said documents are taken on record and marked as document 'X' for the purpose of identification.

5. The Hon'ble High Court has directed the applicant to appear before the Caste Verification Committee. The said Committee thereafter invalidated the claim of the applicant and made following observations :-

O R D E R

1. In view of the clear legal position described above and in the light of the fact that the present applicant has not been able to succeed by way of documentary evidences to prove his tribe claim as well as in the affinity test and has not been able to establish his ethnic linkage towards the Thakur, Scheduled Tribe community appeared at Sr. no. 44 in the list of Scheduled Tribes of Maharashtra. The tribe claim of the applicant **Shri Chetan Yuvraj Thakur** as belonging to Thakur Scheduled Tribe does not sustain and the same is held **INVALID**. The Caste Certificate issued to him by the Sub Divisional Officer Shirpur Sub Division, Shirpur, Dist. Dhule bearing R. No. 488/2000 dated 01.08.2000 is hereby **cancelled and confiscated**.

2. The Superintendent of Police, Dhule, Dist. Dhule is hereby directed to take action against the applicant as per section 10 (1) of Maharashtra Scheduled Castes and Scheduled Tribes, V.J., N.T's Other Backward Classes and S.B. categories (Regulation of issuance and

Verification of) Caste Certificate Act 2000 (Maharashtra Act No. XXIII of 2001) and terminate his services as he has secured post of police meant for Scheduled Tribe vide your order dated 15.10.2008.”

(page 26)

6. Accordingly the applicant was dismissed from service on 21.7.2011. The applicant submitted that thereafter he challenged the dismissal order before the Hon'ble High Court and Hon'ble Supreme Court in which the order of Caste Verification Committee was upheld. However, the applicant could not produce the copies of those orders during the course of hearing.

7. Shri Choudhary, learned Advocate for the applicant also appeared later and submitted that in view of non-availability of regular D.B., the present matter may be placed before the regular D.B. whenever it is available.

8. In the circumstances, S.O. to 6.9.2018 before the Division Bench.

MEMBER (A)