

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

Original Application St. No.3031/2016.

(Dr. P. A. Mhaske & Ors. Vs. State of Mah.& Ors.)

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

DATE :20.01.2017.

ORAL ORDER:-

Heard Shri V. B. Wagh, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Issue notices to the respondents, returnable on 8.3.2017.

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

4. Authorization for service of notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.

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

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

-2- **Original Application St. No.3031/2016**

7. Learned P.O. is directed to communicate this order.
8. Affidavit in reply be filed before due date.
9. Steno copy and Hamdast is allowed to both parties.
10. S.O. to 8.3.2017.

MEMBER (J).

ORAL ORDERS 20.01.2017-ATP

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

Misc. Application No.34/2017.

(Dr. P. A. Mhaske & Ors. Vs. State of Mah.& Ors.)

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

DATE :20.01.2017.

ORAL ORDER:-

Heard Shri V. B. Wagh, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. For the reasons stated in the application and since the cause of action of all the applicants is same the application for sue jointly is allowed, subject to payment of court fee stamps, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J).

ORAL ORDERS 20.01.2017-ATP

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

M.A. St.No.16/207 in O.A. St.No.17/2017.

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

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

DATE :20.01.2017.

ORAL ORDER:-

Heard Shri V. G. Pingle, learned Advocate for the applicant and Smt. P.R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant submits that he wants to take instructions from the client and requests for time. Time granted.

3. S.O. to 31.1.2017.

MEMBER (J).

ORAL ORDERS 20.01.2017-ATP

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

Original Application St.No.97/2017.

(Shri D.M. Shinde Vs. State of Mah.& Ors.)

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

DATE :20.01.2017.

ORAL ORDER:-

Heard Shri R.D. Khadap, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 23.1.2017.

MEMBER (J).

ORAL ORDERS 20.01.2017-ATP

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

Original Application No.517/2016.

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

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

DATE :20.01.2017.

ORAL ORDER:-

Heard Shri A. S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents no.1 to 3 and Shri D.T. Devane, learned Advocate for the Respondent no.4.

2. After hearing the matter for considerable time, by consent adjourned till Monday.

3. S.O. to 23.1.2017.

MEMBER (J).

ORAL ORDERS 20.01.2017-ATP

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

Original Application No.527/2016.

(Smt. Pratibha M. Kathar Vs. State of Mah.& Ors.)

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

DATE :20.01.2017.

ORAL ORDER:-

Heard Shri M.B. Kolpe, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

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

3. S.O. to 9.3.2017.

MEMBER (J).

ORAL ORDERS 20.01.2017-ATP

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

Original Application No.528/2016.

(Smt. Asma Z. Shaikh Vs. State of Mah.& Ors.)

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

DATE :20.01.2017.

ORAL ORDER:-

Heard Shri M.B. Kolpe, learned Advocate for the applicant and Smt S.K. Ghate Deshmukh, learned Presenting Officer for the Respondents.

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

3. S.O. to 9.3.2017.

MEMBER (J).

ORAL ORDERS 20.01.2017-ATP

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

Original Application No.529/2016.

(Smt. Sandhya S. Mugute Vs. State of Mah.& Ors.)

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

DATE :20.01.2017.

ORAL ORDER:-

Heard Shri M.B. Kolpe, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

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

3. S.O. to 9.3.2017.

MEMBER (J).

ORAL ORDERS 20.01.2017-ATP

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

Original Application No.557/2016.

(Smt. Varsha B. Patil Vs. State of Mah.& Ors.)

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

DATE :20.01.2017.

ORAL ORDER:-

None present for the applicant. Heard Shri D.R. Patil, learned Presenting Officer for the Respondents. Shri Ajay Talhar, learned Advocate Respondent no.1 (Absent).

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

3. S.O. to 10.3.2017.

MEMBER (J).

ORAL ORDERS 20.01.2017-ATP

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

Original Application No.631/2016.

(Ms.Vsidya Ujwala D/o Ashokrao Jadhav Vs. State of Mah.& Ors.)

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

DATE :20.01.2017.

ORAL ORDER:-

None present for the applicant. Heard Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply on behalf of Respondent no.2. It is taken on record.

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

3. S.O. to 14.3.2017.

MEMBER (J).

ORAL ORDERS 20.01.2017-ATP

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

Original Application No.758/2016.

(Shri J. M. Kale Vs. State of Mah.& Ors.)

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

DATE :20.01.2017.

ORAL ORDER:-

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Smt P.R. Bharaswadkar, learned Presenting Officer for the Respondents.

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

3. S.O. to 15.3.2017. Interim Relief to continue till then.

MEMBER (J).

ORAL ORDERS 20.01.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

Original Application No.789/2016.

(Shri R.R. Jadhav Vs. State of Mah.& Ors.)

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

DATE :20.01.2017.

ORAL ORDER:-

Heard Shri A.S. Deshmukh, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. Issue fresh notices to the respondents, returnable on 10.3.2017.

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

4. Authorization for service of notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.

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

-2- **Original Application No.789/2016**

6. Affidavit of service be filed one week before due date.
7. Learned P.O. is directed to communicate this order.
8. Affidavit in reply be filed before due date.
9. Steno copy and Hamdast is allowed to both parties.
10. S.O. to 10.3.2017.

MEMBER (J).

ORAL ORDERS 20.01.2017-ATP

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

Original Application No.807/2016.

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

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

DATE :20.01.2017.

ORAL ORDER:-

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

2. Learned C.P.O. prays for time to file reply. Time granted.

3. S.O. to 15.3.2017.

MEMBER (J).

ORAL ORDERS 20.01.2017-ATP

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

Original Application No.808/2016.

(Shri G.A. Kakade Vs. State of Mah.& Ors.)

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

DATE :20.01.2017.

ORAL ORDER:-

Heard Shri V. B. Wagh, learned Advocate for the applicants and Smt P.R Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned P.O. prays for time to file reply. Time granted.
3. S.O. to 15.3.2017.

MEMBER (J).

ORAL ORDERS 20.01.2017-ATP

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

Original Application No.810/2016.

(Shri B.D. Ghute Vs. State of Mah.& Ors.)

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

DATE :20.01.2017.

ORAL ORDER:-

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

2. Advocate Shri A.D. Gadekar files Vakalatnama on behalf of Respondent no.2. He also files reply affidavit on behalf of Respondent no.2. It is taken on record.

3. Learned C.P.O. prays for time to file reply affidavit on behalf of respondents. Time granted.

4. S.O. to 15.3.2017.

MEMBER (J).

ORAL ORDERS 20.01.2017-ATP

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

Original Application No.1/2017.

(Shri D.B. Pande Vs. State of Mah.& Ors.)

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

DATE :20.01.2017.

ORAL ORDER:-

Heard Shri Ajay Deshpande, learned Advocate for the applicant, Shri D.R.Patil, learned Presenting Officer for the Respondent no. 1 Shri Sham Patil, learned Advocate for the Respondents no.2 & 4 and Shri V.B. Wagh learned Advocate for the Respondent no.3.

2. Learned Advocate for the applicant submits that he wants to file rejoinder, if necessary.
3. Learned Advocate Shri Sham Patil also prays for time to file reply affidavit. Time granted.
4. The copy of the reply affidavit shall be served on the other side in advance.
5. S.O. to 27.1.2017.

MEMBER (J).

ORAL ORDERS 20.01.2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 39 OF 2017

**(Shri Rahul B. Shinde Vs. The State of Maharashtra and
Others.)**

**CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 20.01. 2017.

ORAL ORDER:

Heard Shri D.A. Bide – 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 22nd February, 2017.

3. Tribunal may take the case/s 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.

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O.A. NO. 39 OF 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 22nd February, 2017.

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

MEMBER (J)

ORAL ORDERS 20.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO. 83 OF 2017

**(Smt. Sunita R. Thite Vs. The State of Maharashtra and
Others.)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 20.01.2017.

ORAL ORDER:

Heard Shri S.D. Joshi, learned Advocate holding for Shri Ajay Deshpande – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 22nd February, 2017.

3. Tribunal may take the case/s 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.

O.A. ST. NO. 83 OF 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 22nd February, 2017.

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

MEMBER (J)

ORAL ORDERS 20.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO.27/17 IN C.P.ST.NO.36/17 IN O.A.593/15
(Shri Sandu U. Gawali Vs. The State of Maharashtra and
Others.)**

**CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 20.01. 2017.

ORAL ORDER:

Heard Shri S.D. Joshi – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. This is an application filed by the applicant for seeking permission to file contempt petition.

3. Issue notices to the respondents in M.A. No. 27/2017, returnable on 22nd February, 2017.

MEMBER (J)

ORAL ORDERS 20.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 165 OF 2013

**(Shri Arvind M. Vidyagar Vs. The State of Maharashtra and
Others.)**

**CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 20.01.2017.

ORAL ORDER:

Heard Shri Prafulla Bodade, learned Advocate holding for Shri J.B. Choudhary – learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondent Nos. 1 to 3 and Shri P.N. Shinde – learned Advocate for respondent No. 4.

2. The present Original Application be placed before the Division Bench, whenever it is available.

MEMBER (J)

ORAL ORDERS 20.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.309/2016 IN O.A.St.No.1437/2016
(Sau. U.P.Waghmare V/s. The State of Mah. & Ors.)

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

DATE : 20-01-2017

ORAL ORDER:-

Heard Shri P.B.Salunke learned Advocate holding for Shri V.G.Salgare learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for respondents.

2. Delay caused in filing the O.A. is of 3 years 1 month and 12 days and the applicant has requested that the said delay be condoned in view of the reasons stated in the M.A.

3. In the O.A. applicant has claimed that he is entitled to claim pension by condoning service period, which is just 7 months and 11 days short, of required qualifying service. In spite of number of representations, no decision has been taken by the respondents on his request.

4. In view of the relief claimed by the applicant and for the reasons stated in the M.A., it is allowed.

5. O.A. be registered and numbered.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.42/2017

(Sau. U.P.Waghmare V/s. The State of Mah. & Ors.)

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

DATE : 20-01-2017

ORAL ORDER:-

Heard Shri P.B.Salunke learned Advocate holding for Shri V.G.Salgare learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for respondents.

2. In this O.A. applicant has prayed as under:

“(B) That, kindly direct the respondent No.1 Government to grant relief under Rule 54(2) of Maharashtra Civil Service (Pension) Rules, 1982 to make addition of 7 months and 11 days not exceeding one year in the qualifying service of 9 years and 4 months and 20 days on the post of Supervisor/Mukhya Sevika under the Child Development Project Govandi, Chembur, Mumbai of the applicant to entitle her for qualifying service of 10 years for grant of pension considering the special reason that, service the applicant had for more than 10 years on the post of Anganwadi Sevika under Child Development Project, Ahmednagar in the interest of justice.”

3. Learned Advocate for the applicant has invited my attention to various representations filed by the applicant for grant of pension by condoning shortfall period of qualifying service period. Such representations are dated 08-08-2011, 21-09-2011, 16-11-2011, 31-07-2015, 04-07-2016 etc.

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O.A.No.42/17

4. Admittedly, no decision has been taken on any of such representations. Learned Advocate for the applicant submits that the application can be disposed of by giving direction to consider his application as per rules within stipulated period.

5. In view thereof, I pass following order:

ORDER

- (1) O.A. is partly allowed.
- (2) Respondent no.1 is directed to take decision on various representations filed by the applicant, as regards the prayer clauses in the O.A., and to convey the said decision to the applicant in writing.
- (3) Said decision shall be taken within 3 months from the date of this order and be conveyed in writing to the applicant forthwith.
- (4) There shall be no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.353/2016 IN O.A.St.No.1548/2016

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

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

DATE : 20-01-2017

ORAL ORDER:-

Heard Shri M.B.Kolpe learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. Learned Advocate for the applicant requested for adjournment. Adjournment granted.

3. S.O.08-03-2017.

YUK ORAL ORDER 20-01-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A.No.378/2016 WITH M.A.St.No.1633/2016 IN
O.A.St.No.1634/2016**

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

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

DATE : 20-01-2017

ORAL ORDER:-

Shri T.B.Bhosle learned Advocate for the applicant is **absent**. Shri S.K.Shirse learned Presenting Officer for respondents is present.

2. Learned P.O. prays for time on behalf of the respondents for filing affidavit in reply in the M.A. Time granted.

3. S.O.08-03-2017.

MEMBER (J)

YUK ORAL ORDER 20-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.389/2016 IN O.A.St.No.1665/2016
(Shri N.S.Patil V/s. The State of Mah. & Ors.)

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

DATE : 20-01-2017

ORAL ORDER:-

Heard Shri P.B.Salunke learned Advocate holding for Shri V.G.Salgare learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Learned P.O. files affidavit in reply in the M.A. on behalf of respondents. It is taken on record. Copy thereof has been served on the other side.

3. Delay caused in filing the O.A. is of 2 years & 8 months. It is stated that applicant's wife was ill and bed ridden, and therefore, he could not file the O.A. in time. He has prayed that the said delay be condoned in view of the reasons stated in the M.A.

4. In the O.A. applicant has claimed refund of the excess amount which has been recovered in contravention of the directions of Hon'ble the Apex Court in the case of **State of Punjab V/s. Rafiq Massih.**

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M.A.No.389/2016 IN O.A.St.No.1665/2016

5. Taking into consideration the relief claimed by the applicant and for the reasons stated in the M.A., it is allowed in the interest of justice and equity.

6. M.A. stands disposed of accordingly with no order as to costs.

7. O.A. be registered and numbered.

MEMBER (J)

YUK ORAL ORDER 20-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.43/2017

(Shri N.S.Patil V/s. The State of Mah. & Ors.)

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

DATE : 20-01-2017

ORAL ORDER:-

Heard Shri P.B.Salunke learned Advocate holding for Shri V.G.Salgare learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Issue notices returnable on 09-03-2017.
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 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 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. Steno copy and Hamdast is allowed to both parties.
8. S.O.09-03-2017.

MEMBER (J)

YUK ORAL ORDER 20-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.441/2016 IN O.A.St.No.1841/2016

(Shri M.R.Dusane V/s. The State of Mah. & Ors.)

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

DATE : 20-01-2017

ORAL ORDER:-

Heard Shri S.D.Dhongde learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for respondents.

2. Learned P.O. files reply in the M.A. on behalf of respondent nos.2 and 3. It is taken on record. Copy thereof has been served on the other side.

3. Learned Advocate for the applicant prays for time for studying the reply and arguing the matter finally. Time granted.

4. S.O.15-02-2016.

MEMBER (J)

YUK ORAL ORDER 20-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.35/2017

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

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

DATE : 20-01-2017

ORAL ORDER:-

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

2. Vide order dated 01-06-2016, applicant has been transferred from the post of Deputy Superintendent (Headquarter), Nandurbar to Sub Divisional Police Officer, Shirpur Sub Division, District Dhule. This post is still vacant but the order has been cancelled by the Government in view of stay granted in the earlier round of litigation.

3. In the earlier round of litigation, post at Shirpur was directed to be kept vacant till representation filed by the applicant was decided.

4. Learned CPO submits that he will take instruction as to whether the applicant can be immediately accommodated at Shirpur on the post of his transfer. He seeks time till Monday. Time granted.

5. S.O.23-01-2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.348/2016
(Shri S.G.Gungane V/s. The State of Mah. & Ors.)

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

DATE : 20-01-2017

ORAL ORDER:-

Heard Shri R.D.Khadap learned Advocate for the applicant, Smt. Priya Bharaswadkar learned Presenting Officer for respondent nos.1 and 2 and Shri Ashish Rajkar learned Advocate for respondent no.3.

2. Learned Advocate states that applicant has instructed him to withdraw the O.A. He has also filed withdrawal purshis, which is marked as document "X" for identification.

3. Learned Advocate for the applicant accordingly seeks leave to withdraw the O.A. Leave granted.

4. O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

YUK ORAL ORDER 20-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.498/2016

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

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

DATE : 20-01-2017

ORAL ORDER:-

Shri S.U.Choudhary learned Advocate for the applicant is **absent**. Smt. Resha Deshmukh learned Presenting Officer for respondents is present.

2. Since pleadings are complete, matter is admitted and kept for final hearing on 07-04-2017.

YUK ORAL ORDER 20-01-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.440/2016
(Shri C.S.Thokal V/s. The State of Mah. & Ors.)

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

DATE : 20-01-2017

ORAL ORDER:-

Heard Shri D.A.Bide learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. In the O.A. applicant has claimed that the order dated 31-05-2016 passed by respondent no.1 whereby the applicant was transferred from Supervisory Urban Leprosy Unit, Ahmednagar to Primary Health Centre, Manjri, Tq. Rahuri on administrative ground. Applicant accordingly joined there and was given additional charge of Taluka Health Officer, Rahuri, District Ahmednagar. The applicant requested that he be given regular posting at Rahuri instead of additional charge. Respondents were directed to file a short affidavit in this respect. Accordingly, today, a short affidavit has been filed. In the said affidavit in reply in paragraph no.4 respondent has stated as under:

“4. I say and submit that as per order dated 21-12-2016 this Hon'ble Tribunal pleased to asked whether the applicant can be accommodated at Rahuri as a Taluka Health Officer. In this regard I respectfully and humbly submits that as the accommodation as asked by this Hon'ble Tribunal is possible, therefore the

=2=

O.A.No.440/16

applicant may be posted as a Taluka Health Officer at P.H.C. Manjri.

(reproduced as it is from paper book page no.52 of the O.A.) ”

3. Learned Advocate for the applicant submits that he has no objection if the applicant is appointed as Taluka Health Officer at Rahuri and charge of Additional Post of Health Officer, PHC, Manjri can be kept with him.

4. In view thereof, Original Application stands disposed of with direction that respondents shall pass an order as stated in paragraph 4 of their reply as referred above.

5. O.A. stands disposed of accordingly with no order as to costs.

MEMBER (J)

YUK ORAL ORDER 20-01-2017