

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

**ORIGINAL APPLICATION NO. 669/2017
(Shri Balasaheb B. Surwase V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.
(Division Bench matter)**

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri Anand Deshpande, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 24.10.2018.

CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 848/2017
(Smt. Ranipanchsheela S. Bansode V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.
(Division Bench matter)**

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri J.B. Choudhary, 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 10.10.2018.

KPB ORAL ORDER 08-10-2018

CHAIRMAN

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

**ORIGINAL APPLICATION NO. 854/2017
(Shri Uday S. Gavhane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.
(Division Bench matter)**

DATE : 08.10.2018.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 12.10.2018.

KPB ORAL ORDER 08-10-2018

CHAIRMAN

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

C.P. No. 27/2018 in O.A. No. 515/2013

With

C.P. No. 28/2018 in O.A. No. 516/2013

With

C.P. No. 29/2018 in O.A. No. 511/2013

With

C.P. No. 30/2018 in O.A. No. 510/2013

(Dr. Balaji G. Phalke & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.
(Division Bench matters)**

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri J.S. Deshmukh, learned Advocate for the applicants in all these matters and S/shri S.K. Shirse, B.S. Deokar, M.P. Gude and Smt. Deepali S. Deshpande, learned Presenting Officers for respondents in respective matters.

2. At the request and by consent of both the parties, S.O. to 05.03.2019 with liberty to move the present matters before due date.

CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**T.A. No. 05/2017 (W.P. No. 6554/2016)
(Smt. Swati V. Birajdar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.
(Division Bench matter)**

DATE : 08.10.2018.

ORAL ORDER :

1. 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 of learned Advocate for the applicant, S.O. to 01.11.2018.

CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 685/2018
(Shri Naserkhan R. Pathan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Smt. Amruta Paranjape-Menezes, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, as a last chance, S.O. to 24.10.2018 for filing affidavit in reply.

KPB ORAL ORDER 08-10-2018

CHAIRMAN

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

**C.P. St. No.1596/2018 in O.A. No. 627/2012
(Shri Duryodhan M. Mate V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN.
(Division Bench matter)**

DATE : 08.10.2018.

ORAL ORDER :

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

2. The C.P. St. No. 1596/2018 is disposed of with liberty to file fresh after expiry of 30 days from the date of notice and after reasonable waiting for reply/failure.

CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 380 OF 2018
(Shri Dattatray M. Diwte V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 11.10.2018 for hearing.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 926 OF 2017
(Shri Manaji V. Surose V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for respondent No. 1 and Shri B.N. Magar, learned Advocate holding for Shri G.N. Patil, learned Advocate for respondent No. 2.

2. Learned Presenting Officer submits that during the course of the day affidavit in reply on behalf of respondent No. 1 would be filed.

3. S.O. to 30.10.2018 for hearing.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**M.A.No. 245/2018 in O.A. St. No. 498/2018
(Shri Arjun M. Maskar & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for respondent No. 1 and Shri S.G. Kulkarni, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for respondent Nos. 2 & 3.

2. Learned Advocate for respondent Nos. 2 & 3 seeks time for filing affidavit in reply. Time granted.

3. S.O. to 02.11.2018.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 287 OF 2018
(Dr. Ritibhushan A. Garhwal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, issue fresh notice to the respondent No. 6, returnable on 05.11.2018.

3. Tribunal may take the case for final disposal at once 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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, the case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O.to 05-11-2018.

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

VICE CHAIRMAN

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

**M.A. No. 27/2016 in O.A. No. 575/2017
(Shri Mahadu S. Bangale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

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

2. At the request of learned Presenting Officer
for the respondents, S.O. to 30.10.2018 for filing
affidavit in reply in M.A.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 468 OF 2018
(Shri Ravikiran M. Ghante V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Shri Swapnil Deshmukh, learned Advocate holding for Shri A.T. Jagtap, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for respondent Nos. 1 & 2 and Shri S.K. Mathpati, learned Advocate holding for Shri Nagesh Talekar, learned Advocate for respondent No. 3.

2. At the request of learned Presenting Officer for respondent Nos. 1 & 2 and learned Advocate for respondent No. 3, S.O. to 29.10.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 263 OF 2018
(Shri Baban D. Dolzake V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Shri S.A. 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 01.11.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 431 OF 2018
(Shri Munjarao T. Magar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Shri B.N. Magar, learned Advocate holding for Shri G.N. Patil, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 02.11.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 515 OF 2018
(Shri Dayanand P. Chavan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Shri V.R. Sonosiya, learned Advocate holding for Shri Ganesh Gadhe, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 31.10.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Shri B.N. Magar, learned Advocate holding for Shri A.B. Gaikwad, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant on instructions submits that the applicant wishes to withdraw the present Original Application.

3. Withdrawal is allowed. The present Original Application is disposed of as withdrawn without any order as to costs.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 70 OF 2017
(Shri Rajaram S. Shendge V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

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

2. Learned Presenting Officer files separate affidavit in replies on behalf of respondent Nos. 1, 3 & 4 and 2 respectively to the amended O.A. Same are taken on record and copies thereof have been served on other side.

3. S.O. to 05.11.2018.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for respondent No. 1 and Shri V.B. Wagh, learned Advocate for respondent No. 2.

2. Learned Presenting Officer files affidavit in reply on behalf of respondent No. 1. Same is taken on record and copy thereof has been served on the other side.

3. Learned Advocate for respondent No. 2 files affidavit in reply. Same is taken on record and copy thereof has been served on the other side.

4. S.O. to 29.10.2018. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Smt. Tria P. Tripathi, learned Advocate holding for Shri M.K. Tripathi, 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 19.11.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 53 OF 2018
(Shri Sopan E. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Shri H.V. Tungar, 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 19.11.2018 for filing rejoinder affidavit.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 797 OF 2017
(Smt. Chandrakala W. Gaikwad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant on instructions submits that the applicant wishes to withdraw the present Original Application.

3. Withdrawal is allowed. The present Original Application is disposed of as withdrawn without any order as to costs.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

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

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3. Same is taken on record and copy thereof has been served on the other side.

3. Learned Advocate for the applicant has submitted that the grievance of the applicant is redressed and therefore, the applicant wishes to withdraw the present O.A.

4. Withdrawal is allowed. The present Original Application is disposed of as withdrawn without any order as to costs.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 677 OF 2018
(Smt. Saba Farheen Mohd. Siraj V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

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

2. In pursuance of the order of this Tribunal dated 04.09.2018, the applicant has applied on 07.09.2018 under Right to Information Act 2005 for securing information. However, till this date the respondents have not given any information. The applicant files copy of the application. The same is taken on record and marked as document 'X' for the purposes of identification. In view of the fact that the applicant is not having any information, which is with the respondents, issue notices to the respondents, returnable on 02.11.2018.

3. Tribunal may take the case for final disposal at once 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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, the case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O.to 02-11-2018.

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

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 711 OF 2018
(Shri Sanjay N. Nade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 26.11.2018.

3. Tribunal may take the case for final disposal at once 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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, the case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O.to 26-11-2018.

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

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 759 OF 2018
(Shri Rangnath A. Mete V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 02.11.2018.

3. Tribunal may take the case for final disposal at once 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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, the case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O.to 02-11-2018.

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

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondent 1, 2 & 4. None present for respondent No. 3.

2. Learned Presenting Officer files affidavit in reply on behalf of respondent No. 4. Same is taken on record and copy thereof has been served on the other side. He seeks time to file affidavit in reply on behalf of respondent Nos. 1 & 2.

3. At his request, S.O. to 27.11.2018 for filing affidavit in reply by the rest of the respondents.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 398 OF 2018
(Shri Dnyaneshwar K. Sanap V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Shri V.G. Pingle, 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 19.11.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 770 OF 2017
(Smt. Ayesha F. Khan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

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

2. At the request of learned Presenting Officer
for the respondents, S.O. to 09.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**M.A. No. 411/2017 in O.A. St. No. 1385/2017
(Shri Yadav T. Suryawanshi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. Vide order dated 24.09.2018, Hon'ble Shri B.P. Patil, Member (J) has raised some queries.

3. In the circumstances, S.O. to 02.11.2018 for satisfying the above query.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**M.A. No. 412/2017 in O.A. St. No. 1484/2017
(Shri Namdeo M. Wakude V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

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

2. Vide order dated 24.09.2018, Hon'ble Shri B.P. Patil, Member (J) has raised some queries.

3. In the circumstances, S.O. to 02.11.2018 for satisfying the above query.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**M.A. No. 426/2017 in M.A. No. 64/2016 in O.A. St. No. 1991/2015
(Shri Appa D. Chikte V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that since it is found that this Tribunal has no jurisdiction to entertain the present matter, the applicant may be allowed to withdraw the same with liberty to file any proceeding in the competent Court.

3. Withdrawal is allowed. The present M.As. as well as, O.A. are disposed of as withdrawn with liberty as prayed for without any order as to costs.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**M.A. No. 82/2018 in O.A. St. No. 327/2018
(Dr. Sanjay P. Biradar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

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

2. Learned Presenting Officer submits that draft affidavit in reply is sent to the State Government for approval and therefore, he seeks short time.

3. It transpires from the proceedings that on last date i.e. on 25.09.2018, time was granted for filing affidavit in reply subject to payment of costs of Rs. 1000/-.

4. At the request of learned Presenting Officer, S.O. to 30.10.2018 for filing affidavit in reply in M.A. and for depositing the amount of costs.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**M.A. No. 256/2018 in O.A. St. No. 535/2018
(Shri Vinod D. Chavan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Shri A.P. Sonpethkar, 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 29.10.2018 for filing affidavit in reply in M.A.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 951 OF 2017
(Smt. Ram Subamma Channa Reddy @ Ramsubblu Channa Reddy & Ors.
V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. Learned Presenting Officer has placed on record a copy of communication dated 06.10.2018 between the Accountant General-II, Nagpur and the Principal, Government Vidya Niketan, Aurangabad. Same is taken on record and marked as document-'X' for the purposes of identification.

3. Learned Advocate for the applicant has submitted that the said decision would redress the grievance of the present applicant. However, the steps will have to be taken by the respondents for granting family pension to the applicant on the basis of said communication. He has also submitted that the applicant would co-operate in submitting the necessary documents as may be asked by the respondent No. 4.

4. In the circumstances, the present Original Application is disposed of without any order as to

//2//

O.A. No. 951/2017

costs with a direction to the concerned respondents to take steps as early as possible and complete the procedure for grant of family pension to the applicant within a period of 8 weeks from the date of this order.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

**ORIGINAL APPLICATION NO. 123 OF 2018
(Shri Shrikant Trimbak Mahajan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

Heard Shri Prasad Jarare, learned Advocate holding for Smt. Trupti Mahajan, learned Advocate for the applicant and Shri M.S. Maahajan, learned Chief Presenting Officer for respondents.

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

B. In view of the above facts and circumstances, this Hon'ble Tribunal may kindly be pleased u/s 19 of Administrative Tribunal Act, 1985, quash and set aside the order dated 07.12.2017 for deduction of 6% of monthly pension for the period of one year and to direct the respondents to not deduct the pension of the applicant.

C. In view of the above facts and circumstances, this Hon'ble Tribunal may kindly be pleased to issue stay order against the proposed 6% amount deduction from pension pay till the final disposal of the Original Application.

D. In view of the above facts and circumstances, this Hon'ble Tribunal may kindly be pleased u/s 19 of Administrative Tribunal Act, 1985, to quash and set aside the impugned order dated 2.07.2014 for

withholding the gratuity, passed by Respondent No. 3 and 4 and also to direct the respondents to release the gratuity amount to the applicant with 18% interest till the date of release of gratuity amount.

E. In view of the above facts and circumstances, this Hon'ble Tribunal my kindly be pleased to direct the Respondent No. 3 and 4 to provide regular pension instead of ongoing provisional pension.

F. That it be declared that the finding recorded by the Enquiry Officer are not correct and that the Applicant be exempted (sic.) from the charges framed against him.

3. The facts on record, as well as submissions from both the sides would show as under:-

(a) That the present applicant was appointed as P.S.I. in the year 1976. In the year 1995 he was working as a Police Inspector of Chawani Police Station. On 09.11.1995 one forest guard in Daulatabad area reported that a dead body of unknown woman was lying in the remote area of the forest. The present applicant has conducted the investigation in the said case and filed F.I.R. against unknown person. After some days, the investigation was handed over to the Crime Investigation Department (CID).

In the meantime, the respondents came to the conclusion that the present applicant was negligent in conducting the investigation and had also made some derogatory remarks in his F.I.R., qua the deceased lady. Therefore, the departmental enquiry was initiated against him under Rule 8 (25) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. The Enquiry Officer came to the conclusion that no negligence in the investigation was found. However, as regards unnecessary remarks in the F.I.R. regarding deceased lady, the Enquiry Officer came to the conclusion that those remarks were derogatory. The said report was accepted by the disciplinary authority. In the circumstances, the respondent No. 1 State imposed punishment of deduction of 6% of the pension for a period of one year. The said decision is challenged by the applicant by filing present Original Application.

4. Learned Advocate for the applicant has submitted that in fact, the main charge of negligence in investigation is rejected by the

Enquiry Officer and said conclusion of the Enquiry Officer has been accepted by the respondent No. 1. The only issue remained is of some derogatory statement alleged to have been made in the F.I.R. He has submitted that since the investigation officer is required to take in to consideration the surrounding of the place, where the dead body is found, the same has to be recorded in the F.I.R. Those statements cannot be called as derogatory to deceased lady.

5. Learned Chief Presenting Officer however opposed the submission of the learned Advocate of the applicant and submits that the statements made in the F.I.R. are ex-facie derogatory and therefore, the decision of the respondent No. 1 cannot be faulted with.

6. In view of the above submissions, in my view, the O.A. is required to be allowed and the decision of the respondent No. 1 is required to be quashed and set aside for the following reasons:-

Reasons

(a) The facts on record would show that in the remote area of the forest near Daulatabad, a dead body of deceased lady was found. The inquest under Section 174 of Cr PC, as well as, F.I.R. filed by the applicant himself for moving machinery of investigation would show that the deceased lady was pregnant of around 24 weeks. She was not having any ornaments or other signs which ordinary married Hindu lady would have. In the circumstances, the present applicant recorded one probability in the F.I.R. that the deceased lady had illicit relations with somebody and therefore, investigation is required to be made on that line also. The opinion of the enquiry officer (page No. 64) was that unless and until it is confirmed that the deceased had any illicit relation, the applicant should not have recorded those probability and the same is derogatory to the deceased lady.

7. Learned Advocate for the applicant has submitted that in fact the applicant as an investigation Officer was required to take into

consideration the surroundings as well as the appearance of the dead body being an investigation officer. He relied on the Modi's Medical Jurisprudence and Toxicology (23rd Edition) page No. 20 wherein legal procedure at an inquest is described. The relevant portion is as under:-

“(1) Police Inquest

In accordance with s 174 of Cr PC, all over India, an officer, usually of the rank of sub-inspector of Police in charge of a police station, on receiving information of any accidental or unnatural death of any person, immediately informs the nearest magistrate of the same and proceeds to the place where the body of the deceased person is lying. There, in the presence of two or more respectable inhabitants of the neighbourhood (panchas), he makes an investigation and draws up a report on the apparent cause of death, as judged from the appearance and surroundings of the body, describing such wounds, fractures, bruises and other marks of injuries as may be found on the body and stating in what manner or by what weapon or instrument (if any), such marks appear to have been

inflicted. The report (panchnama) is then signed by the investigating police officer and by the persons present at the inquest.....”

(Emphasis Supplied)

8. Learned Advocate for the applicant further submits that in the heat of investigation, if the investigation officer makes any remark in blunt words, same cannot be treated as misconduct inviting any punishment.

9. Learned Presenting Officer has submitted that it was misconduct to make such statement in FIR.

10. It is to be noted that the statement of the present applicant made in the FIR cannot be termed as misconduct. At the time of describing appearance of dead body as he found that the deceased lady had no apparently any ornaments or signs of a married Hindu lady and as one of the motive in commission of the murder may be on that line, he has just pointed out the fact. However, merely because rough words were used this cannot be termed as misconduct.

11. In the result, I pass following order.

ORDER

1. The Original Application is allowed without any order as to costs.
2. The impugned decision 07.12.2017 of the respondent No. 1 is hereby quashed and set aside.
3. The necessary consequence of the release of the pension amount withheld shall be carried by the respondents and to complete the procedure within a period of six weeks from the date of this order.

VICE CHAIRMAN

KPB ORAL ORDER 08-10-2018

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

ORIGINAL APPLICATION NO. 740 OF 2018

[Smt. Nanda M. Dhage Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri J.B. Choudhary, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Learned Advocate for the applicant, on instructions, submits that the applicant wishes to withdraw the present Original Application.
3. Permission granted. Withdrawal is allowed. Accordingly, the present Original Application stands disposed of as withdrawn without any order as to costs.
4. Learned Chief Presenting Officer submits that he would advise the concerned officer to look into the alternative prayer of the present Original Application sympathetically.
5. Learned Chief Presenting Officer shall act on steno copy.

MEMBER (A)

VICE CHAIRMAN

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

M.A.NO. 297/2018 IN O.A.ST. 1379/2018

[Shri Vijaykumar V. Giri & 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 : 08.10.2018.

ORAL ORDER :

1. Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, 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. 1379 OF 2018

[Shri Vijaykumar V. Giri & 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 : 08.10.2018.

ORAL ORDER :

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

2. After registration of the present O.A., issue notices to the respondents, returnable on 19th November, 2018.

3. Tribunal may take the case for final disposal at once 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

O.A. ST. NO. 1379 OF 2018

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

8. The advertisement issued by the respondent No. 2, the Maharashtra Public Service Commission (Annexure 'A-1', page-13) would show that no post was notified for the category of NT-B for the post of Assistant Motor Vehicle Inspector, in this advertisement of the year 2017. The applicant has under Right to Information Act, appears to have collected the information from the State Government of Maharashtra, page-41. The statement annexed to the same at page-43 would show that in the requisition letter sent to the respondent No. 2, M.P.S.C. 17 posts for NT-B category were shown vacant.

O.A. ST. NO. 1379 OF 2018

Despite this, as to why the M.P.S.C. did not advertise those posts is required to be explained.

9. In these circumstances, without filing any detailed affidavit in reply, respondent No. 2, M.P.S.C. is directed to file short affidavit explaining the above position, on the next date.

10. S.O.to 19th November, 2018.

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

MEMBER (A)

ORAL ORDERS 08.10.2018-HDD

VICE CHAIRMAN

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

M.A.NO.358/2014 IN O.A.ST.NO. 1184/2014

[D. Gangadhar D. Chate Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri S.V. Munde, learned Advocate for the applicant, Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for respondent Nos. 1 to 3 and Shri D.K. Borkar, learned Advocate holding for Shri P.D. Suryawanshi, learned Advocate for respondent No. 4.
2. Learned Presenting Officer has filed a copy of communication received to her from the Under Secretary, Government of Maharashtra and the same is taken on record and marked as document 'X' for the purpose of identification.
3. Perusal of the aforesaid communication would show that the progress is being made in the said proposal as detailed therein and, therefore, time of three weeks is sought.
4. In the circumstance, as a last chance, S.O. to 19th November, 2018, failing which this case would be heard on its own merits.
5. Learned Presenting Officer to act on steno copy.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 08.10.2018-HDD

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

M.A. 368/18 WITH M.A.337/18 IN O.A.137/18

[Shri Chetan B. Gunage & Anr. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri A.S. Shelke, learned Advocate for the applicants in the present M.A., Shri M.B. Kolpe, learned Advocate for the applicant in M.A. No. 337/2018, Shri N.U. Yadav, learned Presenting Officer for respondents and Smt. Suchita A. Dhongde, learned Advocate for the applicant in O.A. No. 137/2018.

2. Shri Sudam Bhivaji Tavhare, Section Officer, M.P.S.C., Mumbai, is present today in the Tribunal.

3. Perused the merit list, which was placed in sealed envelope. The Registrar of this Tribunal is directed to again put the said merit list in the sealed envelope and thereafter it shall be handed over to the learned Advocate Shri M.B. Kolpe for the M.P.S.C., or to Shri Sudam Bhivaji Tavhare,

**M.A. 368/18 WITH
M.A.337/18 IN O.A.137/18**

Section Officer, M.P.S.C., who was present in the Tribunal today.

4. Pleadings are already complete. Instead of hearing on modifying interim relief, S.O. to 16th October, 2018 for final disposal of the O.A. itself.

MEMBER (A)
ORAL ORDERS 08.10.2018-HDD

VICE CHAIRMAN

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

O.A.NOS. 517 & 522 BOTH OF 2018

[Smt. Pooja B. Pansare & Anr. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

1. Shri Sandeep Munde, learned Advocate for the applicants in both these cases (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 3 in both these cases. Smt. Vidya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for respondent Nos. 4 to 7 in O.A. No. 517/2018.

2. Learned Presenting Officer, as well as, learned Advocate for respondent Nos. 4 to 7, seek time for filing affidavit in reply.

3. It is to be noted that on the last date i.e. on 30.8.2018 the statement was made that Writ Petition No. 4159/2018 is pending before the Hon'ble High Court.

4. In the circumstances, S.O. to 19th November, 2018 for reporting progress in the Writ Petition.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 513 OF 2018

[Smt. Ashwini U. Dalvi Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri M.P. Tripathi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted.
3. S.O. to 15th October, 2018 for filing affidavit in reply, as well as, for hearing on grant of interim relief.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 08.10.2018-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 : 08.10.2018.

ORAL ORDER :

1. Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 3. Shri B.R. Kedar, learned Advocate for respondent No. 4 (**absent**).
2. Learned Presenting Officer has filed a copy of recruitment rules and the same is taken on record and marked as document 'X' for the purpose of identification.
3. In the circumstances, S.O. to 12th October, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 08.10.2018-HDD

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

ORIGINAL APPLICATION NO. 95 OF 2017

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

1. Learned Advocate Shri Avinash K. Shejwal appeared today and he has filed VAKALATNAMA on behalf of the applicant and the same is taken on record. Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 26th November, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 08.10.2018-HDD

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

ORIGINAL APPLICATION NO. 443 OF 2017

[Dr. Uttam 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 : 08.10.2018.

ORAL ORDER :

1. Heard Shri R.P. Bhumkar, learned Advocate holding for Shri Shamsundar B. Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed a copy of communication dated 6.10.2018 received to him from the concerned respondent. By the said communication the concerned respondent has asked for three weeks' time for reporting progress about the Writ Petition as the Writ Petition is filed in the month of January, is now being pressed by the respondents and now listed for service of notice. At the request of learned Presenting Officer, S.O. to 19th November, 2018 for reporting the progress in the Writ Petition and for hearing.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 321 OF 2017

[Smt. Manisha P. Jagtap Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri P.A. Kulkarni, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant submits that the issue regarding star put against the certain physical tests by the concerned officer at the time of physical test (Exhibit 'R-7'), page-55 has been explained by way of rejoinder by the applicant. In the circumstances, liberty to file sur-rejoinder, if any is hereby granted to the concerned respondents.
3. S.O. to 2nd November, 2018 for filing sur-rejoinder, if any.
4. Learned Presenting Officer to act on steno copy.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 08.10.2018-HDD

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

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.
AND
ATUL RAJ CHADHA, MEMBER (A)**

DATE : 08.10.2018.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 23rd October, 2018 for filing affidavit in rejoinder.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 08.10.2018-HDD

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

ORIGINAL APPLICATION NO. 160 OF 2018

[Shri Nilesh P. Sansude Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri S.S. Dambe, learned Advocate holding for Shri S.S. Panale, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 24th October, 2018 for filing affidavit in rejoinder.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 08.10.2018-HDD

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

T.A.NO. 5/2018 (W.P. NO. 9261/2018)

WITH

T.A.NO.6/2018 (W.P. NO. 9314/2018)

[Shri Pravin C. Janjal & Anr. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri P.A. Rathod, learned Advocate holding for S/Shri Nitin S. Kadalare & Abhay R. Rathod, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in both these cases.

2. At the request of learned Chief Presenting Officer, S.O. to 24th October, 2018 for hearing. Both these cases be kept together.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 08.10.2018-HDD

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

M.A.NO. 105/2018 IN O.A.NO. 386/2018

[Dr. Uddhav S. Khaire Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 & 2 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, S.O. to 26th November, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 08.10.2018-HDD

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

M.A.NO. 385/2018 IN O.A.NO. 550/2014

[Shri Jagannath K. Kagale & 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 : 08.10.2018.

ORAL ORDER :

1. Heard Shri H.A. Joshi, learned Advocate for the applicants and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.
2. Issue notices to the respondents in M.A. No. 385/2018, returnable on 29th October, 2018.
3. Tribunal may take the case for final disposal at once 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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, O.A. shall automatically stand dismissed without further reference to the Tribunal.

8. Liberty to file additional documents in the present M.A. is hereby granted.

9. S.O.to 29th October, 2018.

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

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 570 OF 2013

[Shri Nitin K. Salunkhe Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri Anand Deshpande, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks three weeks' time to file affidavit in reply. It is to be noted that on the last date i.e. on 12.9.2018 itself forewarned that heavy costs would be imposed in case reply is not filed. However, in the interest of justice, S.O. to 25th October, 2018 with a forewarning that in case no affidavit in reply is not on the next date the concerned respondent would be liable to deposit costs of Rs. 20,000/-.

3. Learned Presenting Officer to act on steno copy.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 08.10.2018-HDD

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

ORIGINAL APPLICATION NO. 583 OF 2014

[Shri Bhausahab S. Gaikwad Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 4. Shri A.C. Deshpande, learned Advocate for respondent Nos. 5 & 6 (**absent**).
2. Learned Advocate for the applicant has filed written notes of arguments and the same is taken on record.
3. Learned Presenting Officer submits that affidavit in reply may be treated as written notes. In the circumstances, reserved for orders.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 08.10.2018-HDD

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

ORIGINAL APPLICATION NO. 139 OF 2015

[Shri Ramkrishna G. Patil & 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 : 08.10.2018.

ORAL ORDER :

1. Shri Amol S. Sawant, learned Advocate for the applicant (**absent**). Shri D.R. Patil, learned Presenting Officer for the respondents, present.

2. The record would show that since 2.11.2017 nobody is appearing for the applicant. In the circumstances, the present O.A. is dismissed in default without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 08.10.2018-HDD

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

T.A.NO. 7/2016 (W.P.NO. 1533/2015)

[Smt. Chandrakala K. Navgire Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Smt. Firdose Shaikh, learned Advocate holding for Smt. Naseem Shaikh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer submits that the chart is received. However, time to file it on affidavit as directed earlier may be granted. At his request, S.O. to 24th October, 2018 for filing affidavit by the State.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 08.10.2018-HDD

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

ORIGINAL APPLICATION ST. NO. 1545 OF 2018
[Shri Pralhad C. Shelke Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri U.S. Sawji, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant submits that the applicant is put as junior to his own junior in every seniority list one after another and no draft seniority list was any time circulated every year and, therefore, the applicant is not aware as to why the seniority of the present applicant is tinkered with by the concerned respondents, which is now led to the proposal of promotion of some other junior candidates.
3. In the circumstances, issue notices to the respondents, returnable on 1st November, 2018.
4. Tribunal may take the case for final disposal at once 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

O.A. ST. NO. 1545 OF 2018

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.

6. 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.

7. 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.

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

9. Promotions if any made shall be subject to the decision in the present O.A.

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

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

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

ORIGINAL APPLICATION NO. 139 OF 2017

[Shri Shaikh Liyakat Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri V.P. Golewar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant has filed a copy of certain statement and the same is taken on record and marked as document 'X' for the purposes of identification. He submits that vide statement the concerned respondents have now started fresh process of considering the case of the present applicant and other employees.
3. Learned Presenting Officer seeks time to take instructions to find out that really process has been started and also wants to file documents on record in this regard. At his request, S.O. to 25th October, 2018 for making statement by the learned Presenting Officer or for further hearing in the O.A.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 932 OF 2016

[Shri Surendra A. Shisode Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri H.P. Jadhav, learned Advocate for the applicant, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 5 and Shri Shrikant Patil, learned Advocate for respondent No. 6.

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

“A. This Original Application may kindly be allowed.

B. The impugned order dated 29.05.2015 issued by the respondent No. 3 may kindly be quashed and set aside and for that purpose issue necessary orders.”

3. It is admitted fact that the applicant was selected in the feeding cadre from the Open category. Respondent No. 6 however, was selected from VJNT category and, therefore, he was promoted to the next of the post i.e. Agricultural Supervisor meant for VJNT-A category. Learned Advocate for the applicant points towards G.R. dated 16.5.2007 (Annexure

R-3, page-155) filed by the respondent State. However, G.R. would show that a candidate, who has been appointed from the Open Category would be eligible for consideration for the post meant for reserved category from the date of caste validity certificate. Later on the applicant filed caste certificate with the department. It would not be applicable retrospectively. In the circumstances the promotion of the respondent No. 6 on this count only cannot be faulted with.

4. Learned Advocate for the applicant however, submits that the concerned respondent has not considered the case of the present applicant that he was also seeking promotion from the quota meant for graduate candidate i.e. 60%, which has been pleaded in paragraph No. 6 (VIII) of the present O.A.

5. In the circumstances, the present Original Application is disposed of with a direction to the concerned respondents to consider the case of the present applicant for promotion from the said quota as per the rules and regulation, as and when an occasion would arise.

6. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 7 OF 2016

[Shri Arun D. Ingole Vs. State of Maharashtra & Ors.]

WITH

ORIGINAL APPLICATION NO. 65 OF 2016

[Shri Arvind P. Awad & 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 : 08.10.2018.

ORAL ORDER :

1. Heard Shri H.P. Jadhav, learned Advocate for the applicants in both these cases and Shri D.R. Patil, learned Presenting Officer for the respondents in both these cases.

2. The present applicants were serving as Mistri and working in the department of respondent No. 3, the Secretary Irrigation, Department, Mantralaya, Mumbai. They are claiming time bound promotion / Assured Career Progression Scheme. Submission from both the sides would show that the issue of grant of exemption from passing departmental qualifying examination in the light of the various GRs applied in the application, as well as, in the earlier decision of this Tribunal and of the Hon'ble High Court is in issue.

3. Learned Single Bench of this Tribunal in O.A. No. 709/2015 & other number of cases taken together on 23.07.2018 has occasion to

O.A.NOS. 7 & 65 BOTH OF 2016

decide the same issue. The issue has also been decided by the Hon'ble High Court in W.P. No. 3708/2016 and other Writ Petitions on 25th September, 2018. The copies of the said decisions are now filed on record and marked as document 'X' colly. for the purpose of identification.

4. In view of the aforesaid fact, similar directions as are issued in the O.A. No. 710/2015 are hereby issued, which runs as under: -

(i) The respondents are directed to consider all the applicants for grant of time bound promotion as well as assured career progression scheme by exempting them from passing of the professional examination as required under Rule 3 Sub Rule (a) of the 1998 Recruitment Rules for Junior Engineers on reaching 45 years' age, provided that the applicants meet all other criteria as per schemes of time bound promotion.

(ii) The respondents are directed to consider the cases of the present applicants as directed above within a period of 4 months' from the date of this order and the necessary orders shall be issued by them and the said orders shall be communicated

O.A.NOS. 7 & 65 BOTH OF 2016

to each of the applicants by Registered Post Acknowledgement Due, thereafter.

5. Accordingly, both the Original Applications are disposed of without any order as to costs.

MEMBER (A)

ORAL ORDERS 08.10.2018-HDD

VICE CHAIRMAN

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

M.A.NO. 392/2018 IN O.A.NO. 673/2018

[Shri Gangadhar N. Kamble Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. This is an application filed by the applicant for restoration of O.A. No. 673/2018, which was dismissed in default on the ground that the applicant failed to file the affidavit of service.

3. Accepting the grounds and reasons contained in M.A. No. 392/2018, the same is allowed. The O.A. No. 673/2018 is restored to its original file, and M.A. No. 392/2018 is disposed of with no order as to costs.

4. The applicant is at liberty to circulate the O.A No. 673/2018 before the appropriate bench.

CHAIRMAN

ORAL ORDERS 08.10.2018-HDD

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

ORIGINAL APPLICATION NO. 764 OF 2018

[Shri Prashant B. Kachawa Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 3rd December, 2018.
3. Tribunal may take the case for final disposal at once 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.

O.A. NO. 764 OF 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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, O.A. shall automatically stand dismissed without further reference to the Tribunal.

8. Heard both the sides on the point of interim relief.

9. Learned Advocate for the applicant has pointed out the following facts : -

(i) The applicant was transferred by the order dated 31.05.2016 and posted at Minor Irrigation Sub Division, Mantha at Watur;

(ii) Applicant's transfer order dated 31.5.2016 shows that it was ordered on applicant's request.

(iii) Now applicant's posting at Mantha Sub Division at Watur is revoked by employing the words "the deputation is cancelled".

O.A. NO. 764 OF 2018

(iv) The Government has ignored its own order when the applicant was “transferred” and never deputed.

10. It is argued by learned Advocate the applicant that:-

(a) the impugned order is in colourable exercise, being ordered in disguise of cancellation of deputation.

(b) applicant is not given alternative posting.

(c) Nobody is posted in vacancy occurring due to impugned order.

(d) the officer, who has been asked to take additional charge has not so far reported for taking charge, and applicant is holding the charge.

(e) impugned transfer order is issued in violation of Section 4 (4) & 4 (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short “the Act of 2005) being midterm and without disclosing reasons and on the other hand by disclosing the circumstance, which is not factual i.e. deputation and its cancellation.

O.A. NO. 764 OF 2018

11. In the aforesaid background, prima facie, the applicant has made out the case for grant of *ex parte ad interim relief*.

12. Hence, the impugned order is stayed with notice to the respondents calling say as to why the stay shall not be made applicable.

13. S.O.to 3rd December, 2018.

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

CHAIRMAN

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

M.A.NO. 391/2018 IN O.A.NO. 672/2018

[Shri Ramhari G. Sontakke Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri K.G. Salunke, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Accepting the grounds and statement contained in M.A. No. 391/2018, the same is allowed and disposed of with no order as to costs. The applicant is permitted to add prayer clause C-1 in the O.A. and amend the averment as shown in the present M.A. No. 391/2018.

CHAIRMAN

ORAL ORDERS 08.10.2018-HDD

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

M.A.NO. 390/2018 IN O.A.NO. 672/2018

[Shri Ramhari G. Sontakke Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 08.10.2018.

ORAL ORDER :

1. Heard Shri K.G. Salunke, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.
2. Issue notices to the respondents in M.A. No. 390/2018, returnable on 29th November, 2018.
3. Tribunal may take the case for final disposal at once 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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O.to 29th November, 2018.

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

CHAIRMAN