O A. Nos.292, 293, 294, 295, 296, 321,616/12 & 286/11.

(Dr. VS Deshmukh& Others.Vs. State of Mah.&Ors.)

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

<u>DATE</u> : 17.10.2016.

<u>ORAL ORDER</u>:-

Heard Shri P.A. Bharat, learned Advocate holding for ShriMilindPatil, learned Advocate for the Applicants and S/Shri SK Shirse& NU Yadav, learned Presenting Officers for the Respondents in respective matters.

2. Shri P.A. Bharat, learned Advocate holding for ShriMilindPatil, learned Advocate for the Applicants requested time. As a last chance the matters are kept for final hearing on 19.10.2016.

3. S.O. to 19.10.2016.

MEMBER (J) 17.10.2016-ATP (DB)(ak)

ORIGINAL APPLICATION NO.142/2011.

(NG Davane Vs. State of Mah. &Ors.

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

<u>DATE</u> : 17.10.2016.

ORAL ORDER:-

None present for the Applicant. Heard Shri IS Thorat, learned Presenting Officer for the Respondents.

2. The matter be kept for dismissal on 21.10.2016.

3. S.O. to 21.10.2016.

MEMBER (J) 17.10.2016-ATP (DB)(ak)

ORIGINAL APPLICATION NO.279/2011.

(The Asson.of Sub Ordinate Service & Eng. Vs. State of Mah. & Ors)

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

<u>DATE</u> : 17.10.2016.

ORAL ORDER:-

Heard Shri JS Deshmukh, learned Advocate holding for Shri KG Salunke, learned Advocate for the Applicant and Smt RS Deshmukh, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 19.10.2016.

MEMBER (J) <u>17.10.2016-ATP (DB)(ak)</u>

ORIGINAL APPLICATION NO.243/2012.

(RP Deshpande&Ors.Vs. State of Mah.&Ors.

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

<u>DATE</u> : 17.10.2016.

<u>ORAL ORDER</u>:-

None present for the Applicant. Heard Shri SK Shirse, learned Presenting Officer for the Respondents.

2. The matter be kept for dismissal on 21.10.2016.

3. S.O. to 21.10.2016.

MEMBER (J) 17.10.2016-ATP (DB)(ak)

ORIGINAL APPLICATION NO.275/2012.

(PD Bhosale&Ors.Vs. State of Mah.&Ors.

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

<u>DATE</u> : 17.10.2016.

<u>ORAL ORDER</u>:-

None present for the Applicant. Heard Shri SK Shirse, learned Presenting Officer for the Respondents.

2. The matter be kept for dismissal on 21.10.2016.

3. S.O. to 21.10.2016.

MEMBER (J) 17.10.2016-ATP (DB)(ak)

O A. Nos.277 and 278 of 2012.

(SR Kadam& PD Bhadane Vs. State of Mah. & Ors.)

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

<u>DATE</u> : 17.10.2016.

ORAL ORDER:-

Heard Shri JB Choudhary, learned Advocate for the Applicants and Shri VR Bhumkar, & Smt. RS Deshmukh, learned Presenting Officers for the Respondents in respective matters.

2. Learned Advocate for the applicants stated that, identical matters are kept on 16.11.2016, hence these matters also be kept on that date. Hence, S.O.to 16.11.2016.

3. S.O. to 16.11.2016.

MEMBER (J) 17.10.2016-ATP (DB)(ak)

ORIGINAL APPLICATION NO.286/2012.

(AR Jadhav&Ors.Vs. State of Mah.&Ors.

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

<u>DATE</u> : 17.10.2016.

ORAL ORDER:-

None present for the Applicant. Heard Shri DR Patil, learned Presenting Officer for the Respondents.

2. The matter be kept for dismissal on 21.10.2016.

3. S.O. to 21.10.2016.

MEMBER (J)	VICE CHAIRMAN (A)
17.10.2016-ATP	(DB)(ak)

ORIGINAL APPLICATION NO.275/2012.

(PD Bhosale&Ors.Vs. State of Mah.&Ors.

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

<u>DATE</u> : 17.10.2016.

<u>ORAL ORDER</u>:-

None present for the Applicant. Heard Shri SK Shirse, learned Presenting Officer for the Respondents.

2. The matter be kept for dismissal on 21.10.2016.

3. S.O. to 21.10.2016.

 MEMBER (J)
 VICE CHAIRMAN (A)

 17.10.2016-ATP
 (DB)(ak)

ORIGINAL APPLICATION NO.309/2012.

(VU Banchod&Ors.Vs. State of Mah.&Ors.

<u>CORAM</u>: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

<u>DATE</u> : 17.10.2016.

<u>ORAL ORDER</u>:-

None present for the Applicant. Heard Shri MP Gude, learned Presenting Officer for the Respondents.

2. On the last occasion this very old matter was kept for final hearing whenever Division Bench is available. Accordingly, this matter is kept today for final hearing, but neither the applicant nor his advocate are present. Hence, the matter be kept for dismissal on 21.10.2016.

3. S.O. to 21.10.2016.

MEMBER (J)	VICE CHAIRMAN (A)
17.10.2016-ATP	(DB)(ak)

ORIGINAL APPLICATION NO.346/2012.

(SJ PardeshiVs. State of Mah. &Ors.

CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

<u>DATE</u> : 17.10.2016.

ORAL ORDER:-

Heard Shri JB Choudhary, learned Advocate for the Applicant and Smt DS Deshpande, learned Presenting Officer for the Respondents.

2. On instructions from the applicant, who is present in the Tribunal learned Advocate Shri JB Choudhary for the applicant seeks leave of the Tribunal to withdraw the O.A. Leave granted. O.A. is disposed of, as withdrawn, with no order as to costs.

MEMBER (J) 17.10.2016-ATP VICE CHAIRMAN (A)

(DB)(ak)

ORIGINAL APPLICATION NO.492/2012.

(Dr. AV AwargaonkarVs. State of Mah. &Ors.

<u>CORAM</u>: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)

&

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

<u>DATE</u> : 17.10.2016.

ORAL ORDER:-

None present for the Applicant. Heard Smt DS Deshpande, learned Presenting Officer for the Respondents.

2. This matter was kept for dismissal on 23.9.2016. However, on 23.9.2016 Shri SD Munde, learned Advocate holding for Shri NB Khandare, learned Advocate for the applicant remained present and he requested time for hearing. Hence, the matter was kept for final hearing, whenever the Division Bench is available. Accordingly, this matter is kept today for final hearing, but neither the applicant nor his advocate are present. Hence, the matterbe kept for dismissal on 21.10.2016.

3. S.O. to 21.10.2016.

MEMBER (J) 17.10.2016-ATP (DB)(ak)

M.A.NO. 17/2015 IN O.A.ST.NO. 1287/2014 [Shri Ramesh ShankarraoPawar Vs.The State of Mah.&Ors.]

CORAM :Hon'bleShri Rajiv Agarwal, Vice Chairman (A) AND : Hon'bleShri J.D. Kulkarni, Member (J)

DATE : 17.10. 2016.

ORAL ORDER:

Shri Ramesh ShankarraoPawar – Applicant in person (**absent**). Shri S.K. Shirse – learned Presenting Officer for respondent Nos. 2 & 3 and ShriAvinashDeshmukh – learned Advocate for respondent No. 1, were present. Nobody appears for respondent Nos. 4 to 6.

2. Applicant sent a written statement seeking adjournment of the matter as he has placed M.A. before the Hon'ble Chairman for transferring the matter to the Principal Seat of this Tribunal at Mumbai. This matter is, therefore, adjourned for four weeks.

3. S.O. for four weeks.

MEMBER (J)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO. 609 OF 2012 [Dr. ArunPurushottamraoDeshpande&Ors. Vs. The State of Mah.&Ors.]

CORAM :Hon'bleShri Rajiv Agarwal, Vice Chairman (A) AND : Hon'bleShri J.D. Kulkarni, Member (J)

DATE : 17.10. 2016.

ORAL ORDER:

Heard ShriSharad V. Natu – learned Advocate for the Applicants and Shri D.R. Patil – learned Presenting Officer for the respondents.

2. Learned Advocate for the Applicant states that by an order dated 8.5.2014 passed in O.A. No. 662/2012 the Nagpur Bench of this Tribunal directed the Maharashtra Public Service Commission to recast the list of selected candidate in the light of the orders of this Tribunal. The list was recast by the M.P.S.C. and only one of the applicants namely Shri A.P. Deshpande thus find place, in the list of eligible candidates as suitable female candidates were not available.

3. Learned Presenting Officer states that he does not have any

instructions in this regard.

4. Maharashtra Public Service Commission, who are respondent No. 2 in this Original Application may file affidavit giving the latest position in the matter.

:: - 2 - ::

O.A. NO. 609 OF 2012

5. Learned Presenting Officer seeks four weeks' time to file reply of respondent No. 2. Time granted as prayed for.

6. S.O. after four weeks.

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

MEMBER (J)

VICE CHAIRMAN (A)

M.A.NO. 318/2015 IN M.A.ST.1020/2015 IN O.A. 785/98 [ShriBhatuHari Sonar Vs.The State of Mah.&Ors.]

CORAM :Hon'bleShri Rajiv Agarwal, Vice Chairman (A) AND : Hon'bleShri J.D. Kulkarni, Member (J)

DATE : 17.10. 2016.

ORAL ORDER:

Shri Anil S. Golegaonkar – learned Advocate for the Applicant (**absent**). Shri M.P. Gude – learned Presenting Officer for the respondents, present.

Since nobody appears for the applicant, S.O. to 21st October,
 2016 for dismissal.

MEMBER (J)

VICE CHAIRMAN (A)

M.A.NO. 178/2015 IN IN O.A. 974/2009 [Shankar NarayanraoLaad Vs.The State of Mah.&Ors.]

CORAM :Hon'bleShri Rajiv Agarwal, Vice Chairman (A) AND : Hon'bleShri J.D. Kulkarni, Member (J)

DATE : 17.10. 2016.

ORAL ORDER:

Shri Anil S. Golegaonkar – learned Advocate for the Applicant (**absent**). Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents, present.

Since nobody appears for the applicant, S.O. to 21st October,
 2016 for dismissal.

MEMBER (J)

VICE CHAIRMAN (A)

M.A.NO. 446/2012 IN C.P.ST.1507/12 IN O.A. 239/98 & O.A.11/2003 [ShriPawanAmbrushiLandge Vs.The State of Mah.&Ors.]

CORAM :Hon'bleShri Rajiv Agarwal, Vice Chairman (A) AND : Hon'bleShri J.D. Kulkarni, Member (J)

DATE : 17.10. 2016.

ORAL ORDER:

Shri S.D. Dhongde – learned Advocate for the Applicant (**absent**). Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents, present.

Since nobody appears for the applicant, S.O. to 21st October,
 2016 for dismissal.

MEMBER (J)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO. 641 OF 2012 [Smt. PratimaPradipDahale Vs.The State of Mah.&Ors.]

CORAM :Hon'bleShri Rajiv Agarwal, Vice Chairman (A) AND : Hon'bleShri J.D. Kulkarni, Member (J)

DATE : 17.10. 2016.

ORAL ORDER:

ShriGajananKadam - learned Advocate for the Applicant (absent). Shri I.S. Thorat - learned Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 21st October, 2016 for dismissal.

MEMBER (J) VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO. 632 OF 2012 [Shri Ashok S. Dahiphale Vs. The State of Mah. & Ors.]

CORAM :Hon'bleShri Rajiv Agarwal, Vice Chairman (A) AND : Hon'bleShri J.D. Kulkarni, Member (J)

DATE : 17.10. 2016.

ORAL ORDER:

ShriNitin V. Gaware - learned Advocate for the Applicant (absent). Shri N.U. Yadav - learned Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 21st October, 2016 for dismissal.

MEMBER (J) VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO. 619 OF 2012 [Shri Suresh Narayan Gavit Vs. The State of Mah. & Ors.]

CORAM :Hon'bleShri Rajiv Agarwal, Vice Chairman (A) AND : Hon'bleShri J.D. Kulkarni, Member (J)

DATE : 17.10. 2016.

ORAL ORDER:

ShriArvind K. Tiwari - learned Advocate for the Applicant (absent). Smt. Resha S. Deshmukh - learned Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 21st October, 2016 for dismissal.

MEMBER (J) VICE CHAIRMAN (A)

M.A.NO. 393/2014 IN C.P.ST.1398/14 IN O.A. 610/2009 [ShriSahebrao V. Navthar Vs. The State of Mah. & Ors.]

CORAM :Hon'bleShri Rajiv Agarwal, Vice Chairman (A) AND : Hon'bleShri J.D. Kulkarni, Member (J)

DATE : 17.10. 2016.

ORAL ORDER:

Heard Shri A.D. Sugdare - 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 reply on behalf of respondent No. 3 and the same is taken on record and the copy thereof has been served upon the learned Advocate for the Applicant.

3. At the request of learned Chief Presenting Officer, S.O. to 21st October, 2016.

MEMBER (J) VICE CHAIRMAN (A)

O.A. NO. 601 OF 2014

[ShriBabanKashinathSaudagar Vs.The State of Mah.&Ors.]

CORAM :Hon'bleShri J.D. Kulkarni, Member (J)

DATE : 17.10. 2016.

ORAL ORDER:

Heard ShriAnirudha A. Nimbalkar – learned Advocate for the Applicant.

2. The learned Advocate for the applicant has submitted that, he could not amend the O.A. though permission was granted therefor by the Tribunal vide its order dated 28.7.2016. He, therefore, seeks permission to carry out the amendment.

3. Permission as sought for by the learned Advocate for the applicant is granted. He is directed to amend the O.A. suitably and serve the copy of the amended O.A. upon the respondents.

MEMBER (J)

17.10.2016-HDD(DB).doc / ARJ

M.A. NO. 359/2016 IN O.A. NO. 647/2016

[Mah.Rajya Nagar ParishadKarmarchariSanghatana, Br. Beed through its President Anil N. Mate Vs. The State of Mah.&Ors.]

CORAM :Hon'bleShri J.D. Kulkarni, Member (J)

DATE : 17.10. 2016.

ORAL ORDER:

Heard Shri M.S. Indani – learned Advocate for the Applicant in the present M.A., Shri I.S. Thorat, learned Presenting Officer for respondent nos. 1 to 5 and Shri S.P. Urgunde, learned Advocate for the respondent no. 6 in the present M.A. / Applicant in O.A..

2. This misc. application is filed by the applicant for permission to interven in the O.A. no. 647/2016.

3. On the intervention application an order was passed on 10.10.2016 and the applicant in the O.A. was directed to file his reply to the intervention application / M.A. within one week.

4. Today, the learned Advocate for the applicant in O.A. submits that he has received some documents copies of which he has already served on the intervenor and time may be granted till 19.10.2016 to file reply to the intervention applicant. The learned P.O. also seeks to file reply after taking instructions from res. No. 5 i.e. The Chief Officer, Municipal Council, Beed. Time granted.

5. S.O. to 19.10.2016.

MEMBER (J)

17.10.2016-HDD(DB).doc / ARJ

M.A. NO. 404/2016 IN O.A. ST.NO. 1783/2016 [D.B. Deshpande&Ors. Vs. The State of Mah.&Ors.]

CORAM :Hon'bleShri J.D. Kulkarni, Member (J)

DATE : 17.10. 2016.

ORAL ORDER:

Heard Smt. SuchitaAmitDhongde – learned Advocate for the Applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. This is an application filed by the applicants for condonation of delay caused in filing accompanying Original Application.

3. Hence, issue notices to the respondents in M.A. No. 404/2016, returnable on 24th November, 2016.

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

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

6. 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.

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M.A. 404/16 IN O.A. ST. 1783/16

7. 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. Applicants are directed to file affidavit of compliance and notice.

8. S.O. to 24th November, 2016.

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

MEMBER (J)

M.A. NO. 405/2016 IN O.A. ST.NO. 1784/2016 [V.R. Kulkarni Vs.The State of Mah.&Ors.]

CORAM :Hon'bleShri J.D. Kulkarni, Member (J)

DATE : 17.10. 2016.

ORAL ORDER:

Heard Smt. SuchitaAmitDhongde – learned Advocate for the Applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. This is an application filed by the applicants for condonation of delay caused in filing accompanying Original Application.

3. Hence, issue notices to the respondents in M.A. No. 405/2016, returnable on 24th November, 2016.

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

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

6. 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.

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M.A. 405/16 IN O.A. ST. 1784/16

7. 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. Applicants are directed to file affidavit of compliance and notice.

8. S.O. to 24th November, 2016.

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

MEMBER (J)

M.A. NO. 406/2016 IN O.A. ST.NO. 1785/2016 [P.P. Deshpande&Ors. Vs. The State of Mah.&Ors.]

CORAM :Hon'bleShri J.D. Kulkarni, Member (J)

DATE : 17.10. 2016.

ORAL ORDER:

Heard Smt. SuchitaAmitDhongde – learned Advocate for the Applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. This is an application filed by the applicants for condonation of delay caused in filing accompanying Original Application.

3. Hence, issue notices to the respondents in M.A. No. 406/2016, returnable on 24th November, 2016.

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

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

6. 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.

:: - 2 - ::

M.A. 406/16 IN O.A. ST. 1785/16

7. 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. Applicants are directed to file affidavit of compliance and notice.

- 8. S.O. to 24th November, 2016.
- 9. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)