

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

**M.A. No. 273/2018 in O.A. St. No. 798/2018
(Shri Narayan K. Vyas V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 19.11.2018 for filing affidavit in reply in M.A.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 155 OF 2018
(Shri Arjun D. Kharat V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, 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. Learned Presenting Officer has submitted that the pension proposal of the applicant is now forwarded to the Accountant General-II, Nagpur.

4. In the circumstances, S.O. to 19.11.2018 either for hearing or for reporting progress in the matter.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 617 OF 2018
(Shri Babasaheb D. Garad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 20.11.2018 for filing affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 200 OF 2018
(Shri Dinkar G. Shahane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri H.K. Munde, learned Advocate
for the applicant and Smt. Priya R.
Bharaswadkar, learned Presenting Officer for
respondents.

2. At the request of learned Presenting Officer
for the respondents, S.O. to 19.11.2018 for filing
affidavit in reply.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**M.A. No. 240/2018 in O.A. St. No. 1055/2018
(Shri Ashok M. Gadekar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri A.M. Nagarkar, 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 26.11.2018 for filing affidavit in reply in M.A.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 806 OF 2017
(Dr. Ranjitsing B. Padvi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondent 1 to 3. Smt. Vaishali Choudhari, learned Advocate for respondent No. 4, **absent**.

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

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 667 OF 2017
(Shri Sandip K. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri S.P. Bhadge, learned Advocate holding for Shri S.A. Gaikwad, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Learned Presenting Officer submits that the original record as directed earlier is ready. Copy of the said original record may be preserved by the learned Presenting Officer.

3. At the request of learned Advocate for the applicant, S.O. to 30.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

ORIGINAL APPLICATION NO. 749 OF 2017

(Shri Mohammad Abdul Hai Mohammad Abdul Gani & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri Prafulla Bodade, learned Advocate holding for Shri J.B. Choudhary, 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, S.O. to 19.11.2018 for filing rejoinder affidavit.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 27.11.2018.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 129 OF 2018
(Shri Madhukar K. Shingade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondent Nos. 1 to 3 and Shri V.G. Pingle, learned Advocate for respondent No. 4.

2. At the request of learned Advocate for the applicant, S.O. to 29.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**O.A.NO. 884/17 WITH O.A. 885/17 WITH O.A. 886/17 WITH O.A. 887/17
WITH O.A. 888/17 WITH M.A. 97/18 WITH O.A. 889/17 WITH O.A.
890/17 WITH O.A. 891/17 WITH O.A. 892/17 WITH M.A. 98/18 WITH
O.A. 893/17 WITH M.A. 99/18 WITH O.A. 894 & 895/2017
(Shri Prabhakar D. Mali & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri G.M. Ghongade, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the applicants in all these cases, Shri M.S. Mahajan, learned Chief Presenting Officer, for the respondent Nos. 1 to 4 in all these cases, Shri Vivek Deshmukh, learned Advocate for respondent No.5 in O.A. Nos. 884, 888, 892 & 893/2017, Shri N.K. Tungar, learned Advocate for respondent No. 5 in O.A. No. 886 & 895/2017, are **absent**. None appears for respondent No. 5 in O.A. Nos. 887/2017 & 891/2017.

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

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 561 OF 2016
(Shri Sukhdev S. Chitte V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 26.11.2018.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 761 OF 2018
(Shri Shivaji D. Dadge V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri A.V. Patil (Indrale), learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that the Misc. Application for amendment in the present O.A. will have to be filed.

3. Liberty to file such Misc. Application is hereby granted.

4. At his request, S.O. to 19.11.2018.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 406 OF 2017
(Shri Rajendra H. Kankutey V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri M.B. Kolpe, learned Advocate for the applicant and Shri S.K. Shirse, 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 26.11.2018.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 502 OF 2017
(Public Prosecutors' Association V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

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

2. Learned Chief Presenting Officer has submitted that the proposal is under process as regards prayer of the present applicants and therefore, some time may be granted.

3. At his request, S.O. to 19.11.2018 for reporting progress.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

**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 : 09.10.2018.

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 11.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 406 OF 2017
(Shri Rajendra H. Kankutey V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri M.B. Kolpe, learned Advocate for the applicant and Shri S.K. Shirse, 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 26.11.2018.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 923 OF 2017
(Shri Nayeem A. Siddiqui V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri M.B. Kolpe, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondent Nos. 1 to 3. Shri R.R. Chandak, learned Advocate for respondent No. 4, absent.

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 24.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 932 OF 2017
(Shri Walmik L. Kande V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant has submitted that in fact, the impugned order passed by the respondent No. 2 is now confirmed by the respondent No. 1 in appeal. Copy of which is filed by the learned Presenting Officer on the last date i.e. on 12.09.2018. In the circumstance, he submits that basic challenge would remain.

3. In the circumstances, S.O. to 31.10.2018 for hearing.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 124 OF 2018
(Shri Aminkhan I. Pathan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Shri M.L. Muthal, learned Advocate for the applicant (**Absent**). Shri M.P. Gude, learned Presenting Officer for respondents, present.

2. No rejoinder affidavit is filed by the applicant.

3. As none present for the applicant, S.O. to 27.11.2018 for hearing.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 435 OF 2018
(Shri Prakash V. Ramekar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

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

2. Learned Presenting Officer has filed separate affidavit in replies on behalf of respondent Nos. 1 and 2 respectively. Same are taken on record and copies thereof have been served on the other side. He seeks time for filing affidavit in reply on behalf of respondent Nos. 3 and 4.

3. S.O. to 30.10.2018 for filing affidavit in reply by the rest of the respondents.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 558 OF 2018
(Shri Ganesh D. Deshpande V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply to the amended O.A. Time granted.

3. S.O. to 02.11.2018 for filing affidavit in reply to the amended O.A.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 616 OF 2018
(Shri Kokane G. Revana V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Smt. A.N. Ansari, learned Advocate for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for respondents, present.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 2 & 3. Time granted.

3. In the circumstances, S.O. to 26.10.2018.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**M.A. No. 266/2017 in O.A. St. No. 517/2017
(Shri Ratanrao S. Shejwal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Shri S.K. Mathpati, learned Advocate for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 28.11.2018.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**M.A. No. 104/2018 in O.A. No. 625/2017 with Caveat No. 50/2017
(Shri Jitendra B. Jaiswal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Shri S.K. Chavan, learned Advocate for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for respondents and Shri K.B. Jadhav, learned Advocate for the Caveator, present.

2. Await service of respondent Nos. 1, 4 & 7.

3. As none present for the applicant, S.O. to 28.11.2018.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**M.A. No. 266/2018 in O.A. No. 510/2017
(Shri Santosh S. Vetal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri I.G. Durrani, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

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

3. After hearing both the sides, it would show that the decision rendered by the concerned respondent during the pendency of the present O.A. is sought to be placed on record by way of present amendment. Therefore, the M.A. for amendment is hereby allowed and disposed of without any order as to costs.

4. The applicant shall carry out the necessary amendment within a period of two weeks and thereafter, the O.A. may be circulated for further orders.

VICE CHAIRMAN

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

**M.A. No. 268/2018 in O.A. St. No. 1144/2018
(Dr. Sumant N. Wagh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri Shamsundar B. Patil, 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 19.11.2018 for filing affidavit in reply in M.A.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**M.A. No. 357/2018 in O.A. No. 577/2016
(Dr. Bababn L. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondent Nos. 1 to 3. Shri H.P. Jadhav, learned Advocate for respondent No. 4, **absent**.

2. For the reasons stated in the Misc. Application, the delay of 314 days caused in filing the accompanying O.A. is hereby condoned.

3. Accordingly, the M.A. is disposed of without any order as to costs.

4. The office to register the O.A. on due scrutiny.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 577 OF 2016
(Dr. Baban L. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondent Nos. 1 to 3. Shri H.P. Jadhav, learned Advocate for respondent No. 4, absent.

2. Upon condonation of delay, issue notices to the respondents, returnable on 31.10.2018.

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 31-10-2018.

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

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**M.A. 367/18 with M.A. St. 1480/18 with M.A. St. 1656/18 with
M.A. St. 531/18 in O.A. No. 562/2012
(Shri Namdeo D. Kharat & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

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

2. Issue notices to the respondents in all M.As., returnable on 31.10.2018.

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

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

//2//

M.A. 367/18 with M.A. St.
1480/18 with M.A. St. 656/18
with M.A. St. 531/18 in O.A.
No. 562/2012

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 cases shall automatically stand dismissed without further reference to the Tribunal.

8. S.O.to 31-10-2018.

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

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 284 OF 2016
(Dr. Usha N. Bholane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri K.A. Ingle, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondent Nos. 1 to 4. Shri B.S. Deshmukh, learned Advocate for respondent No. 5, **absent**.

2. Learned Presenting Officer seeks time to comply with the order dated 15.02.2018 for taking decision.

3. It is to be noted that for last seven months this Tribunal is waiting for taking decision. On the last date i.e. on 10.09.2018 it was warned that in case the concerned respondent fails to take decision in the matter, a strict action along with heavy costs would be taken.

4. Learned Presenting Officer submits that he has telephonic instructions that the decision is under process. It is to be noted that last seven months same thing is going on.

5. However, in the interest of justice, as a last chance, S.O. to 05.11.2018 with a precondition that if by that date no decision is taken and report is not submitted regarding the decision in the present proceedings, without any further orders, the concerned respondent would be liable to pay costs of Rs. 25,000/-.

6. With this, S.O. to 05.11.2018.

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

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 807 OF 2016
(Shri Madhukar N. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for respondent Nos. 1, 3 & 4 and Shri Shamsundar B. Patil, learned Advocate for respondent No. 2.

2. In the present matter, the issue as to whether the applicant is a Group-C employee has arisen, as he is claiming order against the recovery due to overpayment in view of the decision of the Hon'ble Supreme Court in the case of **State of Punjab and Ors. Vs. Rafiq Masih (White Washer) and others** reported in **(2015) 4 Supreme Court Cases 334** dated 18.12.2014.

3. In the circumstances, on last date i.e. on 11.09.2018 both the sides sought time to file documents and to make definite statement as to

whether the present applicant being Junior Engineer be within the category of Group-C employee.

4. However, today Shri V.R. Wagh, learned Advocate for the applicant persists in making statement that his own statement that the applicant is Group-C employee should be accepted and the O.A. be allowed on his statement. The said statement is illogical and strange. If the applicant does not want to support his case that he is Group-C employee by filing any notification, document etc. then the present O.A. is fixed for hearing.

5. S.O. to 26.11.2018 for hearing on the above line.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**O.A. No. 878 OF 2016 with O.A. No. 242/2017 with O.A. No.
648/2017**

(Shri Nitinkumar T. Adhe & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicants in all these matters and Smt. M.S. Patni, Shri B.S. Deokar, and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officers for respondents in respective matters.

2. Learned Advocate for the applicant files on record a copy of judgment delivered by the Division Bench of the Hon'ble High Court of Judicature at Bombay Civil Appellate Jurisdiction in W.P. No. 9266 of 2017 & Ors. in the case of The State of Maharashtra and Anr. Vs. Shri Satyawani Eknath Salunkhe dated 17.07.2018. Same is taken on record and marked as document 'X' for the purposes of identification. Copy is served on the learned Presenting Officer.

//2// O.A. 878/2016 with O.A.
242/2017 with O.A. 648/17

3. Learned Presenting Officer submits that she will go through the said decision and will make submissions on the next date.
4. At her request, S.O. to 23.10.2018 for making further submissions.
5. All these O.As. be tagged together.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**ORIGINAL APPLICATION NO. 133 OF 2017
(Shri Radhakrushna S. Bodkhe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

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

2. Learned Presenting Officer files on record a true copy of the decision/proposal rendered by the concerned respondent dated 04.09.2018. Same is taken on record and marked as document 'X' for the purposes of identification. Copy of the same is supplied to the learned Advocate for the applicant.

3. Learned Advocate for the applicant seeks time to take instructions from the applicant to find out as to whether the applicant is fully satisfied by the decision/proposal of the respondents or not.

4. Learned Presenting Officer also seeks time for reporting the progress in the said decision /proposal of the respondent No. 1.

5. At the request of both the sides, S.O. to 28.11.2018 for making submissions on the above line.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 83 OF 2018
(Shri Vyankat S. More & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

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

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

3. S.O. to 01.11.2018 for hearing.

VICE CHAIRMAN

KPB ORAL ORDER 09-10-2018

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

**C.P. 64/2018 IN O.A. 643/2016
(Shri Govind Y. Bharsakhle V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 9.10.2018

ORAL ORDER :

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

2. It is seen that the present Contempt Petition is filed by the applicant without waiting for 30 days from the date of issuance of personal notice to the contemnors. In this background, the present Contempt Petition is premature.

3. Learned Advocate for the applicant seeks leave of the Tribunal to withdraw this Contempt Petition with liberty to file fresh after considering reply, if any, of the contemnors to the personal notice of the applicant.

4. In the circumstances, the present Contempt Petition is disposed of as withdrawn with liberty as prayed for.

CHAIRMAN

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

**C.P. 65/2018 IN O.A. 622/2016
(Shri Manik T. Takalkar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 9.10.2018

ORAL ORDER :

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

2. It is seen that the present Contempt Petition is filed by the applicant without waiting for 30 days from the date of issuance of personal notice to the contemnors. In this background, the present Contempt Petition is premature.

3. Learned Advocate for the applicant seeks leave of the Tribunal to withdraw this Contempt Petition with liberty to file fresh after considering reply, if any, of the contemnors to the personal notice of the applicant.

4. In the circumstances, the present Contempt Petition is disposed of as withdrawn with liberty as prayed for.

CHAIRMAN

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

M.A. 388/2018 IN O.A. 792/2018

**(Dr. Chetan K. Shingane & Ors. V/s. Dr. Prasad V. Kulkarni & Ors. and State of
Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 9.10.2018

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicants in the present M.A., Shri Vishnu Dhoble, learned Advocate for respondent nos. 1 to 7 in the present M.A. / applicants in O.A. and Shri M.S. Mahajan, learned Chief Presenting Officer for respondent nos. 8 & 9 in the present M.A. / respondent nos. 1 & 2 in O.A.

2. At the request of Shri Dhoble, learned Advocate for respondent nos. 1 to 7 in the present M.A., S.O. to 10.10.2018.

CHAIRMAN

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

**ORIGINAL APPLICATION NO. 32/2018
(Shri Shahadeo S. Bangar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 9.10.2018

ORAL ORDER :

Heard Shri J.S. Deshmukh, 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, S.O. to 24.10.2018.

CHAIRMAN

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

**ORIGINAL APPLICATION NO. 321/2018
(Shri Babasaheb R. Gatkal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 9.10.2018

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 28.11.2018.

CHAIRMAN

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

**ORIGINAL APPLICATION NO. 735/2018
(Shri Santosh D. Chatupale (Zalte) V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 9.10.2018

ORAL ORDER :

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

2. By the order dtd. 26.9.2018, the present matter is already fixed on 17.10.2018.

3. In the circumstances, S.O. to 17.10.2018, with liberty to the applicant to file M.A., if any, for interim relief.

CHAIRMAN

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

**ORIGINAL APPLICATION NO. 739/2018
(Shri Sanjaykumar L. Bhosale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 9.10.2018

ORAL ORDER :

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

2. By the order dtd. 26.9.2018, the present matter is already fixed on 17.10.2018.

3. In the circumstances, S.O. to 17.10.2018, with liberty to the applicant to file M.A., if any, for interim relief.

CHAIRMAN

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

**ORIGINAL APPLICATION NO. 247/2017
(Shri Dr. Mohammed Fazalul Haq V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 9.10.2018

ORAL ORDER :

Heard Shri Asif Ali, learned Advocate holding for Smt. A.N. Ansari, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondent nos. 1 to 6.

2. Shri S.M. Mundlik, learned Advocate has filed V.P. of Shri Sachin Deshmukh, learned Advocate for respondent no. 7. It is taken on record.

3. Learned P.O. seeks time for taking necessary instructions from the respondents.

4. Time granted.

5. S.O. to 5.11.2018.

CHAIRMAN

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

**M.A. 24/2018 IN O.A. 73/2018
(Shri Vishwajeet Vishwambhar Jondhale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 9.10.2018

ORAL ORDER :

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

2. The present Misc. Application has been filed by the applicant for condonation of 224 days caused in filing accompanying Original Application.

3. Applicant has offered satisfactory explanation of his mother's ill-health, which had led to the delay of 224 days in filing the O.A.

4. Accepting the grounds and reasons towards delay, the present Misc. Application is allowed and disposed of without any order as to costs and the delay of 224 days caused in filing accompanying O.A. is condoned.

5. Learned C.P.O. has requested that affidavit in reply filed by the State in the M.A. is comprehensive and it be transposed as affidavit in reply in the O.A., so that additional or separate affidavit in reply in the O.A. may not be necessary.

6. The above request of the learned C.P.O. is granted.

7. Affidavit in reply filed by the State from paper book page 5 to 19 in the M.A. be transposed as affidavit in reply of O.A.

8. Original Application to come up for hearing on circulation.

CHAIRMAN

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

**C.P. ST. 1066/2018 IN O.A. 380/2017
(Dr. Prasad V. Kulkarni & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 9.10.2018

ORAL ORDER :

1. Heard Shri Vishnu Dhoble, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Upon examination of the matter, it *prima-facie* appears that the object of the order passed by this Tribunal on 27.11.2017 was to find out as to what could be the ultimate object of G.R. dtd. 22.10.2016, and as to whether it results in discriminatory treatment, knowingly or unknowingly caused or otherwise occurring as against the applicant.

3. Therefore, Shri Sanjay Deshmukh, Secretary, Medical & Drugs Department was expected to file affidavit answering the queries put in para 4 of the order dtd. 27.11.2017. He definitely had a duty to reply the queries and thereafter exercise freedom to add whatever he wanted, if it appeared to him that the queries comprised of a catch and he desire to protect the Government from any liability and hence he ought to clarify.

4. However, act of the Secretary in filing of affidavit in circuitous manner is inappropriate and thereby he has given to the applicant an opportunity to blame on him.

5. This Tribunal has also perused the affidavit filed by Shri Sanjay Deshmukh in present C.P. and found that it is far from satisfactory.

6. Prima-facie, there could not be any justification for circuitous way of filing affidavit even in present contempt case.

7. Therefore, applicant argues that Shri Sanjay Deshmukh, Secretary, Medical & Drugs Department, Mantralaya, Mumbai is required to be dealt with for contempt on account of attempt to deliberately mislead this Tribunal towards circuitously framed affidavit filed by him, in response to this Tribunal's order dtd. 27.11.2017 passed in O.A. no. 380/2017.

8. In the circumstances, it shall be in the fitness of things that Shri Sanjay Deshmukh, Secretary, Medical & Drugs Department should provide to the applicant by giving him personal hearing preferably by allowing the applicant & his Advocate if he chooses to attend, listen to him / them open-mindedly, understand applicant's grievance, and answer or refrain from answering.

9. We expect the learned C.P.O. to speak to Shri Sanjay Deshmukh, Secretary, Medical & Drugs Department, Mantralaya, Mumbai and ascertain from him his willingness and convenient date for hearing applicant's grievance.

10. For this limited purpose of getting response, we adjourned the case for tomorrow i.e. 10.10.2018.

11. After hearing the response of the Contemnor tomorrow, we shall fix the further date for appropriate stages, such as filing fresh affidavit.

12. Steno copy / hamdast allowed for the use of learned C.P.O.

CHAIRMAN

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

ORIGINAL APPLICATION NO. 731 OF 2018

[Shri Ramesh J. Patil Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri Chandrakant Patil, learned Advocate holding for Shri P.B. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks accommodation. It is to be noted that the statement was to be made on the line of the order passed by the Hon'ble High Court in Writ Petition No. 2979/2015 as referred in the order dated 4.10.2018 passed by this Tribunal. At his request, S.O. to 26th October, 2018 for making statement on the above line.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

ORIGINAL APPLICATION NO. 503 OF 2017

[Shri Panchamlal L. Salve Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for respondent Nos. 1 & 2 and Shri M.B. Bharaswadkar, learned Advocate for respondent No. 3.

2. Learned Presenting Officer submits that to comply with the order dated 3.8.2018, as a last chance, one week's time may be granted.

3. In the circumstances, S.O. to 19.10.2018 for compliance of the order dated 3.8.2018 passed by this Tribunal.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

ORIGINAL APPLICATION NO. 118 OF 2018

[Shri Sharad G. Jade Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

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

2. Hearing from the both sides would show that in the light of the Circular dated 2nd April, 1976 issued by the Government of Maharashtra (page-78), the departmental promotion committee is required to take into consideration the information of the acquittal i.e. as to whether it is a complete exoneration as described in paragraph No. 4 of the Circular. In that view of the matter, learned Advocate for the applicant files on record a copy of the judgment delivered by the Judge, Special Court, Jalna. It is taken on record and marked as document 'X' for the purposes of identification.

3. It is an admitted fact that the State has preferred appeal against the said order in the Hon'ble High Court. Copy of the same be served to the learned Presenting Officer.

4. S.O. to 17th October, 2018 for making further submissions in the light of the decision of the Judge, Special Court, Jalna.

MEMBER (A)

ORAL ORDERS 09.10.2018-HDD

VICE CHAIRMAN

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

ORIGINAL APPLICATION ST. NO. 1667 OF 2018

[Shri Vikas V. Salve Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri Girish Kulkarni, 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 the following reliefs: -

“B) To quash and set-aside question set aside the order dated 30.8.2018 issued by the respondent No. 1 in respect of initiation of **second departmental enquiry** against the applicant.

C) To quash and set-aside suspension of the applicant vide order dated 12.2.2018 and allow applicant to work as a police constable.

D) To quash and set aside notice dated 13.9.2018 issued by the respondent No. 2 vis-à-vis enquiry of the applicant before Vishkha committee in the office of Respondent No. 1.

E) To direct respondent to release all the service benefits to the applicant within stipulated period along with interest.”

O.A. ST. 1667 OF 2018

3. So far as prayer clause 'B' is concerned, learned Advocate for the applicant is relying on page No. 15 vis-à-vis page-19 to show that two departmental enquiries are being initiated against the present applicant. Reading of the charges however, would show that for two different instances, the present applicant being proceeded departmentally. Therefore, the submission that the second departmental enquiry is vitiated, cannot be accepted.

4. So far as, the proceeding before the Vishakha Committee is concerned, the Chairman of the Enquiry Committee cannot be made party respondent. The question if any, of the tenability of reference by the respondent No. 1 to the Committee can very well be raised before the said Committee. In the circumstances, challenge in the present O.A. to the initiation of the enquiry by the said Committee on the ground that it is against Section-9 of the Prevention of Sexual Harassment of the Women at Work Place Act, 2013 does not hold any water. Only objection is that the complainant woman instead of making complaint to the Committee made complaint to her appointing authority i.e. Superintendent of Police, which was forwarded by the Superintendent of Police to the Committee. The Committee would be competent to deal with these issues.

O.A. ST. 1667 OF 2018

5. So far as the suspension is concerned, the applicant has alternative remedy like departmental appeal etc.

6. In view of the above, the present O.A. is rejected without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

O.A.NO. 474/2015 & O.A.NO. 740/2016

[Shri Nagorao K. Gaikwad & 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 : 09.10.2018.

ORAL ORDER :

1. Heard Shri R.K. Ashtekar, learned Advocate for the applicants in both these cases and Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 3 in both these cases. Shri B.N. Patil, learned Advocate for respondent No. 6 (**absent**) in O.A. No. 474/2015. None appears for respondent Nos. 4 & 5 in O.A. No. 474/2015. Shri Swapnil Tawshikar, learned Advocate for respondent Nos. 4 & 5 (**absent**) in O.A. No. 740/2016.

2. Learned Presenting Officer has filed on record a copy of the communication dated 5.10.2018 and the same is taken on record and marked as document 'X' for the purpose of identification. He submits that some time would be required to file copies of rules as directed vide order dated 25.9.2018 in this Tribunal.

3. In these circumstances, S.O. to 30th October, 2018 for filing copies of those rules or for hearing.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 439 OF 2010

[Shri Dilip S. Karle Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Smt. Divya Tyagi, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer has filed a copy of communication dated 6th October, 2018 received to him from the Deputy Secretary, Home Department, Mantraya, Mumbai and the same is taken on record and marked as document 'X' for the purposes of identification.
3. Perusal of the aforesaid communication would show that the proposal of grant of arrears of pay upon grant of deemed date of promotion is now sent to the Finance Department.
4. In the circumstances, S.O. to 12th December, 2018 for reporting progress by the learned Chief Presenting Officer on the above line.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

O.A.NOS. 104 & 105 BOTH OF 2018

[Dr. Nandkishor D. Karwa Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri V.B. Wagh, learned Advocate for the applicants in both these cases and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents in both these cases.
2. Learned Presenting Officer has filed short affidavit on behalf of respondent No. 1 on the line of the orders dated 27.02.2018, 04.04.2018 & 22.06.2018 in both these cases and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.
3. S.O. to 27th November, 2018 for making submission on the line of the above order.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

ORIGINAL APPLICATION NO. 126 OF 2018

[Dr. Shukracharya G. Dudhal Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Shri S.S. Dambe, learned Advocate for the applicant. Learned Advocate Shri Ajay Deshpande, appeared to day in the Tribunal and submits that he has been appointed as a Special Counsel by the respondents in the present case.
2. Learned Special Counsel for the respondents submits that he wants to file affidavit in reply on behalf of the respondents and, therefore, some time is required.
3. In the circumstances, S.O. to 1st November, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

ORIGINAL APPLICATION NO. 506 OF 2018

[Dr. Shobha P. Chandak Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Smt. Vidya Taksal, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. Learned Presenting Officer seeks time for filing affidavit in reply.
3. Considering the fact that already one chance is granted and the issue is regarding rejection of notice of voluntary retirement, S.O. to 30th October, 2018, as a last chance.
4. Learned Presenting Officer to act on steno copy.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

ORIGINAL APPLICATION NO. 561 OF 2018

[Shri Yogesh Y. Suryawanshi Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri S.B. Narwade Patil, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondent Nos. 1 to 4. Shri Umakant B. Deshmukh, learned Advocate for respondent No. 5 (**absent**).

2. At the request of learned Presenting Officer, S.O. to 26th October, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

ORIGINAL APPLICATION NO. 690 OF 2018

[Shri Pramod A. Kulkarni Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

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

2. At the request of learned Chief Presenting Officer, S.O. to 16th October, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

ORIGINAL APPLICATION NO. 45 OF 2017

[Smt. Sunita R. Thite Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that the issue is now decided by the Hon'ble Supreme Court and he wants go through the judgment / order and seeks time. At his request, S.O. to 26th November, 2018 for verifying the above issue.

MEMBER (A)
ORAL ORDERS 09.10.2018-HDD

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 608 OF 2018

[Shri Narendra S. Suryawanshi & 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 : 09.10.2018.

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 5th November, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

ORIGINAL APPLICATION NO. 39 OF 2018

[Shri Ravi S Wankhade Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri S.R. Patil, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 20th November, 2018 for filing affidavit in rejoinder.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

ORIGINAL APPLICATION NO. 654 OF 2013

[Dr. Anmol S. Pawar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Smt. Surekha Mahajan, learned Advocate for the applicant and Shri Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant states that the Special case for the offence punishable under Sections 7, 12, 13 (1) (D) with 13 (2) of Prevention of Corruption Act, 1988, is at the final stage and the investigating officer is now to be examined by the learned Special Judge. The applicant was terminated from the services for the same charges and, therefore, she submits that the present original application may be kept after three months.

3. In the circumstances, S.O. to 9th January, 2019 for making statement on the above line. In the meantime liberty to file affidavit in reply, if any, is hereby granted.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 258 OF 2015

[Smt. Lata S. Tuptewar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 26th October, 2018, as a last chance for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

ORIGINAL APPLICATION NO. 810 OF 2017

[Shri Shaligram M. Sonawane Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri S.D. Dhongde, 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 26th November, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

M.A.NO. 120/2018 IN O.A.ST.NO. 468/2018

[Shri Prashant A. Falke Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Smt. Fordose Shaikh, learned Advocate holding for Smt. Naseem Shaikh, learned Advocate for the applicant.
2. Nobody appeared on behalf of the respondents to make statement that affidavit in reply is to be filed or not.
3. S.O. to 29th October, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri Kuldeep Patil, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks accommodation. Today, learned Advocate for the applicant was required to make statement regarding verification of sports certificate of the present applicant as referred in the order dated 21.9.2018.
3. At the request of learned Advocate for the applicant, S.O. to 29th October, 2018 for making statement on the line of the order dated 21.9.2018 passed by this Tribunal.

MEMBER (A)
ORAL ORDERS 09.10.2018-HDD

VICE CHAIRMAN

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

M.A.NO. 194/2018 IN O.A.ST.NO. 704/2018

[Shri Nilesh S. Badgajar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri S.R. Patil, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 30th October, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

M.A.255/18 WITH M.A.ST.487/18 IN O.A. 627/17
[Shri Kailas R. Shriramwar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri M.R. Wagh, learned Advocate holding for Shri R.B. Narwade Patil, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri Shamsundar B. Patil, learned Advocate for respondent Nos. 3 & 4.
2. This is an application filed by the applicant for condonation of delay of about 12 days caused in filing the M.A. St. No. 487/2018 for restoration of O.A.
3. For the reasons stated in the present M.A. No. 255/2018, the same is allowed and disposed of without any order as to costs and the delay of about 12 days caused in filing the M.A. St. No. 487/2018 for restoration of O.A. is condoned. The registry of this Tribunal shall register the M.A. St. No. 487/2018 on due scrutiny.

MEMBER (A)

VICE CHAIRMAN

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

M.A.ST.487/18 IN O.A. 627/17

[Shri Kailas R. Shriramwar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri M.R. Wagh, learned Advocate holding for Shri R.B. Narwade Patil, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri Shamsundar B. Patil, learned Advocate for respondent Nos. 3 & 4.
2. This is an application filed by the applicant for restoration of O.A. No. 627/2017 to its original file.
3. For the reasons stated in the present M.A., the same is allowed and disposed of without any order as to costs and the O.A. No. 627/2017 is restored to its original file.
4. The O.A. be placed for hearing before notice on 21st October, 2018.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

M.A.NO. 394/2018 IN O.A. NO. 577/2017

[Shri Ramesh G. Chaudhari Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri Ketan Pote, learned Advocate holding for Shri A.G. Ambetkar, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 & 2 and Smt. Vidya Taksal, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for respondent No. 3.
2. Issue notices to the respondents in M.A. No. 394/2017, returnable on 30th 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

**M.A.NO. 394/2018 IN
O.A. NO. 577/2017**

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 30th October, 2018.

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

MEMBER (A)

VICE CHAIRMAN

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

O.A.NO. 117/2018 WITH O.A.NO. 928/2017

[Smt. Ujwala G. Ingle & 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 : 09.10.2018.

ORAL ORDER :

1. Shri R.L. Kute, learned Advocate for the applicants in both these cases (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in both these cases, present.

2. In view of absence of learned Advocate for the applicants, S.O. to 27th November, 2018 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

ORIGINAL APPLICATION NO. 630 OF 2014

[Shri Dinkar P. Saudagar Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant, on instructions, submitted that since the appeal against the conviction of the present applicant in criminal case is pending, the applicant may be allowed to withdraw the original application with liberty to file similar application, in case any exigency arises.
3. Permission granted. Withdrawal is allowed. Accordingly, the present O.A. is disposed of as withdrawn with liberty to file similar proceeding as may be deemed fit as and when exigency would arise. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

ORIGINAL APPLICATION NO. 252 OF 2018

[Shri Sunil V. Surse Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri Govind B. Chate, learned Advocate holding for Shri S.R. Andhale, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 3. Smt. Savita N. Solunke, learned Advocate for respondent Nos. 4 to 6 (**absent**).

2. At the request of learned Advocate for the applicant, S.O. to 27th November, 2018.

MEMBER (A)
ORAL ORDERS 09.10.2018-HDD

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 145 OF 2018

[Shri Maheshkumar L. Kulkarni Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer submits that reply of respondent No. 2 is not necessary.

3. It is an admitted fact that the present applicant is facing criminal trial for the offences punishable under Sections 7, 12, 13 (1) (d) r/w 13 (2) of the Prevention of Corruption Act, 1988. The departmental enquiry is also initiated on the same set of facts. Applicant has, therefore, sought following relief in the present Original Application: -

“A) This Original Application may kindly be allowed thereby restraining the Respondents from proceeding ahead in any manner whatsoever in the Departmental Enquiry initiated against applicant by Resp. No. 1 vide Memorandum of Charge dated 12/02/2018 (Annex. A-2 Colly) during the pendency of the prosecution

O.A. NO. 145 OF 2018

against him in the Court of the Ld. Spl. Judge at Ahmednagar.”

4. The affidavit in reply of respondent No. 1 would show that the respondents agree with the statement of the present applicant that he may not be forced to open his defence in the departmental enquiry. Paragraph No. 15 of the reply of respondent No. 1, page-267, is as under:-

“15. As regards to the contents of Para No. 6 (x) of the Original Application, I say and submit that the contents of this para are denied. It is submitted that, though the charges in the criminal case filed against the applicant and in the Departmental Enquiry initiated by the Respondent No. 1 is based on same charges. It is submitted that the Respondent in full consonance of rules and circular dated 3.04.2000, will carry out enquiry to the stage of evidence and till that stage. Department will not force the Applicant to open his evidence before opening it before the Hon’ble criminal Court.”

5. However, respondent No. 1 failed to note that filing of the reply to the statement of imputation and cross examination to the witness for the allegation would require disclosure of the defence. In view of the fact that the respondents also agree that the applicant cannot be forced to open the defence, the present Original Application is allowed in terms of prayer clause “A” quoted above without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

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

**O.A.NOS. 553/2013 & 639, 640, 676, 681, 682, 803, 860, 864, 897,
905 TO 910 ALL OF 2012 AND 243, 259, 260 & 325/2013 AND
626/2014**

(Shri Rashid Sk Noor Patel & 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 : 09.10.2018

ORAL ORDER :

Heard Shri S.S. Dambe, learned Advocate for the applicants in all these matters and Shri V.R. Bhumkar, learned Presenting Officers for respondents in all these matters.

2. Learned Advocate for the applicant files on record true copy of the various judgments including the order of the Hon'ble Supreme Court. They are collectively taken on record and marked as document 'X' for the purposes of identification.

3. Learned Presenting Officer seeks time to go through the aforesaid judgments and to make submissions. Time granted.

4. S.O. to 24th October, 2018 for making submissions on the above line.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

ORIGINAL APPLICATION NO. 105 OF 2017

[Shri Nagesh S. Mapari Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Smt. Vidya Taksal, learned Advocate holding for Shri G.K. Kshirsagar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 & 2. Shri S.G. Kawade, learned Advocate for respondent Nos. 4 & 5 (**absent**). None appears for respondent Nos. 3 & 6 to 15.

2. At the request of learned Presenting Officer, S.O. to 5th November, 2018 for filing sur-rejoinder.

MEMBER (A)
ORAL ORDERS 09.10.2018-HDD

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 679 OF 2018

[Smt. Sushilabai G. Kalaskar & Ors. Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Chief Presenting Officer, S.O. to 6th November, 2018 for filing affidavit in reply.

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

ORIGINAL APPLICATION NO. 944 OF 2016

[Shri Sunil V. Jagtap Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

1. Heard Shri Chandrakant Patil, learned Advocate holding for Shri P.B. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to file affidavit in rejoinder to the short affidavit filed by the respondents as per the order dated 14.9.2018. At his request, S.O. to 24th October, 2018 for filing affidavit in rejoinder.

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD

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

ORIGINAL APPLICATION NO. 237 OF 2013

[Smt. Kaveri V. Chavan Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

[Per : Justice M.T. Joshi, V.C.]

1. Heard Shri P.G. Gunale, learned Advocate for the applicant, Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri Shamsundar B. Patil, learned Advocate for respondent No. 6. None appears for respondent No. 5.

2. Submissions of the learned Advocate for the applicant are as under: -

(i) The applicant, who is Open Category candidate, ought to have been appointed on the post of Junior Clerk. However, the appointment order is issued to respondent No. 5, Manish Damodhar Dhonge, who is from OBC Category;

(ii) Though as respondent No. 5 did not join the post and as respondent No. 6, Shri Ramdas N. Bhosle, was not appointed to his vacant post, but to another vacant post

O.A. NO. 237 OF 2013

caused to the transfer of the other junior clerk. The said appointment is illegal; and

(iii) The respondent No. 6 sought appointment from PAP category like that of the present applicant. However, his certificate to that effect remained to be validated.

3. It is pointed out from the side of the respondents that the applicant has secured less marks than the respondent Nos. 5 & 6. Respondent No. 5 though from OBC category could very well compete for open category and, therefore, the present O.A. would not survive. This statement is according to law.

4. As regards submission that the appointment of the respondent No. 6 not in the place of respondent No. 5, but at the place of some transferred employee is *ex-facie* wrong. The appointment is to be made to the post and not a place.

5. The last of the contention of the applicant that the respondent No. 6's Project Affected Persons certificate is not validated, is against the record. At page-168, the respondent No. 6 has filed the copy of the validation certificate. Learned Advocate for the applicant however, made a statement against the record, which is not expected from a Senior Advocate.

O.A. NO. 237 OF 2013

6. In view of the above fact, there is no force in the present Original Application. Therefore, the present Original Application is dismissed without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 744 OF 2018

[Anjana S. Girnare Vs. State of Maharashtra & Ors]

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.10.2018.

ORAL ORDER :

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

2. Learned Chief Presenting Officer, on instructions from Shri Dinkar H. Sinde, Assistant Desk Officer, M.P.S.C., who is present today in the Tribunal, makes a statement that hall ticket would be issued. It is to be noted that the examination is scheduled on 14th October, 2018. Learned Chief Presenting Officer submits that the concerned respondent would take care of issuance of the hall ticket and allowing the present applicant for examination before due date of examination. With this, S.O. to 5th November, 2018 for filing affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 09.10.2018-HDD