

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD
O.A. No. 535/2013 with O.A. No. 575/2013
(Smt. Shubhangi A. Shejul & ors. V/s. the State of Mah. & Ors.)**

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

DATE : 23.08.2017.

ORAL ORDER:-

1. Heard Shri S.S. Jadhavar, learned Advocate for the applicants in both the O.As. and Shri S.K. Shirse, learned Presenting Officer for respondents in both the O.As.
2. In paragraph No. 6 (vi) of the O.A., the applicant has stated that three categories of the same class of the post of Clerk-cum-Typist has been created as per those three categories. First category is in respect of those employees, who have been granted benefit of time bound promotion prior to 1.1.2006. The second category is of those, who have been granted said benefits after 1.1.2006 and the 3rd category is of those, who are appointed directly/freshly.
3. From the affidavit in reply on record, it seems that the respondents have not answered these pleadings specifically. It is also material to note that the applicant has challenged the G.R. dated 31.08.2009, by amending the Original Application. There is no reply filed to the amended O.A. also.

//2//

O.A. 535/13
with O.A. 575/13

4. Learned Presenting Officer has submitted that the respondents may be permitted to file detailed affidavit in reply responding the challenges to the G.R. dated 31.08.2009, as well as, pleadings in paragraph No. 6 (vi) of the O.A. In the interest of justice, the learned Presenting Officer is allowed to file additional affidavit in reply in this regard.

5. S.O. after six weeks.

VICE CHAIRMAN (J)

KPB ORAL ORDER 23.08.2017 (SB) JDK

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

O.A. No. 772/2013

(Shri Satish G. Bilapatte V/s. the State of Mah. & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

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

2. Learned Presenting Officer has filed additional affidavit in reply on behalf of respondent Nos. 2 to 4. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. After hearing the matter for considerable time, it is closed for orders.

VICE CHAIRMAN (J)

KPB ORAL ORDER 23.08.2017 (SB) JDK

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

O.A. No. 784/2015

(Shri Malappa P. Shendule V/s. the State of Mah. & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

1. Shri Avinash S. Khedkar, learned Advocate for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 4.10.2016.

VICE CHAIRMAN (J)

KPB ORAL ORDER 23.08.2017 (SB) JDK

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

O.A. No. 802/2015 with O.A. No. 347/2015
(Shri Raosaheb J. Mhaske & Ors. V/s. the State of Mah. & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

1. Heard Shri M.B. Kolpe, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicants in both the O.As. and Shri M.P. Gude, learned Presenting Officer for respondents in both the O.As.
2. At the request of learned Presenting Officer, S.O. to 6.9.2017.

VICE CHAIRMAN (J)

KPB ORAL ORDER 23.08.2017 (SB) JDK

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

ORIGINAL APPLICATION NO. 183/2017

(Shri Ajit B. Navale 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 : 23.08.2017.

ORAL ORDER:-

Heard Shri V.G. Pingle, learned Advocate holding for Shri V.B. Wagh, 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 19.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

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

ORIGINAL APPLICATION NO. 262/2017

(Shri Trimbak G. Phasale 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 : 23.08.2017.

ORAL ORDER:-

Heard Shri V.G. Pingle, learned Advocate holding for Shri V.B. Wagh, 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 19.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

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

MA 239/2017 IN OA 906/2015

(Shri (Dr.) Atul R. Ladwanjari & 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 : 23.08.2017.

ORAL ORDER:-

Heard Smt. Seema Pawar, learned Advocate holding for
Shri A.G. Talhar, learned Advocate for the applicants and Shri
S.K. Shirse, 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 23.8.2017

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

ORIGINAL APPLICATION NO. 461/2013

(Smt. Varsha V. Paratwagh 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 : 23.08.2017.

ORAL ORDER:-

Heard Ms. Ashlesha Raut, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for respondent nos. 1 to 3 and Ms. Preeti Wankhade, learned Advocate for respondent no. 5. None appears for respondent no. 4.

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

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

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

ORIGINAL APPLICATION NO. 431/2016

(Smt. Archana D. Lathkar V/s. the State of Maharashtra & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

Heard Shri A.M. Nagarkar, 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. to 29.9.2017.

ARJ ORAL ORDERS 23.8.2017

MEMBER (J)

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

ORIGINAL APPLICATION NO. 615/2016

(Shri Manohar W. Adhikar V/s. the State of Maharashtra & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

Heard Shri Vishal Bakal, learned Advocate holding for Shri V.S. Kadam, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondent nos. 1 & 2 and Shri G.N. Patil, learned Advocate for respondent no. 3.

2. The learned P.O. submits that office file of the present matter is misplaced in her office. Therefore, she seeks time. Time granted.

3. S.O. to 27.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

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

ORIGINAL APPLICATION NO. 630/2016

(Smt. Mangal M. Barase V/s. the State of Maharashtra & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

Heard Shri S.D. Joshi, learned Advocate holding for Shri M.S. Taur, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents.

2. Admit.
3. S.O. to 3.10.2017 for final hearing.

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

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

ORIGINAL APPLICATION NO. 727/2016

(Shri Sadashiv M. Sawai V/s. the State of Maharashtra & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. The learned Advocate for the applicant has filed rejoinder of the applicant. It is taken on record and copy thereof has been served upon the learned P.O. for the respondents.

3. At the request of learned P.O., S.O. to 3.10.2017.

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

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

ORIGINAL APPLICATION NO. 762/2016

(Shri Nakul S. Mhaske V/s. the State of Maharashtra & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

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

2. The learned P.O. has filed affidavit of Shri Ednath Rajaram Dawale, Secretary, Employment Guarantee Scheme, Govt. of Maharashtra, Planning Department, Mantralaya, Mumbai as per the directions issued by the Tribunal on 24.7.2017. It is taken on record. The Secretary in his affidavit has stated that he has submitted the detailed report to the Hon'ble Minister, E.G.S. for his sanction on 19.8.2017 and after sanction from Hon'ble Minister, he requires 6 months' period to complete the D.E. by all means. In this matter, the D.E. has been concluded in the year 2014 and the final report was submitted to the Divisional Commissioner, Nashik on 29.12.2014. Thereafter the report of the Enquiry Officer has been served on the delinquents by letter dtd. 8.9.2015 issued by the Divisional Commissioner calling their reply on the said report. Thereafter report has not been forwarded to the concerned disciplinary authority i.e. the

Secretary E.G.S. Lastly it was submitted to the Secretary on 3.5.2017. Thereafter the Secretary has not taken any decision on the said report. On 19.8.2017 he submitted the report along with copy of enquiry report to the Hon'ble Minister for sanction and it is now pending with the Hon'ble Minister. The Secretary by filing affidavit has assured that he would complete the enquiry by all means within a period of 6 months.

3. The enquiry is at final stage and, therefore, in my view, it is just to grant 3 months' time to the respondents to take final decision in the D.E. by completing all the formalities as required under the M.C.S. (Discipline & Appeal) Rules, 1979 & M.C.S. (Pension) Rules, 1982. In case the final decision in the D.E. has been taken by the respondents within the stipulated time, the final order shall be served on the applicants within the said stipulated time, provided the applicants shall cooperate to the disciplinary authority in completing the D.E.

4. S.O. to 28.11.2017.

MEMBER (J)

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

ORIGINAL APPLICATION NO. 493/2016

(Shri (Dr.) Amol L. Kakade V/s. the State of Maharashtra & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

Shri J.S. Deshmukh, learned Advocate for the applicant **(leave note)**. Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondent nos. 1 to 3, is present. None appears for respondent nos. 4 & 5.

2. In view of leave note of the learned Advocate for the applicant S.O. to 4.10.2017.

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

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

ORIGINAL APPLICATION NO. 63/2017

(Shri Pandit K. Kamble V/s. the State of Maharashtra & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

Heard Shri P.A. Bharat, learned Advocate holding for Shri U.L. Momale, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. The learned Advocate, on instructions, submits that the applicant wants to withdraw the O.A. unconditionally.

3. Since the applicant does not want to prosecute the O.A., it is disposed of as withdrawn with no order as to costs.

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

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

ORIGINAL APPLICATION NO. 68/2017

(Shri Prakash E. Dadpe V/s. the State of Maharashtra & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

None appears for the applicant. Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondent nos. 1 & 3 to 5. None appears for respondent no. 2.

2. The learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted as a last chance. S.O. to 26.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

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

ORIGINAL APPLICATION NO. 86/2017

(Shri B.Y. Gongade & Ors. V/s. the State of Maharashtra & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

Heard Shri S.D. Joshi, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. At the request of learned P.O., as a last chance, S.O. to 14.9.2017 for filing reply of the respondents.

ARJ ORAL ORDERS 23.8.2017

MEMBER (J)

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

ORIGINAL APPLICATION NO. 142/2017

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

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

DATE : 23.08.2017.

ORAL ORDER:-

Heard Shri A.D. Sugdare, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for respondent no. 1 and Shri S.D. Dhongde, learned Advocate for respondent nos. 2 to 4.

2. At the request of learned P.O., as a last chance, S.O. to 3.10.2017 for filing affidavit in reply.

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

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

ORIGINAL APPLICATION NO. 159/2017

(Shri A.R. Patil V/s. the State of Maharashtra & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

Heard Shri A.D. Sugdare, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for respondent nos. 1 & 2 and Shri S.D. Dhongde, learned Advocate for respondent nos. 3 & 4.

2. At the request of learned P.O., as a last chance, S.O. to 3.10.2017 for filing affidavit in reply.

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

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

ORIGINAL APPLICATION NO. 394/2017

(Shri Rajesh V. Belge V/s. the State of Maharashtra & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

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

2. At the request of learned P.O., S.O. to 4.10.2017 for filing affidavit in reply of the respondents.

ARJ ORAL ORDERS 23.8.2017

MEMBER (J)

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

ORIGINAL APPLICATION NO. 189/2017

(Shri Sambhaji K. Mande V/s. the State of Maharashtra & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. At the request of learned P.O., S.O. to 4.10.2017 for filing affidavit in reply of the respondents.

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

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

ORIGINAL APPLICATION NO. 528/2017

(Shri Prakash T. Vaichale V/s. the State of Maharashtra & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

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

2. At the request of learned P.O., S.O. to 19.09.2017 for filing affidavit in reply of the respondents.

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

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

ORIGINAL APPLICATION NO. 463/2016

(Shri Ishwar B. Pawar V/s. the State of Maharashtra & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. At the request of learned P.O., S.O. to 19.09.2017 for filing affidavit in reply of the respondents.

ARJ ORAL ORDERS 23.8.2017

MEMBER (J)

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

ORIGINAL APPLICATION NO. 464/2016

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

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

DATE : 23.08.2017.

ORAL ORDER:-

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. At the request of learned P.O., S.O. to 19.09.2017 for filing affidavit in reply of the respondents.

ARJ ORAL ORDERS 23.8.2017

MEMBER (J)

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

ORIGINAL APPLICATION NO. 465/2016

(Shri Vinayak S. Jadhav V/s. the State of Maharashtra & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

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

2. At the request of learned P.O., S.O. to 19.09.2017 for filing affidavit in reply of the respondents.

ARJ ORAL ORDERS 23.8.2017

MEMBER (J)

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

MA 341/2017 IN OA ST. 1208/2017

(Smt. Kamalbai R. Harte & Ors. V/s. State of Maharashtra &
Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri S.K. Mathpati, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. This M.A. has been filed by the applicants seeking permission to sue joint the O.A.
3. Perused the application. Considered the contentions.
4. For the reasons stated in the M.A., it is allowed and the applicants are permitted to sue jointly the O.A. There shall be no order as to costs.

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

MA 341/2017 IN OA ST. 1208/2017

(Smt. Kamalbai R. Harte & Ors. V/s. State of Maharashtra &
Ors.)

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

DATE : 22.08.2017.

ORAL ORDER:-

Heard Shri S.K. Mathpati, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Issue notices to the respondents in the O.A., returnable on 28.09.2017.

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 28-09-2017.

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

MEMBER (J)

ARJ ORAL ORDERS 22.8.2017

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

ORIGINAL APPLICATION NO. 316/2017

(Shri Shamsundar S. Mhetre V/s. the State of Maharashtra &
Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

Heard Shri K.G. Salunke, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The learned Advocate for the applicant has placed on record the copy of the representation dtd. 21.8.2017 submitted by the applicant to the Director of Medical Education & Research, Mumbai with a request to transfer him at Aurangabad by modifying the earlier transfer order, which is challenged in the O.A. It is taken on record. He has submitted that the applicant does not want to proceed with the O.A., if the directions are issued to the respondents to take a decision on the representation of the applicant dtd. 21.8.2017, within a stipulated time.

3. The learned P.O. has submitted to pass necessary order.

4. Since the applicant does not want to proceed with the O.A. and as he made representation dtd. 21.8.2017 to the respondent no. 1 for modifying the impugned transfer order,

the O.A. is disposed of as withdrawn with a direction to the respondent no. 1 to take a decision on the representation filed by the applicant on 21.8.2017 within one month from the date of this order and the respondents shall communicate the decision thereof to the applicant in writing. There shall be no order as to costs.

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

ORIGINAL APPLICATION NO. 470/2016

(Shri Tulshidas K. Patil V/s. the State of Maharashtra & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

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

2. The learned Advocate submitted that the applicant is challenging the order passed by the res. no. 2 Divisional Commissioner, Nashik on the 21 appeals against the orders dtd. 4.12.2013 passed by the res. no. 3 – the Collector, Jalgaon. Therefore, it is necessary for the applicant to file independent O.A. challenging the orders passed in appeal. The learned Advocate seeks time to take necessary steps in that regard. Time granted.

3. S.O. to 5.12.2017.

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

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

ORIGINAL APPLICATION NO. 725/2016

(Shri Shyam C. Kotkar V/s. the State of Maharashtra & Ors.)

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

DATE : 23.08.2017.

ORAL ORDER:-

Heard Shri K.B. Jadhav, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for respondent nos. 1 & 2 and Shri G.N. Patil, learned Advocate for respondent no. 3.

2. At the request of learned P.O. and the learned Advocate for res. no. 3, S.O. to 16.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

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

ORIGINAL APPLICATION NO. 881/2016

(Mah. State Civil Engg. Asstt. Employees Association through its
President 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 : 23.08.2017.

ORAL ORDER:-

Heard Shri S.D. Joshi, 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 3.10.2017.

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

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

REV. 4/2017 IN OA 223/2014

(Shri Kakasaheb B. Zalte 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 : 23.08.2017.

ORAL ORDER:-

Heard Shri S.D. Joshi, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 3.10.2017.

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

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

ORIGINAL APPLICATION NO. 103/2017

(Shri Navnath A. Matsagar 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 : 23.08.2017.

ORAL ORDER:-

Heard Shri S.D. Joshi, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 3.10.2017.

ARJ ORAL ORDERS 23.8.2017

MEMBER (J)

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

ORIGINAL APPLICATION NO. 104/2017

(Shri Vithal S. Pawal 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 : 23.08.2017.

ORAL ORDER:-

Heard Shri S.D. Joshi, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 3.10.2017.

MEMBER (J)

ARJ ORAL ORDERS 23.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.766/2016

(Shri Rambhau Jadhav V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 23-08-2017

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant, S.O. 05-10-2017.

MEMBER (J)

YUK ORAL ORDER 23-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.893/2016
(Shri Vijay Chavan V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 23-08-2017

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant,
S.O. 27-09-2017.

YUK ORAL ORDER 23-08-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A.No.65/2017 WITH M.A.St.No.216/2017 IN
O.A.No.217/2017**

(Shri Ravikant Hadoltikar & Ors. V/s.
The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Heard Shri S.G.Kulkarni learned Advocate holding
for Smt. Suchita A. Dhongde learned Advocate for the
applicant, Shri M.P.Gude learned Presenting Officer for
the respondents and Shri G.N.Patil learned Advocate for
respondent no.6.

2. Learned P.O. seeks time to file affidavit in reply on
behalf of the respondents. Time granted.

3. S.O. to 10-10-2017.

MEMBER (J)

YUK ORAL ORDER 23-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.218/2015

(Shri Kalpeshkumar Sharma V/s.
The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Heard Shri Syed Zahed Ali learned Advocate holding
for Shri Gajanan Kadam learned Advocate for the
applicant and Shri S.K.Shirse learned Presenting Officer
for the respondents.

2. At the request of learned Advocate for the applicant,
S.O.10-10-2017.

MEMBER (J)

YUK ORAL ORDER 23-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.622/2015

(Shri Ramesh Munde V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Heard Shri P.B.Rakhunde learned Advocate holding
for Shri Vivek Deshmukh learned Advocate for the
applicant and Shri M.P.Gude learned Presenting Officer
for the respondents.

2. Learned P.O. files a short affidavit on behalf of the
respondent no.1 as per direction of the Tribunal dated
20-06-2017.

3. At the request of learned P.O., S.O. to 20-09-2017.

MEMBER (J)

YUK ORAL ORDER 23-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.570/2016

(Shri Kamlakar Jaybhaye V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

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

2. Learned P.O. submits that he has no instruction from the respondents though he has intimated about the directions given by the Tribunal on previous date. He, therefore, sought time.

3. On perusal of record, it reveals that this Tribunal had given direction to the respondents on 03-01-2017 to make statement as to within how much period the applicant's request referred to in prayer clause "C" of the O.A. would be decided.

4. Thereafter, respondents took several adjournments on 12-01-2017, 24-03-2017, 28-04-2017, 25-07-2017 and on 25-07-2017. Even today, respondents have made

no statement in that regard. Representation of the applicant dated 15-04-2016 is pending with the respondent no.3 Superintendent of Police Nanded.

5. In these circumstances, respondent no.3 Superintendent of Police, Nanded is directed to file his personal affidavit stating whether he has taken decision on the representation dated 15-04-2016 filed by the applicant. If the decision is not taken, within how much period he will decide the representation.

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

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.595/2016

(Shri Dhanraj Dhumare V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Heard Shri K.K.Choudhari learned Advocate holding for Shri Bharat Waramaa learned Advocate for the applicant, Smt. Priya R. Bharaswadkar learned Presenting Officer for the respondents and Shri A.S.Deshmukh learned Advocate for respondent no.5.

2. Learned Advocate for the applicant seeks time to file affidavit in rejoinder. Time granted.

3. S.O. to 19-09-2017.

MEMBER (J)

YUK ORAL ORDER 23-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.851/2016

(Shri Jagdish Pardeshi V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Heard Shri A.S.Deshmukh learned Advocate for the
applicant and Smt. Priya Bharaswadkar learned
Presenting Officer for the respondents.

2. At the request of both parties, S.O. to 27-09-2017.

MEMBER (J)

YUK ORAL ORDER 23-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.139/2017

(Shri Sk. Liyakat Sk. Dildar V/s.
The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Heard Shri P.K.Suryavanshi learned Advocate holding for Shri V.P.Golewar learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file reply on behalf of the respondents. Time granted as a last chance.

3. S.O. to 06-09-2017.

MEMBER (J)

YUK ORAL ORDER 23-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.384/2017

(Shri Ramesh J. Patil V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Heard Shri Somnath Nagode learned Advocate holding for Shri P.B.Patil learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for the 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. to 05-10-2017.

MEMBER (J)

YUK ORAL ORDER 23-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.113/2017

(Marathwada Sarva Shramik Sangathana Aurangabad
V/s. The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Heard Shri A.S.Shelke learned Advocate for the
applicant and Smt. Priya Bharaswadkar learned
Presenting Officer for the respondents.

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

3. S.O. to 05-10-2017.

MEMBER (J)

YUK ORAL ORDER 23-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.277/2015 IN O.A.No.419/2014

(Shri Kashinath Sonawane V/s.
The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Heard Shri M.K.Deshpande learned Advocate for
the applicant and Smt. Sanjivani Ghate learned
Presenting Officer for the respondents.

2. Learned Advocate for the applicant on instructions
submitted that the applicant is reported to be dead before
one month. Therefore, he sought time to take further
steps in the O.A. Time granted.

3. S.O. 28-09-2017.

MEMBER (J)

YUK ORAL ORDER 23-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.420/2015 IN O.A.No.420/2014

(Shri Manik Bisan Bidve V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant,
S.O.28-09-2017.

MEMBER (J)

YUK ORAL ORDER 23-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.295/2003

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

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Heard Shri A.S.Deshmukh learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that Writ Petition No.4676/2017 is listed today before the Hon'ble High Court of Judicature of Bombay Bench at Aurangabad and as per his instructions it has been adjourned and posted for final hearing on 04-09-2017. He, therefore, prayed to adjourn the O.A.

3. Hence, S.O. to 14-09-2017.

MEMBER (J)

YUK ORAL ORDER 23-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.484/2013
(Shri Nagnath Jadhav V/s. The State of Mah. & Ors.)**

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Shri S.D.Hiwrekar learned Advocate for the
applicant is **absent**. Shri S.K.Shirse learned Presenting
Officer for the respondents is present.

2. Since none is present for the applicant,
S.O. to 05-10-2017 for passing appropriate order.

YUK ORAL ORDER 23-08-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.755/2013
(Sanjivani Dhindale V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Shri Anilkumar D. Dhongde learned Advocate for
the applicant is **absent**. Smt. Deepali Deshpande learned
Presenting Officer for the respondents is present.

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

YUK ORAL ORDER 23-08-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.227/2017

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

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Heard Shri Mayur Devkate learned Advocate for the
applicant and Smt. Deepali Deshpande learned
Presenting Officer for the respondents.

2. Learned P.O. states that she will file affidavit in
reply during the course of the day. She also undertakes
to serve copy of the same on the other side.

3. S.O. to 04-10-2017.

MEMBER (J)

YUK ORAL ORDER 23-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.NO.343/2017 IN O.A.ST.NO.1225/2017

(Shri Jaideep Limbale & Ors. V/s.
The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Heard Shri A.S.Deshmukh learned Advocate for the applicants and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicant has prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

3. Accompanying O.A. be registered and numbered, after removal of office objections, if any. Present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

YUK ORAL ORDER 23-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.NO.344/2017 IN O.A.ST.NO.1227/2017

(Shri Kishor Sabhadinde & Ors. V/s.
The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Heard Shri A.S.Deshmukh learned Advocate for the applicants and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicant has prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

3. Accompanying O.A. be registered and numbered, after removal of office objections, if any. Present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

YUK ORAL ORDER 23-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.NO.345/2017 IN O.A.ST.NO.1229/2017

(Shri Pratap Jalkute & Ors. V/s.
The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Heard Shri A.S.Deshmukh learned Advocate for the applicants and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicant has prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

3. Accompanying O.A. be registered and numbered, after removal of office objections, if any. Present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.NO.346/2017 IN O.A.ST.NO.1232/2017

(Shri Bhausahab Rathod & Ors. V/s.
The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Heard Shri A.S.Deshmukh learned Advocate for the applicants and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicant has prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

3. Accompanying O.A. be registered and numbered, after removal of office objections, if any. Present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.NO.347/2017 IN O.A.ST.NO.1234/2017

(Shri Balaji Parowad & Ors. V/s.
The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 23-08-2017

ORAL ORDER:-

Heard Shri A.S.Deshmukh learned Advocate for the applicants and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicant has prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

3. Accompanying O.A. be registered and numbered, after removal of office objections, if any. Present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

YUK ORAL ORDER 23-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO.1225/2017
ORIGINAL APPLICATION ST. NO.1227/2017
ORIGINAL APPLICATION ST. NO.1229/2017
ORIGINAL APPLICATION ST. NO.1232/2017
ORIGINAL APPLICATION ST. NO.1234/2017
ORIGINAL APPLICATION ST. NO.1235/2017 AND
ORIGINAL APPLICATION ST. NO.1236/2017**

(Shri Jaideep A. Limbale & Ors. V/s.
The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 23-08-2017

ORAL ORDER:-

Heard Shri A.S.Deshmukh learned Advocate for the applicants and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants has submitted that the applicants and other employees are declared surplus in Dairy Development Department. He has submitted that for absorption of surplus employees in the Dairy Development Department the Government issued G.R. dated 10-09-2001 and another G.R. dated 30-08-2014 and prescribed procedure for absorption of surplus employees. He has further submitted that in view of the said G.Rs. list of surplus employees has to be sent to

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O.A.ST.NO.1225/2017 & Ors.

Central Surplus Cell and Divisional Surplus Cell for absorption and said authorities have to take decision and to send proposal to the concerned department for their absorption on considering the vacancies. He has submitted that the respondents have not followed the provisions of said G.Rs. and issued G.R. dated 10-08-2017 thereby transferring the applicant and others in Mumbai Region and Amravati Region. He has submitted that the applicants are challenging the G.R. dated 10-08-2017 as it is in contravention of the G.R. dated 10-09-2001, and therefore, he prayed to grant interim stay to the impugned G.R. dated 10-08-2017 and transfers of the applicants.

3. Learned P.O. has submitted that in view of the G.R. dated 30-08-2014 surplus employees from Dairy Development Department have to be absorbed in the same region as far as possible and if it is not possible to absorb them in the same region, they have to be absorbed in other regions of Dairy Development

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O.A.ST.NO.1225/2017 & Ors.

Department. Accordingly, the applicants and other employees who were surplus in Aurangabad Region and Nashik Region have been absorbed in Mumbai region and Amravati region and proposal was sent to the Government by the Commissioner, Dairy Development Department, Mumbai and the Government has approved the proposal by G.R. dated 10-08-2017. She has submitted that the G.R. dated 10-08-2017 is not against the provisions of G.R. dated 10-09-2001, and therefore, she prayed to refuse interim relief prayed by the applicants.

4. On perusal of the G.R. dated 30-08-2014, it reveals that surplus employees from Dairy Development Department have to be absorbed in the same region as far as possible in consultation with the Regional Dairy Development Officer by the Commissioner. Clause 9 of the said G.R. provides that if it is not possible to absorb the employees in the same region, said employees can be absorbed in other regions of Dairy Development Department on equivalent post.

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O.A.ST.NO.1225/2017 & Ors.

5. On perusal of record, it reveals that Class-IV employees from Aurangabad Region are absorbed in Amravati Region and the Class-III employees are absorbed in Mumbai Region. As on today, none of the applicants has been relieved from his present post. Respondents seek time to file detail reply.

6. In the circumstances, in my opinion, it is just to direct the respondents to maintain status quo so far as the applicants are concerned, till filing the reply. Therefore, respondents are directed to maintain status quo so far as the applicants are concerned, if they are not relieved as yet, till filing reply of the respondents.

7. Issue notice to the respondents, returnable on 07-09-2017.

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

9. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly

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O.A.ST.NO.1225/2017 & Ors.

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

10. 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.

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

12. Respondents shall file affidavit countering each para and each averment contained in the O.A.

13. Steno copy and Hamdust allowed to both parties.

14. S.O.07-09-2017.

MEMBER (J)

YUK ORAL ORDER 23-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. NO. 167/2017 IN O.A.NO. 647/2013
(The State of Maha. and Ors. Vs. Dilip M. Kulkarni)**

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

DATE : 23.08. 2017.

ORAL ORDER:

1. Heard Shri S.K. Shirse – learned Presenting Officer for the applicants in M.A. and Shri V.B. Wagh – learned Advocate for the respondent / original applicant.

2. This is an application filed by the original respondents for granting extension to comply with the order passed in O.A. No. 647/2013 dated 27.01.2017. As per the said order the respondent No. 1 was directed to take decision on the proposal submitted by respondent No. 2 on 15.01.2014 in respect of approval of the deemed date of promotion in favour of the applicant namely Shri D.M. Kulkarni and shall grant deemed date of promotion and all consequential reliefs that may be admissible to the applicant. Such decision on the proposal was to be taken within a period of 3 months from the date of order dated 27.01.2017. Since the respondents could not comply with the order passed by this Tribunal, this Miscellaneous Application has been preferred by the original respondents for extension of further time of 3 months.

3. This Miscellaneous Application has been filed by the original respondents on 28.04.2017 in which 3 months' time was asked for compliance of order dated 27.01.2017. Now the period asked for by the original respondents is also over.

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**M.A. NO. 167/2017 IN
O.A.NO. 647/2013**

4. In view thereof, the present Miscellaneous Application has become infructuous and, therefore, the same stands disposed of accordingly with no order as to costs.

VICE CHAIRMAN (J)

ORAL ORDERS 23.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. NO. 300/2016 IN O.A.ST.NO. 1459/2016
(Shri Kailas Dashrat Patil Vs. the State of Mah. & Ors.)**

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

DATE : 23.08. 2017.

ORAL ORDER:

1. Heard Shri A.D. Sugdare – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.

2. This is an application filed by the applicant for condonation of delay of about 6 years and 7 months caused in filing accompanying Original Application St. No. 1459/2016.

3. In the Original Application St. No. 1459/2016, the applicant has claimed deemed date of promotion to the post of Junior Engineer from the date of passing of the departmental examination i.e. from 29.12.1990. It is stated that there is a delay as the representations submitted by the applicant were pending before the respondent authorities and no decision has been taken on his representations.

4. Learned Advocate for the applicant submits that vide letter dated 21st August, 2007, the case of the applicant was referred for positive decision to the competent authority. However, no decision has yet been taken. Learned Advocate for the applicant submits that even if the directions are issued to the respondent authorities to take decision on his representations within a stipulated period, the entire Original Application can be disposed of.

5. Learned Advocate for the applicant also placed on record number of judgments passed by this Tribunal in the

**M.A. NO. 300/2016 IN
O.A.ST.NO. 1459/2016**

similar circumstances, wherein the delay has been condoned and directions were issued to the respondent authorities and even the deemed date has been granted to the applicants therein.

6. Learned Presenting Officer also concedes with this position and agrees for such directions to the respondent authorities, if issued.

7. In view of the above position, the Miscellaneous Application as well as, Original Application can be disposed of. Hence, I pass the following order: -

ORDER

(i) The Miscellaneous Application No. 300/2016 stands allowed and delay of about 6 years and 7 months caused in filing accompanying Original Application St. No. 1459/2016 is condoned.

(ii) Respondent No. 1 is directed to take appropriate decision as may be deemed fit in the circumstances on the various representations filed by the applicant as regards his deemed date of promotion.

(iii) Such decision shall be taken within a period of 3 months from the date of this order and the same shall be communicated to the applicant in writing.

(iv) With the above directions the Original Application St. No. 1459/2016 also stands disposed of.

There shall be no order as to costs.

VICE CHAIRMAN (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. NO. 96/2017 IN O.A.ST.NO. 310/2017
(Lata Balasaheb Darade Vs. the State of Mah. & Ors.)**

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

DATE : 23.08. 2017.

ORAL ORDER:

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

2. This is an application filed by the applicant for condonation of delay of about 63 days' caused in filing accompanying Original Application St. No. 310/2017.

3. Learned Presenting Officer prays for time for filing affidavit in reply in the Miscellaneous Application. It transpires from the proceedings that already last chance was granted on 17.07.2017 for filing affidavit in reply. Thereafter, this case was adjourned to 21st August, 2017. However, on 21st August, 2017 this matter was adjourned to today's date as on that date Court was on leave. However, today also no reply has been filed by the respondents.

4. Considering the fact that the delay caused in filing accompanying Original Application is just 63 days, the M.A. for condonation of delay deserves to be allowed.

5. For the reasons stated in the M.A. No. 96/2017 for condonation of delay, the same is allowed and delay caused in filing accompanying O.A. St. No. 310/2017 is allowed. Delay of 63 days caused in filing accompanying original application stands condoned, and present M.A. stands disposed of accordingly. O.A. be registered and numbered.

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M.A. NO. 96/2017 IN
O.A.ST.NO. 310/2017

There shall be no order as to costs.

VICE CHAIRMAN (J)

ORAL ORDERS 23.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO. 310 OF 2017
(Lata Balasaheb Darade Vs. the State of Mah. & Ors.)**

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

DATE : 23.08. 2017.

ORAL ORDER:

1. Heard Ms. P.R. Wankhade, learned Advocate holding for Shri Avinash S. Deshmukh – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 20th 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 20th 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. 306/2017 IN O.A.ST.NO. 966/2017
(Shri Ramsing D. Pardeshi Vs. the State of Mah. & Ors.)**

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

DATE : 23.08. 2017.

ORAL ORDER:

1. Heard Shri N.K. Pardeshi – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.

2. No affidavit in reply has been filed by the respondents in the present Miscellaneous Application No. 306/2017. It is stated that there is delay of 2 years and 18 days for claiming relief regarding pension and pensionary benefits.

3. In the accompanying Original Application, the applicant has claimed direction to the respondent Nos. 1 to 5 to pay regular full pension and pensionary benefits to the applicant after retirement. From the record, it seems that the applicant got retired on attaining the age of superannuation on 31.5.2005. It is stated that the applicant is getting only provisional pension since a criminal case was pending against him. The applicant has been acquitted from the said case vide judgment dated 02.01.2014, but still did not get regular pension. In fact, claim of regular pension is a continuing / recurring cause of action. In the interest of justice M.A. is allowed and so-called delay caused in filing accompanying Original Application is condoned. There shall be no order as to costs.

VICE CHAIRMAN (J)

ORAL ORDERS 23.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO. 966 OF 2017
(Shri Ramsing D. Pardeshi Vs. the State of Mah. & Ors.)**

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

DATE : 23.08. 2017.

ORAL ORDER:

1. Heard Shri N.K. Pardeshi – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 20th 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 20th 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. 320/2017 IN O.A.ST.NO. 423/2017
(Shri Tushar P. Mahajan Vs. the State of Mah. & Ors.)**

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

DATE : 23.08. 2017.

ORAL ORDER:

1. Heard Shri R.N. Bharaswadkar – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.
2. Issue notices to the respondents in M.A. No. 320/2017, returnable on 20th 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 M.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 20th September, 2017.
9. Steno copy and hamdust is allowed to both the parties.

VICE CHAIRMAN (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 612 OF 2013
(Shri Bapu V. Sonone Vs. the State of Mah. & Ors.)**

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

DATE : 23.08. 2017.

ORAL ORDER:

1. Shri C.V. Thombre – learned Advocate for the applicant (**absent**). Shri M.P. Gude – learned Presenting Officer for the respondents, present.
2. Since nobody appears for the applicant, S.O. to 29th August, 2017.

VICE CHAIRMAN (J)

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