

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

ORIGINAL APPLICATION NO.319/2018
(Mohan s/o. Madhav Sonar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018

ORAL ORDER :

Heard Shri V.B.Narke learned Advocate holding for Shri R.J.Godbole learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has produced communication received to him from the applicant along with relieving letter. Same are taken on record and marked as document "X" collectively.

3. Learned Advocate for the applicant has submitted that applicant does not want to prosecute the O.A. as the purpose of filing the O.A. is served. Therefore, he has prayed to dispose of the O.A. accordingly.

4. Learned P.O. has prayed that appropriate order may be passed

5. Since the purpose of filing the O.A. is served and as the applicant does not want to prosecute the O.A., O.A. stands disposed of accordingly with no order as to costs.

MEMBER (J)

YUK ORAL ORDER 24-08-2018 F

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

**ORIGINAL APPLICATION NO.824/2016
(Dr. Asha Kadam V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018

ORAL ORDER :

Heard Shri R.D.Khadap learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for respondent nos.1 to 3. Shri P.P.More learned Advocate for respondent nos.4 and 5 is **absent**.

2. At the request of learned Advocate for the applicant, S.O. to 25-09-2018.

MEMBER (J)

YUK ORAL ORDER 24-08-2018 F

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

**ORIGINAL APPLICATION NO.51/2017
(Deelip Shinde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018

ORAL ORDER :

Heard Shri R.D.Khadap learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 25-09-2018.

YUK ORAL ORDER 24-08-2018 F

MEMBER (J)

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

**O.A.NO. 884/17 WITH O.A. 885/17 WITH O.A. 886/17 WITH O.A. 887/17
WITH O.A. 888/17 WITH M.A. 97/18 WITH O.A. 889/17 WITH O.A.
890/17 WITH O.A. 891/17 WITH O.A. 892/17 WITH M.A. 98/18 WITH
O.A. 893/17 WITH M.A. 99/18 WITH O.A. 894 & 895/2017
(Shri Prabhakar D. Mali & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018

ORAL ORDER :

1. Heard Shri G.M.Ghongade learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the applicants in all these cases, Shri M.S. Mahajan, learned Chief Presenting Officer, S/Shri N.U. Yadav, M.P. Gude, D.R.Patil, B.S.Deokar, & Smt. Priya Bharaswadkar, Smt. S.G. Ghate, and Smt. M.S. Patni learned Presenting Officers for the respondent Nos. 1 to 4 in respective cases and Shri Vivek Deshmukh, learned Advocate for respondent No.5 in O.A. Nos. 884, 888, 892 & 893/2017, Shri N.K. Tungar, learned Advocate for respondent No. 5 in O.A. No. 886 & 895/2017, are **absent**. None appears for respondent No. 5 in O.A. Nos. 887/2017 & 891/2017.

2. Learned P.O. prays for time for filing detailed affidavit in reply as directed by the Tribunal by order dated 27-07-2018.

3. S.O. to 09-10-2018.

4. Interim relief granted earlier to continue till then.

MEMBER (J)

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

ORIGINAL APPLICATION NO.288/2018
(Rajendra Morale V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018

ORAL ORDER :

Heard Shri Ashis Rajkar learned Advocate holding for Shri S.D.Joshi learned Advocate for the applicant and Smt. M.S.Patni learned Presenting Officer for respondents.

2. Learned Advocate for the applicant prays for adjournment. Adjournment is granted.

3. S.O. to 21-09-2018.

4. Interim relief granted earlier to continue till then.

MEMBER (J)

YUK ORAL ORDER 24-08-2018 F

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

**ORIGINAL APPLICATION NO.207/2018
(Dr. Vijay Sonawane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018

ORAL ORDER :

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

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

3. S.O. to 10-10-2018.

YUK ORAL ORDER 24-08-2018 F

MEMBER (J)

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

**ORIGINAL APPLICATION NO.332/2018
(Sangita Solanke V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018

ORAL ORDER :

Heard Shri J.S.Deshmukh learned Advocate holding for Shri V.G.Pingle learned Advocate for the applicant and Smt. M.S.Patni learned Presenting Officer for respondents.

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

3. S.O. to 21-09-2018.

MEMBER (J)

YUK ORAL ORDER 24-08-2018 F

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

ORIGINAL APPLICATION NO.632/2018
(Vishnu E. Ghuge V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018

ORAL ORDER :

Heard Shri D.T.Devane learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the respondents had issued order directing recovery of an amount of Rs.14,74,936/- dated 11-05-2018 towards recovery of license fees of the accommodation occupied by the applicant unauthorisedly during the period 04-06-2012 to 03-06-2016. He has further submitted that thereafter respondents have issued another notice dated 02-08-2018 and directed to recover an amount of Rs.3,05,690/- from the applicant towards charges of the Government accommodation unauthorisedly occupied by the applicant.

3. Learned Advocate for the applicant has submitted that the residential accommodation

held by the applicant is situated at Parbhani which is coming under "Z" category as per G.R. dated 24-08-2009, and therefore, at the most the applicant is liable to pay charges for the residential accommodation @ Rs.15/- per square ft. in view of the G.R. dated 15-06-2018. He has submitted that the applicant is occupying residential accommodation admeasuring 420 sq.ft. He has submitted that during the said period the applicant has not received House Rent Allowance (HRA) but the said amount has not been deducted from the amount to be recovered from the applicant and the order has been issued without giving an opportunity of hearing to the applicant. Therefore, he has prayed to stay the execution of the impugned orders dated 11-05-2018 and 02-08-2018.

4. Learned CPO has submitted that the applicant has retained the residential accommodation unauthorisedly for 4 years and he had not deposited penal charges as per the G.R. issued by the Government. He has submitted that the amount calculated by the

respondents is as per the G.R. and there is no just ground to stay the execution of the impugned order. Therefore, he has prayed to reject the prayer of the applicant for interim relief.

5. On perusal of the record, it reveals that, the applicant has retained Government residential accommodation unauthorisedly since 04-06-2012 to 03-06-2016. Therefore, he is liable to pay penal charges as per the G.R. Even considering the submissions of the learned Advocate for the applicant if it is assumed that Parbhani city comes under "Z" category, as per G.R. dated 24-08-2009, the applicant is liable to pay penal charges @ Rs.15/- per sq. ft.

6. Considering the above situation, the amount of penal charges can be roughly calculated as Rs.302400/- [420 X 15 X 48 = 302400/-] for the said period of 48 months. Even if it is assumed that the HRA was not paid to the applicant during that period, the applicant is liable to pay the remaining charges after deducting the amount of HRA.

7. In view of the above, in my opinion, prima facie it seems that the amount calculated by the respondents is unreasonable. Hence, it is just and proper to stay the execution and operation of the impugned orders dated 11-05-2018 and 02-08-2018 subject to depositing amount of Rs.100,000/- (Rs. One lakh only) by the applicant on or before 07-09-2018.

8. Issue notice to the respondents, returnable on 28-09-2018.

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

10. 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.

11. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative

Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

13. If notice is not collected within 7 days or service proof is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

14. S.O.to 28-09-2018.

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

MEMBER (J)

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

ORIGINAL APPLICATION NO.633/2018
(Ratan Sahebrao Narwade V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018

ORAL ORDER :

Heard Shri D.T.Devane learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the respondents had issued order directing recovery of an amount of Rs.10,11,136/- dated 11-05-2018 towards recovery of license fees of the accommodation occupied by the applicant unauthorisedly during the period 02-06-2014 to 01-06-2016. He has further submitted that thereafter respondents have issued another notice dated 02-08-2018 and directed to recover an amount of Rs.1,83,907/- from the applicant towards charges of the Government accommodation unauthorisedly occupied by the applicant.

3. Learned Advocate for the applicant has submitted that the residential accommodation

held by the applicant is situated at Parbhani which is coming under "Z" category as per G.R. dated 24-08-2009, and therefore, at the most the applicant is liable to pay charges for the residential accommodation @ Rs.15/- per sq.ft. in view of the G.R. dated 15-06-2018. He has submitted that the applicant is occupying residential accommodation admeasuring 280 sq.ft. He has submitted that during the said period the applicant has not received House Rent Allowance (HRA) but the said amount has not been deducted from the amount to be recoverable from the applicant and the order has been issued without giving an opportunity of hearing to the applicant. Therefore, he has prayed to stay the execution of the impugned orders dated 11-05-2018 and 02-08-2018.

4. Learned CPO has submitted that the applicant has retained the residential accommodation unauthorisedly for 2 years and he had not deposited penal charges as per the G.R. issued by the Government. He has submitted that the amount calculated by the

respondents is as per the G.R. and there is no just ground to stay the execution of the impugned order. Therefore, he has prayed to reject the prayer of the applicant for interim relief.

5. On perusal of the record, it reveals that, the applicant has retained Government residential accommodation unauthorisedly since 02-06-2014 to 01-06-2016. Therefore, he is liable to pay penal charges as per the G.R. Even considering the submissions of the learned Advocate for the applicant if it is assumed that Parbhani city comes under "Z" category, as per G.R. dated 24-08-2009, the applicant is liable to pay penal charges @ Rs.15/- per sq. ft.

6. Considering the above situation, the amount of penal charges can be roughly calculated as Rs.100800/- [280 X 15 X 24 = 100800/-] for the said period of 24 months. Even if it is assumed that the HRA was not paid to the applicant during that period, the applicant

is liable to pay the remaining charges after deducting the amount of HRA.

7. In view of the above, in my opinion, prima facie it seems that the amount calculated by the respondents is unreasonable. Hence, it is just and proper to stay the execution and operation of the impugned orders dated 11-05-2018 and 02-08-2018 subject to depositing amount of Rs.50,000/- (Rs. Fifty thousand only) by the applicant on or before 07-09-2018.

8. Issue notice to the respondents, returnable on 28-09-2018.

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

10. 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.

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

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

13. If notice is not collected within 7 days or service proof is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

14. S.O.to 28-09-2018.

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

MEMBER (J)

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

**ORIGINAL APPLICATION NO.637/2018
(Alkesh Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018

ORAL ORDER :

Shri M.S.Sonawane learned Advocate for the applicant is **absent**. Shri N.U.Yadav learned Presenting Officer for respondents is present.

2. None is present for the applicant.

3. S.O. to 04-09-2018.

YUK ORAL ORDER 24-08-2018 F

MEMBER (J)

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

**ORIGINAL APPLICATION NO.318/2017
(Shravan Khairnar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018

ORAL ORDER :

Shri D.J.Patil learned Advocate for the applicant is **absent**. Shri B.S.Deokar learned Presenting Officer for respondents is present.

2. None is present for the applicant. Case be fixed for passing dismissal order on 25-09-2018.

3. S.O. to 25-09-2018.

MEMBER (J)

YUK ORAL ORDER 24-08-2018 F

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

**ORIGINAL APPLICATION NO.425/2017
(Prasad Pawar & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018

ORAL ORDER :

Heard Shri Sartajkhan Pathan learned Advocate holding for Dr. Swapnil Tawshikar learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 05-09-2018.

3. Interim relief granted earlier to continue till then.

MEMBER (J)

YUK ORAL ORDER 24-08-2018 F

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

**ORIGINAL APPLICATION NO.560/2017
(Dr. Prafull Gaikwad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018

ORAL ORDER :

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

Smt. Vaishali Shinde learned Advocate for respondent no.4 is **absent**.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondent nos.1 to 3. On perusal of record, it reveals that ample opportunities were given to the respondents to file reply. No just ground is shown for further adjournment for filing reply. However, in the interest of justice, time is granted to the respondents to file reply subject to payment of costs of Rs.10,000/- (Rs. Ten thousand only) on or before the next date.

3. S.O. to 05-10-2018.

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 721/2017
(Shri Subhash K. Parlikar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018.

ORAL ORDER :

Smt. Suchita A. Dhongde, learned Advocate for the applicant (**Leave Note**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 05.10.2018.

MEMBER (J)

KPB ORAL ORDER 24-08-2018

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

**ORIGINAL APPLICATION NO. 110/2018
(Dr. Vijaykumar M. Bhayekar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018.

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted as a most last chance.

3. S.O. to 08.10.2018.

MEMBER (J)

KPB ORAL ORDER 24-08-2018

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

**ORIGINAL APPLICATION NO. 127/2018
(Dr. Rajendra D. Pendharkar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018.

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondent Nos. 1 to 3. Shri P.V. Tapse Patil, learned Advocate for respondent No. 4, **absent**.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1 to 3.

3. It transpires from the proceedings that already so many opportunities were given to the respondents for filing affidavit in reply, but they failed to file affidavit in reply in time. There is no just ground to grant further time for file affidavit in reply. However, in the interest of justice time is granted for filing affidavit in reply to the respondent Nos. 1 to 3 subject to payment of Costs of Rs. 5000/- (Five Thousand Only). The amount of Costs shall be deposited in the registry of this Tribunal.

3. S.O. to 05.10.2018.

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 139/2018
(Shri Popat D. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018.

ORAL ORDER :

Heard Shri Prashant Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply and for depositing the amount of costs. Time granted.

3. S.O. to 04.09.2018.

MEMBER (J)

KPB ORAL ORDER 24-08-2018

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

**ORIGINAL APPLICATION NO. 296/2018
(Shri Vishwanath S. Patole V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018.

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply of Director of Health Services, Mumbai in view of the directions given by this Tribunal on 09.07.2018. Time granted.

3. S.O. to 03.09.2018.

MEMBER (J)

KPB ORAL ORDER 24-08-2018

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

**ORIGINAL APPLICATION NO. 497/2018
(Shri Deepak E. Shete V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018.

ORAL ORDER :

Shri H.S. Bali, learned Advocate for the applicant (**Absent**). Shri M.P. Gude, learned Presenting Officer for respondents, present.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 05.10.2018.

KPB ORAL ORDER 24-08-2018

MEMBER (J)

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018.

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 08.10.2018.

MEMBER (J)

KPB ORAL ORDER 24-08-2018

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

**ORIGINAL APPLICATION NO. 523/2018
(Shri Ravindra K. Deshmukh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018.

ORAL ORDER :

Heard Shri V.H. Solanke, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for respondents.

2. Issue fresh notice to the respondent No. .4, returnable on 28.09.2018.

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. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, O.A. shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. 28-09-2018.

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

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 540/2018
WITH
CAVEAT NO. 72/2018
(Shri Shivaji C. Ahire V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018.

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent Nos. 1 to 3 and Shri Ashish Rajkar, learned Advocate for respondent No. 4.

2. Learned Chief Presenting Officer, as well as, learned Advocate for respondent No. 4 sought time to file affidavit/s in reply. Time granted.

3. S.O. to 08.10.2018.

MEMBER (J)

KPB ORAL ORDER 24-08-2018

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

**ORIGINAL APPLICATION NO. 575/2018
(Shri Mohan K. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018.

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 06.09.2018.

KPB ORAL ORDER 24-08-2018

MEMBER (J)

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

**M.A. No. 110/2018 in O.A. St. No. 410/2018
(Shri Digambar L. Chavan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018.

ORAL ORDER :

Shri Ajay Deshpande, learned Advocate for the applicant (**Leave Note**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents, present.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents in M.A. Time granted.

3. S.O. to 05.09.2018.

MEMBER (J)

KPB ORAL ORDER 24-08-2018

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

**M.A. No. 111/2018 in O.A. St. No. 412/2018
(Shri Abdul Rakhib Gulam Nabi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018.

ORAL ORDER :

Shri Ajay Deshpande, learned Advocate for the applicant (**Leave Note**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents, present.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents in M.A. Time granted.

3. S.O. to 05.09.2018.

MEMBER (J)

KPB ORAL ORDER 24-08-2018

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

**ORIGINAL APPLICATION NO. 667/2017
(Shri Sandip K. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018.

ORAL ORDER :

Heard Shri S.P. Bhadge, learned Advocate holding for Shri S.A. Gaikwad, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Learned Presenting Officer has submitted that he has communicated the order dated 08.08.2018 to the S.D.O., Sillod, Dist. Aurangabad on telephone and requested to produce the original record as directed by this Tribunal. He has submitted that today none from the office of S.D.O., Sillod is present and therefore, he seeks time to produce original record.

3. The present matter is fixed for hearing on due admission since long. In spite of specific direction given by this Tribunal to the S.D.O., Sillod, he failed to produce original record. It

seems that the S.D.O., Sillod is reluctant to obey the directions given by the Tribunal.

4. Learned Presenting Officer is directed to furnish the name of S.D.O., Sillod, Dist. Aurangabad. He has accordingly, furnished the name of S.D.O., Sillod, Aurangabad as under:-

“Shri N.H. Gaikwad,
S.D.O., Sillod, Dist. Aurangabad.”

5. Hence, issue notice to Shri N.H. Gaikwad, S.D.O., Sillod, Dist. Aurangabad, calling explanation from him as to why an action should not be taken against him for flouting the orders of the Tribunal.

6. S.O. to 07.09.2018.

7. Steno copy and hamdust is allowed to the learned P.O.

MEMBER (J)

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

ORIGINAL APPLICATION NO. 462/2018

WITH

MISC. APPLICATION NO. 302/2018

(Shri Santoshkumar T. Naikwadi & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : J.D. KULKARNI, VICE CHAIRMNA

AND

ATUL RAJ CHADHA, MEMBER (A)

DATE : 24.08.2018.

ORDER

1. Heard Shri S.R. Barlinge, learned Advocate for the applicants, Smt. M.S. Patni, learned learned Presenting Officer for respondent Nos. 1 & 2 and Shri A.S. Deshmukh, learned Advocate for respondent Nos. 3, 5, 6, 9, 10 & 12. None present for respondent Nos. 4, 7, 8, 11, 13 & 14.

2. The applicants in the present O.A. have challenged the declaration of result dated 10.01.2018 published by the Maharashtra Public Service Commission (for short 'the Commission') and consequential promotion orders that are likely to be issued on the basis of the said result.

3. During the pendency of the present Original Application, the respondent No. 3 Shri Satendra Virendra Aulwar, respondent No. 5 Shri Piyush

Ramesh Chavan, respondent No. 6 Shri Shivkant Nagorao Chikurte, respondent No. 9 Shri Devidas Gangaprasad Nandgaonkar, respondent No. 10 Shri Yogesh Subhashrao Patil and respondent No. 12 Smt. Sukeshini Vasantrao Telgote, have filed the M.A. No. 302/2018 for vacation of the stay granted by this Tribunal in the present O.A. to the promotions vide interim order dated 28.06.2018.

4. Respective counsels for the applicants as well as respondents and also for the applicants in M.A. No. 302/2018 submitted that the M.A. No. 302/2018 for vacation of the stay, as well as, the O.A. No. 462/2018 be heard on merit today itself, since the reply has been filed by the respondent No. 2 and therefore, the M.A. No. 302/2018 and O.A. No. 462/2018 are being decided on merits with consent of both the parties at the admission stage itself.

5. From the admitted facts on record, it seems that all the applicants and the private respondents came to be appointed on the post of

Social Welfare Officer, Group-B on probation vide order dated 21.08.2014 (Annexure- B) at paper book page Nos. 20 to 27 both inclusive. The order of appointment was subject to one important condition, which reads as under:-

“२. उपरोक्त परिविक्षाधीन अधिका-यांना पुढे नमूद केलेल्या अटीच्या अधिन राहून ही नियुक्ती देण्यात येत आहे.

(१) उपरोक्त परिविक्षाधीन अधिका-यांची ही नियुक्ती, ते ज्या दिनांकास सदर पदावर रुजू होतील त्या दिनांकापासून, दोन वर्षांच्या परिविक्षा कालावधीसाठी राहिल. या परिविक्षा कालावधीमध्ये त्यांना शासन अधिसूचना, समाज कल्याण, सांस्कृतिक कार्य व क्रिडा विभाग, क्र. बीसीई १९६९/३६००/का-४, दि. २४.९.१९७५ अन्वये विहित करण्यात आलेली विभागीय परीक्षा उत्तीर्ण करावी लागेल. विहित मुदतीत विभागीय परीक्षा उत्तीर्ण न झाल्यास या अधिनियमातील तरतुदीनुसार त्यांच्या सेवा समाप्त करण्यात येतील. याशिवाय शासनाने विहित केलेल्या हिंदी/मराठी या भाषा परीक्षा सुध्दा विहित मुदतीत उत्तीर्ण कराव्या लागतील. परिविक्षा कालावधीचे एक वर्ष पूर्ण झाल्यानंतर त्यांची वेतनवाढ काढण्यास अनुमती देण्यात येईल. त्यानंतरची वेतन वाढ मात्र त्यांनी परिविक्षा कालावधीत समाधानकारकरित्या पूर्ण केल्यानंतरच अनुज्ञेय होईल.”

6. No Departmental Examination was conducted during the probation period of the applicants and the private respondents. However, subsequently the examination was conducted on 30th and 31st May, 2017 and the result of the said Departmental Examination was

declared on 10.01.2018 (Annexure-A, paper book page Nos. 14 & 15 both inclusive). 12 persons were declared as successful, which includes some of the private respondents. Admittedly, the applicants in the present O.A. have been declared unsuccessful.

7. According to the applicants, it was necessary for the Commission to conduct the Departmental Examination within a period of two years from the date of appointment, but though the applicants were appointed in the year 2014, for the first time, the Departmental Examination was conducted in the month of May 2017 and the result was declared on 10.01.2018. The applicants could not get opportunity to clear the Departmental Examination within a reasonable period. They should have got two chances for clearing the Departmental Examination.

8. It is stated that the proposal has been submitted for further promotions of the private respondents, who succeeded in the Departmental

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O.A. 462/18 with
M.A. 302/18

Examination for their promotion and if the private respondents are allowed to be promoted, the juniors to the applicants may be promoted and therefore, the applicants have approached this Tribunal by filing the present O.A. and claiming following reliefs:-

“B) Respondent Nos. 1 and 2 be directed to hold remaining two Departmental Examinations within the stipulated time and allow the applicants to participate in those Examinations and thereafter, consider the claims of the candidates for promotion.

C) Respondent Nos. 1 and 2 be directed to consider the claim of the applicants for promotion provisionally subject to their passing the Departmental Examination within six months.”

9. On 28.06.2018, this Tribunal was pleased to pass the interim order by granting stay to the promotion orders. The relevant paragraph no. 8 of the said order is as under:-

“8. Since the learned Advocate for the applicant submits that the issue of promotion

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O.A. 462/18 with
M.A. 302/18

is being considered by the concerned respondent and the seniority of the present applicant is wrongly disturbed against the provisions of rule of 1975, it is hereby directed that until further order, no order of promotion would be issued.”

10. Being aggrieved by the aforesaid stay order, the M.A. No. 302/2018 has been filed by some of the private respondents for vacating the stay.

11. Learned Advocate for the applicants has submitted that as per the condition mentioned in the appointment order, which is already been reproduced in the earlier paragraph, the probation period was for two years and the applicants were to clear the Departmental Examination during their probation period. The Departmental Examination is conducted once in a year and therefore, the applicants should have got two chances to clear the Departmental Examination during their probation period. However, first of the Departmental Examinations, was conducted in the year 2017.

12. Learned Advocate for the applicants has invited our attention to “The Departmental Examination for being continued the appointments in the cadre posts and/or for promotion to the Higher posts in the Department of Social Welfare Rules, 1975” (Annexure-C, paper book page Nos. 30 to 33 both inclusive) and particularly paragraph Nos. 4 and 10 of the said rules, which reads as follows:-

“4. All Officers appointed either by nomination or promotion to the post mentioned at A, B, C and D in rule 3 should pass the Departmental Examination within a period of two years from their date of appointment or promotion as the case may be.

10. The examination shall be held by the Maharashtra Public Service Commission, once in a year in July on the dates notified by the Commission.”

13. Even for the sake of arguments, it is accepted that the applicants were to clear the Departmental Examination within two years during the probation period, still the fact remains

that no different rules are applied to the applicants and the private respondents. Firstly the said Departmental Examinations was conducted in the month of May 2017, in which 12 persons were declared as successful and the applicants were not able to clear the Departmental Examination. Thus, it cannot be said that the applicants were treated with discrimination. There is no disputed about the fact that the persons, who have cleared the Departmental Examination as required, and mentioned in their appointment order, are only entitled to be considered for promotion to the post of Group-A officers. It is admitted fact that those who have cleared the probation successfully and those who have served for a particular years as Social Welfare Officer, Group-B can only be considered for further promotion to the post of Group-A.

It is material to note that the applicants have participated in the examination and are now

taking objection after being declared unsuccessful.

14. According to the learned Presenting Officer, there is a scarcity of officers in Group-A and therefore, the respondents are considering to promote the officers on ad-hoc basis and since the private respondents, who have successfully passed the Departmental Examination are eligible, they have been promoted on ad-hoc basis. It is specifically stated in paragraph No. 7 of the affidavit in reply of respondent No. 2 as under:-

“7. I say and submit that, at his stage those officers who have passed the examination and fulfilled the other terms and conditions, their probation period successfully completed can be considered for ad-hoc promotions. Currently, at State Government level whether to give ad-hoc promotions to Grade-B group officers is in consideration. Undoubtedly, these promotions are on ad-hoc basis only. I say that, the present applicants on clearing their exams within restricted attempts and successfully completion of

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O.A. 462/18 with
M.A. 302/18

probation period, on evaluating their eligibility will be considered for promotion and will be given seniority as per their MPSC rank.”

15. The aforesaid paragraph clearly shows that even if the orders of promotion are issued, the seniority will be given as per the rank of Commission. In our opinion, this statement clearly safeguards the interest of the present applicants. In view of this, if the applicants get successful in clearing the Departmental Examination within two chances as per their appointment order, they will be definitely considered for the promotional post of Group-A, when the promotions will be given on regular basis and therefore, seniority will also be protected and therefore, no prejudice will be caused to the applicants, if the private respondents are promoted. In fact, the present applicants have no *locus-standi* to challenge the proposed promotion of private respondents, who have cleared the Departmental Examination as per the condition mentioned in their appointment

//11//

O.A. 462/18 with
M.A. 302/18

order, since the applicants have not cleared that examination.

16. In view of the discussions in foregoing paragraphs, we are therefore, satisfied that there is no merits in the present O.A., since the applicants claim will be considered by the respondents on passing of Departmental Examination and their seniority will also be protected if they succeeds. Therefore, we pass following order:-

ORDER

(i) The O.A. No.462/2018 stands dismissed with no order as to costs.

(ii) Consequently, the stay granted by this Tribunal vide order dated 28.06.2018 stands vacated.

(iii) Accordingly, M.A. No. 302/2018 also stands disposed of with no order as to costs.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 634/2018
(Pramod S. Chormale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : J.D. KULKARNI, VICE CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 24.8.2018

ORAL ORDER :

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

2. Issue notice before admission to the respondents, returnable on 26.9.2018.

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

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without

reference to Tribunal and papers be consigned to record.

8. S.O. to 26.9.2018.

9. Steno copy / humdast allowed for both the sides.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 635/2018
(Mahesh A. Talekar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : J.D. KULKARNI, VICE CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 24.8.2018

ORAL ORDER :

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

2. Issue notice before admission to the respondents, returnable on 26.9.2018.

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

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without

reference to Tribunal and papers be consigned to record.

8. S.O. to 26.09.2018.

9. Steno copy / humdast allowed for both the sides.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 636/2018
(Vinay P. Sarpate V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : J.D. KULKARNI, VICE CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 24.8.2018

ORAL ORDER :

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

2. Issue notice before admission to the respondents, returnable on 26.9.2018.

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

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without

reference to Tribunal and papers be consigned to record.

8. S.O. to 26.09.2018.

9. Steno copy / humdast allowed for both the sides.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 24-8-2018

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

**ORIGINAL APPLICATION NO. 638/2018
(Rajkumar D. Barwal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : J.D. KULKARNI, VICE CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 24.8.2018

ORAL ORDER :

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

2. Issue notice before admission to the respondents, returnable on 28.9.2018.

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

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without

reference to Tribunal and papers be consigned to record.

8. S.O. to 28.09.2018.

9. Steno copy / humdast allowed for both the sides.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 24-8-2018

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

**C.P. ST. 1276/2018 IN O.A. 793/1996
(Chokhoba S. Kharat V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : J.D. KULKARNI, VICE CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 24.8.2018

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate holding for Shri Pratap G. Rodge, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Shri Wagh, learned Advocate holding for Shri Rodge, learned Advocate for the applicant agrees to file separate M.A. for condonation of delay caused in filing present C.P. and also to remove other office objections raised by the office of the Tribunal in the present C.P., within a period of one week. Time granted as prayed for.

3. S.O. to 7.9.2018.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 24-8-2018

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

**ORIGINAL APPLICATION NO. 876/2016
(Anuradha R. Gavane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : J.D. KULKARNI, VICE CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 24.8.2018

ORAL ORDER :

Heard Shri Pratik Kothari, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. As per the order dtd. 6.3.2017 passed by the Tribunal the learned P.O. was directed to take instructions as to whether the res. no. 2 was ready for sending the concerned documents and signature of the applicant to the Govt. Examiner of documents. Learned P.O. submits that the concerned documents and the signature of the applicant are sent for examination and report in that regard is awaited. The applicant has been denied appointment on the post of Talathi on the ground that her signature and photograph are forged. It seems that the Collector has conducted a preliminary enquiry and upon enquiry came to the conclusion that a fraud has been committed by the applicant and, therefore, appointment is denied to her. Criminal case regarding the alleged fraud committed by the applicant is pending and it will be decided on its own merit and at its own motion.

3. Learned Advocate for the applicant submits that, since the pleadings are complete, the present O.A. be admitted and be placed for final hearing.

4. Accordingly, the present O.A. is hereby admitted.

5. S.O. to 3.10.2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 154/2018
(Priyanka P. Shinde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : J.D. KULKARNI, VICE CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 24.8.2018

ORAL ORDER :

Shri V.B. Wagh, learned Advocate has filed his V.P. for the applicant by taking no objection from the earlier Advocate. It is taken on record. Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent no. 1 is present. None appears for respondent no. 2.

2. With the consent of both the sides, S.O. to 5.9.2018 along with similar matters.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 24-8-2018

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

**ORIGINAL APPLICATION NO. 181/2018
(Narsing Laxmanrao Kasewad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : J.D. KULKARNI, VICE CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 24.8.2018

ORAL ORDER :

Heard Shri Rahul O. Awsarmal, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Applicant in this O.A. has claimed promotion to the post of Office Superintendent. During the pendency of the present O.A. the applicant has been promoted for the said post vide order dtd. 18.8.2018. On the last date itself the learned P.O. has placed on record copy of the said order which is kept on record and marked as document 'X'.

3. Learned Advocate for the applicant submits that the grievance of the applicant has been satisfied and, therefore, the present O.A. may be disposed of.

4. In view of thereof, the present O.A. is disposed of as the grievance of the applicant has been satisfied by the respondents. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 267/2018
(Dr. Shrikant C. Pathak V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : J.D. KULKARNI, VICE CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 24.8.2018

ORAL ORDER :

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

2. At the request of learned P.O., as a last chance, S.O. to 25.9.2018 for filing affidavit in reply of res. no. 1.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 24-8-2018

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

**ORIGINAL APPLICATION NO. 430/2018
(Jyoti A. Gutte V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : J.D. KULKARNI, VICE CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 24.8.2018

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 & 2 and Shri G.V. Monekar, learned Advocate for respondent nos. 3 to 5.

2. With the consent of both the sides, S.O. to 5.9.2018 along with connected matters, with liberty to respondents to file reply.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 24-8-2018

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

**M.A. 215/2018 IN O.A.ST.1053/2018
(Shri Amit M. Ghawale & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : J.D. KULKARNI, VICE CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 24.08.2018

ORAL ORDER :

Heard Shri Mahesh S. Taur, learned Advocate for the applicants and Mrs. Priya R. 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 applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION ST.1053 OF 2018
(Shri Amit M. Ghawale & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : J.D. KULKARNI, VICE CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 24.08.2018

ORAL ORDER :

Heard Shri Mahesh S. Taur, learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. After registration of O.A., issue notices to the respondents, returnable on 28th September, 2018.

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

O.A. ST.1053 OF 2018

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. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, O.A. shall stand dismissed without reference to Tribunal and papers be consigned to the record.

8. S.O. to 28th September, 2018.

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

MEMBER (A)

VICE CHAIRMAN

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

C.P.ST.1643/17 IN C.P.1812/15 IN O.A. 142/13
(Dr. Jeevansingh D. Taji V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : J.D. KULKARNI, VICE CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)

DATE : 24.08.2018

ORAL ORDER :

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

2. Learned Presenting Officer has filed a copy of communication dated 18th August, 2018 and the same is taken on record and marked as Exhibit 'X' for the purpose of identification and sought four weeks' time.

3. We are not satisfied with the aforesaid correspondence. The order was passed in M.A. 503/2015 IN C.P.ST.1812/2015 IN O.A.NO. 142/2013 on 7.6.2017, whereby it was directed that the proposal dated 11.1.2017 shall be decided within a period of 3 months from the date of order. Now we are in the end of month of August, 2018 and till today the proposal is not decided.

4. Learned Presenting Officer was directed to take instructions personally from Dr. Umesh Rathod, Desk Officer, Mantralaya, Mumbai, who

has communicated learned Presenting Officer vide Exhibit 'X'.

5. Learned Presenting Officer, on instructions, submits that Shri Umesh Rathod, Desk Officer, has asked to assure the Tribunal that necessary compliance would be done within a period of two weeks from today.

6. In view of the above, we direct Umesh Rathod, Desk Officer, to remain present before this Tribunal along with the necessary compliance order.

7. S.O. to 21st September, 2018.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 639 OF 2018
(Shri Maroti J. Sonkamble V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 24.08.2018

ORAL ORDER :

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

2. It is submitted on behalf of the applicant that the applicant was due for transfer at the time of general transfers in the year 2018, but he has not been considered at that time. Thereafter he has been transferred by the impugned order dated 18.8.2018 from Nanded to Ratnagiri in the mid academic year. He has submitted that children of the applicant are school going, therefore, it caused inconvenience to them. Therefore, he prayed to stay the impugned transfer order.

3. Learned Presenting Officer has submitted that the Deputy Director, Sports and Youth Services, M.S., Pune issued directions to the District Sports Officer to relieve the applicant. He has placed on record a copy of order dated 24th August, 2018 accordingly.

4. On perusal of the record, it reveals that the impugned order is midterm transfer order. Nobody has been posted in place of the applicant

O.A. NO. 639 OF 2018

and applicant has not yet been relieved from his present posting. Prima facie, it seems that the impugned order is not in accordance with the provisions of the Maharashtra Government Servants Regulation of Transfers And Prevention of Delay In Discharge of Official Duties Act, 2005 (for short "the transfer Act of 2005"). Hence, it is just to direct the respondents to maintain the status quo as on today, if the applicant is not relieved, till filing of the reply. Accordingly, the respondents are directed to maintain the status quo as on today, if the applicant is not relieved, till filing of the applicant in reply.

5. Issue notices to the respondents, returnable on 5th October, 2018.

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

7. 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.

8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative

O.A. NO. 639 OF 2018

Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

9. 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.

10. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, O.A. shall stand dismissed without reference to Tribunal and papers be consigned to the record.

11. S.O. to 5th October, 2018.

12. Steno copy and hamdust is allowed to both the sides.

MEMBER (J)

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

**O.A.NOS. 270, 274, 275 & 276 ALL OF 2018
(Shri Ravindra B. Takale & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : J.D. KULKARNI, VICE CHAIRMAN
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 24.08.2018

COMMON ORAL ORDER :

Heard S/Shri N.B. Narwade & D.A. Bide, learned Advocates for the respective applicants in respective cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases.

2. The applicants in all these Original Applications have challenged their respective order of dismissal dated 24.4.2018 issued by respondent No. 3, the Superintendent of Police, Ahmednagar. Vide the impugned orders respective applicants have been dismissed from the service and the Superintendent of Police has exercised the powers conferred upon him vide provision (b) to Sub Clause (2) of Article 311 of the Constitution of India.

3. This Tribunal vide order dated 3.5.2018 was pleased to observe as under: -

“8. Besides filing affidavit in reply, the present Superintendent of Police, Ahmednagar - Shri Ranjan Kumar Sharma - is hereby directed to go through the relevant guidelines for

invoking the provision (b) to clause (2) of Article 311 of the constitution of India and file his personal affidavit mentioning therein that, after going through the relevant guidelines or having consultation with the legal adviser, he is going to take remedial steps in the present matter.

In case for any reasons he comes to the conclusion that no remedial steps can be taken then personal affidavit to that effect be filed on the next date.

9. Res. nos. 1 & 2 are also directed to go through the above order and issue general guidelines to their subordinates within Maharashtra State, if they found it fit after consultation with the Law & Judiciary Department, in this regard.”

4. In response to the aforesaid directions, the Superintendent of Police i.e. respondent No. 3 has filed short affidavit in reply today. In the said affidavit, the Superintendent of Police has tendered unconditional apology to the Tribunal and in paragraph No. 5 of the short affidavit, it is stated that he had sought guidance of higher authority and he is withdrawing the order of dismissal of the applicants due to technical defects with liberty to take fresh action as prescribed as per the rules and regulations.

5. Learned Advocates for the respective applicants submitted that in view of the fact that respondent, Superintendent of Police, Ahmednagar, is withdrawing the orders of

**O.A.NOS. 270, 274, 275
& 276 ALL OF 2018**

dismissal of the respective applicants, the applicants do not want to prosecute the present Original Applications and, therefore, they may be permitted to withdraw the same. We are of the opinion that such permission can be granted in the interest of justice and equity. Hence, we pass the following order: -

ORDER

- (i) The Original Application Nos. 270, 274, 275 & 276 ALL OF 2018 stand disposed of as withdrawn.
- (ii) The respondents are at liberty to take fresh action against the present applicants, as prescribed as per rules and regulations.
- (iii) There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN