ORIGINAL APPLICATION ST. NO. 627 OF 2018 (Shri Yogesh D. 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)

DATE : 03.05.2018.

ORAL ORDER:

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. At the request and by consent of both the sides, S.O. to 08.05.2018.

MEMBER (A)

VICE CHAIRMAN

KPB ORAL ORDER 03-05-2018

M.A. No. 162/2018 in O.A. St. No. 564/2018 (Shri Suraj S. Patil & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

 $\frac{\textbf{CORAM}}{\textbf{AND}}: \textbf{JUSTICE M.T. JOSHI, V.C.}$

ATUL RAJ CHADHA, MEMBER (A)

DATE : 03.05.2018.

ORAL ORDER:

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

- 2. The present M.A. has been filed by the applicants for permission to sue jointly the O.A.
- 3. Perused the misc. application. Considered the contentions.
- 4. For the reasons stated in the M.A. it is allowed and disposed of and the applicants are permitted to sue jointly the O.A. subject to payment of requisite court fees by each of the applicant.
- 5. The Office to register the O.A. on due scrutiny.

MEMBER (A)

VICE CHAIRMAN

KPB ORAL ORDER 03-05-2018

O.A. St. No. 564/2018 (Shri Suraj S. Patil & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 03.05.2018.

ORAL ORDER:

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

- 2. Learned Advocate for the applicant seeks liberty to add 7 respondents against whom allegations are made in the present Original Application that they have obtained selection illegally as mentioned in the O.A. The concerned respondents are selected candidate at Sr. Nos. 322, 3773, 4194, 4649, 5025, 6324 & 6346.
- 3. Liberty to add party respondents to the O.A. is hereby granted. The addition be carried out by tomorrow i.e. on 04.05.2018.
- 4. Learned Advocate for the applicant submits that the applicant does not have address of the added respondents as those are not available in the selection list. However, the respondent M.P.S.C. has the Email ID of those added respondents.
- 5. In the circumstances, the respondent M.P.S.C. is directed to communicate the fact of filing of the present O.A. to the respondent

Nos. 3 to 9 by email. The respondent M.P.S.C. is also directed to communicate the fact that those candidates are joined as party respondents in the present O.A. and the next date for appearance is 18.06.2018 and report the compliance thereof on the next date.

- 6. Liberty to mention the present Original Application for interim relief as and when exigency arises is hereby granted.
- 7. Upon joining party respondents to the O.A., issue notices to the respondents, returnable on 18.06.2018.
- 8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 9. 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.
- 10. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

- 11. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 12. 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.
- 13. Reply be filed on or before 18-06-2018.
- 14. S.O. 18-06-2018.
- 15. Steno copy and hamdust is allowed to both the sides.

MEMBER (A) VICE CHAIRMAN KPB ORAL ORDER 03-05-2018

ORIGINAL APPLICATION NO. 194 OF 2018 (Shri S.V. Ambhore & Ors. 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: 03.05.2018.

ORAL ORDER:

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

- 2. On written instruction, the learned Advocate for the applicants submits that the applicants do not wish to proceed with the present O.A. and want to withdraw the same. Copy of the withdrawal pursis is taken on record and marked as document 'X' for the purpose of identification.
- 3. In view thereof, the O.A. is disposed of as withdrawn without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

KPB ORAL ORDER 03-05-2018

ORIGINAL APPLICATION NO. 157 OF 2018 (Shri Ankush G. Nandurkar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T. JOSHI, V.C.

DATE : 03.05.2018.

ORAL ORDER:

Heard Shri P.P. Shahane, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

- 2. Learned Advocate on instructions from the applicant, who is present in the Court hall, submits that the applicant does not wish to proceed with the present O.A. and wants to withdraw the same.
- 3. In view thereof, the O.A. is disposed of as withdrawn without any order as to costs.

VICE CHAIRMAN

KPB ORAL ORDER 03-05-2018

M.A. No. 21/2018 in O.A. No. 400/2017 (Smt. Vrushali S. Doifode V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T. JOSHI, V.C.

DATE : 03.05.2018.

ORAL ORDER:

Heard Shri Ajay Deshpande, learned Advocate for the applicant and Smt. Deepali S. Deshapnde, learned Presenting Officer for respondents.

- 2. Learned Advocate for the applicant on instructions submits that the applicant does not wish to proceed with the present application, however as the earlier representation filed by the present applicant was rejected by the concerned respondent on 06.11.2017, as there were no vacancy. Now however, the post is vacant due to retirement of Smt. Kalpana Vidyadhar Gawali, the request of the applicant can be considered by the concerned respondent.
- 3. In the circumstances, permission to withdraw the present O.A. is hereby granted with liberty to make fresh representation to the

//2// M.A. No. 21/2018 in O.A. No. 400/2017

concerned respondent on the above line within a week and the concerned respondents are directed to consider the said representation during the ensuing general transfer as per the rules applicable.

4. In view thereof the M.A. as well as O.A. stand disposed of as withdrawn with no order as to costs.

VICE CHAIRMAN

KPB ORAL ORDER 03-05-2018

ORIGINAL APPLICATION NO. 631 OF 2016 (Vaidya Ujwala A. Jadhao V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T. JOSHI, V.C.

DATE: 03.05.2018.

ORAL ORDER:

Heard Shri T.M. Venjane, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

- 2. Learned Presenting Officer submits that some instructions are awaited from the concerned respondents.
- 3. In the circumstances, S.O. to 20.06.2018. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

KPB ORAL ORDER 03-05-2018

ORIGINAL APPLICATION NO. 229 OF 2018 (Shri Arun W. Thakur V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T. JOSHI, V.C.

DATE : 03.05.2018.

ORAL ORDER:

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

- 2. Learned Chief Presenting Officer for the respondents seeks time to file affidavit in reply on behalf of respondents.
- 3. Learned Advocate for the applicant however points out that only issue is of grant of issuing no dues certificate by respondent No. 1 and the same issue is pending before the respondent No. 1 as can be seen from the paper book page no. 19 (Annexure A-3).
- 4. Without filing any detailed affidavit in reply, the respondent No. 1 is directed to go through the fact and to take action according to law and report about the same be filed on or before next date.
- 5. S.O. to 14.06.2018 for compliance.
- 6. Steno copy and hamdust allowed.

M.A. No. 110/2018 in O.A. St. No. 410/2018 And

M.A. No. 111/2018 in O.A. St. No. 412/2018 (Shri Digambar L. Chavan & ors. V/s. State of Maharashtra & Ors.)

-----**OFFICE ORDER**

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T. JOSHI, V.C.

DATE : 03.05.2018.

ORAL ORDER:

Shri Ajay Deshpande, Heard learned Advocate for the applicants in both the matters and S/shri V.R. Bhumkar and M.P. Gude, learned Presenting Officers for respondents in respective matters.

- 2. Learned Advocate for the applicant requested to extend the returnable date for service of notice on the respondents, as he could not serve the notices within stipulated time.
- 3. In the circumstances, time is extended till 18.06.2018 for service of notice.

VICE CHAIRMAN

KPB ORAL ORDER 03-05-2018

M.A. No. 67/2018 in O.A. No. 964/2017 with

M.A. St. No. 93/2018 in O.A. No. 1116/2017 With

M.A. No. 66/2018 in O.A. No. 945/2017

(Dr. Manojkumar B. Daigavane & 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 : 03.05.2018.

ORAL ORDER:

Heard Smt. Poonam Mahajam, Advocate for the applicants in all these O.As., Shri M.S. Mahajan, Chief Presenting Officer for the Respondent Nos. 1 to 3 in all these O.As. and Shri Ajay Deshpande, Advocate for the respondent Nos. 5 to 21 in all these O.As.. Shri S.V. Advant, Advocate for respondent No. 4 in all these O.As (**Absent**).

- 2. M.A. No. 67/2018 in O.A. No. 964/2017 and M.A. St. No. 93/2018 in O.A. No. 1116/2017 were heard finally on 27.04.2018 and were reserved for orders. However, upon going through the record, in the meantime, Tribunal found that the following points are necessary to be clarified by both the sides. In the circumstances, affidavits, specified documents, if any, may be filed by the parties in clarification of following points:-
 - (i) What are the recruitment rules of H.O.D. In case, the case of H.O.D. is

by nomination, whether the applicants or any of them offered for the post and result thereof?

- (ii) Duties and responsibilities of H.O.D.
- (iii) Mechanism for writing confidential report, appraisal report for Lecturers /Senior Lecturers / Selection Grade Lecturers, H.O.D. and Principal of Government of Polytechnic.
- (iv) Benefits available to the selection
 Grade Lecturer if not appointed to the
 post of Principal under the Career
 Assured Progression Scheme or
 otherwise.
- (v) Duties of teaching staff viz. Assistant Professor, Associate Professor etc. in degree colleges, provisions of ACP along with mechanism of writing annual confidential report.
- 3. S.O. to 05.06.2018 for above clarification. Thereafter, proceedings be kept for final hearing on 11.06.2018.
- 4. Steno copy and hamdust allowed.

ORIGINAL APPLICATION NO. 493 OF 2017

[Dr. Sanjay K. Khachane Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T. JOSHI, V.C.

AND ATUL RAJ CHADHA, MEMBER (A)

DATE : 03.05.2018.

ORAL ORDER:

- 1. Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for respondent Nos. 1 & 2 and Shri H.A. Joshi, learned Advocate for respondent Nos. 3 to 6.
- 2. Learned Advocate for respondent Nos. 3 to 6 has filed affidavit in reply on their behalf and the same is taken on record and the copy thereof has been served on the other side.
- 3. Learned Advocate for respondent Nos. 3 to 6 submits that arising out of the same selection process from the same issue what has arisen in the present O.A., the Hon'ble Bombay High Court Bench at Nagpur is seized of the subject and even interim relief is granted. The said Writ Petition is now posted on 11th June, 2018.
- 4. In the circumstances, S.O. to 20th June, 2018.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 937 OF 2017

[Shri Santosh B. Jadhav Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T. JOSHI, V.C.

AND

ATUL RAJ CHADHA, MEMBER (A)

DATE : 03.05.2018.

ORAL ORDER:

- 1. Heard Shri S.P. Dhobale, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.
- 2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.
- 3. In the circumstances, the present case be placed for hearing on 20th June, 2018.

MEMBER (A)

VICE CHAIRMAN

C.P. NO. 20/2018 IN O.A.NO. 753/2016

[Dr. Mangesh M. Ghodke Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T. JOSHI, V.C.
AND

ATUL RAJ CHADHA, MEMBER (A)

DATE : 03.05.2018.

ORAL ORDER:

- 1. Heard Shri Shamsundar B. Patil, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
- 2. Learned Presenting Officer seeks time. It is to be noted that vide order dated 24.4.2018, it was already warned that in case simple steps of deciding the proposal is not taken the Tribunal would be constrained to impose heavy costs and also take a penal action against the concerned respondents, still no action is taken by the concerned respondents.
- 3. In the circumstances, S.O. to 20th June, 2018 for reporting the compliance subject to depositing of the costs of Rs. 10,000/- in the office of this Tribunal by the Government cheque.
- 4. Learned Presenting Officer to act upon steno copy.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 38 OF 2018

[Shri Suresh D. Shirsat Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T. JOSHI, V.C. AND

ATUL RAJ CHADHA, MEMBER (A)

DATE: 03.05.2018.

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 submits that no instructions are received from the concerned respondents in pursuance to the order dated 17th April, 2018. It appears that the Sub Divisional Officer is negligent in attending the matter.
- 3. In the circumstances, it is hereby directed that the copy of the present order be placed before the respondent No. 1 Sub Divisional Officer, Karjat. On the next date, Sub Divisional Officer, Karjat himself shall file an affidavit that he has seen the present order, as well as, the order dated 17th April, 2018 and report as to what action he has taken on the line of the order dated 17th April, 2018. In case, no compliance of the present order is made by the next date, without any further reference, respondent No. 1, Sub Divisional Officer, shall be liable to deposit the costs of Rs. 10,000/- by the Government cheque in the office of this Tribunal.
- 4. S.O. to 19th June, 2018.
- 5. Learned Presenting Officer to act upon steno copy.

ORIGINAL APPLICATION NO. 620 OF 2017

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

OFFICE ORDER TRIBUNAL'S ORDERS

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

DATE : 03.05.2018.

ORAL ORDER:

- 1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for 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.
- 2. Learned Advocate for the applicant submits that service affidavit of respondent Nos. 5 & 6 is being filed in the office of this Tribunal, which would show that the notices are served. He submits that the address of the respondent No. 7 however, is found to be incorrect. At his request, issue fresh notice to respondent No. 7 through respondent No. 1, returnable on 26th June, 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.

:: - 2 - :: O.A. NO. 620 OF 2017

- 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 26th June, 2018.
- 9. Steno copy and hamdust is allowed to both the sides.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 124/2018 IN O.A.NO. 170/2018

[State of Maharashtra & Ors Vs. Shri Manojkumar B. Dhokchaule & Ors.]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T. JOSHI, V.C. AND

ATUL RAJ CHADHA, MEMBER (A)

DATE: 03.05.2018.

ORAL ORDER:

- 1. Heard Shri Ajay Deshpande, learned advocate for the present applicants/ respondents in O.A. and Smt. Suchita Dhongde, learned Advocate for the present respondents/applicants in O.A.
- 2. Learned Advocate Smt. Suchita Dhongde for the applicant in O.A., on instructions, submits that applicant Nos. 2 & 3 want to withdraw from the present O.A.
- 3. Allowed to withdraw the applicant Nos. 2 & 3 from the O.A. Consequently, their names shall be struck down from the M.A. No. 124/2018. The applicant shall delete their names during the course of the day.
- 4. S.O. to 04.05.2018.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 220 OF 2017

[Archana N. Shendge Vs. State of Maharashtra & Ors.]

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OFFICE ORDER

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

TRIBUNAL'S ORDERS

DATE : 03.05.2018.

ORAL ORDER:

- 1. Heard Shri A.S. Deshmukh, learned advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
- 2. In view of the queries, it appears that the O.A. requires rehearing. In the circumstances, S.O. to 13th June, 2018 for rehearing. Interim relief to continue till then.

MEMBER (A) VICE CHAIRMAN

M.A.NO. 119/2018 IN O.A.NO. 312/2015

[Pallavi A. Meshram Vs. State of Maharashtra & Ors.]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T. JOSHI, V.C.

AND
ATUL RAJ CHADHA, MEMBER (A)

DATE : 03.05.2018.

ORAL ORDER:

- 1. Heard Shri V.B. Wagh, learned advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 3, Shri A.S. Deshmkh, learned Advocate for respondent No. 4 and Smt. Juee Palekar-Parlikar, learned Advocate holding for Shri S.B. Talekar, learned Advocate for respondent No. 6. None present for respondent No. 5.
- 2. Learned Advocate for the applicant submits that respondent No. 5 remained to be served unfortunately though it was directed vide order dated 3.4.2018.
- 3. Learned Advocate Shri A.S. Deshmukh points out that in view of the status quo granted by the Hon'ble High Court on the count that the order passed in O.A. ex parte, the respondent No. 4 is suffering.
- 4. In that view of the matter, it is hereby directed that respondent No. 5 shall be positively serve by notice, returnable on 11th June, 2018, failing which necessary order would be passed.

ORIGINAL APPLICATION NO. 72 OF 2018

[Shri Anant J. Hange Vs. State of Maharashtra & Ors.]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T. JOSHI, V.C.

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

DATE : 03.05.2018.

ORAL ORDER:

- 1. Heard Shri Avinash D. Aghav, learned advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.
- 2. At the request of learned Presenting Officer for the respondents, S.O. to 13th June, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 457/2017 IN O.A.NO. 497/2015

[Smt. Aisha Begum Vs. State of Maharashtra & Ors.]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T. JOSHI, V.C.

AND ATUL RAJ CHADHA, MEMBER (A)

DATE : 03.05.2018.

ORAL ORDER:

- Smt. Aisha Begum Wd/o. Mohd. Bin Gulam 1. Husain Alkaseri, party in person (absent). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, present.
- 2. Learned Chief Presenting Officer for the respondents submits that the compliance of the order is already done.
- 3. In view of the absence of the applicant in person, S.O. to 21st June, 2018 for making submissions on the above line.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 252/2018 (Sunil V. Surse 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 : 3.5.2018

ORAL ORDER:

Heard Shri Sandip R. Andhale, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

- 2. The learned Advocate for the applicant seeks liberty to file additional documents on record. Liberty as prayed for is granted.
- 3. From the submissions of learned Advocate for the applicant, it appears that, no mark list was published by the concerned respondents and it is causing confusion in the mind of the candidates.
- 4. Learned C.P.O. submits that he would take instructions to find out as to whether the res. nos. 2 & 3 had put the mark lists of all the candidates on the website regarding all the examinations. At his request, S.O. to 8.5.2018, for taking instructions on the above line.
- 4. Steno copy allowed for the use of learned C.P.O.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 261/2018 (Dr. Ajit M. Metkar 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 : 3.5.2018

ORAL ORDER:

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

- 2. Learned Advocate, on instructions from the applicant, submits that the applicant wishes to withdraw the present O.A. However, liberty to file fresh O.A. as and when exigency may arise would be granted.
- 3. In the circumstances, the present O.A. is disposed of as withdrawn without any order as to costs. The applicant is at liberty to file fresh O.A. as and when exigency may arise.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 270/2018

(Ravindra B. Takale V/s. State of Maharashtra & Ors.)
WITH

ORIGINAL APPLICATION NO. 274/2018

(Sameer Mahamood Sayyad V/s. State of Maharashtra & Ors.) WITH

ORIGINAL APPLICATION NO. 275/2018

(Avinash A. Barade V/s. State of Maharashtra & Ors.) WITH

ORIGINAL APPLICATION NO. 276/2018

(Sumit S. Gawali V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T. JOSHI, V.C.

AND

ATUL RAJ CHADHA, MEMBER (A)

<u>DATE</u> : 3.5.2018 ORAL ORDER :

Heard S/shri N.B. Narwade & D.A. Bide, learned Advocates for the applicants in respective matters and S/shri M.S. Mahajan, S.K. Shirse, V.R. Bhumkar & M.P. Gude, learned Chief Presenting Officer & Presenting Officers for the respondents in respective matters.

- 2. Issue notice before admission to the respondents, returnable on 12.6.2018.
- 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 cases would be taken

::-2-:: O.A. NOS. 270, 274, 275 & 276/2018

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 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. 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 affidavit personal mentioning therein that, after going through the relevant guidelines or having consultation

::-3-:: O.A. NOS. 270, 274, 275 & 276/2018

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.
- 10. S.O. to 12.06.2018.
- 11. Steno copy / humdast allowed for both the sides.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 272/2018 (Laxmi S. Gadage 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 : 3.5.2018

ORAL ORDER:

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

- 2. Learned Advocate, on instructions from the applicant, submits that the applicant wishes to withdraw the present O.A. He, however, submits liberty be granted to the applicant to file fresh O.A. upon receiving instructions regarding caste reservation etc. in the promotional post.
- In the circumstances, the present O.A. is 3. disposed of as withdrawn, with liberty as prayed for. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 273/2018

(Ganesh D. Chavhan 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 : 3.5.2018

ORAL ORDER:

Heard Shri S.B. Sontakke, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

- 2. Issue notice before admission to the respondents, returnable on 12.6.2018.
- 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 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

<u>::-2-::</u> O.A. NO. 277/2018

shall stand dismissed without reference to Tribunal and papers be consigned to record.

- 8. S.O. to 12.06.2018.
- 9. Steno copy / humdast allowed for both the sides.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NOs. 277, 278 & 279/2018 (Ramesh B. Walekar & 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 : 3.5.2018

ORAL ORDER:

Heard Shri S.A. Deshmukh, learned Advocate for the applicants in all these matters and Shri M.S. Mahajan, M.P. Gude & Smt. Resha S. Deshmukh, learned Chief Presenting Officer & Presenting Officers for the respondents in respective matters.

S.O. to 4.5.2018. 2.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 284/2018 (Dr. Surekha A. Borde 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 : 3.5.2018

ORAL ORDER:

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

2. At the request of learned Advocate for the applicant, S.O. to 6.6.2018.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NOS. 280/2018

(Dr. Urvashi G. Valvi V/s. State of Maharashtra & Ors.)
WITH

ORIGINAL APPLICATION NOS. 281/2018

(Dr. Ashutosh S. Salunke V/s. State of Maharashtra & Ors.)
WITH

ORIGINAL APPLICATION NOS. 282/2018

(Dr. Sunil N. Bodamwad V/s. State of Maharashtra & Ors.)
WITH

ORIGINAL APPLICATION NOS. 283/2018

(Dr. Bharat P. Gohil 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 : 3.5.2018

ORAL ORDER:

Heard S/shri Shamsunder B. Patil & S.B. Pawar, learned Advocates for the applicants in respective matters and S/shri V.R. Bhumkar, N.U. Yadav, M.P. Gude & Smt. Resha S. Deshmukh, learned Presenting Officers for the respondents in respective matters.

- 2. Issue notice before admission to the respondents, returnable on 6.6.2018.
- 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

O.A. NOS. 280, 281, 282 & 283/2018

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 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. Learned P.Os. submit that, they would take instructions from the concerned respondents regarding legality of the formation of the Committee and, therefore, presently interim relief may not be granted in favour of the present applicants.
- 9. In the circumstances, instead of filing detailed affidavit in reply the learned P.Os. are

O.A. NOS. 280, 281, 282 & 283/2018

directed to take instructions from the concerned respondent regarding legality of the formation of the Committee on the next date. It is also hereby made clear that, in case no instructions are received by the learned P.Os. on the above line, issue of grant of interim relief in favour of the applicants is kept open.

- 10. S.O. to 6.6.2018 along with O.A. 234/2018.
- 11. Steno copy / humdast allowed for both the sides.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 234/2018 (Dr. Charulata C. Pawar 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 : 3.5.2018

ORAL ORDER:

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

2. Learned Advocate seeks liberty to delete the res. no. 4. He is permitted to do so forthwith. At the request of learned P.O. S.O. to 6.6.2018 for taking instructions on the line of order passed by the Tribunal on 20.4.2018. This matter be placed along with O.A. Nos. 280, 281, 282 & 283/2018

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 267/2018 (Dr. Shrikant C. Pathak 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 : 3.5.2018

ORAL ORDER:

Heard Shri V.B. Wagh, 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 issue fresh notices to the respondents, returnable on 6.6.2018.
- 3. Issue fresh notice to the respondents, returnable on 29.6.2018.
- 4. 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 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.

<u>::-2-::</u> O.A. NO. 267/2018

- 8. S.O. to 29.06.2018.
- 9. Steno copy / humdast allowed for both the sides.

MEMBER (A)

VICE CHAIRMAN

C.P. ST. 543/2018 IN O.A. 598/2013 (Yogita S. Markad V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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CORAM: JUSTICE M.T. JOSHI, V.C.

AND

ATUL RAJ CHADHA, MEMBER (A)

DATE : 3.5.2018

ORAL ORDER:

Heard Shri A.D. Sonar, learned Advocate holding for Shri Vijay B. Patil, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Advocate submits that the applicant is at sr. no. 12 in the seniority list and the candidates places earlier to him are yet to be appointed on compassionate appointment. It therefore appears that prima-facie there is no contempt. However, at the request of learned Advocate for the applicant S.O. to 4.5.2018 for taking instructions.

MEMBER (A)

VICE CHAIRMAN

M.A. 160/2018 IN O.A. ST. 653/2018 (Sahebrao G. Tawade & 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 : 3.5.2018

ORAL ORDER:

Heard Shri Y.P. Deshmukh, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

- 2. The present M.A. has been filed by the applicants for permission to sue jointly the O.A.
- 3. For the reasons stated in the M.A. it is allowed and disposed of without any order as to costs and the applicants are permitted to sue jointly the O.A.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 653/2018 (Sahebrao G. Tawade & 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 : 3.5.2018

ORAL ORDER:

Heard Shri Y.P. Deshmukh, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

- 2. Issue notice before admission to the respondents, returnable on 29.6.2018.
- 3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 4. Applicants are 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 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 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 29.06.2018.

::-2-:: O.A. st. NO. 653/2018

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 760/2017 (Jeetesh A. Jangale 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 : 3.5.2018

ORAL ORDER:

Heard Shri H.P. Randhir, learned Advocate holding for Shri Vinod P. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

- 2. Learned Advocate for the applicant files on record the printed copy of list of eligible candidates for recommendation. He submits that as the said list is of more than 700 pages, he is filing only one copy. It is taken on record.
- 3. Learned P.O. seeks time to comply with the order dtd. 19.4.2018. At his request, S.O. to 7.6.2018 for compliance of order dtd. 19.4.2018. The matter be placed high on board on the next date.
- 4. Steno copy allowed for the use of learned P.O.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 843/2016 (Shamrao G. Wagatkar V/s. State of Maharashtra & Ors.)

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OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T. JOSHI, V.C.

AND

ATUL RAJ CHADHA, MEMBER (A)

DATE : 3.5.2018

ORAL ORDER:

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

2. Learned P.O. files on record additional affidavit in reply of res. no. 1. 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 20.6.2018 for producing copy of the concerned rules.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 383/2017 (Uttam S. Mundhe V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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CORAM: JUSTICE M.T. JOSHI, V.C.

AND

ATUL RAJ CHADHA, MEMBER (A)

DATE : 3.5.2018

ORAL ORDER:

None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

2. S.O. to 19.6.2018 for hearing on admission. Rejoinder, if any, be filed by the applicant by that time.

MEMBER (A)

VICE CHAIRMAN