

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

**ORIGINAL APPLICATION NO. 750/2017
(Smt. Surekha U. Gaikwad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Shri A.M. Nagarkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned 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 learned Presenting Officer.

3. S.O. to 17.04.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**ORIGINAL APPLICATION NO. 698/2017
(Shri Jalamsing D. Valvi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate for the applicant and Shri M.P. Gude, 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 02.05.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**ORIGINAL APPLICATION NO. 648/2017
(Shri Bhaskar S. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Shri A.D. Sugdare, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for respondent Nos. 1 & 2 and Smt. S.D. Shelke, learned Advocate holding for Shri D.R. Shelke, learned Advocate for respondent Nos. 3 and 4.

2. Learned Advocate for respondent Nos. 3 and 4 as well as learned Presenting Officer seeks time to file affidavit in reply. Time granted as a most last chance.

3. S.O. to 06.04.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**ORIGINAL APPLICATION NO. 878/2016
(Shri Nitinkumar T. Adhe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for respondent Nos. 1 & 2 and Smt. S.D. Shelke, learned Advocate for respondent Nos. 3 and 4.

2. At the request of learned Presenting Officer, as a last chance, S.O. to 18.04.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**ORIGINAL APPLICATION NO. 861/2017
(Shri Ramkishan G. Jakulwar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Heard Shri S.G. Magre, learned Advocate holding for Shri M.D. Godamgaonkar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant on instructions states that the applicant does not want to proceed with the present O.A. and wants to withdraw the same with liberty to approach this Tribunal on fresh cause of action. He seeks leave of this Tribunal to withdraw the O.A.

3. In view of the submissions made by the learned Advocate for the applicant, leave is granted for withdrawal of O.A. Accordingly, the O.A. stands disposed of as withdrawn with liberty to the applicant to approach this Tribunal on fresh cause of action. There shall be no order as to costs.

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 179/2018
(Dr. Tukaram M. Pichad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the resp.

2. Learned Advocate for the applicant on instructions states that the applicant does not want to proceed with the present O.A. and wants to withdraw the same with liberty to approach this Tribunal on fresh cause of action. He seeks leave of this Tribunal to withdraw the O.A.

3. In view of the submissions made by the learned Advocate for the applicant, leave is granted for withdrawal of O.A. Accordingly, the O.A. stands disposed of as withdrawn with liberty to the applicant to approach this Tribunal on fresh cause of action. There shall be no order as to costs.

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 191/2018
(Shri Vilas N. Salunke V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

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

2. The applicant is challenging the Circular dated 13.06.2016 issued by the Respondent No. 2 and he made prayer in that regard in paragraph no. 43 (E).

3. Since the subject matter pertains to the Division Bench, the present matter be placed before the Division Bench in due course of time.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**ORIGINAL APPLICATION NO. 192/2018
(Shri Suresh U. Khanke V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

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

2. The applicant is challenging the Circular dated 13.06.2016 issued by the Respondent No. 2 and he made prayer in that regard in paragraph no. 43 (E).

3. Since the subject matter pertains to the Division Bench, the present matter be placed before the Division Bench in due course of time.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**ORIGINAL APPLICATION NO. 196/2018
(Shri Suresh K. Damkondwar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

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

2. The applicant is challenging the Circular dated 13.06.2016 issued by the Respondent No. 2 and he made prayer in that regard in paragraph no. 44 (E).

3. Since the subject matter pertains to the Division Bench, the present matter be placed before the Division Bench in due course of time.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**ORIGINAL APPLICATION NO. 195/2018
(Shri Prakash M. Deshmukh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 04.05.2018.

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 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 04.05.2018.

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

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**ORIGINAL APPLICATION NO. 434/2017
(Shri Abhijit S. Sable V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for respondent Nos. 1 to 3 and Shri S.D. Dhongde, learned Advocate for respondent No. 4.

2. At the request of learned Presenting Officer for respondents, S.O. to 05.04.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**ORIGINAL APPLICATION NO. 584/2017
(Shri Md. Abdul Sami V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Shri A.D. Sugdare, 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 24.04.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**ORIGINAL APPLICATION NO. 849/2017
(Smt. Shashikala G. Gaikwad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde-Upadhyay, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

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

3. S.O. to 04.05.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**ORIGINAL APPLICATION NO. 920/2017
(Shri Prakash B. Gaganbone V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Shri P.B. Rakhunde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 4. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. S.O. to 24.04.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**ORIGINAL APPLICATION NO. 938/2017
(Shri Vitthal P. Kausadikar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Shri M.D. Narwadekar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, 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 03.05.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**ORIGINAL APPLICATION NO. 15/2018
(Smt. Sk. Sabiyabee Sk. Iliyas V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Shri D.R. Irale Patil, learned Advocate for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for respondent Nos. 1 to 3 and Shri P.P. Tapase, learned Advocate holding for Shri S.B. Sable, learned Advocate for respondent No. 4, are present.

2. As none present for the applicant, S.O. to 02.05.2018 for passing necessary orders.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**ORIGINAL APPLICATION NO. 111/2018
(Shri Prashant K. Padghan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, 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 25.04.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**M.A. No. 268/2017 with M.A. St. 943/2017 in O.A. No. 521/2014
(Shri Satish C. Jadhav V/s. State of Maharashtra & Ors.)/**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, 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 as a last chance.

3. S.O. to 13.04.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**M.A. No. 443/2017 in O.A. St. No. 1598/2017
(Shri Bhimrao A. Patil V/s. State of Maharashtra & Ors.)/**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Shri A.D. Sugdare, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for respondent Nos. 1 & 2 and Smt. S.D. Shelke, learned Advocate holding for Shri D.R. Shelke, learned Advocate for respondent No. 3.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1 & 2 in M.A. Time granted as a last chance.

3. S.O. to 18.04.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

**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 : 04.04.2018.

ORAL ORDER :

Shri A.D. Gadekar, learned Advocate for the applicant and Shri M.P. Gude, 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 23.04.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**M.A. No. 14/2018 in O.A. St. No. 1902/2017
(Shri Bhaskar H. Channe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Shri K.J. Suryawanshi, learned Advocate for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for respondents, present.

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

3. S.O. to 23.04.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**M.A. No. 24/2018 in O.A. St. No. 73/2018
(Shri Vishwajeet V. Jondhale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Shri Asif Ali, learned Advocate holding for Shri V.P. Kadam, 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 in M.A. Time granted.

3. S.O. to 24.04.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**M.A. No. 487/2017 with M.A. St. 1841/2017 in O.A. St. 1873/2017
(Shri Gangadhar L. Kamble V/s. State of Maharashtra & Ors.)/**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Learned Presenting Officer has submitted that she will file affidavit in reply on behalf of respondents in M.A. during the course of the day.

3. S.O. to 02.05.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**M.A. No. 68/2018 in O.A. 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 : 04.04.2018.

ORAL ORDER :

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

2. Issue notices to the respondents in M.A., returnable on 03.05.2018.

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 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 03.05.2018.

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

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 696/2017
(Shri Anand F. Kasbekar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 13.04.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**ORIGINAL APPLICATION NO. 600/2017
(Smt. Lata B. Darade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 24.04.2018.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

ORIGINAL APPLICATION NO. 191/2016

**(Smt. Bhagyashree H. Sopne @ Bhagyashree V. Karwar V/s. State of Maharashtra
& Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

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

2. Learned Presenting Officer states that Dr. Suchita Vasantryao Shinde, Sub Divisional Officer and Sub Divisional Magistrate, Parbhani and incharge of Gangakhed Sub Divisional Officer, is present before this Tribunal today and filed affidavit and tendered unconditional apology on account of lapses on her part in following the directions given by this Tribunal. The said affidavit is taken on record.

3. The Respondent No. 4 i.e. the Sub Divisional Magistrate, Gangakhed, who is present in person has stated that she will take decisions as per the directions given by this Tribunal within a period of seven days.

4. In view of the unconditional apology tendered by the respondent No. 4 and her undertaking to take decision in the matter as per the directions given by this Tribunal within in a period of seven days, the show cause notice issued to the respondent No. 4 has been recalled.

5. The respondent No. 4 is directed to take decision as per the directions given by this Tribunal within a period of seven days and submit compliance report on the next date.

6. S.O. to 12.04.2018.

MEMBER (J)

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant has submitted that the applicant has received regular pension and pensionary benefits during pendency of the O.A. and therefore, the applicant is not pressing the prayer clause (B) of the O.A. He has submitted that the applicant has received gratuity amount of Rs. 1,75,000/- on 04.10.2017 and arrears of pension in the tune of Rs. 15,16,000/- on 16.12.2017. He has submitted that the applicant is entitled to get interest on the said amounts in view of the provisions of Rule 129 (A) and 129 (B) of the Maharashtra Civil Services (Pension) Rules, 1982 and he is pressing prayer clause (C) only. Therefore, he prayed to grant time for filing affidavit of the applicant in that regard. Time granted.

3. S.O. to 13.04.2018.

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 707/2017
(Shri Yusuf U. Sukede V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 04.04.2018.

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. The applicant has approached this Tribunal with a prayer to give directions to the respondents to consider his case for the appointment on the post of Police Patil of village Nanegaon, Tq. Sillod, Dist. Aurangabad. It is contention of the applicant that one Shri Gaffarkha Bismillahakha Burayee was declared as selected candidate on the conclusion of the recruitment process and accordingly, appointment order has been issued to him. Thereafter, application has been filed by one Mr. Saleem Maseed Sukede raising objection regarding eligibility of selected candidate Shri Gaffarkha Bismillahakha Burayee on the ground that the selected candidate has more than two

children and he was not eligible for appointment on the post of Police Patil of village Nanegaon, Tq. Sillod. The S.D.M. Sillod made an enquiry in the matter and thereafter, disqualified the selected candidate Shri Gaffarkha Bismillahakha Burayee. It is contention of the applicant that he stood 5th in the merit list in the recruitment process of the said post of Police Patil of village Nanegaon, Tq. Sillod. It is contention of the applicant that the candidate at Sr. 2 was also not eligible for the appointment on the post of Police Patil of village Nanegaon, Tq. Sillod, as he has also more than two children. The candidate at Sr. No. 3 had given "no objection" to give him appointment on the post of Police Patil of village Nanegaon, Tq. Sillod. The candidate at Sr. No. 4 has 4 children and he is physically disabled person and therefore, he is not eligible for the appointment on the said post. Not only this, but the said candidate has also given "no objection" to appoint the applicant on the said post. It is his contention that he moved an application to the Sub Divisional Magistrate, Sillod on

26.09.2017 to appoint him on the post of Police Patil of village Nanegaon, Tq. Sillod in view of the cancellation of the appointment of Shri Gaffarkha Bismillahakha Burayee, but the S.D.O., Sillod has not considered the said aspect and therefore, he has filed the present O.A.

3. Learned Advocate for the applicant has submitted that S.D.O., Sillod has not considered his application dated 26.09.2017 and he has not taken decision on it. The said application is pending with the S.D.O., Sillod and therefore, he prayed to direct the respondent No. 2 i.e. the S.D.O., Sillod to decide the application dated 26.09.2017 filed by the applicant within a stipulated time and prayed to dispose of the O.A. accordingly.

4. Learned Presenting Officer has submitted that the applicant has moved an application on 26.09.2017 and prayed to appoint him as Police Patil of village Nanegaon, Tq. Sillod after cancellation of appointment of selected candidate

Shri Gaffarkha Bismillahakha Burayee. He has submitted that without giving reasonable time to the S.D.O., Sillod to decide the said application, the applicant approached this Tribunal and because of pendency of present O.A., the S.D.O., Sillod could not be able to take decision on it. He has further submitted that there is no provision to maintain waiting list for the post of Police Patil of village Nanegaon, Tq. Sillod in the recruitment Rules and therefore, the applicant's claim for appointment on the post of Police Patil of village Nanegaon, Tq. Sillod after cancellation of appointment of Shri Gaffarkha Bismillahakha Burayee cannot be considered. He has fairly submitted that the matter may be disposed of with a direction to the respondent No. 2 to take conscious decision on the application dated 26.09.2017 filed by the applicant within a reasonable time.

5. On going through the documents it reveals that one Shri Gaffarkha Bismillahakha Burayee, applicant and others participated in the

recruitment process for the appointment on the post of Police Patil of village Nanegaon, Tq. Sillod. The applicant, Shri Gaffarkha Bismillahakha Burayee, Shri SALEEM Maseed Sukede, Shri Naseefkhan Maseed Sukede and Shri Mustak Kha Mustafa Burayee had been called for oral interview and on conclusion of the oral interview, the result has been declared. One Shri Gaffarkha Bismillahakha Burayee secured 60 marks and he stood first in the merit. The applicant secured 43 marks and he stood 5th in the rank. The respondent No. 2 i.e. the S.D.O., Sillod declared Shri Gaffarkha Bismillahakha Burayee as selected candidate and appointed him as Police Patil of village Nanegaon, Tq. Sillod. Thereafter, Shri Saleem Maseed Sukede has filed objection challenging the appointment of Shri Gaffarkha Bismillahakha Burayee on the post of Police Patil of village Nanegaon, Tq. Sillod. The S.D.O. Sillod decided the objection on 12.09.2017 and cancelled the appointment of selected candidate Shri Gaffarkha Bismillahakha Burayee on the post of Police Patil of village Nanegaon, Tq. Sillod

on the ground that he is not eligible for the appointment on the post of Police Patil as he has more than two children. Thereafter, the applicant filed application dated 26.09.2017 raising the contention as raised in the present O.A. and prayed to appoint him on the post of Police Patil of village Nanegaon, Tq. Sillod. The said application was filed by the applicant on 26.09.2017 and on the next date, the applicant approached this Tribunal by filing the present O.A. Therefore, the respondent No. 2 i.e. the S.D.O., Sillod has not taken decision on the application dated 26.09.2017 and the same is still pending with him. In these circumstances, it is just and proper to direct the respondent No. 2 i.e. the S.D.O., Sillod to take conscious decision on the application dated 26.09.2017 filed by the applicant as per Rules within a period of three weeks from the date of this order.

6. In view thereof, the O.A. stands disposed of with a direction to the respondent No. 2 i.e. the S.D.O. Sillod to take decision on the application

//7//

O.A. No. 707/2017

dated 26.09.2017 filed by the applicant as per Rules within a period of three weeks from the date of this order and communicate the decision thereon to the applicant in writing. There shall be no order as to costs.

MEMBER (J)

KPB ORAL ORDER 04-04-2018

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

**ORIGINAL APPLICATION NO. 550 OF 2014
(Jagannath K. Kagle & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 4.4.2018

ORAL ORDER :

Heard Shri H.A. Joshi, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. Learned Advocate for the applicants states that the applicant no. 20 viz. Baburao Govindrao Kulkarni has passed away. Learned Advocate for the applicants, therefore, prays to adjourn the hearing by four weeks.

3. S.O. to 6.6.2018.

MEMBER (A)

CHAIRMAN

ARJ ORAL ORDERS 4-4-2018

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

**ORIGINAL APPLICATION NO. 346 OF 2017
(Balaji B. Latpate & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 4.4.2018

ORAL ORDER :

Heard Shri P.A. Kulkarni, learned Advocate
for the applicants and Shri S.K. Shirse, learned
Presenting Officer for respondents.

2. At the request of learned Advocate for the
applicants S.O. to 6.6.2018.

MEMBER (A)

CHAIRMAN

ARJ ORAL ORDERS 4-4-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO. 117 OF 2018
(Ujwala G. Ingle V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 4.4.2018

ORAL ORDER :

Heard Shri R.L. Kute, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Issue notice before admission returnable on 24.04.2018.

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. Selection Process commenced by the Collector, Osmanabad shall be subject to outcome of the present O.A.

9. Appointee be communicated that the appointment shall be subject to outcome of present O.A.

10. S.O. to 24.04.2018.

11. Steno Copy / Hamdast allowed for the use of both the sides.

MEMBER (A)

CHAIRMAN

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

**ORIGINAL APPLICATION NO. 928 OF 2017
(Santosh T. Vaidya V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 4.4.2018

ORAL ORDER :

Heard Shri R.L. Kute, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned C.P.O. states that affidavit is sent for approved to the Director of Prosecution, Mumbai, and a week's time may be granted.
3. Time as prayed for is granted.
4. S.O. to 24.4.2018.
5. Selection process commenced by the Collector, Osmanabad shall be subject to outcome of the present O.A.
6. Appointee be communicated that, the appointment shall be subject to outcome of the present O.A.

MEMBER (A)

CHAIRMAN

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

**ORIGINAL APPLICATION NO. 27 OF 2016
(Dr. Mulla M. Farheen Dastagir V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 4.4.2018

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondents.

2. The applicant has challenged M.P.S.C's. declinment to select the applicant for viva-voce etc. for the post of Dental Surgeon being done pursuant to the advertisement published by the M.P.S.C. on 31.7.2015.

3. It is admitted that by now the selection process is over and even the appointment orders are issued to the selected candidates.

4. Learned P.O. submits that in the aforesaid background the present O.A. has become infructuous and, therefore, it may be disposed of as such.

5. The learned Advocate for the applicant does not dispute the submissions made by the learned P.O.

6. Hence, the present O.A. is disposed of as it has become infructuous. There shall be no order as to costs.

MEMBER (A)

CHAIRMAN

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

**C.P. 12/2018 IN O.A. 128/2017
(Gopinath B. Nalawade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 4.4.2018

ORAL ORDER :

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

2. At the request of learned P.O. S.O. to
22.6.2018.

MEMBER (A)

CHAIRMAN

ARJ ORAL ORDERS 4-4-2018

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

**ORIGINAL APPLICATION NO. 18 OF 2018
(Dr. Baliram R. Pondve V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 4.4.2018

ORAL ORDER :

Heard Shri J. S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent nos. 1 to 3 and Smt. Usha P. Kale (Wayal), learned Advocate for respondent no. 4.

2. At the request of learned C.P.O., S.O. to 25.4.2018.

MEMBER (A)

CHAIRMAN

ARJ ORAL ORDERS 4-4-2018

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

**ORIGINAL APPLICATION NO. 193 OF 2018
(Chandrashekhar V. Borde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 4.4.2018

ORAL ORDER :

Heard Shri H.A. Joshi, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 5.4.2018.

MEMBER (A)

CHAIRMAN

ARJ ORAL ORDERS 4-4-2018

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

**M.A.ST. 407/2018 WITH M.A. NO. 109/2018 IN O.A. ST. 408/2018
(Punjaram N. Wathore V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 4.4.2018

ORAL ORDER :

Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. By accepting the submissions relating for prosecuting the O.A. before the Aurangabad Bench instead of asking the applicant to prosecute the same before the Nagpur Bench, the leave to file the O.A. at Aurangabad Bench of the Tribunal is granted.

3. M.A. is accordingly disposed of with no order as to costs.

CHAIRMAN

ARJ ORAL ORDERS 4-4-2018

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

**M.A. NO. 109/2018 IN O.A. ST. 408/2018
(Punjaram N. Wathore V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 4.4.2018

ORAL ORDER :

Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. The present M.A. is filed for condonation of six months delay caused in filing the accompanying O.A.

3. Issue notices to the respondents in the present M.A., returnable on 2.5.2018.

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 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 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 2.5.2018.

9. steno copy & humdast allowed for the use of both the sides.

CHAIRMAN

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

**M.A. st. 301/2018 IN O.A. ST. 90/2018
(Maharashtra Rajya Hangami Hivtap Prayogshala Karmachari Sanghatana,
through its President, Bharat M. Tangade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 4.4.2018

ORAL ORDER :

Shri Amol R. Gaikwad, learned Advocate for the applicant **(absent)**. Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents, is present.

2. This M.A. and O.A. were on yesterday's board, but none appeared for the applicant. Hence, the matters were adjourned for today.

3. Today also when matters are called, none appeared for the applicant.

4. Hence, M.A. & O.A. both are dismissed for want of prosecution. There shall be no order as to costs.

MEMBER (A)

CHAIRMAN

ARJ ORAL ORDERS 4-4-2018

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

**ORIGINAL APPLICATION NO. 688 OF 2017
(Dr. Baliram R. Pandwe & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 4.4.2018

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for respondents, are present.

2. Heard for some time.

3. By filing this O.A., the applicants are seeking following reliefs :-

“a) This Original Application may kindly be allowed.

b) In view of the Medical Officer in Maharashtra Medical and Health Services Group-A Recruitment (Third Amendment) Rules, 2013 dtd. 18.7.2013 it be declared that applicants are Group - A Medical Officers.

c) The Respondents be directed to modify the policy decision dtd. 17.10.14 and absorb applicant as Group - A Medical Officers under Public Health Department by taking appropriate policy decision.

Respondents be directed to absorb applicants as Group - A Medical Officer instead of Group - B Medical Officer by modifying policy decision dtd. 17.10.2014 pursuant to Medical Officer in Maharashtra

***Medical and Health Services Group – A
Recruitment (Third Amendment) Rules,
2013.”***

(quoted from page 18 of O.A.)

4. These reliefs are in the nature of writ of mandamus.

5. The learned Advocate for applicants is directed to explain what are ingredients for considering a prayer for writ of mandamus.

6. The learned Advocate for the applicants prays for time to prepare and argue.

7. S.O. to 7.6.2018.

MEMBER (A)

CHAIRMAN

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

**ORIGINAL APPLICATION NO. 104 OF 2018
(Dr. Nandkishor D. Karwar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 4.4.2018

ORAL ORDER :

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

2. The learned P.O. prays for time for filing affidavit in reply.

3. The learned P.O. was called upon to state whether the respondents have contacted the P.O. with due instructions or with a request for praying for time for filing affidavit in reply.

4. Learned P.O. replies that so far none has approached for or from the respondents.

5. On perusal of papers, it is evident that, on 27.2.2018 notices to the respondents was ordered.

6. The report of the Registrar shows that notices on res. nos. 1 & 2 are served on 9.3.2018 and on 8.3.2018 respectively.

7. It is very sorry state of affairs that despite of service of notice on res. nos. 1 & 2 on 9.3.2018 & 8.3.2018 respectively and repeated till today cautioning as reported by learned P.O. no contact is established by the respondents with the Chief Presenting Officer's office for filing affidavit in reply or for seeking adjournment for filing affidavit in reply.

8. In fact, four weeks' time is adequate for not only for contacting the learned Presenting Officer for giving instructions in the matter, but even for filing affidavit in reply.

9. The apathy shown by res. nos. 1 & 2 deserves to be deprecated.

10. In the circumstances, the res. nos. 1 & 2 are directed to show cause as to why instructions are not given by them to the learned P.O. in the matter till today, and they are also directed to show cause as to why for this negligence, on their part why this Tribunal should not impose costs of Rs. 10,000/- on each of them.

11. The explanation on above two points be filed by the res. nos. 1 & 2 on or before the next date.

12. The respondents shall be free to file affidavit in reply before next date.

13. S.O. to 22.6.2018.

14. Steno copy allowed for the use of learned
P.O. for communication.

MEMBER (A)
ARJ ORAL ORDERS 4-4-2018

CHAIRMAN

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

**ORIGINAL APPLICATION NO. 105 OF 2018
(Dr. Nitin R. Agarwal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 4.4.2018

ORAL ORDER :

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

2. The learned C.P.O. prays for time for filing affidavit in reply.

3. The learned C.P.O. was called upon to state whether the respondents have contacted the C.P.O. with due instructions or with a request for praying for time for filing affidavit in reply.

4. Learned C.P.O. replies that so far none has approached for or from the respondents.

5. On perusal of papers, it is evident that, on 27.2.2018 notices to the respondents was ordered.

6. The report of the Registrar shows that notices on res. nos. 1 & 2 are served on 9.3.2018 and on 8.3.2018 respectively.

7. It is very sorry state of affairs that despite of service of notice on res. nos. 1 & 2 on 9.3.2018 & 8.3.2018 respectively and repeated till today cautioning as reported by learned C.P.O. no contact is established by the respondents with the Chief Presenting Officer's office for filing affidavit in reply or for seeking adjournment for filing affidavit in reply.

8. In fact, four weeks' time is adequate for not only for contacting the learned Chief Presenting Officer for giving instructions in the matter, but even for filing affidavit in reply.

9. The apathy shown by res. nos. 1 & 2 deserves to be deprecated.

10. In the circumstances, the res. nos. 1 & 2 are directed to show cause as to why instructions are not given by them to the learned C.P.O. in the matter till today, and they are also directed to show cause as to why for this negligence, on their part why this Tribunal should not impose costs of Rs. 10,000/- on each of them.

11. The explanation on above two points be filed by the res. nos. 1 & 2 on or before the next date.

12. The respondents shall be free to file affidavit in reply before next date.

13. S.O. to 22.6.2018.

14. Steno copy allowed for the use of learned
C.P.O. for communication.

MEMBER (A)
ARJ ORAL ORDERS 4-4-2018

CHAIRMAN

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

ORIGINAL APPLICATION NO. 218 OF 2015

[Shri Kalpeshkumar M. Sharma Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
SHRI ATUL RAJ CHADHA, MEMBER (A)**

DATE : 04.04.2018.

ORAL ORDER :

Heard Shri Vijay Deshmukh, learned Advocate holding for Shri Gajanan Kadam, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant prays for adjournment. Adjournment granted.
3. S.O. to 21st June, 2018.

MEMBER (A)

CHAIRMAN

ORAL ORDERS 04.04.2018-HDD

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

ORIGINAL APPLICATION NO. 345 OF 2017

[Shri Abhiman M. Kale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
SHRI ATUL RAJ CHADHA, MEMBER (A)**

DATE : 04.04.2018.

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant, Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Sham B. Patil, learned Advocate for respondent No. 4.

2. At the outset the learned Advocate for the applicant states as follows that :

(a) The applicant had originally filed a complaint before the Labour Court, which ultimately went to the Hon'ble High Court. All these proceedings were against the notice of show cause of termination only. In fact, in the meantime after show cause notice, order of termination was issued.

(b) Now the applicant has realized that the proper course at the time of filing of the present O.A. was to challenge the termination order.

(c) Because applicant had approached the Labour Court and then spent time before High Court, time was lost despite legal assistance. Therefore, O.A. No. 345/2017 was filed, however, it was also delayed. Original

Application as was originally filed, was against the notice of show cause of termination.

(d) The delay caused in filing O.A. has been condoned and now the applicant is pursuing the Original Application.

(e) Applicant has realized that the challenge contained in O.A. is not correctly formulated. Therefore, it is necessary to amend the Original Application and hence the applicant is now craving for leave to amend the O.A. by way of substitution the memo of O.A., Annexures etc. by placing all and necessary documents, because withdrawal and filing of present O.A. would result in causing further delay.

(f) Hence, in the interest of justice request for leave to amend to substitute paper book of O.A. deserves to be granted.

3. The learned Advocate for the applicant prays for leave to amend the present O.A. by way of substitution as indicated. Hence order is passed as hereinafter.

4. In the interest of justice, leave to amend the O.A. by way of substitution is granted.

5. The applicant shall carry out the necessary amendment within a period of four weeks.

6. In case, the amendment is not carried out within a stipulated period, the present O.A. shall stand dismissed without reference to the Tribunal.

7. In the event, amendment is carried out by the applicant within a stipulated period, issue fresh notices to the respondents, returnable on 21st June, 2018.

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

9. 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.

10. 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.

11. 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.

12. 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.

13. S.O. to 21st June, 2018.

14. Steno Copy / Hamdast allowed for the use of both the sides.

MEMBER (A)

CHAIRMAN

ORAL ORDERS 04.04.2018-HDD

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

ORIGINAL APPLICATION NO. 427 OF 2017

[Shri Kiran S. Tidke Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
SHRI ATUL RAJ CHADHA, MEMBER (A)**

DATE : 04.04.2018.

ORAL ORDER :

1. Shri Suhas R. Shirsat, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Heard both sides for some time. What transpires is that the applicant does not withstand the eligibility of competitive merit having remained far below the benchmark. This fact of the matter is not disputed or denied by the applicant.

3. In the result, the present Original Application does not have merit and it is dismissed with no order as to costs.

MEMBER (A)

CHAIRMAN

ORAL ORDERS 04.04.2018-HDD

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

ORIGINAL APPLICATION NO. 20 OF 2018

[Shri Rameshwar D. Dandge Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
SHRI ATUL RAJ CHADHA, MEMBER (A)**

DATE : 04.04.2018.

ORAL ORDER :

1. Shri V.B. Wagh, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. This Original Application was heard by this Tribunal [Coram : Justice Shri M.T. Joshi, Vice Chairman], on 24th January, 2018. This Tribunal has issued directions in paragraph No. 11 against the respondent No. 1 as follows :-

“11. The respondent No. 1 is directed to go through the rules and the qualification of the present applicant and to see as to whether any corrective steps can be taken. In case respondent No. 1 comes to the conclusion that, the corrective steps can be taken, those steps be taken and report about the same on the next date. In case respondents comes to the conclusion that corrective steps cannot be taken then short affidavit explaining the reasons be filed on the next date.”

3. Affidavit in reply is filed on 15th March, 2018 answering the query raised by the Hon'ble Vice Chairman, of this Tribunal.

4. The affidavit in reply to the query raised by this Tribunal is not filed by the Respondent No. 1, but the

same is filed by his subordinate Shri Abhay Bhimrao Deshpande.

5. In the affidavit in reply the officer Shri Abhay Bhimrao Deshpande states as follows :

“03. With reference to Hon’ble court order dated 24.01.2018 Para No. 11, I say and submit that for the post the qualification is that Candidate should have Degree certificate with Statistics, Mathematics or Economics with statistics subject of Authorized University EXIHIBIT R-1. So corrective steps cannot be taken because the applicant does not fulfill the required qualification for the post applied for.

Annexure A is degree certificate of applicant which shows that applicant have passed B.A. with Marathi, Economics and Sociology but clause 2.3.3 of Advertise requires bachelor degree with statistics, Maths or Economics which he does not fulfill. Therefore his candidature was rightly rejected by R-1.”

(Quoted para-3 from page-43 & 44 of O.A.)

6. Incumbent holding the post of the respondent No. 1 was expected to file his own affidavit because the exercise required to be done for complying with the order/direction contained in above quoted paragraph No. 11 was an exercise to be done by incumbent himself.

7. Therefore, learned Presenting Officer was directed to furnish the name of the officer, who is holding the post of respondent No. 1, which is furnished as follows :

**“Shri Govind Bodke,
Commissioner, Fisheries”**

8. Issue notice to Shri Govind Bodke, Commissioner, Fisheries, calling him to show cause as to why he should not be personally saddled with costs of Rs. 25,000/- for failing to obey the directions given by this Tribunal through paragraph 11 of order dated 24.01.2018 for undertaking certain exercise and for filing affidavit, particularly when the respondent No. 1 - Commissioner was directed to file affidavit.

9. In addition to the foregoing paragraphs we further direct to Shri Govind Bodke, Commissioner, Fisheries, as follows: -

- (a) He should read the entire O.A.;
- (b) Read the recruitment rules;
- (c) Read the advertisement;
- (d) Match the rule 5 (1) (b) (ii) (b) with the condition prescribed in the advertisement;
- (e) Understand applicant's case and claim;
- (f) He may, if necessary call applicant's advocate for hearing; and
- (g) Thereafter file an affidavit stating as to whether he continues to subscribe to view and plea expressed in the affidavit filed for and on his behalf by Shri Abhay Bhimrao Deshpande, Assistant Commissioner of Fisheries, Aurangabad.

10. Filing of the affidavit as directed in foregoing paragraphs, shall not be necessary, if the respondent No. 1 modifies impugned action.

11. Shri Govind Bodke, Commissioner, Fisheries, is however, not excuse from showing cause against cost in paragraph No. 8.

12. Learned Presenting Officer was called to state as to whether it would be possible for learned

Presenting Officer to communicate this order to the respondent officer, Shri Govind Bodke. In reply, learned Presenting Officer undertakes to communicate this order to the respondents.

13. Hence, S.O. to 17th April, 2018.

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

MEMBER (A)

CHAIRMAN

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

ORIGINAL APPLICATION NO. 295 OF 2012

[Dr. Arvind N. Bagate & Others Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
SHRI ATUL RAJ CHADHA, MEMBER (A)**

DATE : 04.04.2018.

ORAL ORDER :

Heard Shri Milind Patil, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant prays for adjournment. Adjournment granted.

3. S.O. to 17th April, 2018.

MEMBER (A)

CHAIRMAN

ORAL ORDERS 04.04.2018-HDD

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

ORIGINAL APPLICATION NO. 496 OF 2017

[Smt. Varsharani S. Chavhan Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
SHRI ATUL RAJ CHADHA, MEMBER (A)**

DATE : 04.04.2018.

ORAL ORDER :

Heard Shri Sandip S. Chakurkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Admit.

3. The O.A. shall come up for final hearing in due course of time.

MEMBER (A)

CHAIRMAN

ORAL ORDERS 04.04.2018-HDD

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

ORIGINAL APPLICATION NO. 543 OF 2017

[Dr. Prithviraj K. Chavan Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
SHRI ATUL RAJ CHADHA, MEMBER (A)**

DATE : 04.04.2018.

ORAL ORDER :

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

2. In the midst of hearing, learned Advocate for the applicant seeks permission of this Tribunal to withdraw the present Original Application with liberty to file fresh Original Application.

3. Permission granted. Withdrawal is allowed. Accordingly, the present Original Application stands disposed of with liberty as prayed for. There shall be no order as to costs.

MEMBER (A)

CHAIRMAN

ORAL ORDERS 04.04.2018-HDD

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

M.A.NO. 371/2017 IN O.A.ST.NO. 1375/2017

[Shri Ashok R. Khandagale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
SHRI ATUL RAJ CHADHA, MEMBER (A)**

DATE : 04.04.2018.

ORAL ORDER :

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

2. This Miscellaneous Application has been filed by the applicant for condonation of delay of about 8 months and 27 days caused in filing accompanying Original Application.

3. Accepting the grounds and reasons contained in the Miscellaneous Application, whereby the applicant has explained the delay, the delay caused in filing of O.A. of about 8 months and 27 days is hereby condoned.

4. Parties are directed to bear own costs.

MEMBER (A)

CHAIRMAN

ORAL ORDERS 04.04.2018-HDD

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

ORIGINAL APPLICATION ST.NO. 1375 OF 2017

[Shri Ashok R. Khandagale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
SHRI ATUL RAJ CHADHA, MEMBER (A)**

DATE : 04.04.2018.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 21st June, 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 21st June, 2018.

9. Steno Copy / Hamdast allowed for the use of both the sides.

MEMBER (A)

CHAIRMAN

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

M.A.NO. 83/2018 IN O.A.NO. 130/2017

[Smt. Priyanka A. Dongre Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN
AND
SHRI ATUL RAJ CHADHA, MEMBER (A)**

DATE : 04.04.2018.

ORAL ORDER :

Heard Shri Sudhir K. Chavan, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that he does not wish to press the present Miscellaneous Application and may be disposed of as such.

3. In view of the aforesaid submissions made on behalf of the applicant, the present M.A. stands disposed of as not pressed. There shall be no order as to costs.

MEMBER (A)

CHAIRMAN

ORAL ORDERS 04.04.2018-HDD