

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

**ORIGINAL APPLICATION NO. 875 OF 2018
(Shri Abhijeet M. Dahiwal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, ACTING CHAIRMAN.

DATE : 16.11.2019.

ORAL ORDER :

1. Heard Shri G.M. Ghongde, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant on instructions submits that the applicant does not want to proceed with the present O.A. and wants to withdraw the same. Therefore, he seeks leave of this Tribunal to withdraw the O.A.

3. Learned Presenting Officer has prayed to pass necessary order.

4. In view of the submission advanced by learned Advocate for the applicant, leave as prayed for is granted. The O.A. is disposed of as withdrawn with no order as to costs.

ACTING CHAIRMAN

kpb ORAL ORDERS 16.11.2019

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

**ORIGINAL APPLICATION NO. 1008 OF 2019
(Shri Mahendra S. Kulkarni V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, ACTING CHAIRMAN.

DATE : 16.11.2019.

ORAL ORDER :

1. Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri M.S. Mahajan, Chief learned Presenting Officer for respondents.
2. Issue notices to the respondents, returnable on 16.12.2019.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained

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

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

8. S.O. to 16.12.2019.

9. Steno copy and hamdast allowed for the use of both the sides.

ACTING CHAIRMAN

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

**ORIGINAL APPLICATION ST. NO. 2034 OF 2019
(Shri Shrikant D. Mitkari V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, ACTING CHAIRMAN.

DATE : 16.11.2019.

ORAL ORDER :

1. Heard Smt. Dipali Kendre, learned Advocate holding for Shri J.M. Murkute, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. The present matter is removed from the board.

ACTING CHAIRMAN

kpb ORAL ORDERS 16.11.2019

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

**ORIGINAL APPLICATION NO. 583 OF 2014
(Shri Bhausahab B. Gaikwad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : B.P. PATIL, ACTING CHAIRMAN
AND
P.N. DIXIT, VICE CHAIRMAN**

DATE : 16.11.2019

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 4. None appears for respondent Nos. 5 & 6.

2. Learned Advocate for the applicant seeks time. Time granted.

3. The present case be placed before the next Division Bench for final hearing, whenever it is available.

VICE CHAIRMAN

ACTING CHAIRMAN

ORAL ORDERS 16.11.2019-HDD

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

**O.A.NO. 444/2014 WITH O.A.NO. 119/2015
(Shri Shaikh Tajoddin Shaikh Manikji Kasar & Ors. V/s. State of Maharashtra &
Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : B.P. PATIL, ACTING CHAIRMAN
AND
P.N. DIXIT, VICE CHAIRMAN**

DATE : 16.11.2019

ORAL ORDER :

Heard Shri S.P. Salgar, learned Advocate holding for Shri S.S. Gangakhedkar, learned Advocate for the applicants in both these cases and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents in both these cases.

2. The present cases are heard at length and reserved for orders.

VICE CHAIRMAN

ACTING CHAIRMAN

ORAL ORDERS 16.11.2019-HDD

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

**ORIGINAL APPLICATION NO. 713 OF 2017
(Shri Venkat D. Mundhe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : B.P. PATIL, ACTING CHAIRMAN
AND
P.N. DIXIT, VICE CHAIRMAN**

DATE : 16.11.2019

ORAL ORDER :

Heard Shri Kiran G. Salunke, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. The present case be placed before the next Division Bench for final hearing, whenever it is available.

VICE CHAIRMAN

ACTING CHAIRMAN

ORAL ORDERS 16.11.2019-HDD

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

**ORIGINAL APPLICATION NO. 872 OF 2018
(Shri Arun M. Gir V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : B.P. PATIL, ACTING CHAIRMAN
AND
P.N. DIXIT, VICE CHAIRMAN**

DATE : 16.11.2019

ORAL ORDER :

Heard Shri Vilas P. Savant, learned Advocate holding for Shri Arvind G. Ambetkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The present case be placed before the next Division Bench for final hearing, whenever it is available.

VICE CHAIRMAN

ACTING CHAIRMAN

ORAL ORDERS 16.11.2019-HDD

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

**ORIGINAL APPLICATION NO. 927 OF 2018
(Shri Shamrao N. Kadam & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : B.P. PATIL, ACTING CHAIRMAN
AND
P.N. DIXIT, VICE CHAIRMAN**

DATE : 16.11.2019

ORAL ORDER :

Heard Shri Vilas P. Savant, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The present case be placed before the next Division Bench, whenever it is available.

VICE CHAIRMAN

ACTING CHAIRMAN

ORAL ORDERS 16.11.2019-HDD

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

**O.A.NO. 982/2018 WITH O.A.NO. 983/2018
(Shakuntala S. Kapoor & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : B.P. PATIL, ACTING CHAIRMAN
AND
P.N. DIXIT, VICE CHAIRMAN**

DATE : 16.11.2019

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicants in both these cases and Shri S.K. Shirse, learned Presenting Officer for the respondents in both these cases.

2. The present cases be placed before the next Division Bench, whenever it is available.

VICE CHAIRMAN

ACTING CHAIRMAN

ORAL ORDERS 16.11.2019-HDD

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

**C.P.NO. 57/2018 IN O.A.NO. 210/2013
(Shri Madhukar R. Mapari V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : B.P. PATIL, ACTING CHAIRMAN
AND
P.N. DIXIT, VICE CHAIRMAN**

DATE : 16.11.2019

ORAL ORDER :

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

2. In the morning session the present contempt petition was placed before us. At that time the Principal Secretary viz. Shri (Dr.) Pradeep Vyas, remained absent in spite of the specific directions given by this Tribunal on 14.11.2019. However, Shri Kiran Wahul, Deputy Secretary, Public Health Department was present.

3. Learned Presenting Officer has submitted that he has received communication received from Principal Secretary, viz. Shri (Dr.) Pradeep Vyas; thereby stating that he would not able to remain present before this Tribunal as he is out of headquarter.

4. On instructions from Shri Kiran Wahul, Deputy Secretary, Public Health Department, learned Presenting Officer has submitted that the respondent No. 1 is ready to send the proposal for pension of the applicant within a period of 8 days. Therefore, learned

Presenting Officer was asked to take telephonic instructions from respondent No. 1 viz. Shri (Dr.) Pradeep Vyas , Principal Secretary, as to whether he is ready to consider the case of the applicant for grant of pension and send the proposal to the Accountant General, Nagpur. At his request the present contempt petition was kept back.

5. At 1.30 p.m. when the present contempt petition was called out, learned Presenting Officer, on telephonic instructions from Under Secretary viz. Smt. Archana Walzade, states that the respondent No. 1 is not ready to send the pension proposal of the applicant.

6. It seems that the respondent No. 1 is making different statements and he is not ready to obey the orders / directions given by this Tribunal. Moreover, respondent No. 1 is not taking care of the directions given by this Tribunal and not taking decision as per the directions given by this Tribunal, so far as the pension case of the applicant is concerned since 30th January, 2017. It seems that respondent No. 1 has deliberately and intentionally disobeyed the order passed by this Tribunal. Respondent No. 1 has not responded to the directions given by this Tribunal time and again and avoided to remain present before the Tribunal.

:: - 3 - ::
C.P.NO. 57/2018 IN
O.A.NO. 210/2013

6. In view of the above, S.O. to 27.11.2019 for hearing.

VICE CHAIRMAN

ACTING CHAIRMAN

ORAL ORDERS 16.11.2019-HDD

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

**T.A.NO. 01/2016 (W.P.NO. 115/2016)
(Shri Abhay G. Sanap V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : B.P. PATIL, ACTING CHAIRMAN
AND
P.N. DIXIT, VICE CHAIRMAN**

DATE : 16.11.2019

ORAL ORDER :

Heard Shri Sandeep D. Munde, learned Advocate for the applicant, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent No. 1 and Shri M.B. Kolpe, learned Advocate for respondent No. 2.

2. Not on board. Production is allowed.

3. Learned Advocate for the applicant seeks leave of this Tribunal to place on record a copy of decision rendered by the Hon'ble High Court. Leave granted as prayed for.

4. In the circumstances, the present case be placed before the next Division Bench for final hearing, whenever it is available.

VICE CHAIRMAN

ACTING CHAIRMAN

ORAL ORDERS 16.11.2019-HDD

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

**ORIGINAL APPLICATION NO. 316 OF 2018
(Dr. Dattatraya B. Gholap & Ors. V/s. State of Maharashtra & Ors.)**

[DIVISION BENCH MATTER]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : P.N. DIXIT, VICE CHAIRMAN

DATE : 16.11.2019

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicants, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Avinash S. Deshmukh, learned Advocate holding for Shri Vivek V. Ingle, learned Advocate for respondent No. 4.

2. Learned Advocate Shri V.B. Wagh for the applicants submit that he is not prepared to argue the present Original Application. He further submits that he does not want to argue the present O.A. today and wants to be heard on 18.11.2019.

3. In the present Original Application interim relief has been granted by this Tribunal by an order dated 18.5.2018. Paragraph No. 8 of the said order reads as under: -

“8. Upon hearing the learned Advocate for the applicants, interim relief in terms of prayer clause 26 (a) of the present O.A. hereby granted, which reads as under :-

“26 (a) Pending hearing and final disposal of this Original Application, the respondent authorities may restrain from effecting the

O.A. NO. 316 OF 2018

promotion to the cadre of District Health Officer pursuant to the Departmental Promotional Committee Meeting dated 13.4.2018 till the consideration of the applicant's claim to the extent of applicants."

Interim relief granted earlier by this Tribunal has been continued thereafter.

4. Shri A.S. Deshmukh, learned Advocate holding for Shri Vivek V. Ingle, learned Advocate for respondent No. 4 has filed his affidavit on 23rd October, 2018 (Page Nos. 87 to 102). He submits that the applicants have produced the certificates issued by an institute, which is not recognized and, therefore, they are not qualified for promotion. Deliberately the present Original Application is kept lingering and respondent No. 4 and similarly other located employees / persons are being prevented from being considered for promotion.

5. Respondents No. 1 to 3 have filed their affidavit in reply on 23rd October, 2018 (Page Nos. 103 to 114). This affidavit also confirms that the diploma being claimed by the applicants is from the derecognized institute and, therefore, the applicants are not eligible for consideration for promotion. Subsequently, respondent Nos. 1 & 2 have filed sur-rejoinder on 20th June, 2019 (Page Nos. 188 to 198). This sur-rejoinder also confirms that the applicants themselves have admitted that the diploma obtained by them is from

O.A. NO. 316 OF 2018

the institute recognized by M.M.C. and not by MCI. As such, the diploma stated is not valid. The necessary documents mentioning regarding derecognized institutes is mentioned at page No. 199 along with sur-rejoinder filed by the respondent Nos. 1 & 2.

6. Opportunity was given to the learned Advocate for the applicants to clarify why interim relief needs to be continued. However, as he is adamant in not arguing the present O.A. and stated that he is not prepared. It appears that his intention is to stall the process rather than advance the arguments.

7. In view of the facts mentioned above, interim relief granted earlier is modified as follows: -

The prayer made by the applicants would be subject to the final outcome of this Original Application. Respondent authorities may complete the process of promotion to the cadre of DHO as per rules.

8. The present case is admitted. Learned Presenting officer waives service of notice for admission on behalf of the respondents.

9. The present case be placed before the next Division Bench for final hearing as and when it is available.

VICE CHAIRMAN

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

T.A. NO. 10/2018 (W.P. NO. 1439/2018)
(Smt. Nirmala T. Rakh V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : P.N. DIXIT, VICE CHAIRMAN (A)

DATE : 16.11.2019

ORAL ORDER (D.B. Matter) :

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Shri Khadap, learned Advocate holding for Shri Thombre, learned Advocate for the Applicant submits that Shri Thombre, learned Advocate is not available today even though it was announced. The Applicant had been called to produce his sports certificate on 28.12.2018. The applicant submits that he submitted an application on that day stating that his verified certificate was misplaced and therefore he is not able to produce the same. Thereafter, after six months i.e. on 14.5.2019 he produced the said certificate before the M.P.S.C.

3. In the above circumstances, the applicant is hereby directed to satisfy this Tribunal what is the fault of the respondents when he himself is not able to keep the certificate issued to him and which is in his possession properly. Learned Advocate for the applicant seeks time to satisfy the Tribunal on this point.

4. S.O. to 27.11.2019.

VICE CHAIRMAN (A)

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

**ORIGINAL APPLICATION NO. 787/2019
(Shri Laxman P. Huse V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : P.N. DIXIT, VICE CHAIRMAN (A)

DATE : 16.11.2019

ORAL ORDER (D.B. Matter) :

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

2. Admit.

3. Matter to come up for final hearing before the Division Bench in due course of time.

VICE CHAIRMAN (A)

ARJ ORAL ORDER 16.11.2019

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

**ORIGINAL APPLICATION NO. 66/2018
(Shri Dnyeneshwar P. Kadam V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : P.N. DIXIT, VICE CHAIRMAN (A)

DATE : 16.11.2019

ORAL ORDER (D.B. Matter) :

Heard Shri A.S. Deshmukh, learned Advocate holding for Shri Kuldeep S. Patil, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply of the respondents in the present case. Time granted.
3. In the circumstances, S.O. to 29.11.2019.

VICE CHAIRMAN (A)

ARJ ORAL ORDER 16.11.2019

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

**ORIGINAL APPLICATION NOS. 162, 163, 164, 173, 174, 175, 176
AND 221 ALL OF 2019**

(Shri Mahadev R. Pawar & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : P.N. DIXIT, VICE CHAIRMAN (A)

DATE : 16.11.2019

ORAL ORDER (D.B. Matter) :

Heard Ms. Rebekah Daniel, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants in the cases and Shri S.K. Shirse, learned Presenting Officer for the respondents in all the cases.

2. Learned Advocate for the applicant has filed on record copies of rejoinders of applicants in all the cases. The same are taken on board and copies thereof are supplied to the learned Presenting Officer.

3. Learned Presenting Officer submits that he wants to go through the said rejoinders and file sur-rejoinder/s of the respondents. Time granted.

4. S.O. to 20.12.2019.

VICE CHAIRMAN (A)

ARJ ORAL ORDER 16.11.2019

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

**M.A. 545/2019 IN O.A. 722/2019 WITH CAVEAT 27 & 63/2019
(Shri Shyam R. Gaikwad & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : P.N. DIXIT, VICE CHAIRMAN (A)

DATE : 16.11.2019

ORAL ORDER (D.B. Matter) :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants in the present M.A. / respondent nos. 5 & 6 in O.A., Shri Ajay S. Deshpande, learned Advocate for respondent nos. 1 to 5 in the present M.A. / applicants in O.A., Shri M.P. Gude, learned Presenting Officer for the respondent nos. 6 to 9 in the present M.A. and Shri Ashish Rajkar, learned Advocate for the caveators.

2. At the request and by consent of both the parties, S.O. to 20.11.2019.

VICE CHAIRMAN (A)

ARJ ORAL ORDER 16.11.2019