

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

**M.A.17/2018 IN O.A. 517/2017
(Anup S. Kulkarni V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 6.2.2018. The interim relief granted in the O.A. to continue till then.

VICE CHAIRMAN

ARJ ORAL ORDERS 03-02-2018

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

**ORIGINAL APPLICATION NO. 669/2017
(Balasaheb B. Surwase V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018

ORAL ORDER :

Heard Ms. Bhavna Panpatil, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The learned P.O. seeks time to file affidavit in reply. At her request S.O. to 20.3.2018 for filing affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 03-02-2018

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

**ORIGINAL APPLICATION NO. 736/2017
(Sanjay U. Kale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate
holding for Shri S.S. Thombre, learned Advocate
for the applicant and Smt. Deepali S. Deshpande,
learned Presenting Officer for respondents.

2. The learned P.O. files on record affidavit in
reply of res. nos. 3 & 4. It is taken on record and
copy thereof has been served upon the learned
Advocate for the applicant. She seeks time to file
affidavit in reply of res. nos. 1 & 2. At her
request S.O. to 13.3.2018 for filing affidavit in
reply of res. nos. 1 & 2. The interim relief
granted earlier to continue till then.

VICE CHAIRMAN

ARJ ORAL ORDERS 03-02-2018

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

**ORIGINAL APPLICATION NO. 829/2017
(Dattatraya D. Jaybhay V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri Vinod D. Godbharle, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The learned P.O. seeks time to file affidavit in reply. At her request S.O. to 14.3.2018 for filing affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 03-02-2018

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

**ORIGINAL APPLICATION NO. 830/2017
(Digambar B. Chaure V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri Vinod D. Godbharle, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The learned P.O. seeks time to file affidavit in reply. At her request S.O. to 14.3.2018 for filing affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 03-02-2018

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

ORIGINAL APPLICATION NO. 831/2017
(Raju B. Rathod V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri Vinod D. Godbharle, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. The learned C.P.O. seeks time to file affidavit in reply. At his request S.O. to 14.3.2018 for filing affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 03-02-2018

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

**ORIGINAL APPLICATION NO. 911/2017
(Dadabhau N. Salunke V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018

ORAL ORDER :

Heard Shri Vivek G. Pingle, learned
Advocate for the applicant and Shri S.K. Shirse,
learned Presenting Officer for respondents.

2. The learned P.O. seeks time to file affidavit
in reply of the respondents. At his request S.O.
to 26.3.2018 for filing affidavit in reply of the
respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 03-02-2018

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

**ORIGINAL APPLICATION NO. 22/2015
(Chhaya P. Kamble V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018

ORAL ORDER :

None appears for the applicant. Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, is present.

2. Upon hearing the learned C.P.O. it appears that a decision on merit is required at the hands of Division Bench. In the circumstances, the present matter is removed from the board for time being and it be placed for hearing before the D.B. as and when it is available.

VICE CHAIRMAN

ARJ ORAL ORDERS 03-02-2018

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

MISC. APPLICATION NO. 231/2017

WITH

ORIGINAL APPLICATION NO. 297/2017

(Ramesh Shahajirao Ghorpade V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018

ORAL ORDER :

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

2. With the consent of both the sides, the Original Application with Misc. Application are taken up for final disposal.

3. The present misc. application has been filed by the applicant for grant of interim relief against the impugned decision of the res. no. 1 dated 4.7.2017 (Annex. R.1 page 7 of M.A.). Vide the said decision the res. no. 1 has declared that the promotion of the present applicant to the post of Police Sub Inspector, Wireless (Traffic) would come to an end w.e.f. 7.7.2017. In the O.A. quashment of the decision is sought.

4. Vide the order dtd. 19.7.2016 the applicant was promoted to the said post of P.S.I. from the post of A.S.I. merely for 11 months and it was a temporary promotion.

5. The submissions from both the sides would show that one Shri B.N. Gate, who was senior to the applicant and who was also from the category of Nomadic Tribe 'C' like that of the present applicant, was unable to produce his caste validity certificate when the promotions to the initial post of A.S.I. were considered. In the circumstances, the present applicant in place of Shri Gate was promoted as a A.S.I. and in due course later on to the post of P.S.I. on temporary basis.

6. According to the respondents, in the meantime said Shri Gate was able to produce his caste validity certificate and in the circumstances as per the G.R. dtd. 16.6.2008 (Exh. R. 4 page 82 of the O.A.) the applicant was liable to be reverted back to his original post. However, since

the post was available in the cadre of Assistant Sub Inspectors for the applicant and, therefore, he is reverted back only by one step to the post of A.S.I.

7. The learned Advocate for the applicant submits that in fact once the promotion is made, the same could not have been discontinued. He further submits that the reliance by the respondents on the above G.R. dated 16.6.2008 is wrong for the reasons that it is provided vide clause no. 2 of the said G.R. that a warning is required to be given in the promotion order itself that the said promotion of the employee is only on temporary basis and in case concerned senior employee to him provides his caste validity certificate, the said temporary promotion would come to an end. He submits that the said specific fact is not mentioned in the promotion order of the applicant.

8. Upon hearing both the sides, in my opinion, the interim relief granted earlier in favour of the

applicant cannot be continued. It appears that Shri Gate could not be promoted as he has not produced his caste validity certificate when the issue of promotion was considered by the concerned respondents. Later on in the meantime he has submitted the caste validity certificate. The promotion of the applicant for 11 months was liable to be terminated on due date. The only lacuna in the promotion order of the applicant is that there is no specific mention therein that the said temporary promotion of the applicant would be cancelled upon production of validity certificate by the employee senior to him. However, it was specifically given an understanding in the promotion order of the applicant that the said promotion was for 11 months and was liable to be cancelled. Merely because the respondents have not mentioned in the promotion order of the applicant that the said promotion would be cancelled if senior employee to him would produce caste validity certificate and, therefore, the claim of Shri Gate would not

stood abrogated. In the circumstances, I pass the following order :-

ORDER

- (i) The M.A. & O.A. are dismissed without any order as to costs.
- (ii) The interim relief granted earlier is hereby vacated.
- (iii) At the request of learned Advocate for the applicant the interim relief granted earlier shall continue for 4 weeks i.e. till 20.3.2018 only.

VICE CHAIRMAN

ARJ ORAL ORDERS 03-02-2018

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

**ORIGINAL APPLICATION NO. 255/2015
(Shri Rajaram V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 05.02.2018.

ORAL ORDER :

Shri S.P. Telgote, learned Advocate holding for Shri A.R. Devkate, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. Learned Presenting Officer files affidavit in reply to the amended O.A. on behalf of respondent Nos. 3 & 4. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant S.O. to 26.02.2018.

VICE CHAIRMAN

KPB ORAL ORDER 05-02-2018

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

**M.A. No. 426/2017 in M.A. No. 64/2016 in O.A. St. No. 1991/2015
(Shri Appa V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 05.02.2018.

ORAL ORDER :

Heard Shri D.B. Gaikwad, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that he has heard that the certain W.Ps. are pending involving similar issue in the Hon'ble High Court and he will take instructions in this regard and would make submissions on the next date.

3. At his request, S.O. to 14.03.2018.

VICE CHAIRMAN

KPB ORAL ORDER 05-02-2018

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

**M.A. No. 485/2017 in O.A. No. 130/2016
(Shri Vinayak V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 05.02.2018.

ORAL ORDER :

Heard Shri D.B. Gaikwad, learned Advocate holding for Shri M.C. Ghode, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. Issue notices to the respondents in M.A., returnable on 21.03.2018.

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

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

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

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

7. S.O.to 21.03.2018.

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

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 454/2015
(Ms. Shobha V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 05.02.2018.

ORAL ORDER :

Shri S.M. Avhad, learned Advocate for the
applicant (**Absent**). Smt. Resha S. Deshmukh,
learned Presenting Officer for respondents,
present.

2. S.O. to 07.03.2018 to satisfy the query
raised by this Tribunal on 21.12.2017.

VICE CHAIRMAN

KPB ORAL ORDER 05-02-2018

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

**ORIGINAL APPLICATION NO. 924/2017
(Shri Sudhakar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 05.02.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks time to file application for condonation of delay as directed earlier. Time granted.

3. S.O. to 27.03.2018 for taking steps as per the earlier order dated 15.12.2017.

VICE CHAIRMAN

KPB ORAL ORDER 05-02-2018

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

**ORIGINAL APPLICATION NO. 52/2018
(Shri Sayyed Mujahed Ali V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 05.02.2018.

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 26.03.2018.

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

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

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

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

7. S.O.to 26.03.2018.

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

VICE CHAIRMAN

KPB ORAL ORDER 05-02-2018

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

**M.A. No. 409/2016 in O.A. St. No. 1662/2016
(Shri Mohan Y. Sanap V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 05.02.2018.

ORAL ORDER :

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

2. It is to be noted that vide G.R. dated 05.05.1999 (Exhibit R-1, page Nos. 18 & 19) the respondents had regularized the services of the applicant and other similarly situated employees. It was held that the break in service would not be computed for the purposes of leave, pay fixation, seniority or promotion.

3. Learned Advocate for the applicant has submitted that in fact, the Labour Court in U.L.P. No. 164/1987 and others (Annexure A-14, page Nos. 104 to 108) decided on 13.01.1989 and another complaint bearing U.L.P. No. 149/1990 decided on 28.05.1997 (page Nos. 109 to 118)

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M.A. 409/2016 in
O.A. St. 1662/2016

has directed the State to reinstate the complainant and other similarly situated employees with back wages and continuity of service. He has submitted that the applicant merely wants to implementation of the said decisions of the Labour Court.

4. The reason for delay is alleged that the applicant went on making various representations right from 11.07.2012 to 01.07.2016. Filing merely representation after representation would not give fresh cause of action in view of the provisions of Sections 20 and 21 of the Administrative Tribunals Act, 1985.

Further the decisions of the Labour Court are of the year 1989 and 1997, while the impugned G.R. is of the year 1999.

5. In that view of the matter, no ground for condonation of delay is made out. Therefore, the M.A. No. 409/2016 and O.A. St. No. 1662/2016 both are dismissed without any order as to costs.

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 63 OF 2018

[Dr. Bhawna S. Bhagwat Vs. State of Maharashtra & Others]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018.

ORAL ORDER :

Heard Shri Avinash Deshmukh, 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 20th March, 2018.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained

and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

7. S.O. to 30th March, 2018.

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

VICE CHAIRMAN

ORAL ORDERS 05.02.2018-HDD

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

ORIGINAL APPLICATION NO. 31 OF 2018

[Shri Dattatraya N. Trimukhe Vs. State of Maharashtra & Others]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018.

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that after retirement no departmental enquiry can be initiated and if departmental enquiry is initiated before retirement and memorandum of charge-sheet was issued after retirement, the same is vitiated. He relies on the ratio laid down by the Hon'ble Bombay High Court in the following cases: -

- i) Prabhakar Ambadasrao Dongre Vs. State of Maharashtra and others [2016 DGLS (Bom.) 309]
- ii) Shankar Shivling Swami Vs. State of Maharashtra and others [2013(7) Bom.C.R. 175]
- iii) Vasant Nivrutti Waghmare Vs. State of Maharashtra and others [W.P. No. 11949 of 2016]

3. Learned Advocate for the applicant seeks time to place on record further copies of the judgments referred to in paragraph No. 3 of the judgment in the case of Vasant Nivrutti Waghmare (Supra).

4. Additionally both the sides are permitted to file written notes of arguments.
5. S.O. to 8th February, 2018 for filing written notes of arguments.

VICE CHAIRMAN

ORAL ORDERS 05.02.2018-HDD

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

ORIGINAL APPLICATION ST. NO. 83 OF 2018

[Shri Purushottam S. Andhale & 5 Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018.

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Upon registration of the present Original Application, issue notices to the respondents, returnable on 27th March, 2018.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained

and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

7. S.O. to 27th March, 2018.

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

VICE CHAIRMAN

ORAL ORDERS 05.02.2018-HDD

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

M.A.NO. 26/2018 IN O.A.ST.NO. 83/2018

[Shri Purushottam S. Andhale & 5 Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018.

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicants and Shri V.R. Bhumkar, 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 application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid, and accompanying O.A. be registered and numbered, and the present M.A. stands disposed of accordingly. No order as to costs.

VICE CHAIRMAN

ORAL ORDERS 05.02.2018-HDD

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

ORIGINAL APPLICATION NO. 165 OF 2017

[Dr. Sunil P. Bhamre Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that earlier notice was sent to the respondent No. 3 by R.P.A.D., but acknowledgement is not received till date. Hence, he requests that the fresh notice to the respondent No. 3 only be issued. At his request, issue fresh notice to respondent No. 3 only, returnable on 13th March, 2018.

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

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

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. S.O. to 13th March, 2018.

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

VICE CHAIRMAN

ORAL ORDERS 05.02.2018-HDD

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

ORIGINAL APPLICATION NO. 251 OF 2017

[Dr. Sham P. Toshniwal Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018.

ORAL ORDER :

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

2. Learned Presenting Officer seeks two weeks' time for compliance of the earlier order dated 6.11.2017. Time granted as prayed for.

3. S.O. to 27th February, 2018 for compliance.

VICE CHAIRMAN

ORAL ORDERS 05.02.2018-HDD

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

ORIGINAL APPLICATION NO. 272 OF 2017

[Dr. Vaishali P. DEshpande Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018.

ORAL ORDER :

Heard Smt. Juee Palekar-Parlikar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Upon hearing both the sides, it appears that the arguable case is made out. Hence, **admit**. Learned Presenting Officer waives notice of admission.

3. The present case be removed from the board and it be placed before the Division Bench, as and when it is available.

VICE CHAIRMAN

ORAL ORDERS 05.02.2018-HDD

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

ORIGINAL APPLICATION NO. 301 OF 2017

[Dr. Seema P. Panad Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018.

ORAL ORDER :

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

2. Learned Presenting Officer submits that during the course of the day he will file affidavit on behalf of respondent No. 1. He undertook to serve the copy of the same on the learned Advocate for the applicant.

3. In the circumstances, S.O. to 27th February, 2018 for hearing on the issue of continuation of ad interim relief granted earlier.

VICE CHAIRMAN

ORAL ORDERS 05.02.2018-HDD

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

ORIGINAL APPLICATION NO. 329 OF 2017

[Karwar D. Balbhim Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted.
3. S.O. to 15th March, 2018 for filing rejoinder affidavit.

VICE CHAIRMAN

ORAL ORDERS 05.02.2018-HDD

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

ORIGINAL APPLICATION NO. 352 OF 2017

[Shri Girish V. Baviskar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018.

ORAL ORDER :

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

2. Learned Chief Presenting Officer has filed affidavit in pursuant to the order dated 04.01.2018 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant. Considered the difficulty of Mr. Pravin Sitaram Pandit, District Treasury Officer, Jalgaon.

3. Now however, the State Government has issued a fresh Government Resolution dated 12th December, 2011, page-61 of the O.A., which would show that the condition No. 7 in the earlier G.R. dated 5th November, 2009 is hereby also revoked by the State Government as per the decision of the Division Bench.

4. The District Treasury Officer is, therefore, directed to go through the said Government Resolution and apply the Government Resolution in the case of the present applicant also and issue fresh orders accordingly.

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O.A. NO. 352 OF 2017

5. S.O. to 20th March, 2018 for report on corrective steps.
6. Steno copy and hamdust is allowed to both the sides.

VICE CHAIRMAN

ORAL ORDERS 05.02.2018-HDD

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

ORIGINAL APPLICATION NO. 441 OF 2017

[Shri Dnyaneshwar B. Bhutekar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 05.02.2018.

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri Ramesh I. Wakade, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. On instructions, the learned Advocate for the applicant seeks leave of this Tribunal to withdraw the present Original Application.

3. Permission granted. Withdrawal is allowed. Accordingly, the present Original Application is disposed of as withdrawn without any orders as to costs.

VICE CHAIRMAN

ORAL ORDERS 05.02.2018-HDD