

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

**M.A. St. 702/2018 with M.A. St. 701/2018 in O.A. 517/2015
(Shri Pathan Wajiskhan Yunuskhan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

Heard Smt. Vinaya Dharurkar, learned Advocate holding for Shri C.V. Dharurkar, 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 06.08.2018.

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**ORIGINAL APPLICATION NO. 673/2017
(Shri Walmik R. Dane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

Heard Shri A.B. Chalak Patil, 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)

KPB ORAL ORDER 26-06-2018

FARAD CONTINUATION SHEET

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

M.A. No. 201/2018 in O.A. No. 243/2018
(Shri Shyamsing D. Chauhan V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

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

2. Issue notices to the respondents in M.A., returnable on 09.08.2018.

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.

//2//

M.A. 201/2018 in
O.A. 243/2018

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

7. 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 09-08-2018.

9. S.O. 09-08-2018.

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

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**O.A. No. 419/2018 with Caveat St. No. 786/2018
(Shri Rajendra P. Bagade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

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

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

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**ORIGINAL APPLICATION NO. 434/2018
(Shri Manoj B. Misal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

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

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

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**ORIGINAL APPLICATION NO. 611/2017
(Shri Nagnath G. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

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

2. No affidavit in reply is filed by the respondent No. 1 in spite of ample opportunities were given to them.

3. At the request of learned Advocate for the applicant, S.O. to 02.07.2018.

MEMBER (J)

KPB ORAL ORDER 26-06-2018

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT 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 : 26.06.2018.

ORAL ORDER :

Shri S.A. Gaikwad, learned Advocate for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 20.07.2018 for passing necessary orders.

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**ORIGINAL APPLICATION NO. 771/2017
(Shri Mustakali N. Sayyad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

Shri A.G. Talhar, learned Advocate for the applicant (**Absent**). Smt. Preeti R. Wankhade, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 06.08.2018.

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**ORIGINAL APPLICATION NO. 11/2018
(Shri Maroti S. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

Shri P.P. Uttarwar, learned Advocate for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for respondents, present.

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

3. Learned Presenting Officer has submitted that she does not want to file affidavit in reply on behalf of respondent No. 1.

3. As none present for the applicant, S.O. to 06.08.2018.

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**ORIGINAL APPLICATION NO. 33/2018
(Shri Shaikh Ibrahim Shaikh Nanhu V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 06.08.2018 for filing affidavit in reply.

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**ORIGINAL APPLICATION NO. 103/2018
(Shri Shaikh Gafar Shaikh Abdul Rajjak V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

Heard Shri S.B. Tarde, learned Advocate holding for Shri V.V. Tarde, 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 09.08.2018.

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**ORIGINAL APPLICATION NO. 325/2018
(Shri Shamrao G. Budhawant V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant has submitted that the applicant does not want to proceed with the present O.A. and accordingly, he has filed the withdrawal pursis signed by the applicant. Same is taken on record. Therefore, he seeks leave of this Tribunal to withdraw the present O.A.

3. Learned Presenting Officer has submitted that necessary orders may be passed.

4. Since the applicant does not want to proceed with the present O.A. and wants to withdraw the same, leave as prayed for by the applicant is granted. Therefore, the O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**M.A. No. 168/2017 in O.A. St. No. 404/2017
(Shri Mariba Y. Kamble V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks leave of this Tribunal to amend the prayer clause of the M.A. and O.A., as the applicant wants to challenge the order dated 20.01.2015.

3. Leave as prayed for by the applicant is granted. The applicant shall carry out the necessary amendment on or before next date.

4. S.O. to 04.07.2018.

MEMBER (J)

KPB ORAL ORDER 26-06-2018

FARAD CONTINUATION SHEET

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

**M.A. No. 87/2018 in O.A. St. No. 142/2018
(Shri Vishwas S. Thore V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Issue fresh notices to the respondents in M.A., returnable on 06.08.2018.

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.

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M.A. 87/2018 in
O.A. St. 142/2018

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

7. 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 06-08-2018.

9. S.O. 06-08-2018.

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

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**ORIGINAL APPLICATION NO. 840/2017
(Shri Shivaji R. Wayal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 04.07.2018.

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**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 : 26.06.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant on instructions of the applicant, who is present today states that the applicant does not want to proceed with the present M.A. and wants to withdraw the same. Therefore, he seeks leave of this Tribunal to withdraw the present M.A.

3. Learned C.P.O. has prayed to pass necessary orders.

4. Since the applicant does not want to proceed with the present M.A. and wants to withdraw the same, leave as prayed for by the applicant is granted. Therefore, the M.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

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

**M.A. No. 476/2017 in O.A. St. No. 1738/2017
(Shri Maruti S. Tambe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

Heard Shri A.D. Gadekar, 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 respondent Nos. 1, 2 & 4. Time granted.

3. S.O. to 09.08.2018.

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**M.A. No. 477/2017 in O.A. St. No. 1736/2017
(Shri Dagdu B. Raut V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

Heard Shri A.D. Gadekar, 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 respondent Nos. 1, 2 & 4. Time granted.
3. S.O. to 09.08.2018.

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**M.A. No. 478/2017 in O.A. St. No. 1740/2017
(Shri Bhimrao S. Ingle V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

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

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent No. 4. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

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

4. S.O. to 09.08.2018.

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**M.A. No. 479/2017 in O.A. St. No. 1742/2017
(Smt. Gunabai M. Pethe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri V.R. Bhumkar, 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 09.08.2018.

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**M.A. No. 43/2018 in O.A. St. No. 54/2018
(Shri Gangadhar K. Salve V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 3. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1, 2 & 4. Time granted.

4. S.O. to 09.08.2018.

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**O.A. No. 893 of 2016
(Shri Vijay N. Chavan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

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

2. This Tribunal has passed the order on 16.01.2018 and directed the respondent No. 3 i.e. the Collector, Aurangabad to take decision on the representations made by the applicant to release the provisional pension to him till the final decision of the criminal case. The said representations are not decided by the respondents till today. The applicant has made last representation on 24.01.2016. In spite of specific directions given by this Tribunal, the respondent No. 3 i.e. the Collector, Aurangabad has not taken decision on the said representations within a stipulated time.

Thereafter, on 19.03.2018 another order has been passed by this Tribunal and the respondent No. 3 i.e. the Collector, Aurangabad was directed to take decision on the representations of the applicant within a period of one month. In spite of that, the respondent No. 3 had not taken decision on the representations of the applicant and not filed affidavit in that regard before this Tribunal. It seems that the respondent No. 3 i.e. the Collector, Aurangabad is flouting the directions given by this Tribunal. Therefore, it would be just and proper to issue show cause notice to the respondent No. 3 calling explanation as to why he should not be saddled with the heavy costs for flouting the orders of this Tribunal and as to why the amount of costs should not be recovered from his personal pocket.

3. Learned P.O. is directed to furnish the name of respondent No. 3 i.e. the Collector, Aurangabad.

4. The learned P.O. has furnished the name of respondent No. 3 i.e. the Collector, Aurangabad, which is as follows:-

“Shri Uday Chaudhari,
Collector, Aurangabad.”

5. Issue show cause notice to the respondent No. 3 i.e. the Collector, Aurangabad.

6. S.O. to 11.07.2018.

MEMBER (J)

KPB ORAL ORDER 26-06-2018

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

**O.A. Nos. 254/2016, 279/2016 & 861/2016
(Shri Shaikh Hamid Dagdumiya & Others V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicants in all these O.As. and S/shri N.U. Yadav, M.P. Gude & Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officers for respondents in respective O.As.

2. Learned Advocate for the applicants has submitted that the respondent Nos. 1 to 5 in their affidavit in reply in paragraph no. 14 have admitted that the Government had issued Circular dated 23.12.2015 modifying the earlier Circular of Finance Department dated 01.04.2010 and clarified that those employees who have been given the benefit of MACPS after 12 and second benefit from the date of awarding first benefit under this scheme of service, but who are not found eligible for regular promotion or who have refused the promotion voluntarily, in such cases only the benefit of MACPS shall be withdrawn, but amount of benefit already given should not be recovered.

He has further submitted that in view of the Circular dated 23.12.2015, the Revenue and Forest Department issued communication dated 06.05.2016 to the C.P.O. and stated that the amount paid to the applicant in view of the benefit granted to them cannot be recovered. In view of this fact, he prayed to dispose of the present O.As.

3. Learned P.Os. on instructions given by the respondents have submitted that the respondents are not going to recover the amount of benefit already given to the applicants and therefore, they have also prayed to dispose of the present O.As.

4. I have gone through the affidavit in reply filed by the respondent Nos. 1 to 5. Paragraph no. 14 of their affidavit in reply reads as follows:-

“14. After the issuance of orders dated 13.8.2015 by the APCCF (Administration, Sub-ordinate Cadre) Nagpur, the Government has issued the Government Circular dated 23.12.2015, modifying the earlier circular of Finance Department dated 1st April, 2010. By this circular, it has been clarified that those employees who have been given the benefit of MACPS after 12 and second benefit from the

date of awarding first benefit under this scheme of service, but who are not found eligible for regular promotion or who have refused the promotion voluntarily, in such cases only the benefit of MACPS shall be withdrawn, but amount of benefit already given should not be recovered. The copy of Government Circular dated 23.12.15 is annexed herewith marked at **Exhibit-R-3**

4. In view of the submissions made by the learned Advocate for the applicants and the statement made by the respondents in their affidavit in reply in paragraph no. 14, as well as, letter dated 06.05.2017, nothing survives in the O.As. Therefore, the O.A. Nos. 254, 279 & 861 all of 2016 stand disposed of with no order as to costs.

MEMBER (J)

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

ORIGINAL APPLICATION NO. 372 OF 2018

[Shri Shankar J. Khedkar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

1. Heard Shri Sandeep D. Munde, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 25th July, 2018 for filing affidavit in reply and also to comply with the earlier order passed by this Tribunal dated 8.6.2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 26.06.2018-HDD

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

ORIGINAL APPLICATION NO. 241 OF 2018

[Shri Sarfaraj Khan Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply. At her request, S.O. to 7th August, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 26.06.2018-HDD

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

ORIGINAL APPLICATION NO. 227 OF 2018

[Smt. Charushila T. Chaudhari Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

1. Heard Shri Sandeep D. Munde, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed a copy of communication received to her along with cut off marks meant for Open Female Category. The copy of the said communication is taken on record and marked as document 'X' for the purpose of identification. She submits that cut off marks were 123. The present applicant could secure only 122 marks and, therefore, she could not have been selected for the post.

3. Learned Advocate for the applicant seeks time to take instructions in this regard.

4. S.O. to 25th July, 2018 for making submissions on the above line.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 02 OF 2018

[Shri Anil H. Sarode Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

1. Heard Shri Sandeep D. Munde, learned Advocate holding for Shri A.S. Khedkar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 6 and Shri S.D. Joshi, learned Advocate for respondent No. 7.

2. At the request of learned Advocate for the applicant S.O. to 25th July, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 26.06.2018-HDD

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

ORIGINAL APPLICATION NO. 854 OF 2017

[Shri Uday S. Gavhane Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

1. Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Upon hearing both the sides, it appears that while the respondents are taking support of the Government Resolution dated 2.6.2003, Annexure 'R-I', page- 46, which shows that there is a delegation of powers for granting sanction to initiate departmental enquiry against a superannuated employee, the issue is whether any rule is inexistence, which provides for such delegation by a Government Resolution.
3. Learned Chief Presenting Officer for the respondents seeks time to have clarification on the above issue. At his request, S.O. to 24th July, 2018 for clarification.
4. It is to be noted that the above issue was formulated orally time and again during the course of earlier hearing. Now only this issue is formulated in writing and, therefore, no further opportunity would be granted for making submissions on the above line.

O.A. NO. 854 OF 2017

5. S.O. to 24th July, 2018 for making submissions on the above line.
6. Learned Chief Presenting Officer to act on steno copy.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 246 OF 2018

[Smt. Vaishali V. Sangle Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

1. Heard Shri Sandeep D. Munde, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 25th July, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 26.06.2018-HDD

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

ORIGINAL APPLICATION NO. 537 OF 2017

[Smt. Parimala C. Ubale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

1. Heard Shri S.D. Joshi, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.
2. Upon hearing both the sides, it appears that none of the learned Advocates are aware regarding the recruitment rules, if any determining the seniority. In paragraph No. 3 of the affidavit in reply filed on behalf of respondent Nos. 1 to 3, it is stated that a special seniority list is being maintained in the cadre than a general seniority list.
3. In the circumstances, learned Presenting Officer is directed to take instructions about the recruitment rules from the respondents, if any.
4. S.O. to 6th August, 2018. The learned Presenting Officer to act on steno copy.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 251 OF 2017

[Dr. Sham P. Toshniwal Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

1. Heard Shri J.G. Toshniwal, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.
2. Upon hearing both the sides, it appears that arguable case is made out. Hence, **admit**.
3. The present case be placed for final hearing in due course of time.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 26.06.2018-HDD

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

ORIGINAL APPLICATION NO. 702 OF 2017

[Shri Sachin A. Bachkar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

1. Heard Shri L.H. Kawale, learned Advocate holding for Shri D.A. Bide, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks time for satisfying the query raised by this Tribunal vide order dated 7.6.2018. Time granted.
3. S.O. to 17th July, 2018 for satisfying the said query.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 26.06.2018-HDD

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

ORIGINAL APPLICATION NO. 12 OF 2017

[Shri Babu Gopal Kapale Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks time. It is to be noted that the query raised by this Tribunal by earlier order dated 19.4.2018 is still remained to be answered.

3. In the circumstances, as a last chance, S.O. to 9th July, 2018 for satisfying the query raised by the earlier order dated 19.4.2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 26.06.2018-HDD

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

C.P.NO. 54/2018 IN O.A.NO. 719/2016

[Shri Pandurang M. Chandanshiv Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

1. Heard Shri L.H. Kawale, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. Issue notices to the respondents in C.P. No. 54/2018, returnable on 20th August, 2018.
3. Without filing any detailed affidavit in reply, the concerned respondents are directed to fix the liability of payment of interest and shall file report on the returnable date.
4. Learned Presenting Officer to act on steno copy.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 26.06.2018-HDD

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

ORIGINAL APPLICATION NO. 415 OF 2018

[Shri Rameshwar B. Shinde Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

1. Heard Shri Prashant Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 13th 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

O.A. NO. 415 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. S.O. to 13th August, 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.NO. 12/2017 IN O.A.NO. 46/2015

[Shri Nikhil D. Chavan Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

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

2. It is an admitted fact that the order passed in O.A. No. 46/2015 is complied with. In view thereof, it is not necessary to continue with the present Contempt Petition. Therefore, the same is disposed of without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 26.06.2018-HDD

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

C.P.NO. 24/2018 IN O.A.NO. 494/2016

[Shri Laxmikant G. Ratnaparkhi Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

1. Heard Shri Laxmikant Govindrao Ratnaparkhi, Party in person and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer has filed separate affidavit in reply on behalf of respondents, respondent Nos. 4, 6 & 7 and they are taken on record and copies thereof have been served on the applicant.

3. Applicant in person seeks adjournment due to the personal difficulty of learned Advocate Shri S.B. Deshmukh. At his request, S.O. to 17th July, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 26.06.2018-HDD

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

C.P.NO. 53/2018 IN O.A.NO. 598/2013

[Smt. Yogita S. Markad Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

1. Shri Vijay B. Patil, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed copy of communication dated 25.06.2018 and the same is taken on record and marked as document 'X' for the purpose of identification.

3. At the request of learned Presenting Officer, S.O. to 24th July, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 26.06.2018-HDD

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

M.A.ST.932/2018 IN O.A.ST.933/2018

[Shri Balasaheb R. Mendhekar & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

1. Heard Shri R.N. Bharaswadkar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief 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.NO. 933 of 2018

[Shri Balasaheb R. Mendhekar & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

1. Heard Shri R.N. Bharaswadkar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Upon registration of the present Original Application, issue notices to the respondents, returnable on 27th 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

O.A.ST. NO. 933 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. S.O. to 27th August, 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**

M.A.ST.934/2018 IN O.A.ST.935/2018

[Shri Balaji B. Budhawant & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

1. Heard Shri R.N. Bharaswadkar, learned Advocate for the applicants and Shri M.P. Gude, 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

ORAL ORDERS 26.06.2018-HDD

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

ORIGINAL APPLICATION ST.NO. 935 of 2018

[Shri Balaji B. Budhawant & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 26.06.2018.

ORAL ORDER :

1. Heard Shri R.N. Bharaswadkar, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. Upon registration of the present Original Application, issue notices to the respondents, returnable on 27th 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

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 27th August, 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**

**M.A. 173/2018 IN O.A. 304/2014
(Popat K. Bachkar & Ors. 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 : 26.6.2018

ORAL ORDER :

Heard Shri B.R. Borkar, learned Advocate for the applicants and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. The present M.A. has been filed by the applicants for restoration of O.A. no. 304/2014, which has been dismissed in default by the Tribunal vide order dtd.11.4.2018, to its original file.

3. For the reasons stated in the M.A. it is allowed and disposed of without any order as to costs and O.A. no. 304/2014 is restored to its original file.

4. Office to place the O.A. on 14.8.2018 for further hearing on the line of earlier orders passed by the Tribunal therein.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 736/2012
(Devidas R. Jadhav 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 : 26.6.2018

ORAL ORDER :

Heard Dr. Kalpalata Patil Bharaswadkar, learned Advocate holding for Shri Sudhir Patil, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned P.O. seeks time for filing additional affidavit in reply of the concerned respondents to the amended O.A. It is to be noted that the present O.A. is very old. In the circumstances, as a last chance S.O. to 23.7.2018 for filing additional affidavit in reply of the concerned respondents to the amended O.A., failing which the matter shall be proceeded further without additional affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 330/2018
(Pawangir L. Giri 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 : 26.6.2018

ORAL ORDER :

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

2. It appears that applicant and his learned Advocate were absent on the last date also for first hearing. In the circumstances, as a last chance, S.O. to 21.8.2018, for preliminary hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 26-6-2018

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

**ORIGINAL APPLICATION NO. 619/2013
(Chandrashekar G. Walimbe 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 : 26.6.2018

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate holding for Shri L.M. Kulkarni, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Shri M.R. Kulkarni, learned Advocate submits that he himself is going to argue the matter, however, a short time for preparation may be granted to him. At his request, S.O. to 3.7.2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 26-6-2018

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

**ORIGINAL APPLICATION NO. 620/2013
(Sau. Chitra R. Sontakke 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 : 26.6.2018

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate holding for Shri L.M. Kulkarni, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Shri M.R. Kulkarni, learned Advocate submits that he himself is going to argue the matter, however, a short time for preparation may be granted to him. At his request, S.O. to 3.7.2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 26-6-2018

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

**ORIGINAL APPLICATION NO. 652/2013
(Ravindra N. Kshirsagar 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 : 26.6.2018

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate holding for Shri L.M. Kulkarni, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Shri M.R. Kulkarni, learned Advocate submits that he himself is going to argue the matter, however, a short time for preparation may be granted to him. At his request, S.O. to 3.7.2018 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 26-6-2018

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

**ORIGINAL APPLICATION NO. 680/2013
(Vilas R. Gandhane & Ors. 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 : 26.6.2018

ORAL ORDER :

Heard Smt. J.S. Aute, learned Advocate holding for Shri P.V. Suryawanshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned P.O. files on record a copy of order of Hon'ble High Court in writ petition no. 10547/2017 dtd. 23.8.2017. It is taken on record and marked as document 'X' for the purpose of identification. He submits that as regards similarly situated employees like the present applicant a interim protection is granted by the Hon'ble High Court on 23.8.2017 and the said writ petition is still pending. In the circumstances, S.O. to 8.8.2018 for reporting further progress in the said writ petition.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 696/2016
(Palinidas D. Ahirrao 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 : 26.6.2018

ORAL ORDER :

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

2. Learned P.O. files on record a communication dtd. 25.6.2018 received to her from Shri Y.R. Nagare, Regional Dairy Development Officer, Nashik. It is taken on record and marked as document 'X'. Arguments are concluded. Reserved for orders.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 26-6-2018

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

**ORIGINAL APPLICATION NO. 303/2014
(Prakash N. Shrivastav 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 : 26.6.2018

ORAL ORDER :

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

2. The case of the present applicant is that he was appointed as a Peon in Open category with res. no. 3 vide appointment order dtd. 3.10.1984 (Exh. A.1 page 9). Thereafter, eventually he was promoted to the post of Clerk in Class-III cadre vide order dtd. 5.2.2011 (Exh. A. 2 page 10). It was, therefore, submitted by the applicant that the basic assumption of the respondent that he was appointed in O.B.C. category is wrong.

3. It was averred by the respondents in the impugned order dtd. 2.4.2014 (Annex. A.5 page 22) that the applicant himself has made a statement vide letter dtd. 5.5.2011 that, his promotion was technically wrong and, therefore, he had given no objection for promotion of other candidate, awaiting the scrutiny of his caste. It is averred in the affidavit in reply that in the roster the applicant is shown on the point for O.B.C. In the circumstances, it is necessary that

a copy of roster itself relevant to the present applicant be produced by the concerned respondents before this Tribunal. The copy of the letter from the applicant dtd. 5.5.2011 be also filed. Hence, S.O. to 25.7.2018 for above compliance.

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

MEMBER (A)

VICE CHAIRMAN

FARAD CONTINUATION SHEET

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

ORIGINAL APPLICATION NO. 308/2014

(Ambadas N. Paikrao & Ors. 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 : 26.6.2018

ORAL ORDER :

Heard Shri Kiran Nagarkar, learned Advocate holding for Shri R.S. Shejule, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned P.O. submits that instructions on the line of order of the Tribunal dtd. 19.1.2017 remained to be received from the concerned respondents. In the circumstances, at the request of learned P.O., S.O. to 7.8.2018 for taking instructions from the concerned respondents on the line of order dtd. 19.1.2017.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 26-6-2018

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

**ORIGINAL APPLICATION NO. 430/2018
(Jyoti Ashokrao Gutte 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 : 26.6.2018

ORAL ORDER :

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

2. Issue notice before admission to the respondents, returnable on 30.7.2018.

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. Considering the fact that the present applicant, who is a female N.T.D. category has secured higher marks than the Female candidates in Open category, who have secured lesser marks than the present applicant and are selected on the post from Open horizontal reservation category, without making any comment on merit presently by way of interim relief it is hereby directed that appointment order shall not be issued in favour of res. nos. 3, 4 & 5.

9. S.O. to 30.7.2018.

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

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

**M.A. NO. 200/2018 IN O.A. ST. 778/2018
(Pradeep Kishanrao Wagh 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 : 26.6.2018

ORAL ORDER :

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

2. Issue notice before admission to the respondents in the present M.A., returnable on 13.8.2018.

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 M.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the

questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. 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 13.8.2018. **The issue of grant of interim relief in the O.A. is kept open.**

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

MEMBER (A)

ARJ ORAL ORDERS 26-6-2018

VICE CHAIRMAN