

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 139 OF 2017

(Shri Sk. Liyakat Sk. Dildar V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 08-06-2017

ORAL ORDER:-

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

2. The learned P.O. seeks time to file affidavit in reply. Already 2 occasions time was granted therefor. In the circumstances, as a last chance, S.O. to 26.7.2017 for filing affidavit in reply by the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 150 OF 2017

(Shri Balasaheb P. Mane V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 08-06-2017

ORAL ORDER:-

Heard Shri P.G. Tambade, learned Advocate holding for Shri S.S. Dambe, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in the original application, returnable on 27.7.2017.

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

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along

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

7. In the meantime, the learned P.O. is directed to seek instructions from the respondents especially as regards para no. 7 of the present original application explaining as to why the correction in the select list of mentioning parallel reservation category against the present applicant is not made.

8. S.O. 27.7.2017.

9. Steno copy & hamdust allowed to both the parties.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 234/2016 IN OA ST. 629/2016

(Shri Chous Galeb Ahmed Amodi V/s. State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 08-06-2017

ORAL ORDER:-

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

2. The learned P.O. submits that in view of the earlier direction of the Tribunal today he is filing affidavit in reply of res. no. 4 in the original application. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. With the consent of both the sides S.O. to 4.7.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 348/2016 IN OA ST. 1609/2016

(Shri Abhiman M. Kale V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 08-06-2017

ORAL ORDER:-

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent no. 1 and Shri Shamsundar B. Patil, learned Advocate for respondent nos. 2 to 6.

2. The present misc. application has been filed by the applicant for condonation of 12 years and 6 months delay caused in filing the accompanying original application.

3. The record would show that the applicant was pursuing his grievance with the wrong forum i. e. the Industrial Court and thereafter he approached before the Hon'ble Bombay High Court, Bench at Aurangabad by filing writ petition no. 610/2008 (Annex. C-1 paper book page 8 of the misc. application). Hon'ble High Court while disposing of the said writ petition on 19.8.2016 has observed as under :-

“5.Similarly, the time spent by the petitioner before the Labour Court from 3.2.2003 till the disposal of this petition today shall be a good ground for condonation of delay, if any. All contentions of the petitioner are kept open”

4. In view of the above fact, the delay caused in filing the accompanying original application is hereby condoned. The

misc. application is allowed and disposed of without any order as to costs.

5. The office to register the original application.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

OA ST. 1609/2016

(Shri Abhiman M. Kale V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 08-06-2017

ORAL ORDER:-

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent no. 1 and Shri Shamsundar B. Patil, learned Advocate for respondent nos. 2 to 6.

2. Issue notices to the respondents in the original application, returnable on 28.7.2017.

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

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along

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

7. S.O. 28.7.2017.

8. Steno copy & hamdust allowed to both the parties.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 12/2017 IN OA 245/2016

(Shri Satish P. Dhangar V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 08-06-2017

ORAL ORDER:-

Heard Shri K.B. Jadhav, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 to 4 and Shri S.R. Patil, learned Advocate for respondent no. 5.

2. The present misc. application has been filed by the applicant seeking leave to amend the original application suitable and add exhibits as per prayer clause (A) thereof.

3. Perused the application. Considered the contentions.

4. For the reasons stated in the misc. application it is allowed and disposed of without any order as to costs. The application is permitted to amend the original application within a period of two weeks from today.

5. The original application be fixed on board on 23.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 11/2017 IN OA 245/2016

(Shri Satish P. Dhangar V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 08-06-2017

ORAL ORDER:-

Heard Shri K.B. Jadhav, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 to 4 and Shri S.R. Patil, learned Advocate for respondent no. 5.

2. The learned Advocate for res. no. 5 has filed reply in the present misc. application. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The learned P.O. seeks time to file reply in the present misc. application. At his request, S.O. to 23.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 31/2017 IN CP ST. 77/2017 IN OA 500/2014
(Shri Dattatraya D. Parte V/s. The State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

Date : 08-06-2017

ORAL ORDER:-

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

2. Perused the order dated 4.5.2017 passed by the Tribunal in the present misc. application. Liberty is hereby granted to the applicant to add Shri Ranjan Kumar Sharma, present Superintendent of Police, Ahmednagar as a party respondent in the present misc. application and the accompanied contempt petition. The necessary addition be done by the applicant during the course of the day.

3. Upon addition of Shri Ranjan Kumar Sharma, present Superintendent of Police, Ahmednagar as party respondent, issue notice to the added respondent in the misc. application, returnable on 10.7.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 111/2017 IN OA 641/2015

(Shri B.P. Patil (Pawar) V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 08-06-2017

ORAL ORDER:-

Shri S.D. Joshi, learned Advocate for the applicant has filed leave note. Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, is present.

2. The learned P.O. seeks time to file reply in the present misc. application. At her request, S.O. to 26.7.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 117/2017 IN CP ST. 257/2017 IN OA 663/2014

(Shri Nagorao S. Bele V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 08-06-2017

ORAL ORDER:-

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

2. At the request of learned P.O., S.O. to 9.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 281/2017

(Shri Dhananjay P. Sonune V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 08-06-2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant submits that similar case viz. original application no. 84/2017 is fixed on board on 16.6.2017. Therefore, this matter also be fixed on 16.6.2017. In the meantime, the learned P.O. is directed to take the instructions in the present matter as to why the present applicant Shri Dnananjay P. Sonune was not selected.

3. This matter be tagged with O.A. no. 84/2017 and both the matters be placed on board on 16.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 195 OF 2017

(Shri Sunil Sonilal Rathod V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 08-06-2017

ORAL ORDER:-

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

2. Though this matter is already adjourned to 21.6.2017, still in view of circulation note tendered by the learned Advocate for the applicant it is taken on today's board.

3. The learned Advocate, on instructions from the applicant, seeks permission to withdraw the present original application.

4. In view thereof, the present original application is disposed of as withdrawn without any order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 101 OF 2017

(Shri Shivaji B. Kathar V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 08-06-2017

ORAL ORDER:-

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

2. It appears from the proceeding that, none is appearing for the applicant from 19.1.2017. Though the Registrar has issued the notices on 13.2.2017 in the matter, the learned Advocate has not collected the same from the office.

3. In the circumstances, as a last chance, S.O. to 27.7.2017. It is, however, made clear that, if on the next date none appears for the applicant, the necessary orders will be passed in the matter.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 514 OF 2015

(Shri (Dr.) Balaji S. Barure V/s. The State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date : 08-06-2017

ORAL ORDER:-

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The respondents are hereby directed to reconsider the matter afresh in view of the earlier orders passed by this Tribunal and by the Hon'ble High Court, copies whereof are already served upon the respondents as annexures of the present original application, and take the corrective steps in the matter according to Law. If it is found that the present applicant is a similarly situated employee to whom the similar relief can be granted, then without waiting for any order from this Tribunal, necessary order be passed by the concerned respondent. The compliance report be filed positively, on or before 20.7.2017.

3. The learned P.O. to act upon the Steno copy of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 421 OF 2012

(Shri Anant M. Thakur V/s. The State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date : 08-06-2017

ORAL ORDER:-

Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The learned P.O. points out from para 6 of the affidavit in reply filed by res. nos. 2 & 3 in the present matter that the proposal referred in the said para is still under consideration.

3. In the circumstances, the res. nos. 2 & 3 are hereby directed to file copy of the said proposal sent to the Government as referred in para no. 6 of the affidavit in reply.

4. S.O. to 17.7.2017.

5. The learned P.O. to act upon the Steno copy of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 217/2016
[Smt. Tanuja R. Patil Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 08.06.2017.

ORAL ORDER:

Ms. Ujjwal Agarwal, learned Advocate for the Applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for respondent nos. 1 to 3 present. Shri A.I. Deshmukh, learned Advocate for respondent no. 4.

2. As none present for the applicant, S.O. to 14.07.2017.

MEMBER (J)

ORAL ORDERS 08.06.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 574/2016
[Smt. Jyoti D. Siddhewar Vs. The State of Mah. & Ors.]**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 08.06.2017.

ORAL ORDER:

Shri A.S. Deshmukh, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 07.07.2017.

MEMBER (J)

ORAL ORDERS 08.06.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 33/2017
[Shri Bharat L. Kharat Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 08.06.2017.

ORAL ORDER:

Heard Shri V.B. Wagh, learned Advocate for the Applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondents.

2. At the request and by consent of both the parties, S.O. to 29.06.2017. Part heard.

MEMBER (J)

ORAL ORDERS 08.06.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 163 OF 2017

**(Shri. Shaikh Anis Ayub Vs. The State of Maharashtra and
Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 08.06. 2017.

ORAL ORDER:

1. Heard Shri M.R. Kulkarni – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Learned Presenting Officer prays for time to take instructions from the respondents and to file affidavit in reply on their behalf. Time granted as a last chance.

3. S.O. to 29th June, 2017.

MEMBER (J)

ORAL ORDERS 08.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 164 OF 2017

**(Shri. Nilesh Ramrao Pawar Vs. The State of Maharashtra
and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 08.06. 2017.

ORAL ORDER:

1. Heard Shri Amol N. Patale – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time to file affidavit in reply on behalf of the respondents. Time granted
3. S.O. to 30th June, 2017.

MEMBER (J)

ORAL ORDERS 08.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 197 OF 2017

**(Shakuntala Navnath Revankar Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 08.06. 2017.

ORAL ORDER:

1. Heard Shri A.R. Barate, learned Advocate holding for Shri Sanjay A. Wakure – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Learned Presenting Officer prays for time to file affidavit in reply on behalf of the respondents. Time granted.

3. S.O. to 22nd June, 2017.

MEMBER (J)

ORAL ORDERS 08.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 304 OF 2017

**(Shri. Arun Ramchandra Naik Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 08.06. 2017.

ORAL ORDER:

1. Heard Shri Avinash S. Deshmukh – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer prays for time to file affidavit in reply on behalf of the respondents. Time granted.
3. S.O. to 7th July, 2017.

MEMBER (J)

ORAL ORDERS 08.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 312 OF 2017

**(Smt. Rajshree d/o. Genba More Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 08.06. 2017.

ORAL ORDER:

1. Heard Shri S.S. Shinde – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for respondent Nos. 1 to 3.

2. Shri P.G. Tambade, learned Advocate holding for Shri S.S. Jadhavar, appeared today before this Tribunal and submitted that he has received instructions from respondent No. 4 to appear on his behalf. He undertook to file **VAKALATNAMA** on behalf of respondent No. 4 on the next date.

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

4. S.O. to 16th June, 2017. Interim relief granted earlier by this Tribunal to continue till then.

MEMBER (J)

ORAL ORDERS 08.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 151 OF 2017

**(Shri. Nagorao Hulaji Failwad Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 08.06. 2017.

ORAL ORDER:

1. Shri S.P. Brahme – learned Advocate for the applicant (**absent**). Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents, present.

2. It transpires from the record that the notices are not served on the respondents since long.

3. In view thereof, S.O. to 30th June, 2017 for compliance / for passing necessary orders.

MEMBER (J)

ORAL ORDERS 08.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 189 OF 2017

**(Shri. Sambhaji Kisanrao Mande Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 08.06. 2017.

ORAL ORDER:

1. Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.
2. It transpires from the record that the notices are not collected by the learned Advocate for the applicant to serve on the respondents.
3. Learned Advocate for the applicant submits that the fresh notices may be issued to the respondents.
4. In view of the aforesaid submission made on behalf of the applicant, issue fresh notices to the respondents, returnable on 17th July, 2017.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
6. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

O.A. NO. 189 OF 2017

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

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

9. S.O.to 17th July, 2017.

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

MEMBER (J)

ORAL ORDERS 08.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A. NO. 464/16 IN O.A.ST.2012/16

**(Shri. Suresh Vitthal Bharti Vs. The State of Maharashtra
and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 08.06. 2017.

ORAL ORDER:

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

2. Learned Presenting Officer prays for time to file affidavit in reply on behalf of the respondents in M.A. No. 464/2016.

3. It transpires from the record that on the last occasion i.e. on 25.04.2017 time was granted to the respondents to file affidavit in reply as a most last chance.

3. In view thereof, in the interest of justice time is granted as a most last chance to the respondents to file affidavit in reply.

4. S.O. to 4th July, 2017.

MEMBER (J)

ORAL ORDERS 08.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. 04/17 WITH M.A.ST.3014/16 IN O.A.ST.3015/16
(Shri Ganesh S/o. Shankar Chopwad & Anr. Vs. The State
of Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 08.06. 2017.

ORAL ORDER:

1. Shri N.S. Kadam – learned Advocate for the applicant (**absent**). Shri I.S. Thorat – learned Presenting Officer for the respondents, present.
2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 4 and 5 in M.A. No. 04/2017 and the same is taken on record.
3. Learned Presenting Officer prays for time to file affidavit in reply on behalf of respondent Nos. 1 to 3 in M.A. No. 04/2017. Time granted.
4. S.O. to 12th July, 2017.

MEMBER (J)

ORAL ORDERS 08.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.40/17 WITH M.A.ST.103/17 IN O.A.199/16

**(Smt. Jayshree W/o. Amrut Landge Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 08.06. 2017.

ORAL ORDER:

1. Shri S.S. Ambhore – learned Advocate for the applicant (**absent**). Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondent No. 1, present. Shri D.M. Shinde – learned Advocate for respondent No. 2 (**absent**).
2. It transpires from the record that the notices are not served on the respondents since long.
3. In view thereof, S.O. to 30th June, 2017 for compliance / for passing necessary orders.

MEMBER (J)

ORAL ORDERS 08.06.2017-HDD

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.327/2017.

(Shri Ajay R. Pofale V/s. The State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 08-06-2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant is pressing for grant of interim relief. From the record it apparently seems that the selection of Respondents no.3 & 4 ultimately were not selected when they were held to be meritorious by District Selection Committee cum Executive Engineer, P.W.D., Zilla Parishad, Akola (page no.61). They were disqualified as their certificates regarding sports were found incompetent by the competent authority. It appears that, now these respondents have participated in the selection process with the Collector Office, Nanded.

3. The learned Advocate for the applicant submit that, presently his client has no instruction as to whether the very same certificates, which are now produced before Respondent no.2 is sent for verification or not by the Respondent no.2.

4. In the circumstances, presently instead of grant of interim relief the learned P.O. is directed to take instructions from the respondent no.2 as to whether the certificates regarding participation in the sports, copies of which are found at page nos.55 & 56 are sent for verification by Respondent no.2 and the result, if any, of the said verification.

5. The issue of grant of interim relief in the meantime is kept open.

6. S.O. to 16.06.2017.

7. The learned P.O. is directed to act on the Steno copy of this order.

VICE CHAIRMAN.

ORAL

ORDERS

08-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.326/2012.

(Shri M. C. Padvi V/s. The State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri G.S. Dahale learned Advocate holding for Shri F. R. Tandale learned Advocate for the applicants in both the matters and Smt R. S. Deshmukh learned Presenting Officer for the respondents in both the matters. None present for the Respondent no.5 in OA No.326/2012.

2. The learned Advocate for the applicant files on record the application along with list of documents in pursuance of the order dated 17.4.2017. The application as well as the Annexures would show that the representation is made to the Respondents.

3. The learned P.O. submit that she has no instruction regarding receipt of such representation. In the circumstances, P.O. to take instructions regarding receipt and decision taken.

4. S. O. to 25.07.2017.

5. The learned P.O. is directed to act on the Steno copy of this order.

VICE CHAIRMAN.

ORAL

ORDERS

08-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.555/2015.

(Shri M. C. Padvi V/s. The State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri G.S. Dahale learned Advocate holding for Shri F. R. Tandale learned Advocate for the applicants in both the matters and Smt R. S. Deshmukh learned Presenting Officer for the respondents in both the matters. None present for the Respondent no.5 in OA No.326/2012.

2. Shri G.S. Dahale learned Advocate holding for Shri F. R. Tandale learned Advocate for the applicants seeks time. At his request S. O. to 25.07.2017.

VICE CHAIRMAN.

ORAL

ORDERS

08-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

1) ORIGINAL APPLICATION NO.7/2016.

(Shri A. D. Ingole V/s. The State of Mah. & Ors.)

2) ORIGINAL APPLICATION NO.65/2016.

(Shri A. P. Awad & Ors. V/s. The State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri R. D. Khadap learned Advocate holding for Shri H. P. Jadhav learned Advocate for the applicant in both the matters and Shri V. R. Bhumkar learned Presenting Officer for the respondents in both the matters.

2. The learned P.O. files affidavit in replies to the amendment in both the matters. The same are taken on record. Its copies are served on the other side.

3. S. O. to 28.6.2017.

VICE CHAIRMAN.

ORAL

ORDERS

08-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.599/2016.

(Smt Sunita R. Bahiram V/s. The State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 08-06-2017

ORAL ORDER:-

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

2. More particularly perused the affidavit in reply filed by the Respondent no.4 which would show that the village wherein the present applicant resides is also rise in the schedule area. Apparently therefore the present applicant can very well be considered for selection. In the circumstances, the respondents are directed to take corrective steps within a period of four weeks from the date of this order. In case respondents are unable to take steps they shall file affidavit in this regard on the next date.

3. S.O. to 24.7.2017.

4. The learned P.O. is directed to act on the Steno copy of this order.

VICE CHAIRMAN.

ORAL

ORDERS

08-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.60/2017.

(Shri S. K. Jakate V/s. The State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri S. B. Mene learned Advocate holding for Shri Ajay Deshpande learned Advocate for the applicant and Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant on instructions submit that applicant wishes to withdraw the application. Allowed to withdraw and disposed of without any order as to costs.

VICE CHAIRMAN.

ORAL

ORDERS

08-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.85/2017.

(Miss Nikhita K. Bhange V/s. The State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri P. G. Tambade learned Advocate holding
for Shri J. M. Murkute learned Advocate for the applicant
and Shri M. P. Gude learned Presenting Officer for the
respondents.

2. Learned P.O. seeks time to file affidavit in reply. At
his request S.O. to 18.7.2017. Interim relief to continue
till then.

VICE CHAIRMAN.

ORAL

ORDERS

08-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.814/2016.

(Shri Ajay M. Sable V/s. The State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri P. G. Tambade learned Advocate holding for Shri S. S. Jadhav learned Advocate for the applicant and Smt S. K. Ghate Deshmukh learned Presenting Officer for the respondents.

2. It is also noted that, affidavit in reply of respondents is not necessary. At the request of Shri P. G. Tambade learned Advocate holding for Shri S. S. Jadhav learned Advocate for the applicant, S.O. to 5.7.2017 for hearing on admission.

VICE CHAIRMAN.

ORAL ORDERS 08-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

MA NO.179/2017 IN OA ST.NO.622/2017.

(Shri B. B. Latpate & Ors. V/s. The State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 08-06-2017

ORAL ORDER:-

Shri P. A. Kulkarni learned Advocate for the applicants (Absent). Heard Shri V. R. Bhumkar learned Presenting Officer for the respondents.

2. Read the papers.
3. This is an application preferred by the applicants seeking leave to sue jointly.
4. 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.
5. M.A. stands disposed of accordingly. There shall be no order as to costs.

VICE CHAIRMAN.

ORAL

ORDERS

08-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.664/2016.

(Shri S. W. Asole V/s. The State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri A. S. Bangar learned Advocate for the applicant and Smt P. R. Bharawadkar learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply. The record would show that many chances are already granted. In the circumstances, S.O. to 12.6.2017 as last chance.

VICE CHAIRMAN.

ORAL

ORDERS

08-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.722/2016.

(Shri K. S. Hinge V/s. The State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 08-06-2017

ORAL ORDER:-

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

2. Learned P.O. submit that due to the transfer of the respondent Officer instructions are not received. It is to be noted that earlier on two occasions the application was adjourned as necessary documents were not brought by the Officer. In the circumstances, as a last chance S.O. to 20.7.2017 to comply the order. Upon failure the Tribunal would be constrained to take coercive action against the concerned respondent.

3. The learned P.O. is directed to act on the Steno copy of this order.

VICE CHAIRMAN.

ORAL

ORDERS

08-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.07/2017.

(Shri S. K. Ghonmode V/s. The State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri A. S. Bangar learned Advocate holding for Smt Surekha Mahajan learned Advocate for the applicant and Shri N. U. Yadav learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant files affidavit in rejoinder. The same is taken on record. Its copy is served on the other side.

3. S.O. to 6.7.2017 for hearing on admission.

VICE CHAIRMAN.

ORAL ORDERS 08-06-2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.443/2016

WITH

ORIGINAL APPLICATION NO.605/2016

(Shri Nandkishor Rathod & Niti Chavan V/s. The State
of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

Shri M.C.Ghode learned Advocate for the applicant in O.A.No.605/2016 is **absent**. Shri M.C.Syed learned Advocate for respondent no.4 is **absent** (O.A.No.605/2016).

Heard Shri Kakasaheb B. Jadhav learned Advocate for the applicant in O.A.No.443/2016 and Shri S.K.Shirse learned Presenting Officer for the respondents in both O.As.

2. At the request of learned Advocate for the applicant, S.O.23-06-2017.

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.318/2017

(Shri Shravan Khairnar V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri D.J.Patil 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 07-07-2017.
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.

=2=

O.A.No.318/2017

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 07-07-2017.

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

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.325/2017

(Dr. Vivek Kamble V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

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

2. Learned Advocate for the applicant has submitted that he require some time to satisfy the Tribunal on the point of maintainability of the O.A. Time granted.

3. S.O.11-07-2017.

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.326/2017

(Shri Nilkant Jadhav V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri Sandip Rathod 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.23-06-2017.

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.328/2017

(Megha Shevgan V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri K.M.Nagarkar 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 12-07-2017.

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.

=2=

O.A.No.328/2017

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 12-07-2017.

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

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.253/2016

(Shri Mubarak Tadvi V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

Shri M.M.Bhokarikar learned Advocate for the applicant is **absent**.

Smt. Resha Deshmukh learned Presenting Officer for the respondent nos.1 to 3 and Smt. Vidya Taksal learned Advocate holding for Shri A.S.Deshmukh learned Advocate for respondent no.4 are present.

2. None appears for the applicant. On previous dates also nobody appeared for the applicant. It seems that applicant is not interested in prosecuting the O.A., hence, it stands dismissed in default.

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.704/2016

(Shri Pandurang Hiwale V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri R.D.Khadap learned Advocate for the applicant, Shri N.U.Yadav learned Presenting Officer for the respondent nos.1 and 2. Shri P.S.Dighe learned Advocate for respondent no.3 (Caveator) is **absent**.

2. Learned Advocate for the applicant seeks time to file rejoinder. Time granted.

3. S.O.14-07-2017.

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.890/2016
(Shri A.M.Hajare V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri P.G.Tambde learned Advocate holding for Shri A.M.Hajare learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant,
S.O.14-07-2017.

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.936/2016

(Shri Tuljaram Mane V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

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

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 and 2. It is taken on record. Copy thereof has been served on the other side.

3. Learned P.O. seeks time to file reply on behalf of respondent nos.4. Time granted.

4. S.O.14-07-2017.

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.948/2016

(Shri Hemant Bichkewar V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri Ashlesha Raut learned Advocate holding for Shri S.B.Talekar learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file reply on behalf of the respondents. Time granted as a last chance.

3. S.O.12-06-2017.

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.05/2017

(Shri Bhanudas Pund V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri A.D.Gadekar learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for the respondent nos.1 and 2. Smt. Yogita Kshirsagar (Thorat) learned Advocate for respondent no.3 is **absent**.

2. Learned P.O. seeks time to file reply on behalf of the respondents. Time granted as a last chance.

3. S.O.17-07-2017.

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.06/2017

(Shri Zargar Abdul Salim V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

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

2. Learned P.O. files affidavit in reply on behalf of respondent no.3. It is taken on record. Copy thereof has been served on the other side.

3. Learned P.O. seeks time to file reply on behalf of respondent nos.1 and 2. Time granted.

4. S.O.17-07-2017.

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.13/2017

(Shri Ramesh Swami V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri D.T.Devane learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned P.O. prays for adjournment. Adjournment granted.

3. S.O.29-06-2017.

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.35/2017

(Shri Rajendra Raising V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri S.B.Mene learned Advocate holding for Shri A.S.Deshpande learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant on instruction submits that the applicant has joined on the post of transfer at Faizpur in view of the transfer order dated 29-04-2017. The applicant, therefore, does not wish to proceed with the O.A. Hence, O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.49/2017

(Shri Uttamrao Joshi V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri Shamsundar Patil learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file reply on behalf of the respondents. Time granted.

3. S.O.23-06-2017.

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.72/2017

(Shri Sitaram Rathod V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

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

2. Learned P.O. seeks time to file reply on behalf of the respondents. Time granted.

3. S.O.17-07-2017.

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.73/2017

(Shri Gorakh Tikone V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

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

2. Learned P.O. files affidavit in reply on behalf of the respondent nos.1 and 2. It is taken on record. Copy thereof has been served on the other side.

3. S.O.17-07-2017.

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.158/2017

(Dr. Surekha More V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

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

2. Learned P.O. seeks time to file on behalf of the respondents. Time granted as a last chance.
3. S.O.06-07-2017.
4. Interim relief granted earlier to continue till then.

MEMBER (J)

YUK ORAL ORDER 08-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.324/2017

(Dr. Vilas Vikhepatil V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 08-06-2017

ORAL ORDER:-

Heard Shri Gajanan Kadam learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that the applicant possesses MBBS, DPH qualification and he is serving as Taluka Health Officer, Phulambri, Dist. Aurangabad. He has submitted that by the impugned transfer order he has been transferred to PHC

Aurala, Dist. Aurangabad. He has submitted that the applicant is due for transfer but several Medical Officers who are overdue for transfer have not been considered for transfer. He has submitted that there are several irregularities in the impugned order. He has further submitted that the applicant has wide experience on the post of Taluka Health Officer, and therefore, respondents

ought to have appointed the applicant on the post of Taluka Health Officer elsewhere in the Aurangabad District but instead of that respondents have posted him on the post of Medical Officer, PHC, Aurala. He has submitted that when the District Committee made transfer of the Medical Officers in the District, applicant has not been considered while passing the impugned order. He, therefore, prayed to stay the impugned transfer order. He has further submitted that the respondent no.7 is posted at his place. He is not having required qualification for working as Taluka Health Officer which is a grave irregularity according to the applicant. In the circumstances, he prayed for stay to the impugned order.

3. Learned P.O. submits that the applicant is working as Taluka Health Officer, Phulambri since more than 6 years. Applicant is due for transfer, and therefore, he has been rightly transferred by the impugned order.

She has submitted that the post of Taluka Health Officer is not a promotional post, and therefore, his transfer as Medical Officer in PHC Aurala does not amount to his demotion. Therefore, she opposed granting interim relief in favour of the applicant.

4. On perusal of the documents on record, it reveals that the applicant has completed his tenure on the post of Taluka Health Officer, Phulambri and he is serving there since more than 6 years and he is due for transfer. Post of Taluka Health Officer is not a promotional post this fact is also accepted by the applicant. Transfer made on the post of Medical Officer, PHC, Aurala does not amount to his demotion. Prima facie, there is no illegality in the impugned order so far as the transfer of applicant is concerned. As regards other aspects argued by the applicant, those will be considered at that time of final hearing. In the circumstances, there is no just ground to

grant interim relief to the applicant. Hence, interim relief as prayed for is rejected.

5. Issue notices to the respondents, returnable on 11-07-2017.

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

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

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

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9. 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.

10. S.O.to 11-07-2017.

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

MEMBER (J)

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