

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.**

OA Nos.226/15, 148, 149 & 150 of 2016.

(Shri R. B. Yedke & Oths. Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

Heard Shri A. D. Gadekar, learned Advocate for the Applicants and S/Shri N. U. Yadav, M. P. Gude, V.R. Bhumkar and Smt. D.S. Deshpande, learned Presenting Officers for the Respondent no.1 in respective matters and Shri G. N. Patil, learned Advocate for the Respondents no.2 to 4 in OA No.226/15 and Shri Sham Patil, learned Advocate for the Respondent no.2 in all matters except OA No.226/2015.

2. It is submitted at bar that, similar matters are placed on board on 7.3.2017. Hence, S.O. to 7.3.2017.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,

BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.108/2017.

(Shri K. P. Shinde Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

Heard Shri R. B. Bhosale, learned Advocate for the Applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Issue notices to the respondents, returnable on 22.3.2017.

3. Applicant is authorized and directed to serve on all respondents notice of O.A. authenticated by Registry, along with complete paper book of O.A. stating that this Tribunal may take the case for final disposal at this stage and a separate notice for final disposal not be issued.

4. Authorization for service of 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.

5. The service of notice may be done by the applicant by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry as far as possible before the due date.

6. Affidavit of service be filed one week before due date.

7. Learned P.O. is directed to communicate this order.

-2- ORIGINAL APPLICATION NO.108/2017.

8. Affidavit in reply be filed before due date.
9. Steno copy and Hamdast is allowed to both parties.
10. S.O. to 22.3.2017.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,

BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.80/2016.

(Shri D. L. Ghuge Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

Shri K. B. Jadhav, learned Advocate for the Applicant has filed leave note. Shri V. R. Bhumkar, learned Presenting Officer for the Respondents is present.

2. Leave note is filed on behalf of the learned Advocate for the applicant.

3. S.O. to 8.3.2017.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,

BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.201/2016.

(Shri Sayyed Habib Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

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

2. Pleadings are complete, hence the matter is admitted and kept for expeditious hearing.

3. Liberty to move for final hearing as and when the Division Bench is available.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,

BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.540/2016.

(Shri R. D. Sapkale Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

Heard Shri B. S. Deshmukh, learned Advocate for the Applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 22.3.2017.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,

BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.603/2016.

(Dr. Sunita K. Shere Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

Heard Shri Sham Patil, learned Advocate for the Applicant, Shri V. R. Bhumkar, learned Presenting Officer for the Respondents no.1 to 3, Smt. Vidya Taksal, learned Advocate holding for Shri A. S. Deshmukh, learned Advocate for the Respondent no.4, Shri Swapnil A. Deshmukh, learned Advocate for the Respondent no.5 (Absent), Shri H. A. Joshi, learned Advocate for the Respondent no.6 and Shri V. C. Suradkar, learned Advocate for the Respondent no.7.

2. Learned Advocate Shri Sham Patil for the applicant on the basis of written instructions from the applicant, which is filed on record submit that, the applicant wishes to withdraw the application. He is allowed to withdraw the same. Accordingly, application stands disposed of, as withdrawn, with no order as to costs.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,

BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.753/2016.

(Dr. Mangesh M. Ghodke & Ors. Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

Heard Shri Sham Patil, learned Advocate for the Applicant and Shri V. R. Bhumkar, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant submit that, instead of deciding the present O.A. on merit the direction to the Respondent no.1 to decide the representation dated 3.6.2014 at Annexure-11 within a reasonable period would be sufficient.

3. Upon hearing both the sides the O.A. is disposed of with direction to the Respondent no.1 to decide the representation dated 3.6.2014 at Annexure-11 at the earliest and in any case within a period of six months from the date of this order.

4. The Original Application is disposed of accordingly.

5. Learned P.O. is directed to intimate the above to the concerned.

6. Steno copy is allowed to the learned Presenting Officer.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,

BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.852/2016.

(Shri A. K. Tekale Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

Heard Shri V. B. Wagh, learned Advocate for the Applicant and Shri M. P. Gude, learned Presenting Officer for the Respondents.

2. Since the pleadings are complete the matter is admitted and kept for final hearing.

3. Liberty to move the O.A. for final hearing as and when the Division Bench is available.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

MA NO.423/15 IN OA ST.NO.1369/2015.
(Shri N. B. Khaire Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).
(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

Heard Shri H. M. Shaikh, learned Advocate for the Applicant, Shri I. S. Thorat, learned Presenting Officer for the Respondent no.1 and Shri Vivek Bhavthankar, learned Special Counsel, for the Respondents no.2 to 5.

2. Learned Advocate for the applicant submit that, the present applicant has filed a dispute application for regularization with the Industrial Court at Solapur, which was later on transferred to Industrial Court at Latur. The applicant however, is not aware about the result of the said proceeding. He therefore, seeks time to take instructions in this regard.

3. At the request of the learned Advocate for the applicant, S.O. to 11.4.2017.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,

BENCH AT AURANGABAD.

MA 457/2015 IN CP ST.1650/15 IN OA 74/2013.

(Shri N. D. Waghmare Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

Heard Shri K. G. Salunke, learned Advocate for the Applicant and Smt D. S. Deshpande, learned Presenting Officer for the Respondents.

2. Learned P.O. files affidavit in reply on behalf of Respondent no.3. The same is taken on record.

3. Learned Advocate for the applicant submit that, the order of this Tribunal is already complied with. Learned P.O. also files on record the necessary communication on record in this regard.

4. In view of the submission from both the sides, nothing survives in the present application. The application is disposed of accordingly with no order as to costs.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,

BENCH AT AURANGABAD.

M.A. No.465/15 IN OA ST.NO.1190/2015.

(Marathwada Sarva Shramik Sangathna & Ors. Vs.
State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

Heard Shri A. S. Shelke, learned Advocate for the Applicant and Shri S. K. Shirse, learned Presenting Officer for the Respondents.

2. The delay of 865 days in filing the O.A. is sought to be condoned. Learned Advocate for the applicant submit that, the applicant is an Organization of the Labours. All the Labours are scattered in the Region. Therefore, the delay has occurred in filing the present application. It is also pointed out that, G.R. i.e. challenged in the O.A. is also challenged in other various Original Applications by individuals.

3. The learned P.O. opposed the application. Considering all the facts on record in my view just and sufficient reasons are made to condone the delay. Accordingly the delay is condoned and application is disposed of with no order as to costs.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,

BENCH AT AURANGABAD.

M.A. St.No.1189/15 IN OA ST.NO.1190/2015.

(Marathwada Sarva Shramik Sangathna & Ors. Vs.
State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

Heard Shri A. S. Shelke, learned Advocate for the Applicant and Shri S. K. Shirse, learned Presenting Officer for the Respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

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

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

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,

BENCH AT AURANGABAD.

M.A. No.262/16 IN OA ST.NO.1310/2016.

(Marathwada Sarva Shramik Sangathna & Ors. Vs.
State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

Heard Shri A. S. Shelke, learned Advocate for the Applicant and Shri S. K. Ghate Deshmukh, learned Presenting Officer for the Respondents.

2. The delay of 977 days in filing the O.A. is sought to be condoned. Learned Advocate for the applicant submit that, the applicant is an Organization of the Labours. All the Labours are scattered in the Region. Therefore, the delay has occurred in filing the present application. It is also pointed out that, G.R. i.e. challenged in the O.A. is also challenged in other various Original Applications by individuals.

3. The learned P.O. opposed the application. Considering all the facts on record in my view just and sufficient reasons are made to condone the delay. Accordingly the delay is condoned and application is disposed of with no order as to costs.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,

BENCH AT AURANGABAD.

M.A. St.No.1309/16 IN OA ST.NO.1310/2015.

(Marathwada Sarva Shramik Sangathna & Ors. Vs.
State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

Heard Shri A. S. Shelke, learned Advocate for the Applicant and Shri S. K. Ghate Deshmukh, learned Presenting Officer for the Respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

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

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

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,

BENCH AT AURANGABAD.

MA 503/2015 IN CP ST.1812/15 IN OA 142/13.

(Dr. J. D. Taji Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

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

2. Learned P.O. files on record the affidavit in reply on behalf of Respondent no.3. The same is taken on record.

3. S.O. to 30.3.2017.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,

BENCH AT AURANGABAD.

MA NO.539/15 IN OA ST.NO.1019/2015.

(Shri S.S. Sonwane Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

None present for the Applicant. Shri D. R. Patil,
learned Presenting Officer for the Respondents is present.

2. S.O. to 21.3.2017.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.**

MA NO.212/2016 IN OA ST.NO.664/2016.
(Shri N. C. Khicchi Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).
(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

Heard Applicant Shri Nandkishor Khicchi the party in person and Shri M. P. Gude, learned Presenting Officer for the Respondents.

2. At the request of the learned P.O. for the respondents, time to file affidavit in reply is granted, as a last chance.

3. S.O. to 22.3.2017.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.**

MA NO.393/16 IN CP ST.1798/16 IN OA NO.122/15.

(Dr. A. B. Havelikar Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

(Division Bench matter)

DATE : 15.02.2017.

ORAL ORDER:-

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

2. Upon hearing both the sides, it appears that, while the Respondent no.3 in his affidavit in reply of para no.10 has submitted that, the Departmental Enquiry is pending, the learned P.O. submitted that, it is a typographical mistake and the word "Judicial Enquiry" was required. On the other hand, Shri Dhongde Advocate submitted that, the concerned criminal case is already concluded and the applicant is acquitted from the same.

3. In view of the above anomaly the learned P.O. is directed to take instructions regarding correction, if any, in the reply and also to take instructions as to within how much period a decision regarding grant of pension can be taken, as the applicant's counsel submitted that the copy of the judgment in criminal case is already submitted.

4. S.O. to 22.3.2017.

5. Learned P.O. is directed to act on the Steno copy.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.**

ORIGINAL APPLICATION NO.81/2016.

(Smt. Sakhubai S. Kukade Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

DATE : 15.02.2017.

ORAL ORDER:-

Heard Shri K. G. Salunke, learned Advocate for the Applicant and Smt S.K. Ghate Deshmukh, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 15.3.2017.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.**

MA ST. NO.179/17 IN OA ST.NO.180/2017.

(Shri G. M. Kulkarni & Ors. Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

DATE : 15.02.2017.

ORAL ORDER:-

Heard Shri R. P. Bhumkar, learned Advocate for the Applicants and Shri M. S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned Advocate for the applicant submit that, there is a judgment from the Hon'ble High Court regarding the time bound promotion, which would declare that the time bound promotion is to be granted as a matter of course and not considering the merit of the case and only ACRs of five years are looked into. He seeks to place the said judgment on record.

3. S.O. to 7.3.2017.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.**

ORIGINAL APPLICATION St.NO.124/2017.
(Shri B. V. Khade Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

DATE : 15.02.2017.

ORAL ORDER:-

Leave note filed by Shri K. B. Jadhav, learned Advocate for the Applicant. Shri D. R. Patil, learned Presenting Officer for the Respondents.

2. Leave note is filed on behalf of the learned Advocate for the applicant.

3. S.O. to 8.3.2017.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.**

OA Nos.131, 157, 158, 351, & 218 of 2016.

(Shri N. M. Jadhav & Ors. Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

DATE : 15.02.2017.

ORAL ORDER:-

Heard Shri A. S. Shelke, learned Advocate for the Applicants, S/Shri S. K. Shirse, N. U. Yadav, M. P. Gude & Smt. D. S. Deshpande, learned Presenting Officers for the Respondents and Shri Vivek Bhavthankar, learned Special Counsel for the Respondents no.3 to 5 in respective matters.

2. Learned P.O. prays for time to file affidavit in replies. Time granted to file reply affidavits of concerned Respondents.

3. S.O. to 31.3.2017.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.**

ORIGINAL APPLICATION NO.651 of 2016.

(Shri N. M. Jadhav & Ors. Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T. JOSHI, MEMBER (J).

DATE : 15.02.2017.

ORAL ORDER:-

Heard Shri A. S. Shelke, learned Advocate for the Applicant and Shri D. R. Patil, learned Presenting Officers for the Respondents.

2. Learned P.O. files affidavit in reply on behalf of Respondents no.1 to 4. The same is taken on record. Its copy is served on the learned Advocate for the applicant.

3. S.O. to 31.3.2017.

MEMBER (J).

ORAL ORDERS 15-2-2017-ATP

ORIGINAL APPLICATION NO. 633/2016

{Shri Rishiraj S. Goski Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 15.02.2017

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant, in view of the earlier submissions made, which are recorded in para 8 of the order of this Tribunal dated 27.9.2016, submits that the applicant may not be relieved till 30.4.2017 as his daughter is taking education at Ahmednagar and he would join the service at Latur thereafter.
3. The learned Presenting Officer seeks time to take instructions in this regard. Time granted.
4. S.O. to 21.2.2017.
5. The learned P.O. to act upon the steno copy of this order.

MEMBER (J)

ARJ ORAL ORDERS 15.2.2017

ORIGINAL APPLICATION NO. 933 OF 2016

{Dr. Pravin P. Bodewar Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 15.02.2017

Oral Order :-

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

2. The learned Presenting Officer seeks time to file affidavit in reply. The case of the present applicant, however, represents bad state of affairs and gross negligence on the part of the respondents.

3. In the circumstances, the respondents are directed to take corrective measures within a period of 10 days from today and submit affidavit accordingly through the learned Presenting Officer, failing the same necessary direction for conducting a departmental enquiry against the erring Officers may be given.

4. S.O. to 27.2.2017.

5. The learned Presenting Officer to act upon the steno copy of this order.

MEMBER (J)

ARJ ORAL ORDERS 15.2.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.401/2013
(Anita M. Chavan V/s. The State of Mah. & Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal,
Vice-Chairman (A)
AND
Hon'ble Shri B. P. Patil, Member (J)**
DATE : 15TH FEBRUARY, 2017
ORAL ORDER:

Heard Smt. Suchita Dhongde learned Advocate holding for Shri S.D.Dhongde learned Advocate for the Applicant and Shri M.P.Gude learned Presenting Officer for the Respondents.

2. The case of the applicant is that she was selected in the first list which was published by the respondents. List was subsequently, revised twice. The circumstances in which the list has to be revised twice have to be ascertained by us. Though affidavit in reply has been filed by the respondent no.6, the Tribunal would like to peruse the original records on the basis of which the first list was prepared; minutes of the meeting in which the applicant was found to have been most meritorious from her category, marks obtained by all the candidates, reasons for changes in the list later. In short, whole records be produced before us for perusal tomorrow.

3. S.O. 16-02-2017.

MEMBER (J)
2017/FEBRUARY/YUK DB SPECIAL ra bpp

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO. 195 OF 2016

{Smt. Gita B. Shejwal Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 15.02.2017

Oral Order :-

1. Heard Shri V.B. Patil, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. The learned Presenting Officer seeks time to make the submissions. At her request, S.O. to 17.2.2017.

MEMBER (J)

ARJ ORAL ORDERS 15.2.2017

ORIGINAL APPLICATION NO. 863 OF 2016

{Shri Babarao D. Tathe Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 15.02.2017

Oral Order :-

1. Heard Shri J.B. Choudhary, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of res. no. 4. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 30.3.2017.

MEMBER (J)

ARJ ORAL ORDERS 15.2.2017

ORIGINAL APPLICATION NO. 905 OF 2016

{Shri Mahavir C. Gosavi Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 15.02.2017

Oral Order :-

1. Heard Ms. Bhavna Panpatil, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 to 3 and Shri D.T. Devane, learned Advocate for respondent no. 4.

2. Shri Devane, learned Advocate seeks time to file affidavit on behalf of res. no. 4. At his request, S.O. to 28.2.2017.

MEMBER (J)

ARJ ORAL ORDERS 15.2.2017

ORIGINAL APPLICATION NO. 893 OF 2016

{Shri Vijay N. Chavan Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 15.02.2017

Oral Order :-

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

2. The learned Presenting Officer has filed affidavit in reply on behalf of res. no. 5. It is taken on record. She undertakes to supply copy of the affidavit in reply to the learned Advocate for the applicant.

3. In view of the absence of the learned Advocate for the applicant and since rest of the respondents are not yet served, S.O. to 8.3.2017 for taking necessary steps by the learned Advocate for the applicant.

MEMBER (J)

ARJ ORAL ORDERS 15.2.2017

M.A. NO. 379/2015 IN O.A. ST. 1254/2015

{Smt. Vijaya R. Jetty Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 15.02.2017

Oral Order :-

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

2. With consent of both the sides, S.O. to 28.2.2017.

MEMBER (J)

ARJ ORAL ORDERS 15.2.2017

MA NO. 64/2016 IN OA ST. 1991/2015

{Shri Appa D. Chikte Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 15.02.2017

Oral Order :-

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

2. At the request of learned Advocate for the applicant, S.O. to 3.3.2017 for filing separate misc. application for adding the Zilla Parishad, Jalna as party respondent in the original application.

MEMBER (J)

ARJ ORAL ORDERS 15.2.2017

MA NO. 439/2016 WITH MA NO. 1937/16 IN OA ST. 1938/16

{Smt. Ranjana R. Pagare & Ors. Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 15.02.2017

Oral Order :-

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

2. The learned P.O. seeks time to file affidavit in reply.
Time granted.

3. S.O. to 5.4.2017.

MEMBER (J)

ARJ ORAL ORDERS 15.2.2017

MA NO. 466/2016 IN OA 839/2012

{Jaywanta R. Sonawane Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 15.02.2017

Oral Order :-

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

2. The learned Advocate for the applicant submits that the appointment order of the applicant dated 1.6.1992 is now filed on record. The original application was dismissed by this Tribunal vide its order dated 5.9.2014, as appointment order was not filed and on the next date the learned Advocate for the applicant remained absent. The reasons for absence are given in the misc. application

3. For the reasons stated in the misc. application, the same is allowed and the delay caused in filing the misc. application for restoration of original application is condoned and the original application is also restored without any order as to costs.

MEMBER (J)

ARJ ORAL ORDERS 15.2.2017

ORIGINAL APPLICATION NO. 346 OF 2016

{Shri Shailesh A. Meghle Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 15.02.2017

Oral Order :-

1. Shri K.B. Jadhav, learned Advocate for the applicant **(leave note)**. Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 1 & 2 and Shri B.G. Sagade Patil, learned Advocate for respondent no. 3, are present.

2. In view of leave note of learned Advocate for the applicant for today, S.O. to 17.2.2017.

MEMBER (J)

ARJ ORAL ORDERS 15.2.2017

ORIGINAL APPLICATION NO. 897/2016

{Smt. Shalini R. Raut Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)
(Division Bench matter)**

DATE :- 15.02.2017

Oral Order :-

1. None appears for the applicant. Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.
2. The learned P.O. seeks time to file affidavit in reply.
Time granted.
3. S.O. to 2.3.2017.

MEMBER (J)

ARJ ORAL ORDERS 15.2.2017

ORIGINAL APPLICATION NO. 533/2016

{Shri Motiram T. Nikam Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 15.02.2017

Oral Order :-

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

2. At the request of learned Presenting Officer time to file reply to the amended original application is granted till 22.2.2017.

MEMBER (J)

ARJ ORAL ORDERS 15.2.2017

ORIGINAL APPLICATION NO. 05/2017

{Shri Bhanudas R. Pund Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 15.02.2017

Oral Order :-

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

2. The learned Presenting Officer seeks time to file reply. At her request, S.O. to 15.3.2017.

MEMBER (J)

ARJ ORAL ORDERS 15.2.2017

MA 441/2016 IN OA ST. 1841/2016

{Shri Madhukar R. Dusane Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri Justice M.T. Joshi, Member (J)

DATE :- 15.02.2017

Oral Order :-

1. Heard Smt. Suchita Dhongde (Upadhyay), learned Advocate holding for Shri Suresh D. Dhongde, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to make her submissions. Time granted.

3. S.O. to 8.3.2017.

MEMBER (J)

ARJ ORAL ORDERS 15.2.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 322/2015
[Shri Balasaheb Manoharrao Kulkarni Vs. The State of
Mah. & Ors.]**

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 15.02.2017

ORAL ORDER :

Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. after one week.

ORAL ORDER 15.02.2017 – **KPB(SB)JDK**

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**Review Petition No. 02/2017 in O.A. No. 695/2015
[Late Ashok s/o Limbaji Supekar through his LRs Vs. The
State of Mah. & Ors.]**

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 15.02.2017

ORAL ORDER :

Heard Shri S.K. Mathpati, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant is seeking review of the order dated 27.01.2017 in O.A. No. 695/2015 and has prayed that the prayer clauses 'D' and 'E' were not pressed by him in view of the fact that the matter is pending before the Hon'ble Apex Court. However, no observations are made in this regard in the order. Both the counsels admitted that it was stated during the course of arguments that prayer clauses 'D' and 'E' were not pressed, however the same are not part of the final order and judgment.

3. In view of the fact that the matter is already pending before the Hon'ble Apex Court, it makes no difference whether prayer clause 'D' and 'E' are referred in judgment or not. The applicant is always entitled to take legal recourse, on the basis of decision that may be taken by the Hon'ble Apex Court in the pending litigation. In such circumstances, there is no need of said observations.

4. In view thereof, the Review Petition No. 2/2017 stands disposed of with no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**M.A. No. 458/2016 in O.A. No. 787/2015
[Shri Dattu Chimaji Salve Vs. The State of Mah. & Ors.]**

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 15.02.2017

ORAL ORDER :

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

2. The O.A. No. 787/2015 was dismissed in default vide order dated 28.11.2016 as the applicant and his counsel remained absent. It seems that the applicant and his counsel did not appear even earlier dates i.e. on 29.03.2016, 18.6.2016, 19.9.2016 and 24.10.2016.

3. For the reason stated in the application, the M.A. for restoration of O.A. No. 787/2015 is allowed in the interest of justice and equity, subject to the Costs of Rs. 1000/- (one thousand only). The said Costs be paid to the MAT Bar Association within one month from today. The M.A. stands disposed of and the O.A. is restored on its original file.

MEMBER (J)

ORAL ORDER 15.02.2017 – **KPB(SB)JDK**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 508 OF 2014

**(Shri Pralhad Mahipati Shinde & Anr. Vs. The State of
Maharashtra and Others.)**

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN
AND
HON'BLE SHRI B.P. PATIL, MEMBER (J)**

DATE : 15.02. 2017.

ORAL ORDER:

Heard Smt. Vidya Taksal, learned Advocate holding for Shri Avinash Deshmukh – learned Advocate for the applicants and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. Learned Advocate Smt. Vidya Taksal submits that Shri Avinash Deshmukh, learned Advocate for the applicants on record, is busy in the Hon'ble High Court and seeks time.

3. Time granted.

4. Hence, place this matter before the next Division Bench, whenever it is available.

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 15.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 497 OF 2014

**(Shri Kisan Rangnath Godam Vs. The State of Maharashtra
and Others.)**

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN
AND
HON'BLE SHRI B.P. PATIL, MEMBER (J)**

DATE : 15.02. 2017.

ORAL ORDER:

Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande – learned Advocate for the applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 17th February, 2017.

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 15.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 556 OF 2014

**(Shri Sanjay Ramrao Patange Vs. The State of Maharashtra
and Others.)**

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN
AND
HON'BLE SHRI B.P. PATIL, MEMBER (J)**

DATE : 15.02. 2017.

ORAL ORDER:

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

2. At the request of learned Advocate for the applicant, S.O. to 17th February, 2017.

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 15.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 439 OF 2013

**(Shri Sakharam G. Choughule Vs. The State of Maharashtra
and Others.)**

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN
AND
HON'BLE SHRI B.P. PATIL, MEMBER (J)**

DATE : 15.02. 2017.

ORAL ORDER:

Shri R.D. Khadap – learned Advocate for the applicant
(**absent**). Smt. Sanjivani Deshmukh-Ghate – learned Presenting
Officer for the respondents, present.

2. Since nobody is appeared on behalf of the applicant, S.O. to
17th February, 2017 for dismissal.

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 15.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 376 OF 2013

**(Dr. Smt. Nilam Nanasaheb Nemane Vs. The State of
Maharashtra and Others.)**

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN
AND
HON'BLE SHRI B.P. PATIL, MEMBER (J)**

DATE : 15.02. 2017.

ORAL ORDER:

Shri A.V. Rakh - learned Advocate for the applicant
(**absent**). Shri D.R. Patil - learned Presenting Officer for the
respondents, present.

2. Since none appears for the applicant, S.O. to 17th February,
2017 for dismissal.

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 15.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 367 OF 2013

**(Shri Bajirao S. Gore & Ors. Vs. The State of Maharashtra and
Others.)**

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN
AND
HON'BLE SHRI B.P. PATIL, MEMBER (J)**

DATE : 15.02. 2017.

ORAL ORDER:

Heard Ms. Preeti R. Wankhade, learned Advocate holding for Shri Avinash Deshmukh – learned Advocate for the applicants and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 17th February, 2017.

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 15.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 297 OF 2013

**(Shri Prakash B. Joshi Vs. The State of Maharashtra and
Others.)**

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN
AND
HON'BLE SHRI B.P. PATIL, MEMBER (J)**

DATE : 15.02. 2017.

ORAL ORDER:

Shri Amol G. Vasmatkar – learned Advocate for the applicant (**absent**). Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents, present.

2. It transpires from the proceedings that on last three occasions i.e. on 12.02.2014, 26.03.2014 & 10.06.2014 none appeared on behalf of the applicant. However, today also none appears on behalf of the applicant.

3. In view of the above position, S.O. to 17th February, 2017 for dismissal.

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 15.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 284 OF 2013

**(Smt. Anusayabai W/o Poshatti Narod Vs. The State of
Maharashtra and Others.)**

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN
AND
HON'BLE SHRI B.P. PATIL, MEMBER (J)**

DATE : 15.02. 2017.

ORAL ORDER:

Shri Avishkar S. Shelke – learned Advocate for the applicant (**absent**). Shri M.P. Gude – learned Presenting Officer for the respondents, present.

2. It transpires from the proceedings that on the last occasion i.e. on 09.10.2013 none appeared on behalf of the applicant. However, today also none appears for the applicant.

3. In view of the above position, S.O. to 17th February, 2017 for dismissal.

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 15.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 454 OF 2016

**(Shri Dhiraj S/o. Ramdas Mote Vs. The State of Maharashtra
and Others.)**

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN
AND
HON'BLE SHRI B.P. PATIL, MEMBER (J)**

DATE : 15.02. 2017.

ORAL ORDER:

Heard Shri V.B. Wagh – learned Advocate for the applicant, Shri D.R. Patil – learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Vivek Bhavthankar – learned Special Counsel for respondent No. 4.

2. After hearing the arguments of learned Advocate for the applicant at some length, it appears that the similar case, wherein the Deputy Conservator of Forests has held the selection process after taking no objection from the District Selection Committee i.e. the Collector, was heard by the Division Bench of this Tribunal at Mumbai, where one of us [Shri Rajiv Agarwal, V.C. (A)] was a Member and some orders have been passed in that case. It will be necessary to have that judgment before us before this case is decided.

3. The learned Presenting Officer is directed to produce a copy of that judgment before us on or before 17th February, 2017.

4. The learned Special Counsel Shri Vivek Bhavthankar for respondent No. 4 has placed on record a copy of the order

dated 13th December, 2016, passed by the Aurangabad Bench of this Tribunal in O.A. No. 202/2015 and the same is taken on record.

5. S.O. to 17th February, 2017.

6. Steno copy be provided to the learned Presenting Officer, at his request.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 15.02.2017- HDD(DB)