

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

O.A. No. 241/2017

(Shri Sudhakar D. Mangalkar & ors. V/s. the State of Mah. & Ors.)

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J).**

DATE : 22.08.2017.

ORAL ORDER:-

1. Heard Shri K.M. Nagarkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed additional affidavit in reply on behalf of respondent No. 2 along with documents. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. At the request of learned Presenting Officer, S.O. to 23.08.2017.

VICE CHAIRMAN (J)

KPB ORAL ORDER 22.08.2017 (SB) JDK

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD
M.A. No. 283/2017 in O.A. St. No. 942/2017
(Shri Supadu Vyankat Bhalerao V/s. the State of Mah. & Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J).**

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri K.M. Nagarkar, learned Advocate holding for Shri B.R. Kedar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Issue notices to the respondents in M.A, returnable on 22.09.2017.

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

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

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

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. The respondents are directed to file affidavit in reply within a period of four weeks.

8. S.O.to 22-09-2017.

9. Steno copy and Hamdast is allowed to both parties

VICE CHAIRMAN (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

O.A. No. 601/2015

(Shri Shrimant M. Ture V/s. the State of Mah. & Ors.)

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J).**

DATE : 22.08.2017.

ORAL ORDER:-

1. Shri Avinash S. Deshmukh, learned Advocate holding for Shri Kakasaheb B. Jadhav, learned Advocate holding for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer, S.O. to 23.08.2017.

VICE CHAIRMAN (J)

KPB ORAL ORDER 22.08.2017 (SB) JDK

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

O.A. No. 598/2015

(Smt. Noorunnisa Begum W/o Abdul Rehman V/s. the State of Mah. & Ors.)

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J).**

DATE : 22.08.2017.

ORAL ORDER:-

1. Heard Smt. (Dr.) Kalpalata Patil-Bharaswadkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. As per order dated 25.07.2017, the learned Presenting Officer was directed to take instruction as regards Circular dated 15.07.1995 and to file additional reply, if any, only limited to said circular.

3. Learned Presenting Officer has submitted that the respondent wants to file additional reply as directed by this Tribunal and for that purpose, the respondent wants time. Time granted.

3. S.O. to 22.09.2017.

VICE CHAIRMAN (J)

KPB ORAL ORDER 22.08.2017 (SB) JDK

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

O.A. No. 573/2013

(Shri Ajinath K. Kharat V/s. the State of Mah. & Ors.)

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J).**

DATE : 22.08.2017.

ORAL ORDER:-

1. Heard Ms. Ashlesha Raut, learned Advocate holding for Shri S.B. Talekar learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. As per order dated 28.07.2017, the learned C.P.O. was directed to file copy of the map regularly prepared in due course of business by the respondent No. 4 and to do necessary as directed in the order.

3. Learned Presenting Officer submits the necessary documents are not ready and therefore, he seeks time. Time granted.

4. S.O. to 06.09.2017.

VICE CHAIRMAN (J)

KPB ORAL ORDER 22.08.2017 (SB) JDK

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A. No. 156/2017 in O.A. No. 175/2017
(Shri Madhukar M. Khamkar V/s. the State of Mah. & Ors.)

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J).**

DATE : 22.08.2017.

ORAL ORDER:-

1. Heard Shri D.A. Bide, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. In Original Application No. 175/2017, the applicant is claiming regularization from the post of Compounder in Police Hospital at Ahmednagar. However, for filing said Original Application, there is a delay of 5 years, 8 months and 39 days. The learned Advocate for the applicant has submitted that the said delay be condoned in the interest of justice and equity.

3. The respondent No. 4 has filed affidavit in reply and submitted that the applicant was appointed as an ad-hoc employee and therefore, there is no question of absorbing him as regular employee.

4. From the facts on record, as well as, documents it seems that, earlier the applicant has approached this

//2// M.A. 156/2017 in
O.A. 175/2017

Tribunal, as he was terminated without giving any show cause notice to him. In the said O.A., this Tribunal was pleased to direct the respondent authorities to continue the applicant, till regular person is appointed through proper process. However, it seems from the record that since last so many years the applicant is being continued in his post, whether the applicant is entitled to continue or not, to get considered on merits. However, considering the long standing service of the applicant may be on temporary basis, it will be in the interest of justice to condone the delay and to give opportunity to the applicant to hear on merits. Hence, I pass following order:-

ORDER

The M.A. No. 156/2017 for condonation of delay in filing O.A. No. 175/2017 is allowed. Delay of 5 years, 8 months and 39 days caused in filing O.A. stands condoned and M.A. stands disposed of accordingly. O.A. be registered and numbered. There shall be no order as to costs.

VICE CHAIRMAN (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

O.A. No. 175/2017

(Shri Madhukar M. Khamkar V/s. the State of Mah. & Ors.)

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J).**

DATE : 22.08.2017.

ORAL ORDER:-

1. Heard Shri D.A. Bide, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.
2. Issue notices to the respondents, returnable on 22.09.2017.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
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. The respondents are directed to file affidavit in reply within a period of four weeks.
8. S.O.to 22-09-2017.
9. Steno copy and Hamdast is allowed to both parties

VICE CHAIRMAN (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

O.A. No. 419/2012

(Shri Anilkumar Y. Baste V/s. the State of Mah. & Ors.)

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J).**

DATE : 22.08.2017.

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant, S.O. to 24.08.2017.

VICE CHAIRMAN (J)

KPB ORAL ORDER 22.08.2017 (SB) JDK

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A. 293/2017 with M.A. 176/2016 in O.A. St. 594/2016
(Shri Amol C. Dhekale V/s. the State of Mah. & Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J).**

DATE : 22.08.2017.

ORAL ORDER:-

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

2. The applicant has filed O.A. St. No. 594/2017 claiming appointment on compassionate ground. From the admitted facts, it seems that the applicant's father was working as a Binder Boy in Government Press and he died on 12.09.1983. Admittedly, the applicant was aged about six months at that time and he attained the age of majority in the year 2002 also. For claiming appointment on compassionate ground, a person can apply within one year from attaining the majority. Admittedly, the applicant has not applied within a period of one year from the date of attaining majority.

3. Learned Advocate for the applicant on instructions has submitted that he may be permitted to withdraw the O.A. St. No. 594/2017, as well as, M.A. No. 176/2016 for

//2//

M.A. 293/2017 with
M.A. 176/2016 in
O.A. St. 594/2016

condonation of delay and M.A. No. 293/2017 for amendment. In view thereof, permission to withdraw the O.A., as well as, M.As. is granted and hence, I pass following order :-

ORDER

M.A. No. 293/2017, M.A. No. 176/2016 as well as O.A. St. No. 594/2017 stands disposed of as withdrawn with no order as to costs.

VICE CHAIRMAN (J)

KPB ORAL ORDER 22.08.2017 (SB) JDK

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

ORIGINAL APPLICATION NO. 566/2017

(Shri Rajendra G. Mane V/s. the State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri M.R. Khutwad, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 12.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO. 550/2014

(Shri Jagannath K. Kagale & Ors. V/s. the State of Maharashtra
& Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri Y.P. Deshmukh, learned Advocate holding
for Shri H.A. Joshi, learned Advocate for the applicants and
Shri V.R. Bhumkar, learned Presenting Officer for
respondents.

2. At the request of learned Advocate for the applicant,
S.O. to 14.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO. 187/2016

(Shri Vilas G. Kulkarni V/s. the State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant, S.O. to 26.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO. 816/2016

(Shri (Dr.) Deshmukh Md. Shabir Wahed & Ors. V/s. the State of
Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri A.V. Rakh, learned Advocate for the
applicants and Shri M.P. Gude, learned Presenting Officer for
respondents.

2. At the request of learned Advocate for the applicants,
S.O. to 26.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO. 858/2016

(Shri Sunil L. Jadhav & Ors. V/s. the State of Maharashtra &
Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri S.D. Dhongde, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicants, S.O. to 18.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO. 274/2017

(Shri Anil A. Beedkar & Ors. V/s. the State of Maharashtra &
Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri Y.P. Deshmukh, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicants, S.O. to 14.9.2017.

ARJ ORAL ORDERS 22.8.2017

MEMBER (J)

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

ORIGINAL APPLICATION NO. 404/2017

(Shri Ravindra R. Mungale V/s. the State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant, S.O. to 27.9.2017.

ARJ ORAL ORDERS 22.8.2017

MEMBER (J)

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

ORIGINAL APPLICATION NO. 495/2017

(Shri Ganpat G. Sansane V/s. the State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant, S.O. to 25.9.2017.

ARJ ORAL ORDERS 22.8.2017

MEMBER (J)

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

MA 336/2017 IN OA 481/2017

(Shri Anil M. Tambe V/s. the State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant, S.O. to 18.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO. 720/2013

(Shri Uddhav V. Padgilwar V/s. the State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant, S.O. to 27.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO. 565/2017

(Smt. Vandana S. Mahajan V/s. the State of Maharashtra &
Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri Yogesh Patil, learned Advocate holding for Shri A.D. Pawar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 31.8.2017.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO. 574/2017

(Shri (Dr.) Santosh S. Vidhate V/s. the State of Maharashtra &
Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

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

2. Issue notices to the respondents in the O.A., returnable on 29.09.2017.

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

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

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

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 29-09-2017.

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

MEMBER (J)

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

ORIGINAL APPLICATION NO. 584/2017

(Shri Mohd. Abdul Sami V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Issue notices to the respondents in the O.A., returnable on 22.09.2017.

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

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

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

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 22-09-2017.

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

MEMBER (J)

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

ORIGINAL APPLICATION NO. 799/2016

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

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri Y.P. Deshmukh, learned Advocate holding for Shri H.A. Joshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 27.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO. 940/2016

(Shri Md. Kutab Md. Hasham V/s. the State of Maharashtra &
Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

None appears for the applicant. Shri I.S. Thorat,
learned Presenting Officer for respondents, is present.

2. In view of absence of applicant and his learned
Advocate, S.O. to 29.9.2017 either for appearance of the
learned Advocate for the applicant and / or for passing
appropriate order.

ARJ ORAL ORDERS 22.8.2017

MEMBER (J)

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

ORIGINAL APPLICATION NO. 04/2017

(Shri Ramlal B. Brahmane V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant, S.O. to 25.9.2017.

ARJ ORAL ORDERS 22.8.2017

MEMBER (J)

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

ORIGINAL APPLICATION NO. 241/2017
(Shri Sudhakar D. Mangalkar & Ors. V/s. the State of
Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri K.M. Nagarkar, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. It reveals from the record that this O.A. has been heard partly by Hon'ble Vice Chairman Shri J.D. Kulkarni. Therefore, place the matter before the appropriate bench on today itself.

ARJ ORAL ORDERS 22.8.2017

MEMBER (J)

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

ORIGINAL APPLICATION NO. 344/2017

(Smt. Farida A. Aattar V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri S.V. Dhobale, learned Advocate holding for Shri N.L. Choudhary, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. The learned P.O. seeks time to file affidavit in reply of the respondents. Time granted.

3. S.O. to 19.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

MA 328/2017 IN OA ST. 1054/2017

(Shri Mohd. Abdul Sami V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The learned Adv. has filed on record copy of judgment of Hon'ble Supreme Court in the case of **M.R. GUPTA VS. UOI & ORS. [1995 SCC (5) 628]**. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. Issue notices to the respondents in the M.A., returnable on 22.09.2017.

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

5. 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.

6. 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.

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. Applicant is directed to file affidavit of compliance and notice.

8. S.O.to 22-09-2017.

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

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

MA 338/2017 IN OA ST. 1036/2017

(Shri Anil G. Tornekar V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

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

2. The learned Adv. has filed on record copy of judgment of Hon'ble Supreme Court in the case of **M.R. GUPTA VS. UOI & ORS. [1995 SCC (5) 628]**. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. Issue notices to the respondents in the M.A., returnable on 22.09.2017.

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

5. 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.

6. 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.

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. Applicant is directed to file affidavit of compliance and notice.

8. S.O.to 22-09-2017.

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

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

MA 339/2017 IN OA ST. 1055/2017

(Shri Sunil M. Bandawar V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

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

2. The learned Adv. has filed on record copy of judgment of Hon'ble Supreme Court in the case of **M.R. GUPTA VS. UOI & ORS. [1995 SCC (5) 628]**. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. Issue notices to the respondents in the M.A., returnable on 22.09.2017.

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

5. 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.

6. 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.

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. Applicant is directed to file affidavit of compliance and notice.

8. S.O.to 22-09-2017.

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

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

MA 340/2017 IN OA ST. 1210/2017

(Haseeb Ur. Rehman Khan V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

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

2. The learned Adv. has filed on record copy of judgment of Hon'ble Supreme Court in the case of **M.R. GUPTA VS. UOI & ORS. [1995 SCC (5) 628]**. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. Issue notices to the respondents in the M.A., returnable on 22.09.2017.

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

5. 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.

6. 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.

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. Applicant is directed to file affidavit of compliance and notice.

8. S.O.to 22-09-2017.

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

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

MA 342/2017 IN OA 325/2016

(Rukhmin R. Dudhate V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri Vivek Deshmukh, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondent nos. 1 & 2 and Shri K.G. Salunke, learned Advocate for respondent no. 3.

2. Issue notices to the respondents in the M.A., returnable on 27.09.2017.

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

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

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

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 27-09-2017.

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

MEMBER (J)

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

ORIGINAL APPLICATION NO. 578/2017

(Smt. Ayesha Feroz Khan V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

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

2. The learned Advocate for the applicant has submitted that the applicant has been suspended vide the impugned order dated 16.12.2016 passed by the res. no. 1. He has submitted that the impugned order of suspension dated 16.12.2016 was served on the applicant on 4.8.2017 and prior to that it has not been served on her. He has further submitted that, in the meantime memorandum of charges issued by the res. no. 1 was served on the applicant without annexure. The applicant requested the said authority for supplying her the annexures so as to enable her to file his reply to the same. But the said documents were not supplied to her. The applicant is at the verge of retirement and therefore, the applicant has filed the present original application. He further submitted that, in view of the judgment of Hon'ble Bombay High Court in **W.P. no. 9660/2014 [The State of Maharashtra Vs. Dr. Subhash D.**

Mane] delivered on 1.12.2014, this Tribunal can entertain the O.A. under the exceptional circumstances, even though the applicant has not availed the remedies available to her under the Service Rules and therefore, he prayed to admit the present O.A.

3. The learned P.O. has submitted that the O.A. cannot be entertained in view of provisions of sec. 20 of the Administrative Tribunals Act, 1985 as the applicant has not availed the remedies available to her to file appeal before the appellate authority against the impugned order of suspension in view of provisions of Rule 17 of the M.C.S. (Discipline & Appeal) Rules, 1979.

4. According to the applicant the suspension order placing her under suspension with immediate effect is dated 16.12.2016, but it has been served on her on 4.8.2017 by the speed post. Immediately after the service of the impugned order by post, the applicant approached this Tribunal without availing the remedy as provided under rule 17 of the M.C.S. (D&A) Rules, 1979. In view of sec. 20 of the Administrative Tribunals Act, 1985, the Tribunal ordinarily cannot admit the O.A. unless applicant satisfies that he has availed all the

remedies available to him under the Service Rules. Sec. 20 of the Administrative Tribunals Act, 1985 imposes bar on the Tribunal to entertain the O.A. unless the applicant availed the remedies available to him under the Service Rules.

5. In the present case the applicant has not availed the remedy of preferring appeal against the impugned order of suspension as provided under rule 17 of the M.C.S. (Discipline & Appeal) Rules, 1979 and directly approached the Tribunal. No special circumstances have been pointed out by the applicant to entertain the O.A. without filing appeal against the impugned order. Therefore in my view the O.A. is not maintainable in view of provisions of sec. 20 of the Administrative Tribunals Act, 1979. Therefore, the O.A. is rejected without any order as to costs.

MEMBER (J)

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

ORIGINAL APPLICATION NO. 87/2017

(Shri Divakar R. Suravase V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri Kamaluddin Farooqui, learned Advocate holding for Shri N.L. Jadhav, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The applicant is challenging the suspension order dated 20.11.2013 passed by the res. no. 3 by filing the present O.A. It reveals from the record that the present O.A. is not filed within a period of one year from the date of impugned order and, therefore, it is barred by limitation and therefore it is not maintainable.

3. Learned Advocate for the applicant has submitted that the applicant has filed representation on 4.1.2017 for revocation of his suspension but the respondents have not decided the same till today. Therefore, he prayed to issue directions to the respondents to decide it immediately.

4. On perusing the prayer clause of the O.A. it reveals that no relief has been sought by the applicant in that regard. Moreover, the applicant has filed the O.A. on 3.2.2017 i. e.

before expiry of 6 months period provided U/s 20 (2) (b) of the Administrative Tribunals Act, 1985. Sec. 20 (2) (b) of the Administrative Tribunals Act, 1985 reads as under :-

“20. Application not to be admitted unless other remedies exhausted :-

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances,-

(a) -- -- --

(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.

4. Therefore, in my view, on that count also the present O.A. is not maintainable. O.A. is barred by limitation and it is also not maintainable in view of the provisions of sec. 20 (2) (b) of the Administrative Tribunals Act, 1985. Therefore, it deserves to be dismissed. Accordingly, the O.A. is dismissed with no order as to costs.

MEMBER (J)

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

ORIGINAL APPLICATION NO. 365/2017

(Shri Sarang K. Gorge V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri G.N. Kulkarni (Mardikar), learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The learned P.O. has filed 2 separate affidavits in replies of res. nos. 2 & 4. The same are taken on record and copies thereof have been served upon the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 29.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO. 399/2017

(Shri (Dr.) Pritam T. Raut V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri P.P. Dama, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for respondent nos. 1 to 4 and Shri S.N. Rodge, learned Advocate for respondent nos. 5 & 6.

2. At the request of learned P.O., as a last chance, S.O. to 19.9.2017 for filing reply of the concerned respondents.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO. 417/2017

(Smt. Ranjana A. Surkar V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri D.T. Devane, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. The learned P.O. seeks time to file affidavit in reply of the respondents. Time granted as a last chance.

3. S.O. to 18.9.2017. The interim relief to continue till then.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO. 420/2017

(Shri Dr. Sandip N. Dawande V/s. the State of Maharashtra &
Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondent nos. 1 & 2. None appears for respondent nos. 3 & 4.

2. The learned Advocate for the applicant has filed on record copies of orders of this Tribunal at Nagpur Bench in O.A. no. 331/2017 dtd. 12.6.2017 and O.A. no. 364/2017 dtd. 20.6.2017 and copies of 2 G.Rs. dtd.9.8.2017 issued by the Govt. The said documents are taken on record and copies thereof have been served upon the learned C.P.O.

3. At the request of learned C.P.O., S.O. to 6.9.2017 for taking instructions from the concerned respondents.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO. 482/2017

(Shri Mohan R. Chaudhari V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The learned P.O. seeks time to file affidavit in reply of the respondents. Time granted.

3. S.O. to 25.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

O.A. NO. 554/2017 WITH CAVEAT 30/2017
(Smt. (Dr.) Archana V. Bhosale V/s. the State of Maharashtra &
Ors.)

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
DATE : 22.08.2017.

ORAL ORDER:-

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

2. The applicant has filed the present O.A. with a limited prayer to issue direction to the res. no. 1 to decide his representation dtd. 18.2.2017 for posting him on a vacant post of Class – I ENT Surgeon in the Dist. Civil Hospital, Aurangabad. The learned Advocate for the applicant has submitted that suitable directions be issued to the res. no. 1 to decide the representation dtd. 18.2.2017 and accordingly the O.A. may be disposed of.

3. The learned C.P.O. submitted that he has no objection if the O.A. is disposed of with appropriate directions to the respondents.

4. In view of submissions of both the sides, the O.A. is disposed of with a direction to the respondent no. 1 to decide the representation of the applicant dtd. 18.2.2017 as per the rules within a period of one month from the date of this order and the said decision be communicated to the applicant in writing. There shall be no order as to costs.

MEMBER (J)

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

ORIGINAL APPLICATION NO. 561/2017

(Smt. Swati V. Suryawanshi V/s. the State of Maharashtra &
Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri V.V. Patil, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondent nos. 1 & 2.

2. Today, Shri V.H. Dighe, learned Advocate has filed his V.P. on behalf of res. no. 3 and seeks time to file affidavit in reply on his behalf. Time granted. S.O. to 7.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO. 579/2017

(Shri Gokul B. Bundele V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. Issue notices to the respondents in the O.A., returnable on 29.08.2017.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
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 29-08-2017.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

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

ORIGINAL APPLICATION NO. 632/2017
(Shri N.R. Nirval V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Ms. Amruta Paranjape, learned Advocate holding for Shri P.S. Paranjape, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 7.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

M.A. NO. 298/2017 IN O.A. NO. 373/2016

(Shri A.K. Pankhambe V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

None appears for the applicant. Shri N.U. Yadav, learned Presenting Officer for respondent nos. 1 to 3 and Shri V.B. Kale, learned Advocate for Shri V.H. Sounke, learned Advocate for res. no. 4 are present.

2. Issue notices to the respondents in the M.A., returnable on 3.10.2017.

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

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

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

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 03-10-2017.

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

MEMBER (J)

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

ORIGINAL APPLICATION NO. 13/2016

(Shri L.R. Kulkarni V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant, S.O. to 31.8.2017. The matter be treated as a part heard.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO. 81/2016

(Smt. Sakhubai S. KukadeV/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri K.G. Salunke, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents.

2. Vide order dtd. 17.7.2017 this Tribunal directed the respondents to take a decision on the proposal of the applicant regarding second time bound promotion sent by res. no. 4 to res. no. 2, within a period of one month therefrom. Today, the learned P.O. submitted that she has received telephonic instructions from the res. no. 4 informing her that the said proposal is pending till today and it has not yet been decided.

3. In the circumstances, the res. no. 2 is directed to file his personal affidavit clarifying, as to why he has not taken as yet on the decision of the proposal sent by the res. no. 4 regarding grant of second time bound promotion to the applicant. If the res. no. 2 decides the said proposal, in the meantime, he has to produce on record copy of the said decision along with the said affidavit.

4. S.O. to 7.9.2017.

5. Steno copy allowed for the use of learned P.O.

MEMBER (J)

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

ORIGINAL APPLICATION NO. 494/2016

(Shri L.G. Ratnaparkhi V/s. the State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

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

2. At the request of learned P.O., S.O. to 15.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO. 826/2016

(Shri Laxman B. Parandkar V/s. State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

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

2. The learned P.O. submitted that one Shri Shirish M. Jamdade, was working as Divisional Joint Director of Agriculture, Latur when this Tribunal has passed order on 14.7.2017 directing him to file his short affidavit explaining as to why the representations of the applicant has not been decided by him as directed by the Tribunal and why necessary action shall not be taken against him for flouting the orders of this Tribunal. He submitted that said Shri Jamdade is now transferred from the said post and therefore he could not file affidavit as directed by the Tribunal. He has further submitted that on 21.8.2017 meeting of the Suspension Review Committee has been held and in the said meeting it has been decided to revoke the suspension of the applicant, but he has not received any communication in that regard.

3. The learned P.O. is hereby directed to ask Shri Shrish M. Jamdade to file his affidavit explaining as to why he should not be saddled with costs for not complying of the order of the Tribunal dtd. 14.7.2017 by the next date.

4. S.O. to 18.9.2017.

MEMBER (J)

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

MA 147/2017 IN OA 705/2016

(Shri P.R. Shirsath V/s. State of Maharashtra & Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. At the request of learned P.O., S.O. to 25.9.2017 for filing reply of the respondents to the M.A. .

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO.217/2017

(Shri Dilip Vaijwade V/s. The State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Shri J.M.Murkute, learned Advocate for the applicant is **absent**. Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents is present.

2. At the request of learned P.O., S.O.19-09-2017 for filing affidavit in reply on behalf of the respondents.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

ORIGINAL APPLICATION NO.218/2017

(Shri Vijay Kamble V/s. The State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Shri J.M.Murkute, learned Advocate for the applicant is **absent**. Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents is present.

2. At the request of learned P.O., S.O.19-09-2017 for filing affidavit in reply on behalf of the respondents.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

ORIGINAL APPLICATION NO.219/2017

(Shri Rajabhau Bharade V/s. The State of Maharashtra & Ors.)

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Shri J.M.Murkute, learned Advocate for the applicant is **absent**. Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents is present.

2. At the request of learned P.O., S.O.19-09-2017 for filing affidavit in reply on behalf of the respondents.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

ORIGINAL APPLICATION NO.599/2016

(Sunita Bahiram V/s. The State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

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

2. Learned P.O. states that he will file reply during the course of the day.

3. S.O. to 20-09-2017.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

M.A.No.360/2016 IN O.A.St.No.1544/2016
(Shri Ram B. Pawar V/s. The State of Maharashtra & Ors.)

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri Amol Kurangal learned Advocate holding for Shri C.R.Thorat, learned Advocate for the applicant, Smt. Sanjivani Ghate, learned Presenting Officer for respondents and Smt. Juee Palekar-Parlikar learned Advocate holding for Shri S.D.Joshi learned Advocate for respondent no.2.

2. At the request of learned Advocate for the applicant, S.O. 06-09-2017.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

M.A.No.433/2015 IN O.A.St.No.318/2015

(Dr. Shivshankar Chhanmalappa Harlayya V/s.
The State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri Abhinay Khot learned Advocate holding for
Shri Amol Gandhi, learned Advocate for the applicant and
Shri M.P.Gude, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant,
S.O. 06-09-2017.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

ORIGINAL APPLICATION NO.576/2015

(Shri Chakresh Mahajan V/s. The State of Maharashtra & Ors.)

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri S.P.Dhoble, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for respondents.

2. Learned Advocate Shri S.P.Dhoble states that he has instructions from the applicant and he will file Vakalatnama on behalf of the applicant on the next date, and prays for time for the same. Time granted.

3. S.O.07-09-2017.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

ORIGINAL APPLICATION NO.80/2016

(Shri Devidas Ghuge V/s. The State of Maharashtra & Ors.)

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. 07-09-2017.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

ORIGINAL APPLICATION NO.492/2017

(Shri Badri Babar V/s. The State of Maharashtra & Ors.)

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Heard Ku. Ashlesha Raut learned Advocate holding for Shri S.K.Mathpati, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Learned P.O. seeks time to file report as directed by the Hon'ble Vice Chairman on 11-08-2017.

3. Learned Advocate for the applicant prays that, as this matter was earlier dealt with by the Hon'ble Vice Chairman, it may be placed before the Hon'ble Vice Chairman.

4. In view of the request of learned Advocate for the applicant, this matter may be placed before Hon'ble Vice Chairman on 12-09-2017.

MEMBER (J)

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

ORIGINAL APPLICATION NO.489/2017

(Shri Mahadu Munde V/s. The State of Maharashtra & Ors.)

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Heard Ku. Ashlesha Raut learned Advocate holding for Shri S.B.Talekar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Learned P.O. seeks time to file report as directed by the Hon'ble Vice Chairman on 11-08-2017.

3. Learned Advocate for the applicant prays that, as this matter was earlier dealt with by the Hon'ble Vice Chairman, it may be placed before the Hon'ble Vice Chairman.

4. In view of the request of learned Advocate for the applicant, this matter may be placed before Hon'ble Vice Chairman on 12-09-2017.

MEMBER (J)

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

ORIGINAL APPLICATION NO.132/2016

(Smt. Mandabai w/o. late Govind Thakuar V/s.
The State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri Zahed Ali learned Advocate holding for
Shri M.A.Golegaonkar learned Advocate for the applicant and
Shri I.S.Thorat, learned Presenting Officer for respondents.

2. Learned P.O. files a communication dated 19-08-2017,
which is taken on record.

3. At the request of learned Advocate for the applicant,
S.O. to 14-09-2017 for filing rejoinder.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

ORIGINAL APPLICATION ST. NO.967/2017

(Shri Sharad Jade V/s. The State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant, S.O. to 04-09-2017.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

ORIGINAL APPLICATION NO.540/2016

(Shri Raghunandan Sapkal V/s. State of Maharashtra & Ors.)

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Shri B.S.Deshmukh, learned Advocate for the applicant is **absent**. Shri V.R.Bhumkar, learned Presenting Officer for the respondents is present.

2. Since none present for the applicant, S.O. 20-09-2017.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

ORIGINAL APPLICATION NO.664/2016

(Shri Sambhaji Asole V/s. The State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Shri A.S.Bangar, learned Advocate for the applicant is **absent**. Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents is present.

2. At the request of learned P.O., S.O.19-09-2017 for filing reply on behalf of the respondents.

MEMBER (J)

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

ORIGINAL APPLICATION NO.722/2016

(Shri Kamlakar Hinge V/s. The State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

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

2. Learned P.O. has submitted that previously record of Part Time Employees was not available with the office of Tahsildar, Sonpeth as it was misplaced while shifting the office record, and therefore, certificate produced by the applicant was sent to Government Institute of Forensic Science, Aurangabad for verifying genuineness of signature of the Tahsildar. He has submitted that, meanwhile, record was found and it is available in the office of Tahsildar, Sonpeth.

3. Some of the documents produced on record show that the applicant worked in a school as Educated Unemployed Part Time Employee and payment has been made to him through Tahsil Office. In view of the said fact, it seems that the applicant has worked under Educated Unemployed Part Time Employees' cadre.

=2=

O.A.No.722/16

3. In view of the above situation, it will be just to direct respondent no.2 to 4 to verify the record and inform the concerned authorities as regards certificates produced by the applicant. Respondents to comply the order within one month from the date of this order and to inform the Tribunal accordingly on the next date.

4. S.O. to 03-10-2017.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

ORIGINAL APPLICATION NO.814/2016

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

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Shri S.S.Jadhavar learned Advocate for the applicant is **absent**. Smt. Deepali Deshpande, learned Presenting Officer for respondents is present.

2. Since none present for the applicant, S.O.03-10-2017.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

ORIGINAL APPLICATION NO.935/2016

(Ananta Raykar V/s. The State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

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

2. Learned Advocate for the applicant submits that the applicant is not approaching his office and also not giving instructions. Therefore, he is not able to collect the notices and serve on the respondents.

3. In view of this submission, it appears that the applicant is not diligent and interested in prosecuting the matter. Hence, O.A. stands dismissed in default.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

ORIGINAL APPLICATION NO.50/2017

(Shri Balesh Bhendekar V/s. The State of Maharashtra & Ors.)

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Heard Ms. Preeti Wankhade learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. Learned P.O. seeks time to file reply on behalf of the respondents. Already last chance was granted to the respondents to file additional reply subject to payment of costs of Rs.5000/-.

3. In spite of costs imposed on the respondent no.2, respondent no.2 has failed to file reply on record. It seems that the respondent no.2 is not diligent in conducting the matter. In these circumstances, it would be just to grant 2 weeks' time to file reply, subject to payment of costs of Rs.5000/-, in addition to the earlier costs of Rs.5000/- imposed on the respondent no.2, personally or any other officer, as may be decided by the respondent no.2.

4. S.O.06-09-2017.

5. Interim relief granted earlier to continue till then.

MEMBER (J)

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

ORIGINAL APPLICATION NO.137/2017

(Shri Namdeo Arsale V/s. The State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Heard Smt. Juee Palekar-Parlikar learned Advocate holding for Shri S.D.Joshi learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for respondents.

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

3. S.O.26-09-2017.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

ORIGINAL APPLICATION NO.168/2017

(Shri Annarao Hivrale V/s. The State of Maharashtra & Ors.)

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

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

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

3. S.O.26-09-2017.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

ORIGINAL APPLICATION NO.177/2017

(Shri Anand Ganjewar V/s. The State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

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

2. Since pleadings are complete, matter is admitted.

S.O. to 27-09-2017 for final hearing.

3. Interim relief granted earlier to continue till then.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

ORIGINAL APPLICATION NO.402/2017

(Shri Bhagwan Chitrak & Ors. V/s. State of Maharashtra & Ors.)

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri D.T.Devane learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that notices are already served on the respondents. Affidavit in reply has not been filed.

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

4. S.O. to 28-09-2017.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

M.A.No.345/2015 IN O.A.St.No.952/2015

(Shri Dilip Gadchelwar V/s. The State of Maharashtra & Ors.)

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Shri A.M.Gaikwad learned Advocate for the applicant is **absent**. Smt. Deepali Deshpande, learned Presenting Officer for respondents is present.

2. None has appeared for the applicant since 20-10-2016. Today also none is present for the applicant. This case be kept for passing appropriate order on 04-09-2017.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

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

**M.A.No.110/2016 WITH M.A.No.287/2015 IN
O.A.No.444/2014**

(Shri Shaikh Tajoddin & Ors. V/s. State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 22.08.2017.

ORAL ORDER:-

Shri S.S.Gangakhedkar learned Advocate for the applicant is **absent**. Smt. Sanjivani Ghate learned Presenting Officer for respondents is present.

2. Since none is present for the applicant,
S.O.28-09-2017.

MEMBER (J)

YUK ORAL ORDERS 22.8.2017 DIAS

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. NO. 294/2017 IN O.A.ST.NO. 3012/2016
(Shri Rajaram M. Kannewad Vs. The State of Maha. and
Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 22.08. 2017.

ORAL ORDER:

1. Heard Ms. P.R. Wankhade – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that the grounds mentioned in the application for amendment application are already incorporated in the Original Application and, therefore, she may be permitted to withdraw the M.A. No. 294/2017.

3. In view of the submission made on behalf of the applicant, the M.A. No. 294/2017 stands disposed of as withdrawn with no order as to costs.

VICE CHAIRMAN (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. NO. 25/2017 IN O.A.ST.NO. 3012/2016
(Shri Rajaram M. Kannevad Vs. The State of Maha. and
Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 22.08. 2017.

ORAL ORDER:

1. Heard Ms. P.R. Wankhade – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for respondents.

2. This is an application filed by the applicant for condonation of delay of about 495 caused in filing the accompanying Original Application.

3. Learned Advocate for the applicant submits that there is a delay of about 495 days caused in filing the accompanying Original Application since the applicant was waiting for the decision of the Review Petition filed by the applicant against the order of punishment in departmental enquiry, which was confirmed by the Appellate Authority. After rejection of that application, the applicant again filed application for review and it was also rejected. In view thereof, there was a delay caused in filing accompanying Original Application.

4. In the accompanying Original Application, the applicant has challenged the order of punishment of stoppage of increment permanently in the departmental enquiry.

5. For the reasons stated in the M.A. No. 25/2017 for condonation of delay, the same is allowed and delay caused in filing accompanying O.A. St. No. 3012/2016 is allowed. Delay of 495 days caused in filing accompanying original application

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**M.A. NO. 25/2017 IN
O.A.ST.NO. 3012/2016**

stands condoned, and present M.A. stands disposed of accordingly. O.A. be registered and numbered.

There shall be no order as to costs.

VICE CHAIRMAN (J)

ORAL ORDERS 22.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO. 3012 OF 2016
(Shri Rajaram M. Kannevad Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 22.08. 2017.

ORAL ORDER:

1. Heard Ms. P.R. Wankhade – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for respondents.
2. Issue notices to the respondents, returnable on 22nd September, 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 acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.
7. The respondents are directed to file affidavit in reply within a period of four weeks.
8. S.O. to 22nd September, 2017.
9. Steno copy and hamdust is allowed to both the parties.

VICE CHAIRMAN (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. 268/17 WITH M.A.ST. 943/17 IN O.A. 521/14
(Shri Satish C. Jadhav Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 22.08. 2017.

ORAL ORDER:

1. Heard Shri S.D. Dhongde – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for respondents.
2. Learned Presenting Officer submits that she has not received the copies of Miscellaneous Application. Learned Advocate for the applicant submits that he will supply the copies of the same today itself.
3. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted.
4. S.O. to 12th September, 2017.

VICE CHAIRMAN (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. NO. 260/2017 IN O.A.ST.NO. 86/2017
(Shri Sudhakar A. Goswami Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 22.08. 2017.

ORAL ORDER:

1. Heard Shri Y.P. Deshmukh – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for respondents.

2. This is an application filed by the applicant seeking permission to carry out the amendment in M.A. No. 56/2017, which is preferred for condonation of delay caused in filing accompanying O.A. St. No. 86/2017.

3. Vide order dated 7.2.2017 passed in M.A. No. 56/2017, this Tribunal was pleased to grant time to file amendment application. However, learned Advocate for the applicant submits that inadvertently the detailed reason for delay caused in filing the accompanying O.A. is not mentioned. Therefore, he has filed this M.A. seeking permission to amend the M.A. No. 56/2017, which is filed for condonation of delay.

4. For the reasons stated in M.A. No. 260/2017, which is preferred for carry out the amendment in the M.A. No. 56/2017, and in the interest of justice, the same is allowed and the applicant is permitted to carry out the necessary amendment in M.A. No. 56/2017.

5. The applicant shall carry out the necessary amendment in M.A. No. 56/2017 within a period of two weeks. The amended copy of M.A. be served on the respondents. Accordingly, the present M.A. No. 260/2017 stands disposed of with no order as to costs.

VICE CHAIRMAN (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. NO. 56/2017 IN O.A.ST.NO. 86/2017
(Shri Sudhakar A. Goswami Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 22.08. 2017.

ORAL ORDER:

1. Heard Shri Y.P. Deshmukh – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for respondents.

2. S.O. to 30th August, 2017.

VICE CHAIRMAN (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. NO. 215/2017 IN O.A.ST.NO. 813/2017
(Shri Sanjay S. Ramod Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 22.08. 2017.

ORAL ORDER:

1. Heard Shri A.S. Deshmukh – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for respondents.

2. The applicant has challenged the communication dated 10.06.2015 issued by the respondent No. 2, whereby his prayer for deemed date of promotion has been rejected. However, for challenging that communication there is delay of about 353 days. It is stated that the delay is caused, as the applicant has tried to get information under Right to Information Act.

3. For the reasons stated in the present Miscellaneous Application, the same is allowed in the interest of justice and equity. Delay of 353 days caused in filing accompanying original application stands condoned, and present M.A. stands disposed of accordingly. O.A. be registered and numbered.

There shall be no order as to costs.

VICE CHAIRMAN (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO. 813 OF 2017
(Shri Sanjay S. Ramod Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 22.08. 2017.

ORAL ORDER:

1. Heard Shri A.S. Deshmukh – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for respondents.
2. Issue notices to the respondents, returnable on 22nd September, 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 acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.
7. The respondents are directed to file affidavit in reply within a period of four weeks.
8. S.O. to 22nd September, 2017.
9. Steno copy and hamdust is allowed to both the parties.

VICE CHAIRMAN (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. NO. 233/2017 IN O.A.ST.NO. 772/2017
(Shri Rajendra B. Kadam Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 22.08. 2017.

ORAL ORDER:

1. Heard Shri V.G. Pingle – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for respondents.

2. This is an application filed by the applicant for condonation of delay of about 470 days caused in filing accompanying Original Application.

3. In the accompanying Original Application, the applicant is claiming appropriate direction to the respondents to consider deemed date of his promotion to the post of Constable in Excise Department w.e.f. 29.05.2001. According to the applicant, he is entitled to deemed date of promotion from that date. However, from the application itself it seems that he has for the first time applied for deemed date of promotion on 29.02.2016, 29.06.2016 and lastly on 10.01.2017. It is stated that his representations have not yet been decided. Learned Advocate for the applicant submits that he may be allowed to withdraw the Original Application and directions may be given to the respondent No. 2 to take decision on his representations.

4. In view of the aforesaid submissions made on behalf of the applicant, the Original Application stands disposed of as withdrawn. Respondent No. 2 is directed to take decision on the representations filed by the applicant on 29.02.2016, 29.06.2016 and 10.01.2017 within a period of three months

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**M.A. NO. 233/2017 IN
O.A.ST.NO. 772/2017**

and shall communicate the decision thereon in writing to the applicant.

5. There shall be no order as to costs.

VICE CHAIRMAN (J)

ORAL ORDERS 22.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. NO. 258/2017 IN O.A.ST.NO. 910/2017
(Sau Seema W/o. Arun Patil Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 22.08. 2017.

ORAL ORDER:

1. Shri Gajanan Kadam – learned Advocate for the applicant (**absent**). Mrs. Priya R. Bharaswadkar – learned Presenting Officer for respondents, present.
2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted.
3. S.O. to 22nd September, 2017.

VICE CHAIRMAN (J)