ORIGINAL APPLICATION NO. 923/2016 (Shri Ashok R. Kotwal V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 25.06.2018.

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant seeks time to argue the matter. Time granted as a last chance.

3. S.O. to 02.08.2018.

KPB ORAL ORDER 25-06-2018

MEMBER (J)

ORIGINAL APPLICATION NO. 815/2017 (Dr. Sudhir A. Sathe V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : B. P. PATIL, MEMBER (J).

<u>DATE</u> : 25.06.2018.

ORAL ORDER :

Shri Prafulla Bodade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Learned Presenting Officer has submitted that he will file the affidavit in reply during the course of the day.

3. S.O. to 01.08.2018.

MEMBER (J) KPB ORAL ORDER 25-06-2018

ORIGINAL APPLICATION NO. 372/2017 (Shri Gangadharao M. Shinde V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 25.06.2018.

ORAL ORDER:

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

2. At the request of learned Presenting Officer

for the respondents, S.O. to 04.07.2018.

MEMBER (J)

ORIGINAL APPLICATION NO. 648/2017 (Shri Bhaskar S. Patil V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : B. P. PATIL, MEMBER (J). <u>DATE</u> : 25.06.2018. ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for respondent Nos. 1 & 2 and Smt. S.D. Shelke, learned Advocate for respondent Nos. 3 & 4.

2. Learned Advocate for the applicant has submitted that he had not received the copy of the affidavit in reply of respondent Nos. 1 & 2, though it is filed on record.

3. Learned Presenting Officer undertakes to serve the copy of the affidavit in reply of respondent No. 1 & 2 to the learned Advocate for the applicant today itself.

4. S.O. to 01.08.2018.

MEMBER (J)

FARAD CONTINUATION SHEET

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI, BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 412/2018

(Shri Prakash V. Ukkalgaonkar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : B. P. PATIL, MEMBER (J).

DATE : 25.06.2018.

ORAL ORDER :

Heard Shri N.D. Batale, learned Advocate holding for Shri S.V. Natu, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 08.08.2018.

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. Reply be filed on or before 08-08-2018.
- 9. S.O. 08-08-2018.

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

MEMBER (J)

FARAD CONTINUATION SHEET

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI, BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 370/2018

(Shri Dhammratna S. Ghule V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : B. P. PATIL, MEMBER (J).

<u>DATE</u> : 25.06.2018.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 01.08.2018.

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. Reply be filed on or before 01-08-2018.
- 9. S.O. 01-08-2018.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 657/2017 (Shri Rajesh D. Mane V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

<u>DATE</u> : 25.06.2018.

ORAL ORDER :

Shri A.B. Gaikwad, learned Advocate for the applicant (**Absent**). Shri M.P. Gude, learned Presenting Officer for respondents, present.

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

04.07.2018, for passing necessary orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 750/2017 (Smt. Surekha U. GaikwadV/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 25.06.2018.

ORAL ORDER:

Heard Shri A.M. Nagarkar, learned Advocate for the applicant and Shri V.D. Salunke, learned Special Counsel for respondents.

2. Learned Special Counsel for respondents seeks time to file authority letter and short affidavit. Time granted.

3. S.O. to 27.06.2018.

MEMBER (J)

ORIGINAL APPLICATION NO. 812/2017 (Shri Shrishail P. Sadegaokar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : B. P. PATIL, MEMBER (J).

<u>DATE</u> : 25.06.2018.

ORAL ORDER :

Heard Shri N.P. Dube, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

Learned Presenting Officer seeks time to file
affidavit in reply on behalf of respondent Nos. 1,
2 & 4. Time granted as a most last chance.

3. S.O. to 26.07.2018.

MEMBER (J) KPB ORAL ORDER 25-06-2018

ORIGINAL APPLICATION NO. 835/2017

(Shri Kailas A. Yalis (Patil) V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

<u>DATE</u> : 25.06.2018.

ORAL ORDER :

Shri C.T. Jadhav, learned Advocate for the

applicant (Absent).

Heard Shri V.R. Bhumkar, learned

Presenting Officer for respondents.

2. Pleadings are complete. The O.A. is admitted and it be kept for final hearing on 06.08.2018.

MEMBER (J)

ORIGINAL APPLICATION NO. 910/2017 (Shri Subhash S. Rathod V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : B. P. PATIL, MEMBER (J).

<u>DATE</u> : 25.06.2018.

ORAL ORDER :

Shri R.B. Ade, learned Advocate for the applicant (**Leave Note**). Shri N.U. Yadav, learned Presenting Officer for respondents, present.

2. In view of leave note filed by the learned

Advocate for the applicant, S.O. to 08.08.2018.

MEMBER (J)

ORIGINAL APPLICATION NO. 14/2018 (Shri Subhash S. Rathod V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : B. P. PATIL, MEMBER (J).

<u>DATE</u> : 25.06.2018.

ORAL ORDER :

Shri R.B. Ade, learned Advocate for the applicant (**Leave Note**). Shri S.K. Shirse, learned Presenting Officer for respondents, present.

2. In view of leave note filed by the learned

Advocate for the applicant, S.O. to 08.08.2018.

MEMBER (J)

M.A. St. 955/2018 with M.A. 437/2017 in O.A. 201/2006 (Shri Govind D. Chavan V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 25.06.2018.

ORAL ORDER:

Shri R.B. Ade, 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 08.08.2018.

MEMBER (J)

M.A. No. 486/2017 in O.A. St. No. 1663/2017 (Shri Bhaskar J. Deshpande & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : B. P. PATIL, MEMBER (J).

<u>DATE</u> : 25.06.2018.

ORAL ORDER :

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

2. Learned Presenting Officer has submitted that he will file affidavit in reply on behalf of respondent Nos. 1, 3 to 5 in M.A. during the course of the day.

3. S.O. to 02.08.2018.

MEMBER (J) KPB ORAL ORDER 25-06-2018

M.A. No. 50/2018 in O.A. St. No. 240/2016 (Shri Ramkisan B. Khajekar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : B. P. PATIL, MEMBER (J). <u>DATE</u> : 25.06.2018. ORAL ORDER :

Shri K.C. Sonone, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

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

3. S.O. to 01.08.2018.

MEMBER (J)

M.A. No. 198/2018 in O.A. No. 318/2017 (Shri Shravan Y. Khairnar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 25.06.2018.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 26.06.2018.

MEMBER (J)

ORIGINAL APPLICATION NO. 151/2017 (Shri Nagorao H. Failwad V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 25.06.2018.

ORAL ORDER :

Heard Shri S.B. Bhosale, learned Advocate holding for Shri S.P. Brahme, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 27.06.2018.

MEMBER (J)

ORIGINAL APPLICATION NO. 429/2018

(Shri Rahul A. Vhatkar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

<u>DATE</u> : 25.06.2018.

ORAL ORDER :

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

Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 06.07.2018.

MEMBER (J)

ORIGINAL APPLICATION NO. 585/2017 (Shri Anandidas B. Pande V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : B. P. PATIL, MEMBER (J). <u>DATE</u> : 25.06.2018.

ORAL ORDER :

Heard Shri C.D. Biradar, learned Advocate holding for Shri S.B. Ghute, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted as a last chance.

3. S.O. to 04.07.2018.

MEMBER (J)

M.A. 195/2018 IN O.A. 265/2018 (Dr. Archana d/o Kartikrao Teltumbde @ Archana W/o Anilkumar WahurwashV/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

DATE : 25.6.2018

ORAL ORDER :

Heard Shri M.M. Parghane, learned Advocate holding for Shri Gajanan Kadam, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. The present M.A. has been filed by the applicant for restoration of O.A. no. 265/2018 (O.A. st. no. 233/2017) to its original file by condoning 13 days delay caused in filing the said M.A.

3. For the reasons stated in the present M.A. the delay of 13 days is condoned in filing the same and the O.A. is restored to its original file. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

O.A. 265/2018 (Dr. Archana d/o Kartikrao Teltumbde @ Archana W/o Anilkumar WahurwashV/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

DATE : 25.6.2018

ORAL ORDER :

Heard Shri M.M. Parghane, learned Advocate holding for Shri Gajanan Kadam, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. Issue fresh notice before admission to the respondents, returnable on 14.8.2018.

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 0.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) Rifles, 1988, and the

<u>::-2-::</u> O.A. NO. 265/2018

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. 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 14.8.2018.

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

MEMBER (A)

VICE CHAIRMAN

M.A. 515/2017 IN O.A. ST. 1881/2017 (Shri Chandidas B. Deshpande V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

DATE : 25.6.2018

ORAL ORDER :

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

2. At the request of learned P.O. S.O. to 26.7.2018 for compliance of the order dtd. 24.4.2018.

MEMBER (A)

VICE CHAIRMAN

M.A. 11/2018 IN O.A. ST. 1965/2017 (Chandrashekhar M. Soman V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

DATE : 25.6.2018

ORAL ORDER :

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

2. At the request of learned P.O. S.O. to 26.7.2018 for compliance of the order dtd. 24.4.2018.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 852/2016 (Shri Ankush K. Tekale V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u>: JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

DATE : 25.6.2018

ORAL ORDER :

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

2. At the request of learned P.O. S.O. to 16.7.2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NOS. 145 & 146/2014 (Dr. Gajanan S. Haran & Dr. Purbha G. JamareV/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

<u>DATE</u> : 25.6.2018

ORAL ORDER:

None appears for the applicants in both the matters. S/shri V.R. Bhumkar & N.U. Yadav, learned Presenting Officers for the respondents, are present.

2. Learned P.Os. submit that Shri Patil, learned Advocate for the applicants has communicated them that he has some personal difficulty today and, therefore, matters be adjourned. In the circumstances, S.O. to 18.7.2018.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 250/2014 (The Karyakari Adhikari Sanghatana, R.T.O. through its Joint Secretary V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

DATE : 25.6.2018

ORAL ORDER :

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

2. Smt. Taksal, learned Advocate holding for Shri Deshmukh, learned Advocate for the applicant submits that, Writ Petition, reference of which is made in the order dtd. 22.6.2006, filed by the respondent State against the order in O.A. 768/2009 is still pending before the Hon'ble High Court for adjudication and no further date is given in the said writ petition.

3. In the circumstances, without awaiting for decision from Hon'ble High Court in the above writ petition, S.O. to 8.8.2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 267/2014 (Shri Harasingh T. Manza V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

DATE : 25.6.2018

ORAL ORDER :

None appears for the applicant. Shri M.P. Gude, learned Presenting Officer for the respondent nos. 1 to 4 is present. None appears for respondent no. 5.

2. None has appeared for the applicant on the last date also. In the circumstances, S.O. to 24.7.2018 as a last chance for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 19/2018 (Sayyad Asad s/o Sayyad Nizam V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C. AND **ATUL RAJ CHADHA, MEMBER (A)**

DATE : 25.6.2018

ORAL ORDER :

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

Learned P.O. files on record a short affidavit 2.of the res. no. 1 in terms of earlier order dtd. 23.4.2018. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant. At the request of learned Advocate for the applicant S.O. to 9.7.2018 for going through the short affidavit of res. no. 1 and for advancing her submissions.

MEMBER (A) ARJ ORAL ORDERS 25-6-2018

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 289/2018 (Suraj S. Patil V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

<u>DATE</u> : 25.6.2018

ORAL ORDER :

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

2. Notices are already issued. In the circumstances, put up the matter on due date i.e. on 11.7.2018.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 508/2013 (Shri Feroj s/o Mahemud Shaikh V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u> : JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

DATE : 25.6.2018

ORAL ORDER:

Heard Shri S.S. Shinde, learned Advocate holding for Shri K.R. Doke, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 to 3 and Shri G.N. Patil, learned Advocate for respondent nos. 4 & 5.

2. By the present O.A. the applicant is seeking following relief :-

"В. The respondents may kindly be directed to give the promotion to the applicant to the post of Jr. Engineer (Civil), as per the proposal submitted on 21.3.2011 (Exh. E) bv the respondent no. 2 to the office of respondent no. as per 1, the representation of the applicant dated 24.12.2010 (Exh. D)."

3. The applicant is working as a Tracer with the respondents. He has passed a Diploma in Civil Engineer and, therefore, he claims that he should be promoted to the post of Jr. Engineer (Civil). The applicant relies on the decision of principal seat of this Tribunal at Mumbai dtd. 6.11.1992, in T.A. no. 1715/1991

<u>::-2-::</u> O.A. NO. 508/13

(W.P. no. 6007/1986) and decision dtd. 16.11.1992 in T.A. no. 200/1991 (W.P. 1987/1987), wherein it was directed that the promotion of some of Tracers to the post of Jr. Engineer shall be reinstated as those applicants were relegated to the post of Tracer.

4 The respondents have clarified that the case of the applicants in above referred T.As. is different from the case of the present applicant. Those applicants were governed by the Recruitment Rules, which were in existence at the time of their initial promotion. The present applicant is admittedly appointed as a Tracer in the year 1994 and for promotion from the post of respondents Tracer now the have fresh Recruitment Rules viz. Junior Engineer (Civil) Group 'B' 'non-gazetted in the Public Works Department and the Irrigation Department (Recruitment) Rules, 1998. The said Recruitment Rules inter-alia provides that for promotion to the post of Junior Engineer (Civil), the feeder cadre is Civil Engineering Assistant and the employee, who has passed the qualifying examination for the post of Junior Engineer conducted by the Engineering Staff College, Nashik and, therefore, the present applicant cannot be promoted.

5. The decision of the principal seat of this Tribunal at Mumbai in T.As. on which the

<u>::-3-::</u> O.A. NO. 508/13

learned Advocate for the applicant has placed reliance has been explained by the respondents in their affidavit in reply vide para nos. 2 & 3 by referring to the earlier Recruitment Rules and the fact that those applicants, who were promoted to the post of Overseer (post then available), were relegated to their earlier post of Tracer as they have crossed the upper age limit and, therefore, the Tribunal has directed the respondents to reinstate them on the post of Jr. Engineer (Civil) as renamed at that time.

6. In the circumstances, we are of the opinion that, there is no merit in the present O.A. and, therefore, the same is dismissed without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 786 OF 2017

[Shri Kailash A. Pardeshi Vs. State of Maharashtra & Ors]

OFFICE ORDER _____

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

DATE : 25.06.2018.

ORAL ORDER :

1. Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay 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. to 7th August, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 25.06.2018-HDD

O.A.NOS. 234, 280, 281, 282, 283 & 284 ALL OF 2018

[Dr. Charulata C. Pawar & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u>: JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

DATE : 25.06.2018.

ORAL ORDER :

1. Heard Shri Shamsundar B. Patil, learned Advocate for the applicants in all these cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases.

2. Learned Chief Presenting Officer for the respondents submits that till date there are no instructions. In the circumstances, no need to wait for the instructions. The affidavit in reply shall be filed on the next date positively.

3. S.O. to 16th July, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 423 OF 2018

[Shri Rameshwar S. Gopal Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u>: JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

DATE : 25.06.2018.

ORAL ORDER :

1. Heard Ms. Sangeeta Nenwani, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

Issue notices to the respondents, returnable on 20th August, 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

:: - 2 - :: O.A. NO. 423 OF 2018

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. Appointment, if any made by the respondents, shall be subject to the decision of the present Original Application. However, the respondents directed to are preserve VIDEOGRAPHY, if any made.

9. S.O. to 20th August, 2018.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 972 OF 2018

[Shri Digamber R. Bhondge Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u>: JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

<u>DATE</u> : 25.06.2018.

ORAL ORDER :

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

2. It is an admitted fact that process of promotion is of 2013. Merely because the present applicant went on making representations after representations, would not revive any cause of action. Since no application for delay condonation is filed, the objection raised by the office of this Tribunal is correct. Therefore, the present Original Application St. No. 972/2018 is rejected without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 95 OF 2017

[Shri Balu Jivanna Gaikwad Vs. State of Maharashtra & Ors]

OFFICE ORDER 1

TRIBUNAL'S ORDERS

<u>CORAM</u>: JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

<u>DATE</u> : 25.06.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that he has send the notice to the applicant regarding withdrawal of vakilpatra in the present case. He has filed proof of posting of notice sent by him to the present applicant along with the postal receipt showing that the notice is sent to the applicant by R.P.A.D. The same is taken on record and marked as document 'X' collectively for the purpose of identification. Learned Advocate for the applicant discharged from the present case.

 In view of the absence of the applicant, S.O. to 7th August, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 620 OF 2017

[Shri Akshaykumar U. Jadhao Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u>: JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

DATE : 25.06.2018.

ORAL ORDER :

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 & 2. Shri H.I. Pathan, learned Advocate for respondent Nos. 3, 4, 8 & 9 (**absent**). None appears for respondent Nos. 5 to 7.

 Learned Advocate for the applicant submits that for want of sufficient address of respondent No.
he could not be served. He seeks time to take information. At his request, S.O. to 17th July, 2018 for taking necessary steps.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 804 OF 2017

[Shri Prakash D. Patil Vs. State of Maharashtra & Ors]

OFFICE ORDER _____

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C. AND **ATUL RAJ CHADHA, MEMBER (A)**

DATE : 25.06.2018.

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 7th August, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

C.P. NO. 45/2018 IN O.A.NO. 699 & 718 / 2015

[Shri Arun S. Mali & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER TI

TRIBUNAL'S ORDERS

<u>CORAM</u>: JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

<u>DATE</u> : 25.06.2018.

ORAL ORDER :

1. Shri V.B. Dhage, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Chief Presenting Officer has filed on record true copy of the decision taken by the concerned respondents of grant of time bound promotion, as directed in the O.A. The same is accepted and taken on record and marked as document 'X' for the purpose of identification.

3. In the circumstances, the present contempt petition is disposed of without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 184 OF 2018

[Shri Swamidas V. Chobe Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u>: JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

DATE : 25.06.2018.

ORAL ORDER :

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

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

3. S.O. to 9th July, 2018 for hearing on grant of interim relief, if any.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 239 OF 2018

[Smt. Priyanka P. Chothe Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u>: JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

DATE : 25.06.2018.

ORAL ORDER :

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

2. Learned Chief Presenting Officer for the respondents seeks time. It is to be noted that vide order dated 13.06.2018 it was observed that in case no affidavit in reply is filed, this Tribunal would be constrained to consider the issue of grant of interim relief. However, in the interest of justice, S.O. to 3rd July, 2018 for filing affidavit in reply and for hearing on interim relief.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 244 OF 2018

[Shri Ravi H. Rathod Vs. State of Maharashtra & Ors]

OFFICE ORDER _____

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C. AND **ATUL RAJ CHADHA, MEMBER (A)**

DATE : 25.06.2018.

ORAL ORDER :

1. Heard Shri D.R. Irale Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 9th July, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 326 OF 2018

[Shri Prashant D. Warkari Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u>: JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

<u>DATE</u> : 25.06.2018.

ORAL ORDER :

1. Heard Shri Sudhir K. Chavan, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent Nos. 1 to 5 and Shri C.D. Biradar, learned Advocate for respondent No. 6.

2. Learned Advocate for the applicant submits that the posting is given to the present applicant. However, there are some irregularities. However, posting is given to the present applicant, which was relief sought in the present Original Application.

3. In view thereof, the present Original Application is disposed of with liberty to the applicant to file any proceeding according to law. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

M.A.ST.791/2017 IN O.A.326/2016 WITH

M.A.ST.792/2017 IN O.A.555/2015

[Shri Madhav C. Padvi & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u>: JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

DATE : 25.06.2018.

ORAL ORDER :

1. Heard Shri F.R. Tandale, learned Advocate for the applicants in both these cases and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents in both these cases.

2. Learned Chief Presenting Officer filed on record the copies of the communications and report etc. The same are taken on record and marked as document 'X' for the purpose of identification. The copies of the same are also served on the learned Advocate for the applicant.

 Learned Advocate for the applicant seeks time to take instructions in this regard. At his request, S.O. to 16th July, 2018 for making submissions on the above line.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 142/2018 IN O.A.NO. 66/2018

[Shri Dnyeneshwar P. Kadam Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u>: JUSTICE M.T. JOSHI, V.C. AND ATUL RAJ CHADHA, MEMBER (A)

<u>DATE</u> : 25.06.2018.

ORAL ORDER:

1. Heard Smt. Vidya Taksal, learned Advocate holding for Shri Kuldeep S. Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 4.

2. Learned Advocate Shri M.M. Kadam appeared today and submits that he is appearing on behalf of respondent No. 5. He has filed **VAKALATNAMA** on his behalf. He has also filed affidavit in reply on behalf of respondent No. 5 and the same is taken on record and the copy thereof has been served on the other side.

3. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 and the same is taken on record and the copy thereof has been served on the other side.

 At the request of learned Presenting Officer,
S.O. to 25th July, 2018 for filing affidavit in reply on behalf of respondent Nos. 1 & 3.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 572 OF 2013

[Smt. Vijaya B. Malave Vs. State of Maharashtra & Ors]

OFFICE ORDER _____

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C. AND **ATUL RAJ CHADHA, MEMBER (A)**

DATE : 25.06.2018.

ORAL ORDER :

1. Heard Shri Vishwas Solanke, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 23rd July, 2018.

MEMBER (A)

VICE CHAIRMAN