

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

**ORIGINAL APPLICATION NO. 429 OF 2018
(Shri Rahul A. Vhatkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 06.07.2018.

ORAL ORDER :

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

2. The applicant's claim is based on a wish than a legal right.

3. Hence, no interference is necessary. O.A. is dismissed without any order as to costs.

CHAIRMAN

KPB ORAL ORDER 06-07-2018

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 06.07.2018.

ORAL ORDER :

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

2. The applicant's claim is based on a wish than a legal right.

3. Hence, no interference is necessary. O.A. is dismissed without any order as to costs.

CHAIRMAN

KPB ORAL ORDER 06-07-2018

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

**ORIGINAL APPLICATION NO. 424 OF 2017
(Shri Sheshrao R. Kharate V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 06.07.2018.

ORAL ORDER :

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

2. Learned Presenting Officer prays for time for filing affidavit in reply on behalf of the respondents on the ground that para-wise reply are pending for approval before the Government.

3. Learned Presenting Officer was called to state the date of dispatch of para-wise remarks. Learned Presenting Officer states that Chief Conservator of Forest, Aurangabad had dispatched the para-wise reply for approval in the month of June 2018.

4. The Chief Conservator of Forest, Aurangabad is called to show cause as to why he should not be personal saddled with the Costs of Rs. 10,000/- for causing delay in filing affidavit in reply.

5. Affidavit in reply be filed on or before 06.08.2018.

6. Learned Presenting Officer is directed to communicate this order to the concerned respondents.

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

CHAIRMAN

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

**ORIGINAL APPLICATION NO. 475 OF 2018
(Smt. Shivkanya S. Bharti V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 06.07.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant prays for leave of this Tribunal to substitute index.

3. Leave as prayed for by the applicant is granted.

4. Issue notices to the respondents, returnable on 23.08.2018.

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

6. 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.

7. 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.

8. 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.
9. 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.
10. Reply be filed on or before 23-08-2018.
11. S.O. 23-08-2018.
12. Steno copy and hamdust is allowed to both the sides.

CHAIRMAN

KPB ORAL ORDER 06-07-2018

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 06.07.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant prays for time to examine as to whether an amendment would be necessary. Time granted.

3. S.O. to 07.08.2018.

CHAIRMAN

KPB ORAL ORDER 06-07-2018

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

**ORIGINAL APPLICATION NO. 51 OF 2018
(Shri Devid S. Ganthur & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 06.07.2018.

ORAL ORDER :

Heard Shri K.M. Nagarkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. This case was on yesterday's board. At the time of hearing, learned Presenting Officer had tendered file showing that the draft affidavit in reply has been approved by the Superintendent of Police, Jalna.

3. Learned Chief Presenting Officer had appeared along with Law Officer. Law Officer had orally tendered apology and undertook to file application for withdrawing the affidavit in reply affirmed by Dy. Superintendent of Police, Jalna Shri Abhay Bhaskar Desphande filed on 04.04.2018. Learned Chief Presenting Officer also stated and he too undertook to make an application for withdrawing the affidavit in reply of Shri Abhay Bhaskar Deshpande, Dy. Superintendent of Police.

4. Today when case is called out, learned Chief Presenting Officer has tendered pursis signed by the Superintendent of Police, Jalna seeking leave for withdrawing the affidavit in reply. Similarly learned Chief Presenting Officer too has filed a pursis for same purpose. The request signed by Superintendent of Police, Jalna is not accompanied by affidavit of Law Officer and of S.P. Jalna.

5. Therefore, Superintendent of Police, Jalna is called to show cause as to why he should not be personally saddled with the Costs of Rs. 25,000/- for approving the affidavit in reply without studying and without understanding the case and even without understanding the text of affidavit in reply.
6. Reply to show cause notice be filed on or before 07.08.2018.
7. Learned Chief Presenting Officer is directed to communicate this order to the concerned respondents.
8. Steno copy and hamdust is allowed to both the sides.
9. S.O. to 07.08.2018.

CHAIRMAN

KPB ORAL ORDER 06-07-2018

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

**ORIGINAL APPLICATION NO. 466 OF 2018
(Shri Suryakant P. Jaybhaye V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 06.07.2018.

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. At the instructions of the applicant, the learned Advocate for the applicant prays for leave to withdraw the present Original Application.

3. Leave as prayed for by the applicant is granted.

4. In view of this, O.A. No. 466/2018 is disposed of as withdrawn.

5. There shall be no order as to costs.

CHAIRMAN

KPB ORAL ORDER 06-07-2018

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

**M.A. No. 97/2017 in O.A. St. No. 162/2017
(Shri Bhaudas D. Vaishnav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 06.07.2018.

ORAL ORDER :

Heard Ms. Sangeeta Nenwani, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. Accepting the grounds and reasons offered by the applicant towards the delay caused in filing of accompanying O.A., the delay is condoned. M.A. No. 97/2017 is allowed.

4. Accordingly, M.A. No. 97/2017 is disposed of without any order as to costs.

CHAIRMAN

KPB ORAL ORDER 06-07-2018

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

**ORIGINAL APPLICATION ST. NO. 162 OF 2017
(Shri Bhaudas D. Vaishnav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 06.07.2018.

ORAL ORDER :

Heard Ms. Sangeeta Nenwani, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 28.08.2018.

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

4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

7. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, O.A. shall stand dismissed without reference to Tribunal and papers be consigned to record.
8. Reply be filed on or before 28-08-2018.
9. S.O. 28-08-2018.
10. Steno copy and hamdust is allowed to both the sides.

CHAIRMAN

KPB ORAL ORDER 06-07-2018

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

**M.A. No. 47/2018 in O.A. St. No. 182/2018
(Shri Sheshrao R. Kharat V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 06.07.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant prays for leave of this Tribunal to amend the M.A. for correcting the actual days of delay.

3. Leave as prayed for by the applicant is granted.

4. Learned Presenting Officer prays for time for filing affidavit in reply in M.A. Time granted.

5. S.O. to 07.08.2018.

CHAIRMAN

KPB ORAL ORDER 06-07-2018

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

**ORIGINAL APPLICATION ST. NO. 674 OF 2018
(Shri Pramit B. Kharshade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 06.07.2018.

ORAL ORDER :

1. Heard Shri K.S. Barandwal, learned Advocate holding for Shri C.R. Thorat, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.
2. Learned Advocate for the applicant, on instructions of the applicant seeks permission of this Tribunal to withdraw the present Original Application.
3. Permission to withdraw the present O.A. is hereby granted.
4. Accordingly, the present Original Application is disposed of as withdrawn without any order as to costs.

CHAIRMAN

KPB ORAL ORDER 06-07-2018

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

**O.A. No. 380/2017 with O.A. No. 792/2015 (S.B.) with C.P. St. No.
1066/2018 in O.A. No. 380/2017
(Dr. Prasad V. Kulkarni & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.
(D.B. Matters)**

DATE : 06.07.2018.

ORAL ORDER :

1. Heard Shri Vishnu Dhoble, learned Advocate for the applicant in all these matters, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents in all these matters and Shri A.S. Deshmukh, learned Advocate for respondent Nos. 3 to 5 in O.A. No. 792/2015.

2. These two O.As. were listed for orders and were kept on yesterday's board, were adjourned and listed on today's board.

3. Learned Advocate for the applicant states that in view of the order passed by this Tribunal in C.P. St. No. 1066/2018 on 03.07.2018, in order to meet the interest of justice the hearing of O.A. Nos. 380/2017 and 792/2015 deferred till filing of affidavit in reply in C.P. St. No. 1066/2018, and even these O.As. be tagged with C.P. St. No. 1066/2018.

4. Learned Advocate for intervener states that the O.As. are due for hearing on 16.07.2018 and the C.P. St. No. 1066/2018 can be heard along with O.As. on 16.07.2018.

5. Admittedly, in order to ascertain as to whether contempt has occurred this Tribunal desired to know

certain facts and hence has directed the Secretary of the Medical Education and Drugs Department, Mumbai to file his own affidavit on the point specified in order passed on 03.07.2018, and has listed the contempt case at the request of C.P.O. on 06.07.2018. Particularly in the background that truth or falsehood of statements contained in the affidavit in reply filed by the Secretary are going to be pivotal even for the decision of the O.As.

6. In the aforesaid background, it may be desirable to adjourn the hearing of O.As. which is scheduled on 16.07.2018 to a later date, awaiting the affidavit of Secretary of the Medical Education and Drugs Department, Mumbai to enable the Secretary of the Government to comply with the order passed in C.A. St. No.1066/2018, on 03.07.2018, however this would be considered by the Division Bench before which present O.As. shall appear on board on due date.

7. Learned Advocate for the applicant shall be free to request the Division Bench before which O.As. would come up on 16.07.2018 for postponement of hearing to a suitable date. Any such request if made may be considered by the Division Bench on its own merit.

8. Let the O.As. to come up for further orders /hearing on scheduled date i.e. on 16.07.2018.

9. S.O. to 16.07.2018.

CHAIRMAN

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

**ORIGINAL APPLICATION NO. 18/2018
(Dr. Baliram R. Pandve V/s. State of Maharashtra & Ors.)**

A N D

**ORIGINAL APPLICATION NO. 60 OF 2018
(Dr. Dilip C. Shejwal Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 6.7.2018

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicants in both the matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3 in both the matters. None appears for respondent no. 4 in both the matters.

2. Both the matters are taken on board in view of circulation note filed by the learned Advocate for the applicants for speaking to minutes. He submits that this Tribunal has disposed of both these O.As. by the order dtd. 3.7.2018. In the said order in para no. 3 at line no. 8 and in para no. 4 at line no. 10, writ petition no. '6257/2017' is inadvertently mentioned instead of writ petition no. '6757/2017'.

3. In the circumstances, the circulation of the learned Advocate for speaking to minutes is hereby allowed. Registrar of the Tribunal is

directed to make necessary correction in the said order and issue corrected copies to the parties.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION ST. NO. 1103/2018
(Sunil Dipsing Chouhan & 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 : 6.7.2018

ORAL ORDER :

Heard Shri Raghavendra N. Bharaswadkar, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Advocate, on instructions from the applicants, submits that the applicants do not want to proceed with the present O.A. and they intend to withdraw the same. He has also filed on record the withdrawal pursis of the applicants in that regard, which is taken on record and marked as document 'X' for the purpose of identification.

3. In the circumstances, the present O.A. is disposed of as withdrawn without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

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

**ORIGINAL APPLICATION 08/2015
(Shri Gokul s/o Babulal Bundele 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 : 6.7.2018

ORAL ORDER :

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

2. By the present Original Application the applicant is claiming following reliefs :-

“A) This Original Application may kindly be allowed thereby directing the Respondents in general and the Resps. No. 2 & 3 in particular to forthwith implement the order of promotion of applicant from the cadre of PSIs to the cadre of APIs issued by Resp. No. 2 on 29/05/2014 by forthwith relieving him from the post of PSI and further permitting him to join on the promotional post of API.

B) This Original Application may kindly be allowed thereby further directing the Respondents to extend to the applicant all the consequential benefits to which he would be entitled in view of grant of Prayer Clause ‘A’ in his favour.”

3. It is an admitted fact that, during the pendency of the present O.A., the applicant was relieved from his lower post and took the charge of the promotional post on 20.2.2015 and thus

the prayer clause (A) in this regard did not survive.

4. Shri Deshmukh, learned Advocate for the applicant submits that since the present applicant was illegally restrained from joining the promotional post, he would be entitled for all the consequential benefits to which he would be entitled had he been relieved from the lower post within the reasonable time. For this submission, he relies on the G.R. dtd. 22.4.1996 (Annex. A.5 page 37).

5. Learned P.O., however, submits that the said G.R. would be applicable when conscious decision of promotion is taken during the pendency of the D.E. However, in the present matter though the order of promotion was issued, since the applicant was under the effect of punishment, he was not relieved.

6. Taking into consideration the fact that the G.R. dtd. 22.4.1996, on which the learned Advocate for the applicant has placed reliance would not be applicable, the present applicant would not be entitled for the relief as claimed in the prayer clause (B). In the result, the present O.A. is dismissed without any order as to costs.

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

ORIGINAL APPLICATION NO. 483 OF 2018

[Dr. Balasaheb D. Deshmukh Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 06.07.2018.

ORAL ORDER :

1. Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Learned Advocate for the applicant has filed copy of decision rendered by the Nagpur Bench of this Tribunal in O.A. No. 798/2016 & Group on 5th May, 2018 and the same is taken on record and marked as document 'X' for the purpose of identification.
3. Issue notices to the respondents, returnable on 1st August, 2018.
4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
5. 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.
6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

O.A. NO. 483 OF 2018

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

7. 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.

8. 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.

9. Without filing any detailed affidavit in reply, the respondent Nos. 1 & 2 are directed to go through the earlier decision rendered by the Nagpur Bench of this Tribunal in O.A. Nos. 42/2016 dated 27th October, 2016 and decision rendered by the Hon'ble Bombay High Court Bench at Nagpur in W.P. No. 6757/2017 dated 5.3.2018 (page Nos. 99 to 114) and more particularly in view of paragraph No. 4 of the decision of the Nagpur Bench of this Tribunal in O.A. No. 798/2016 & Group. These Respondents are directed to take decision about present applicant and file compliance report in this regard on the next date, failing which the similar order may be passed.

10. S.O. to 1st August, 2018.

11. 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**

ORIGINAL APPLICATION NO. 688 OF 2014

[Shri Shrikant N. Mahajan Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 06.07.2018.

ORAL ORDER :

1. Heard Shri M.K. Deshpande, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 17th July, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 06.07.2018-HDD

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

ORIGINAL APPLICATION NO. 680 OF 2014

[Dr. Arun N. Saruk Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 06.07.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant, on instructions of the applicant, submits that the applicant is now regularly appointed. In the circumstances nothing survives in the present Original Application and the applicant may be allowed to withdraw the present Original Application.

3. Permission granted. Withdrawal is allowed. Accordingly, the present Original Application is disposed of as withdrawn without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 06.07.2018-HDD

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

ORIGINAL APPLICATION NO. 13 OF 2015

[Shri Haribhau K. Waghe Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 06.07.2018.

ORAL ORDER :

1. Heard Shri J.S. Deshmukh, learned Advocate holding for Shri S.B. Gorde, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 12th July, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 06.07.2018-HDD

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

ORIGINAL APPLICATION NO. 443 OF 2018

[Shri Jagannath W. Vispute Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 06.07.2018.

ORAL ORDER :

1. Heard Shri M.R. Wagh, learned Advocate for the applicant and Shri M.P. Gude, 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. 443 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**

M.A.NO. 212/2018 IN O.A.NO. 236/2018

[Shri Krushnalal R. Gule Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 06.07.2018.

ORAL ORDER :

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

2. This Miscellaneous Application has been filed by the applicant for restoration of the O.A. No. 236/2018. The said O.A. was dismissed in default by this Tribunal vide order dated 18.4.2018 on the ground that the applicant failed to file service affidavit in the office of this Tribunal.

3. For the reasons stated in the present Miscellaneous Application, the same is allowed and the Original Application No. 236/2018 is restored to its original file. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 06.07.2018-HDD

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

ORIGINAL APPLICATION NO. 236 OF 2018

[Shri Krushnalal R. Gule Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 06.07.2018.

ORAL ORDER :

1. Heard Shri M.R. Wagh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. Upon restoration of O.A., issue notices to the respondents, returnable on 20th August, 2018.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in

O.A. NO. 236 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. Without filing affidavit in reply, the respondents are directed to clarify on the next date as to whether the procedure as prescribed by themselves vide Annexure 'A', page-15, was followed while making the posting on deputation.

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

10. 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**

ORIGINAL APPLICATION NO. 673 OF 2014

[Smt. Sapna N. Chinnurkar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 06.07.2018.

ORAL ORDER :

1. Shri R.J. Godbole, learned Advocate for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2, present. Shri Amardeep A. Chaware, learned Advocate for respondent No. 3 (**absent**).

2. Read the order dated 27th April, 2016. It would show that by taking into consideration all the factors the Tribunal had already marked that the process of recruitment was completed and the respondent No. 3 is already appointed on merit. Therefore, the present matter was posted for final hearing on the above line or for passing order in default, as the applicant and his Counsel were absent.

3. However, today also applicant and his Advocate are absent. In the circumstances, the present Original Application is dismissed in default without any order as to costs.

MEMBER (A)

VICE CHAIRMAN