

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.614/2018
(Dr. Minakshi Pathak V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 21.12.2018

ORAL ORDER :

1. Heard Shri V.B.Wagh learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.
2. Learned P.O. is not in a position to make a statement as to whether order passed on 10-12-2018 is complied with by the respondent no.3.
3. Respondent no.3 is directed to remain present at own costs on 09-01-2019.
4. Steno copy and hamdust is granted for the use of learned P.O.
5. Learned P.O. is directed to communicate this order to the respondents.
6. S.O. to 09-01-2019.

CHAIRMAN

YUK ORAL ORDER 21-12-2018 AHJ F

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
C.P.NO.02/2016 IN O.A.NO.344/2014
(The Association of Technical Assistant, Through its President Tukaram Patil
V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 21.12.2018

ORAL ORDER :

1. Heard Shri V.B.Wagh learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for the respondents.
2. In view of the fact that the Government has taken some steps, by consent of the parties the case is adjourned to 15-02-2019.
3. S.O. to 15-02-2019.

YUK ORAL ORDER 21-12-2018 AHJ F

CHAIRMAN

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

**T.A.NO.10/2018 IN W.P.NO.11439/2018
(Nirmala Rakh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 21.12.2018

ORAL ORDER :

1. Heard Shri R.D.Khadap learned Advocate holding for Shri S.S.Thombre learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.
2. Learned CPO states that he has received instructions to pray for adjournment adjournment.
3. In view of request of learned CPO case is adjourned to 30-01-2019.

CHAIRMAN

YUK ORAL ORDER 21-12-2018 AHJ F

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

**C.P.ST.NO.1066/2018 IN O.A.NO.380/2017
(Dr. Prasad Kulkarni & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 21.12.2018

ORAL ORDER :

1. Heard Shri Vishnu Dhoble learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.
2. Learned P.O. prays for 8 weeks' time.
3. S.O. to 09-01-2019 for reporting next date of meeting.

CHAIRMAN

YUK ORAL ORDER 21-12-2018 AHJ F

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
M.A.NO.388/2018 IN O.A.NO.792/2015
(Dr. Chetan Shingane & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 21.12.2018

ORAL ORDER :

1. Heard Shri A.S.Deshmukh learned Advocate for the applicants in present M.A., Shri Vishnu Dhoble learned Advocate for respondent nos.1 to 7 in the present M.A. (applicants in O.A.) and Shri M.S. Mahajan learned Chief Presenting Officer for the respondent nos.1 & 2 in O.A.
2. Learned P.O. prays for 8 weeks' time.
3. S.O. to 09-01-2019 for reporting next date of meeting.

CHAIRMAN

YUK ORAL ORDER 21-12-2018 AHJ F

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.719/2016
(Pandurang Chandanshiv V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 21.12.2018

ORAL ORDER :

1. Heard Shri Prashant Sukale learned Advocate holding for Shri K.J.Suryavanshi learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents. Shri V.M.Chate learned Advocate for respondent nos.4 and 5 is **absent**.
2. At the request of learned Advocate for the applicant, S.O. to 15-02-2019.

YUK ORAL ORDER 21-12-2018 AHJ F

CHAIRMAN

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

**M.A.NO.482/2018 IN O.A.NO.821/2017
(Sujata Budhwant V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 21.12.2018

ORAL ORDER :

1. Heard Shri S.D.Munde learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. S.O. to 08-01-2019.

YUK ORAL ORDER 21-12-2018 AHJ F

CHAIRMAN

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

**M.A.NO.483/2018 IN O.A.NO.929/2017
(Akshada Aghav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 21.12.2018

ORAL ORDER :

1. Heard Shri S.D.Munde learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. S.O. to 08-01-2019.

YUK ORAL ORDER 21-12-2018 AHJ F

CHAIRMAN

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

**M.A.NO.484/2018 IN O.A.NO.956/2017
(Kalyani Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 21.12.2018

ORAL ORDER :

1. Heard Shri S.D.Munde learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. S.O. to 08-01-2019.

YUK ORAL ORDER 21-12-2018 AHJ F

CHAIRMAN

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

**C.P.NO.1948/2018 IN O.A.NO.841/2016
(Sambhaji Waghumbare V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 21.12.2018

ORAL ORDER :

1. Heard Shri V.B.Wagh learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant prays for permission to withdraw this Contempt Application as it is premature and prays for leave to file fresh Contempt Application after fresh notice.
3. Applicant shall be free to give fresh notice and after expiry of notice period, to file fresh Contempt Application.
4. Case is disposed of as withdrawn with liberty as prayed for by the applicant.

CHAIRMAN

YUK ORAL ORDER 21-12-2018 AHJ F

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
C.P.NO.81/2018 IN O.A.NO.175/2018
(Vitthal Lokhande V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 21.12.2018

ORAL ORDER :

1. Heard Shri V.B.Wagh learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant prays for permission to withdraw this Contempt Application as it is premature and prays for leave to file fresh Contempt Application after fresh notice.
3. Applicant shall be free to give fresh notice and after expiry of notice period, to file fresh Contempt Application.
4. Case is disposed of as withdrawn with liberty as prayed for by the applicant.

CHAIRMAN

YUK ORAL ORDER 21-12-2018 AHJ F

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
C.P.NO.60/2018 IN O.A.NO.678/2014
(Dr. Suvarna Swami V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 21.12.2018

ORAL ORDER :

1. Heard Shri J.S.Deshmukh learned Advocate for the applicant and Smt. M.S.Patni learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant states that this Contempt Application can be disposed of in view of the compliance of the order and apology tendered by the respondent/contemnor.
3. Learned P.O. has tendered affidavit of Shri Pradeep Vyas, the Principal Secretary, Public Health Department, Mantralaya, Mumbai. It is taken on record.
4. Contempt Application stands disposed of accordingly without any order as to costs.

CHAIRMAN

YUK ORAL ORDER 21-12-2018 AHJ F

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
C.P.NO.56/2018 IN O.A.NO.535/2017
(Dr. Shrinivas Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 21.12.2018

ORAL ORDER :

1. Heard Shri Shamsundar B. Patil learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant prays for adjournment. Adjournment is granted.
3. S.O. to 15-02-2019.

YUK ORAL ORDER 21-12-2018 AHJ F

CHAIRMAN

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

**C.P.NO.80/2018 IN O.A.NO.622/2016 & 643/2016
(Manik Takalkar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 21.12.2018

ORAL ORDER :

1. Heard Shri R.P.Bhumkar learned Advocate for the applicants and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.
2. Learned P.O. has tendered reply and also affidavit of apology. Both are taken on record.
3. It *prima facie* reveals that despite reply filed by the contemnor to notice of action for contempt, the applicants have filed present contempt case.
4. *Prima facie*, applicants' conduct is grossly erroneous and even full of mischief than cantankerous.
5. Hence, the applicants are called upon to show cause as to why applicants should not be personally saddled with costs of Rs.10,000/- (Rs. Ten Thousand only) each.
6. Applicants to file reply, if any, within a month.
7. S.O. to 15-02-2019.

CHAIRMAN

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.247/2017
(Dr. Mohammad Fazalul Haq V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H.JOSHI, CHAIRMAN

DATE : 21.12.2018

ORAL ORDER :

1. Heard Shri Asif Ali learned Advocate holding for Smt. A.N.Ansari learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.
2. Respondent no.2-the Director, Health Services, Arogya Bhavan, St. George Hospital, Mumbai is called upon to show cause as to why he should not be personally saddled with costs of Rs.25,000/- (Rs. Twenty Five Thousand only) for failure to instruct the learned P.O. as to time frame within which the proposal dated 08-10-2018 will be decided.
3. Reply be filed on or before 09-01-2019.
4. Steno copy and hamdust is granted for the use of learned P.O.
5. Learned P.O. is directed to communicate this order to the respondents.
6. S.O. to 09-01-2019.

CHAIRMAN

YUK ORAL ORDER 21-12-2018 AHJ F

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

**ORIGINAL APPLICATION NO. 856/2018
(Smt. Shilpa D. Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J).

DATE : 21.12.2018.

ORAL ORDER :

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

2. At request of learned Advocate for the applicant, S.O. to 18.01.2019 for satisfying the Tribunal on the point of maintainability of the O.A. on the basis of the G.Rs. dated 21.10.2011, 26.02.2014, 10.11.2015 and 11.03.2016 on which she is relying.

MEMBER (J)

kpb ORAL ORDERS 21-12-2018

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

**ORIGINAL APPLICATION NO. 970 OF 2018
(Shri Ramdas G. Palve V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 21.12.2018

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 06.02.2019.

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

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 06.02.2019.

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

MEMBER (J)

kpb ORAL ORDER 21.12.2018.

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

**ORIGINAL APPLICATION NO. 971 OF 2018
(Shri Bhaurao P. Gophane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 21.12.2018

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 06.02.2019.

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

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 06.02.2019.

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

MEMBER (J)

kpb ORAL ORDER 21.12.2018.

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

**ORIGINAL APPLICATION NO. 974 OF 2018
(Shri Nilesh R. Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 21.12.2018

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 11.02.2019.

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

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 11.02.2019.

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

MEMBER (J)

kpb ORAL ORDER 21.12.2018.

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

**M.A. No. 509/2018 in O.A. No. 939/2018
(Shri Yadav T. Suryawanshi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 21.12.2018

ORAL ORDER :

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

2. Issue notices to the respondents in M.A., returnable on 12.02.2019.

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

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

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M.A. No. 509/2018 in
O.A. No. 939/2018

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 12.02.2019.

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

MEMBER (J)

kpb ORAL ORDER 21.12.2018.

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

**M.A. No. 510/2018 in O.A. No. 940/2018
(Shri Namdeo M. Wakude V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 21.12.2018

ORAL ORDER :

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

2. Issue notices to the respondents in M.A., returnable on 12.02.2019.

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

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

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M.A. No. 510/2018 in
O.A. No. 940/2018

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 12.02.2019.

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

MEMBER (J)

kpb ORAL ORDER 21.12.2018.

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

**ORIGINAL APPLICATION NO. 960/2017
(Shri Pralhad D. Lahane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J).

DATE : 21.12.2018.

ORAL ORDER :

Heard Shri Pralhad D. Lahane, applicant in person and Smt. M.S. Patni, learned Presenting Officer for respondents.

2. At request of applicant in person, S.O. to 04.01.2019 for filing rejoinder affidavit.

MEMBER (J)

kpb ORAL ORDERS 21-12-2018

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

**ORIGINAL APPLICATION NO. 370/2018
(Shri Dhamratna S. Ghule V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J).

DATE : 21.12.2018.

ORAL ORDER :

Shri M.R. Deshmukh, learned Advocate for the applicant (**Absent**). Shri M.P. Gude, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 04.01.2019 for passing dismissal order.

MEMBER (J)

kpb ORAL ORDERS 21-12-2018

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

**ORIGINAL APPLICATION NO. 403/2018
(Shri Ravi S. Shirame V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J).

DATE : 21.12.2018.

ORAL ORDER :

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

2. Learned C.P.O. has submitted that the notices are served on the respondent Nos. 2 to 4. In view of this, there is no need to file service affidavit of respondent Nos. 2 to 4.

3. Learned C.P.O. has filed affidavit in reply on behalf of respondent Nos. 1 to 4. Same is taken on record and the copy thereof has been served on the other side.

4. At the request of learned Advocate for the applicant, issue fresh notice to the respondent No. 5, returnable on 23.01.2019.

5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be.

6. 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.

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. 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.

10. S.O. to 23.01.2019.

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

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 487/2018
(Shri Ramchandra L. Kulkarni V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J).

DATE : 21.12.2018.

ORAL ORDER :

Shri S.G. Kulkarni, learned Advocate for the applicant (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, present.

2. At the request of learned Chief Presenting Officer for the respondents, S.O. to 24.01.2019 for filing affidavit in reply.

MEMBER (J)

kpb ORAL ORDERS 21-12-2018

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

**ORIGINAL APPLICATION NO. 490/2018
(Shri Bhaudas D. Vaishnav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J).

DATE : 21.12.2018.

ORAL ORDER :

Heard Shri Anand S. Deshpande, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondents.

2. At request of learned Presenting Officer for the respondents, as a last chance, S.O. to 24.01.2019 for filing affidavit in reply.

MEMBER (J)

kpb ORAL ORDERS 21-12-2018

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

**ORIGINAL APPLICATION NO. 520/2018
(Shri Sunil S. Wagh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B.P. PATIL, MEMBER (J).

DATE : 21.12.2018.

ORAL ORDER :

Heard Smt. Tria M. Tripathi, learned Advocate holding for Shri M.P. Tripathi, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. At request of learned Presenting Officer for the respondents, as a last chance, S.O. to 10.01.2019 for filing affidavit in reply.

MEMBER (J)

kpb ORAL ORDERS 21-12-2018

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

**ORIGINAL APPLICATION NO.835 OF 2017
(Kailas Adhar Yalis (Patil) V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 21.12.2018

ORAL ORDER :

Shri C.T. Jadhav, learned Advocate for the applicant (**absent**). Shri N.U. Yadav, learned Presenting Officer for respondents, present.

2. None appears for the applicant though the present case is fixed for final hearing since long. It seems that the applicant is not interested in prosecuting the present case.

3. In view of the above, S.O. to 10.01.2019 for dismissal.

MEMBER (J)

ORAL ORDERS 21.12-2018-hdd

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

**O.A.NOS. 476,477, 478 & 485 ALL OF 2017
(Shri Balasaheb M. Ghadge & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 21.12.2018

ORAL ORDER :

Shri Sanjay A. Wakure, learned Advocate for the applicants (**absent**). Mrs. Deepali S. Deshpande, learned Presenting Officer for respondents in all these cases, present.

2. None appears for the applicant and no affidavit in rejoinder is filed.

3. In view of the above, S.O. to 11.01.2019 for final hearing.

MEMBER (J)

ORAL ORDERS 21.12-2018-hdd

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

**ORIGINAL APPLICATION NO.203 OF 2017
(Shri Shamrao G. Wagatkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 21.12.2018

ORAL ORDER :

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

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 16.01.2019 as a last chance.

MEMBER (J)

ORAL ORDERS 21.12-2018-hdd

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

**M.A.NO. 514/2018 IN O.A.NO. 848/2018
(Shri Deepak Dharma Shinde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 21.12.2018

ORAL ORDER :

Heard Shri Anand S. Deshpande, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. This is an application preferred by the applicant seeking permission to amend the O.A. No. 848/2018.

3. Perused the order dated 27.11.2018 passed by this Tribunal in M.A. NO. 463/2018 In O.A. No. 848/2018, by which the applicant has given liberty to join candidate, who has been appointed during the pendency of the present O.A. as party to the O.A. The applicant is seeking amendment on the basis of liberty given to him by this Tribunal by order dated 27.11.2018.

**M.A.NO. 514/2018 IN
O.A.NO. 848/2018**

4. As the amendment is of formal in nature and based on the development took place during the pendency of the O.A., the present M.A. No. 514/2018 is allowed and disposed of. The applicant shall carry out the necessary amendment in the O.A. No. 848/2018 forthwith.

There shall be no order as to costs.

MEMBER (J)

ORAL ORDERS 21.12-2018-hdd

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

**ORIGINAL APPLICATION NO. 848 OF 2018
(Shri Deepak Dharma Shinde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 21.12.2018

ORAL ORDER :

Heard Shri Anand S. Deshpande, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. After carrying out the amendment, issue notice to the added respondent No. 4, returnable on 29.01.2019.

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.

O.A. NO. 848 OF 2018

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 29.01.2019.

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

MEMBER (J)

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

**M.A.NO. 115/2018 IN O.A.ST.NO. 295/2018
(Smt. Pratidnya R. Pulkantwar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 21.12.2018

ORAL ORDER :

Shri D.B. Bhange, learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for respondents, present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record.

4. Since nobody appears for the applicant, S.O. to 17.01.2019.

MEMBER (J)

ORAL ORDERS 21.12-2018-hdd

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

**ORIGINAL APPLICATION NO.845 OF 2018
(Shri Maharu B. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 21.12.2018

ORAL ORDER :

Heard Shri Devidas R. Shelke, learned Advocate for the applicant, Mrs. Priya R. Bharaswadkar, learned Presenting Officer for respondent Nos. 1 & 2 and Shri K.B. Jadhav, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for respondent No. 3.

2. At the request of learned Presenting Officer for respondent Nos. 1 & 2 and learned Advocate for respondent No. 3, S.O. to 11.01.2019 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 21.12-2018-hdd

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

**ORIGINAL APPLICATION NO. 711 OF 2018
(Shri Sanjay N. Nade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 21.12.2018

ORAL ORDER :

Heard Shri Vivek G. Pingle, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer, S.O. to 29.01.2019 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 21.12-2018-hdd

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

**ORIGINAL APPLICATION NO. 972 OF 2018
(Smt. Sangita Rohit Jagtap V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 21.12.2018

ORAL ORDER :

Shri Ajay Deshpande, learned Advocate holding for Shri S.V. Mundhe, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent Nos. 1 & 2 and Shri Avinash S. Deshmukh, learned Advocate for respondent No. 3.

2. Heard both the parties on the issue of interim relief.

3. The present Original Application has been filed by the applicant challenging the impugned transfer order dated 15.12.2018, Annexure 'A-2', page-24, by which she has been transferred from the post of Executive Engineer, Upper Pravara Dam Division No. 2, Sangamner, Dist. Ahmednagar to the post of Executive Engineer, Minor Irrigation Division No. 2, Sangamner, Dist. Ahmednagar.

4. Learned Advocate for the applicant has submitted that the applicant is serving as Executive Engineer, Upper Pravara Dam Division No. 2, Sangamner, Dist. Ahmednagar since 2 years and she has been posted there by an order dated 17.2.2016.

O.A. NO. 972 OF 2018

He has submitted that the applicant has not completed her normal tenure at the said post and, therefore, she is not due for transfer. He has submitted that the respondents have issued the impugned transfer order in view of provisions of section 4 (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short 'the Transfer Act, 2005) without recording special reasons. He has submitted that the applicant has not yet been relieved from the present post and, therefore, he prayed to grant interim relief in favour of the applicant.

5. Learned Chief Presenting Officer has submitted that the respondents want to file affidavit in reply in detail and, therefore, he seeks time. He has also admitted at bar that the applicant has not been relieved from the present post. He has submitted that the impugned transfer order has been issued by following the provisions of Section 4 (5) of the Transfer Act, 2005. He prayed to grant some time to file affidavit in reply.

6. Learned Advocate for the respondent No. 3 has submitted that the impugned order has been issued in view of the provisions of Section 4 (5) of the Transfer Act, 2005. He has submitted that the applicant has been transferred from Upper Pravara Dam Division No. 2, Sangamner, Dist. Ahmednagar to Minor Irrigation

O.A. NO. 972 OF 2018

Division No. 2, Sangamner, Dist. Ahmednagar at the same place and, therefore, it does not amount 'transfer'. He has submitted that on the basis of the impugned transfer order respondent No. 3 has been relieved from Parbhani and, therefore, he strongly opposed to grant interim relief in favour of the applicant.

7. While considering the interim stage I have to consider the impugned order prima facie. Prima facie it reveals that the impugned order has been issued in view of the provisions of Section 4 (5) of the Transfer Act, 2005. On perusal of the record it reveals that the said impugned order has been issued to fill up the post of one Mr. Rajesh Gowardhane, who has been transferred from Sangmner at his request. Prima facie it reveals that no special reasons have been recorded as provided under Section 4 (4) (ii) and 4 (5) of the Transfer Act, 2005 while passing the impugned order. The applicant has not been yet relieved from her posting. No doubt respondent No. 3 has been relieved from his present post at Parbhani but the document and record shows that he has not been relieved by his higher authority as per the procedure followed by the department. In these circumstances, in my opinion, it is just to protect the applicant by granting interim relief. Therefore respondent Nos. 1 & 2 are directed to maintain status quo so far as the present posting of

O.A. NO. 972 OF 2018

the applicant is concerned till filing of affidavit in reply by the respondents.

8. Issue notice to respondents, returnable on 02.01.2019.

9. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

10. 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.

11. 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.

12. 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.

13. 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.

14. S.O. to 02.01.2019.

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

MEMBER (J)

ORAL ORDERS 21.12-2018-hdd

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

**ORIGINAL APPLICATION NO. 978/2018
(Dr. Sudhir P. Chaudhary V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

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

DATE : 21.12.2018

ORAL ORDER :

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

2. Issue notices to all the respondents, returnable on 14.1.2019.

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

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

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

7. 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. Learned Advocate, on instructions from the applicant, submits that the solitary post of Professor in Physiology (page 53) is not filled in by the res. no. 2 – the Director, Medical Education & Research, Mumbai, though the present applicant is eligible for the said post as per the criteria and the rules. He submits that the present applicant was orally given an understanding at the time of obtaining consent that, since he does not have 5 research papers, he would not be selected. He, however, submits that as per the Minimum Qualification for Teachers in Medical Institution Regulations, 1998 amended up to December 2009 (page 56), the requirement is having 4 Research Publications in Indexed Journal on Cumulative basis with minimum of 2 Research Publication during the tenure of Associate Professor as 1st Author or as Corresponding author (page 60).

9. In the circumstances, without filing any detailed affidavit in reply, the res. no. 2 is hereby directed to consider the above situation and to take corrective steps, if any, before the returnable date and file report in that regard before the Tribunal on the next date.

In case the res. no. 2 comes to the conclusion that for any other reason or law, no corrective steps can be taken in the matter, then short affidavit explaining the reasons therefor shall be filed on the next date.

10. S.O. to 14.1.2019 for taking corrective steps by the res. no. 2 or for filing short affidavit explaining the reasons.

11. Steno copy / hamdast allowed for the use of both the sides.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 685/2015
(Rahul B. Kulkarni & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

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

DATE : 21.12.2018

ORAL ORDER :

None appears for the applicants. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. It appears from the record that the learned Advocate for the applicant on 16.10.2018 undertook to file copy of judgment said to have been delivered by this Tribunal regarding the same issue as arisen in the present O.A. However, In view of absence of applicant and his learned Advocate, S.O. to 28.1.2019 for filing the copy of judgment on the line of order dtd. 16.10.2018 and also for hearing.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 205/2018
(Santosh K. Trimanwar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

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

DATE : 21.12.2018

ORAL ORDER :

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

2. Learned P.O. submits that during the course of day he would file sur-rejoinder of the concerned respondents. It be taken on record and copy thereof be served upon the learned Advocate for the applicant. In the circumstances, S.O. to 30.1.2019 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 21-12-2018

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

**ORIGINAL APPLICATION NO. 692/2018
(Dr. Shobha S. Nisale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

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

DATE : 21.12.2018

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. In view of non availability of Division Bench, S.O. to 22.1.2019 for hearing.

VICE CHAIRMAN

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

**M.A. 518/2018 IN C.P. 46/2018 IN O.A. 207/2015
(Smt. Balika D. Tawshikar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

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

DATE : 21.12.2018

ORAL ORDER :

Heard Shri Shaikh Mazhar A. Jahagirdar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The present misc. application has been filed by the applicant for restoration of C.P. to its original file. The C.P. was dismissed in default as per para 7 of the order dtd. 20.11.2018 of the Tribunal passed in C.P.

3. For the reasons stated in the present misc. application, it is allowed and disposed of without any order as to costs and the C.P. is restored to its original file.

VICE CHAIRMAN

ARJ ORAL ORDERS 21-12-2018

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

**C.P. 46/2018 IN O.A. 207/2015
(Smt. Balika D. Tawshikar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

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

DATE : 21.12.2018

ORAL ORDER :

Heard Shri Shaikh Mazhar A. Jahagirdar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Upon restoration of C.P., issue fresh notices to the respondents in terms of order dtd. 20.11.2018 passed by the Hon'ble Chairman in the present contempt petition, returnable on 23.1.2019.

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

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

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

7. 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. Issue notice of show cause to Contemnors calling to show cause as to why they should not be personally saddled with costs of Rs. 10,000/- each to be paid personally towards failure to reply / respond to the Advocate's notice dated 24.2.2017.

9. Reply to the show cause notice be filed on or before 23.1.2019. Contemnors are put to notice that no adjournment would be granted for filing reply to this show cause notice.

10. S.O. to 23.1.2019.

11. Steno copy and Hamdast allowed for the use of both the sides.

VICE CHAIRMAN

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION ST. NO. 3064/2018
(Jayshree Yeshwant Singanwad V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

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

DATE : 21.12.2018

ORAL ORDER :

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

2. Subject to removal of office objections, issue notices to all the respondents, returnable on 7.2.2019.

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

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

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

7. 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. Learned Advocate for the applicant points towards the communication dtd. 15.12.2018 issued by the res. no. 2 (A.7 page 28). The said communication would show that the present applicant was disqualified as her height is 154.2 c.m., while the advertisement (Annex. A.4 page 11) would show that for female candidate the minimum height is required as 155 c.m. He further points towards the document at Annex. A. 8 page 29 by which the examination was carried out by the Department of Medicine, Lokmanya Tilak Municipal Corporation Hospital, Mumbai on 17.12.2018 and the physical examination carried by the M.P.S.C. for certain different post on 3.11.2017 (Annex. A.9 page 31.). Both the documents would show that the height of the present applicant is 155 c.m.

9. In the circumstances, by way of interim relief, it is hereby directed that until further orders, one

post from the female S.T. category shall be kept vacant.

10. S.O. to 7.2.2019.

11. Steno copy / hamdast allowed for the use of both the sides.

VICE CHAIRMAN

ARJ ORAL ORDERS 21-12-2018

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

**ORIGINAL APPLICATION NO. 341/2010
(Dr. Sarda R. Mithulaji & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

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

DATE : 21.12.2018

ORAL ORDER :

Heard Shri L.H. Kawale, learned Advocate holding for Shri K.J. Suryawanshi, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants submits that the State Government has preferred writ petition against the earlier order passed by the Tribunal in the O.A. and it is now fixed on board on 14.1.2019. In the circumstances, present matter to come up on board on 24.1.2019 for reporting further progress in the writ petition.

VICE CHAIRMAN

ARJ ORAL ORDERS 21-12-2018

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

**ORIGINAL APPLICATION NO. 424/2015
(Dr. Suhas Parsewar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T.JOSHI, VICE CHAIRMAN

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

DATE : 21.12.2018

ORAL ORDER :

Heard Shri L.H. Kawale, learned Advocate holding for Shri K.J. Suryawanshi, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondent nos. 1 to 6. Shri K.G. Salunke, learned Advocate for respondent no. 10 (**leave note**). None for other respondents.

2. Shri S.S. Dambe, learned Advocate has filed his V.P. for res. no. 8. It is taken on record.

3. Learned Advocate for the applicants submits that the State Government has preferred writ petition against the earlier order passed by the Tribunal in the O.A. and it is now fixed on board on 14.1.2019. In the circumstances, present matter to come up on board on 24.1.2019 for reporting further progress in the writ petition.

VICE CHAIRMAN