

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 388 OF 2017

{Shri Ramdhan P. Pawale & Ors. Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Heard Shri R.S. Shejule, learned Advocate holding for Shri K.M. Nagarkar, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 21.9.2017 for filing affidavit in reply.

MEMBER (J)

ARJ ORAL ORDERS 16.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 354 OF 2017

{Shri Devendra T. Katte Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Heard Ms. Ashlesha Raut, 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. At the request of learned Chief Presenting Officer for the respondents, S.O. to 31.8.2017 for filing affidavit in reply. The interim relief to continue till then.

MEMBER (J)

ARJ ORAL ORDERS 16.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 460 OF 2017

{Smt. Suvarna B. Ghodke Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Heard Shri S.R. Dheple, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The learned P.O. has filed affidavit in reply on behalf of res. No. 3. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The learned Advocate for the applicant seeks time to file rejoinder of the applicant to the reply of res. No. 3. Time granted.

4. S.O. to 13.9.2017 for filing rejoinder by the applicant.

MEMBER (J)

ARJ ORAL ORDERS 16.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 343 OF 2017

{Smt. Mrunalini S. Bawiskar Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, 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 6.9.2017. The interim relief to continue till then.

MEMBER (J)

ARJ ORAL ORDERS 16.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 260 OF 2017

{Shri Bhagwat D. Bedke Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Shri R.P. Bhumkar, learned Advocate for the applicant **(leave note)**. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 1.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 16.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 261 OF 2017

{Shri Shivram Y. Surwase Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

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

2. At the request of learned C.P.O., as a last chance, S.O. to 16.9.2017 for filing affidavit in reply of the respondents.

MEMBER (J)

ARJ ORAL ORDERS 16.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 317 OF 2017

{Shri Shatrughna P. Gailwad Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Shri K.G. Salunke, learned Advocate for the applicant **(absent)**. Smt. D.S. Deshpande, learned Presenting Officer for the respondent no. 1 and Shri S.B. Mene, learned Advocate for respondent nos. 2 to 4 are present.

2. The learned P.O. submits that para-wise remarks are received to her and she seeks time to file affidavit in reply of res. No. 1. Time granted.

3. S.O. to 16.9.20107.

MEMBER (J)

ARJ ORAL ORDERS 16.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 373 OF 2017

{Shri Kashinath G. Pawar Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The learned C.P.O. has filed affidavit in reply of res. Nos. 2 & 3. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The learned C.P.O. submits that affidavit in reply of res. No. 1 is not necessary. However, he seeks some time to file reply of res. No. 4. Time granted as a last chance.

4. S.O. to 16.9.2017

MEMBER (J)

ARJ ORAL ORDERS 16.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 323 OF 2017
{Shri Vikas A. Mali Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Heard Shri S.P. Dhobale, learned Advocate holding for N.L. Choudhary, learned Advocate for the applicant and Shri S.K Shirse, learned Presenting Officer for the respondents.

2. The learned P.O. has filed separate affidavits in reply of res. nos. 1 to 3 and 4 & 5. The same are taken on record and copies thereof are served upon the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 21.9.2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 371 OF 2017
{Shri Vasant G. Patil Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri I.S. Thoart, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that she has not received copy of affidavit in reply filed by res. nos. 1 & 2. The learned P.O. has supplied the same to her.

3. At the request of learned Advocate for the applicant, S.O. to 13.9.2017.

MEMBER (J)

ARJ ORAL ORDERS 16.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 347 OF 2017
{Shri Sanjay S. Gaikwad Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Shri V.B. Wagh, learned Advocate for the applicant **(leave note)**. Shri S.K Shirse, learned Presenting Officer for the respondents, is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 6.9.2017. The interim relief to continue till then.

MEMBER (J)

ARJ ORAL ORDERS 16.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 121 OF 2017

{Shri Shamkant B. Dusane Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Heard Shri Shamsundar B. Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 to 4. None appears for respondent nos. 4 & 5.

2. The learned P.O. has submitted the copy of communication dated 9.8.2017 issued by the Desk Officer, Medical Education & Drugs Department, Mumbai to the Director of Medical Education & Research, Mumbai informing that the request to transfer the applicant from Aurangabad to Dhule has not been considered by the Govt. as he has not completed one year at Aurangabad. The learned P.O. has submitted that in view of direction dated 12.5.2017 of the Tribunal no corrective steps as suggested by the Tribunal can be taken. He has submitted that the impugned transfer order is issued by the respondents in accordance with the provisions of Transfer Act, 2005.

3. The learned Advocate for the applicant has submitted that he required some time to take instructions from the applicant. Time granted.

4. S.O. to 1.9.2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 144 OF 2017
{Shri Sharad R. Pathak Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Heard Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submitted that the applicant has not received any communication from the respondents as regards forwarding of his pension case to the Accountant General. The learned P.O. submitted that he has no instructions as to where the proposal of the applicant is pending.

3. In view of above, the learned P.O. is directed to inform this Tribunal when the pension proposal of the applicant is prepared and sent to the Accountant General. He is further directed to file affidavit of the concerned authority in this regard.

4. S.O. to 4.9.2017.

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

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 204 OF 2017

{Shri Balasaheb L. Deshmukh Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. 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 the respondents.

2. At the request of learned Advocate for the applicant reissue notices to the respondents in the original application, returnable on 21.9.2017.

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

4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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 question 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. S.O. to 21.9.2017.

8. Steno copy & hamdast allowed to both the sides.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 554 OF 2017
WITH CAVEAT 30/2017**

{Smt. (Dr.) Archana V. Bhosale Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

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

2. The learned Advocate for the applicant submitted that he is not seeking any interim relief against the res. no. 3 and therefore he wants to delete the said respondent no.3. Permission as sought for is granted. The said amendment be carried out forthwith.

3. The learned Advocate further submits that he does not want to press the prayer clause (B). Accordingly the applicant is permitted to delete the said prayer clause (B) forthwith. He further submits that inadvertently in the O.A. the prayer clause (C) is mentioned as prayer clause (D). He seeks leave to correct the prayer clause (D) as prayer clause (C). He is permitted to amend the prayer clause (D) as prayer clause (C) forthwith.

4. The learned C.P.O. submitted that he wants to take instructions from the respondents as to whether the request of the applicant has to be considered on the vacant post in Dist. Civil Hospital, Aurangabad, if the said post is vacant and therefore he seeks time. Time granted.

5. S.O. to 22.8.2017.

6. Steno copy allowed for the use of learned C.P.O.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

O.A. NO. 721/2012 WITH O.A. NO. 487/2013

{Shri Avinash P. Latpate & Ors. Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Heard Ms. Preeti Wankhade, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicants in both the matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in both the matters.

2. Learned Advocate for the applicants has submitted that the Tribunal has granted interim relief in favour of the applicants during the pendency of the O.As. and same is continued till today Therefore, she has prayed to continue the said interim relief for the further period of 2 weeks from today.

3. Learned P.O. submitted that the matters have been decided on merit by the judgment delivered by the Tribunal today. There is no interim relief in favour of the applicants as on today and therefore no question of continuation of interim relief for further period of 2 weeks arises. Hence he has opposed for the extension of interim relief.

4. On perusal of the record, it appears that, on 29.8.2013 the interim relief was continued till further orders. On 9.1.2014 the said interim relief was continued till next date, but thereafter the said interim relief was not extended. There is no interim relief in favour of the applicants as on today.

::-2-::
O.A. NO. 721/2012 WITH
O.A. NO. 487/2013

Therefore, no question of continuation of said interim relief for further period of 2 weeks arises. Moreover, the O.As. are decided on merit today. Hence the request of the applicants for continuation of interim relief for further period of 2 weeks cannot be considered and hence the same is rejected.

MEMBER (J)

ARJ ORAL ORDERS 16.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

MA 322/2017 WITH OA ST. 1113/2017

{Smt. Sujata D. Hingole & 1 Another Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Heard Shri G.J. Pahilwan, learned Advocate holding for Shri G.K. Kshirsagar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. This misc. application has been filed by the applicants for leave to sue jointly the O.A.

3. The applicants are seeking following reliefs in the O.A. :-

“A. This Original Application may kindly be allowed.

B. The respondents may kindly be directed to grant the second increment to the applicants from the second day of completion of two years period from the date of joining including all the consequential benefits including the arrears of salary as it has been already granted to the similarly situated employees vide Government Resolution dated 12.02.2015 (Annexure “A-4”).

C. The respondents may kindly be directed to pay the arrears of salary to the applicants for the period commencing from 4.5.2012 to 9.1.2013 i.e. for the period for which they were out of service as it has been already granted to the similarly situated employees.

D. The respondents may kindly be directed to count the applicant seniority from the date of first appointment.”

4. On going through the O.A., it reveals that the dates of appointment of the applicants, dates of their joining and dates of completion of 2 years by them from the date of their first appointment are different. The dates of cause of action to

::-2-::
MA 322/2017 WITH
OA ST. 1113/2017

each of applicant are also different. Therefore, the request of the applicants to sue jointly is not accepted. Hence the M.A. is rejected. Consequently the O.A. is also rejected with liberty to the applicants to file separate O.As.

MEMBER (J)

ARJ ORAL ORDERS 16.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

O.A. NO. 719/2016

{Shri Pandurang M. Chandanshiv Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Heard Shri L.H. Kale, learned Advocate holding for Shri K.J. Suryawanshi, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 to 3 and Shri A.R. Tapse, learned Advocate holding for Shri P.D. Suryawanshi, learned Advocate for respondent nos. 4 & 5.

2. Shri Tapse, learned Advocate has filed affidavit in reply on behalf of res. nos. 4 & 5. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. On perusal of the record, it reveals that on 3.7.2017 (page 195) an order has been issued by the Chief Executive Officer, Zilla Parishad, Beed cancelling the earlier order dated 17.5.2016. The copy of said order has been filed in this Tribunal along with affidavit in reply of Shri Namdeo S. Nanaware, the then C.E.O., Z.P., Beed, who has been retired now. It is stated that the office copy of the order dated 3.7.2017 (page 195) has been signed by Shri Swami Shivprasad Babu, who appears to be Executive Engineer, P.W.D., Zilla Parishad, Beed. Thereafter the applicant and the respondents have filed another communication dated 12.7.2017 / 8.8.2017, which has also been signed by the C.E.O. viz. Shri Dhanaraj Vaijnath Nila as well as Shri Swami Shivprasad Babu, Executive Engineer by which again the respondents granted provisional pension to the applicant by issuing modified order.

4. On perusal of the record, it reveals that Shri Swami Shivprasad Babu has filed reply in the capacity of C.E.O., Z.P., Beed and therefore it is just to direct the In-charge C.E.O. Shri Dhanaraj Vajinath Nila and Shri Swami Shivprasad Babu to file their personal affidavits explaining under which authority they modified the earlier order granting provisional pension to the applicant by order dated 8.8.2017. They are also further directed to explain as to why the amount of provisional pension has not been disbursed to the applicant and why it has been held.

5. S.O. to 24.8.2017.

6. Steno copy allowed for the use of learned Advocate for res. nos. 4 & 5.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 496 OF 2016
{Shri Rangnath A. Mete Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Heard Shri B.N. Magar, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 & 2 and Shri S.B. Mene, learned Advocate for respondent no. 3.

2. With the consent of both the sides, S.O. to 14.9.2017 for final hearing.

MEMBER (J)

ARJ ORAL ORDERS 16.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 265 OF 2016
{Shri Shivaji H. Rathod Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. With the consent of both the sides, S.O. to 4.9.2017 for final hearing.

MEMBER (J)

ARJ ORAL ORDERS 16.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 347 OF 2016
{Smt. Vaishali S. Kumar Patil Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri B.P. Patil, Member (J)

DATE :- 16.8.2017

Oral Order :-

1. Heard Shri P.A. Bharat, learned Advocate holding for Shri U.L. Momale, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. With the consent of both the sides, S.O. to 6.9.2017 for final hearing.

MEMBER (J)

ARJ ORAL ORDERS 16.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. 378/16 WITH M.A.ST.1633/16 IN O.A.ST.1634/16
(Shri Vyankat S. More & Ors. Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 16.08. 2017.

ORAL ORDER:

1. Shri T.B. Bhosale – learned Advocate for the applicants (**absent**). Shri S.K. Shirse – learned Presenting Officer for the respondents, present.
2. Since nobody appeared on behalf of the applicant, S.O. to 18th September, 2017.

VICE CHAIRMAN (J)

ORAL ORDERS 16.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 382/2016 IN O.A.ST.NO. 1750/2016
(Shri Bhagwant T. Chaudhari Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 16.08. 2017.

ORAL ORDER:

1. Heard Shri A.D. Sugdare – learned Advocate for the applicant, Smt. Resha S. Deshmukh – learned Presenting Officer for the respondent No. 1 and Shri P.G. Kulkarni, learned Advocate holding for Shri S.D. Dhongde – learned Advocate for respondent Nos. 2 & 3.

2. Learned Presenting Officer for respondent No. 1 prays for time to file affidavit in reply. Time granted as a most last chance.

3. S.O. to 18th September, 2017.

VICE CHAIRMAN (J)

ORAL ORDERS 16.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 409/2016 IN O.A.ST.1662/2016
(Shri Mohan Y. Sanap Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 16.08. 2017.

ORAL ORDER:

1. Heard Shri Kakasaheb B. Jadhav – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 4th September, 2017.

VICE CHAIRMAN (J)

ORAL ORDERS 16.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 422/2016 IN O.A.ST.1713/2016
(Shri Baburao G. Randive Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 16.08. 2017.

ORAL ORDER:

1. Shri G.J. Kore – learned Advocate for the applicant (**absent**). Shri M.P. Gude – learned Presenting Officer for the respondents, present.
2. Since nobody appeared on behalf of the applicant, S.O. to 4th September, 2017.

VICE CHAIRMAN (J)

ORAL ORDERS 16.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**T.A.NO.15/2013 (W.P.NO. 2789/13
(Smt. Sumanbai N. Bamne Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 16.08. 2017.

ORAL ORDER:

1. Heard Shri A.D. Gadekar – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 18th August, 2017.
3. This case be treated as part heard.

VICE CHAIRMAN (J)

ORAL ORDERS 16.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 436/2016 IN O.A.ST.NO. 1871/2016
(Smt. Byeda Ashraf Nadima Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 16.08. 2017.

ORAL ORDER:

1. Shri V.G. Salgare – learned Advocate for the applicant (**absent**). Shri M.P. Gude – learned Presenting Officer for the respondents, present.
2. Learned Presenting Officer prays for time for filing affidavit in reply in the M.A. No. 436/2016.
3. It appears from the proceedings that the last chance was already granted to the respondents on 17.4.2017. Even thereafter no affidavit in reply has been filed when the case was taken on board on 23.06.2017 and 26.07.2017.
4. Learned Presenting Officer submits that he has already intimated the competent authority the order passed by this Tribunal on 26.07.2017, but no response has been received. He has placed on record a copy of communication and the same is taken on record and marked as document 'X' for identification purpose.
5. In view of the above, most last chance is granted to the respondents to file affidavit in reply with clear understanding that if the reply is not filed on the next date, heavy cost will be saddled.
6. S.O. to 23rd August, 2017.

VICE CHAIRMAN (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 419 OF 2012
(Shri Anilkumar Y. Baste Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 16.08. 2017.

ORAL ORDER:

1. Heard Shri Ajay Deshpande – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.
2. Learned Presenting Officer has placed on record a copy of the seniority list dated 18th July, 2017, a copy of which is taken on record and marked as document 'X' and its copy has been supplied to the applicant.
3. At the request of learned Advocate for the applicant, S.O. to 22nd August, 2017.

VICE CHAIRMAN (J)

ORAL ORDERS 16.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 343/2016 IN O.A.ST.NO. 1570/2016
(Shri Datta A. Tumram Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 16.08. 2017.

ORAL ORDER:

1. Shri S.N. Pagare – learned Advocate for the applicant (**absent**). Shri M.P. Gude – learned Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 18th September, 2017.

VICE CHAIRMAN (J)

ORAL ORDERS 16.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**O.A.NO. 535/2013 WITH M.A.314/2016 WITH O.A.
575/2013 WITH M.A.315/2016
(Smt. Shubhangi A. Shejul & Ors. Vs. The State of Maha. and
Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 16.08. 2017.

ORAL ORDER:

1. Heard Shri S.R. Shirsath, learned Advocate holding for Shri S.S. Jadhavar – learned Advocate for the applicants in both the cases and Shri V.R. Bhumkar – learned Presenting Officer for the respondents in both the cases.

2. At the request of learned Advocate for the applicants, S.O. to 23rd August, 2017.

VICE CHAIRMAN (J)

ORAL ORDERS 16.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 144/2016 IN O.A.ST.NO. 1950/2015
(Shri Nagnath G. Jadhav Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 16.08. 2017.

ORAL ORDER:

1. Heard Shri S.D. Dhongde – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant submits that M.A. No. 144/2016 may be treated as withdrawn in view of new substituted M.A. No. 285/2016.
3. In view of the aforesaid submission made on behalf of the applicant, the M.A. No. 144/2016 is disposed of as withdrawn.

There shall be no order as to costs.

VICE CHAIRMAN (J)

ORAL ORDERS 16.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. 114/15 WITH M.A.ST.376/15 WITH O.A.ST.377/15
(Mr. Sheikh Jeelani Mahaboob & Anr. Vs. The State of Maha.
and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 16.08. 2017.

ORAL ORDER:

1. Heard Shri S.D. Dhongde – learned Advocate for the applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that he wants to place on record some documents and in fact, he also was to amend the M.A. as per the order passed by this Tribunal in M.A. No. 114/2015 on 10.02.2017. However, inadvertently the said amendment was not carried out by the learned Advocate for the applicant.

3. Learned Advocate for the applicant submits that the applicant may be permitted to withdraw the O.A. St. No. 377/2015 and M.A.NOS. 114 and 376 both of 2015 with permission to file fresh O.A. along with M.A. for condonation of delay and M.A. for sue jointly. He submits that the applicant will file such applications within a period of four weeks.

4. Learned Chief Presenting Officer for the respondents submits that there are laches in the pleadings and also procedural aspects. The applicant has not carried out the amendment within the stipulated time and, therefore, if such applications are permitted to be filed, the same shall be subject to the merits.

:: - 2 - ::

**M.A. 114/2015 WITH
M.A.ST.376/15 WITH
O.A.ST.377/15**

5. In view of the request made on behalf of the applicant, the M.A. for condonation of delay, M.A. for sue jointly and O.A. St. No. 377/2015 are allowed to be withdrawn. The applicant will be at liberty to file fresh application for condonation of delay along with M.A. to sue jointly as also O.A. with clear understanding that all these applications will be considered by this Tribunal, if filed, on their own merits.

6. Accordingly, O.A. St. No. 377/2015, M.A. 114/2015 and M.A.St. No. 376/15 are disposed of as withdrawn with liberty as prayed for by the learned Advocate for the applicant. There shall be no order as to costs.

VICE CHAIRMAN (J)

ORAL ORDERS 16.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**O.A.ST.NO. 1511/2016 WITH M.A.NO. 345/2016
(Shri Prabhakar Nursing Mule Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 16.08. 2017.

ORAL ORDER:

1. Heard Shri N.S. Chaudhari – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. In the Original Application St. No. 1511/2016 the applicant is claiming benefit of second time bound promotion from the year 2009. However, there is delay of 2250 days in claiming such relief for which the M.A. No. 345/2016 for condonation of delay has been filed. In the affidavit in reply filed on behalf of respondent Nos. 2 to 6, it has been stated that, “Taluka Agriculture Officer, Lohara sent his second time bound promotion scale proposal to respondent No. 6. Respondent No. 6 sent back proposal to Taluka Agriculture Officer, Lohara for compliance of query. Taluka Agriculture Officer, Lohara has not sent revised proposal to respondent No. 6 till today and, therefore, the matter was pending”.

3. Learned Presenting Officer has placed on record a copy of order dated 7th March, 2017 and the copy of receipt of the amount paid to the applicant. The said copies are taken on record and marked as document ‘X’ and ‘X1’ respectively for the purposes of identification.

4. From the order dated 7th March, 2017, it seems that the applicant has been granted second time bound promotion

:: - 2 - ::

**O.A.ST.NO. 1511/2016
WITH M.A.NO. 345/2016**

w.e.f. 4.6.2009 though the same has been made applicable from 1.4.2010.

5. In view thereof, O.A.ST. No. 1511/2016, as well as, M.A. No. 345/2016 both stand disposed of with no order as to costs.

VICE CHAIRMAN (J)

ORAL ORDERS 16.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 353/2016 IN O.A.ST.NO. 1548/2016
(Smt. Shubhmangal S. Bhakt Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 16.08. 2017.

ORAL ORDER:

1. Heard Shri M.B. Kolpe – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.

2. This is an application filed by the applicant for condonation of delay of about 2633 days caused in filing the accompanying Original Application St. No. 1548/2016.

3. In the accompanying Original Application the applicant has claimed for direction to the respondent Nos. 2 & 3 to continue the benefits of time bound promotion granted to the applicant w.e.f. 1.10.1994 as per order dated 13.09.1996. The said benefit has been withdrawn vide order dated 20.08.2009. The applicant has claimed that the order dated 20.08.2009 withdrawing the benefit be quashed and set aside. However, for filing such application there is delay of about 2633 days. The applicant has, therefore, prayed that the said delay caused in filing the accompanying O.A. be condoned.

4. According to the applicant, some similarly situated applicants have filed O.A. Nos. 103 & 104 both of 2013 before the Hon'ble Principal Bench of this Tribunal at Mumbai vide order dated 20.12.2013 was pleased to give direction to the respondent No. 2 to grant time bound promotion to such applicants. According to the applicant, the point of withdrawal of time bound promotion was raised through the

:: - 2 - ::
M.A.NO. 353/2016 IN
O.A.ST.NO. 1548/2016

Government Nurses Federation before the State Government and Government has kept the decision of withdrawing of time bound promotional benefits in abeyance and, therefore, the applicants are entitled to challenge the decision for withdrawal of the benefit and the delay caused in filing the accompanying O.A. may be condoned.

5. The respondents have filed affidavit in reply. According to the respondents, the applicant was granted the benefit of time bound promotion vide order dated 23.9.2016 w.e.f. 1.10.1994 as per Government Resolution dated 8.6.1995. It was mandatory on the grantee to accept the promotion in due course of time and in case the employee refused to accept the promotion, they were not entitled to claim promotion. It is stated that in the judgment delivered by this Tribunal in M.A. No. 262/2016 in O.A. St. No. 263/2016 [**Radhika Lokhande Vs. the State of Maharashtra**] on 10.10.2016, it has been observed as under: -

“It is settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds. “A result flowing from a statutory provision is never an evil. A Court has no power to ignore that provision to relieve that it considers distress resulting from its operation.” The statutory provision may cause hardship or inconvenience to a particular party but the Court has no choice but to enforce it giving full effect to the same. The legal maxim “Dura lex sed lex” which means “the law is hard but it is the law”, stands attracted in such a situation. It has consistently

:: - 3 - ::
M.A.NO. 353/2016 IN
O.A.ST.NO. 1548/2016

been held that, “inconvenience is not” a decisive factor to be considered while interpreting a statute.”

6. It is further stated that the judgment in O.A. Nos. 103 and 104 both of 2013, are not squarely applicable in the present Original Application.

7. I have carefully gone through the M.A. No. 262/2016, a copy of which is placed on record at Annexure ‘R-I’ pages 11 to 24 both inclusive). In the said case, the question of condonation of delay was considered. However, the facts in the said case and that in the present case are to be considered on merits and are on different footings. Learned Advocate for the applicant has placed on record copies of judgments delivered by this Tribunal in **O.A. No. 83/2016 on 28th April, 2016 in the case of Mrs. Rabiya W/o. Sharif Patel & Ors. Vs. State of Maharashtra and Ors. and O.A. Nos. 103 & 104 both of 2013 in the case of Mrs. Ujwala Chakor Belgaonkar & Ors. Vs. State of Maharashtra & Ors.** I have carefully gone through those judgments. Though those judgments are not on the point of condonation of delay, the point raised in both the judgments and that of made out in this O.A. are same. The case of the applicant on merit seems to be much stronger. Learned Advocate for the applicant has placed reliance on the judgment of the Hon’ble Supreme Court in the case of **M.R. GUPTA VS. UNION OF INDIA reported in 1995 DGLS(SC) 793**, wherein it has been held that the claim for pay fixation of pay in accordance with the rules is a continuing wrong which gives rise to a recurring cause of action each time salary is paid.

:: - 4 - ::
M.A.NO. 353/2016 IN
O.A.ST.NO. 1548/2016

8. Learned Advocate for the applicant has also invited my attention to the various correspondence such as at page Nos. 40, 41 & 42, from which it seems that the Association of the applicants have filed a representation before the Government that the time bound promotional pay scale granted to the employees merely on the ground that they refused to join on their promotional post, shall not be withdrawn and the said request has been accepted and withdrawal of the promotional scale has been kept in abeyance. Whether the applicant's case can be considered on the touchstone of such communication or not will have to be considered on merits. In view of this subsequent development, I feel that it will be in the interest of justice and equity to consider the case of the applicant on merits and for that purpose, it is necessary to condone the delay caused in filing the accompanying Original Application. Hence, I pass the following order: -

ORDER

M.A. No. 353/2016 for condonation of delay caused in filing accompanying O.A. St. No. 1548/2016 is allowed. Delay of 2633 days caused in filing accompanying original application stands condoned, and present M.A. stands disposed of accordingly. O.A. be registered and numbered. No order as to costs. Notices be issued in O.A.

VICE CHAIRMAN (J)

ORAL ORDERS 16.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO. 1548 OF 2016
(Smt. Shubhmangal S. Bhakt Vs. The State of Maha. and Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J)**

DATE : 16.08. 2017.

ORAL ORDER:

1. Heard Shri M.B. Kolpe – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 15th September, 2017.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.
7. The respondents are directed to file affidavit in reply within a period of four weeks.
8. S.O. to 15th September, 2017.
9. Steno copy and hamdust is allowed to both the parties.

VICE CHAIRMAN (J)

ORAL ORDERS 16.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 324/2017 in O.A. St. No. 1123/2017
(Shri Sanjay B. Kokate & Anr. V/s. The State of Mah. & Ors.)**

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 16.08.2017.

ORAL ORDER:-

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

2. For the reasons stated in the Misc. Application and since the cause, the prayers and reliefs sought are identical to avoid the multiplicity of proceedings, leave to sue jointly is granted. Accompanying O.A. be registered, if objections if any are complied with. M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 570/2017
(Smt. Anita M. Tope V/s. The State of Mah. & Ors.)**

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 16.08.2017.

ORAL ORDER:-

Heard Shri (Dr.) Swapnil Tawshikar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 15.09.2017.

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

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

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

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

7. S.O.to 15-09-2017.

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

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

O.A. St. No. 1123/2017

(Shri Sanjay B. Kokate & Anr. V/s. The State of Mah. & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 16.08.2017.

ORAL ORDER:-

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

2. Issue notices to the respondents, returnable on 14.09.2017.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O.to 14-09-2017.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 34/2017
(Shri Chandrakant B. Tayade V/s. the State of Mah. & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 16.08.2017.

ORAL ORDER:-

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 Advocate for the applicant, S.O. to 29.08.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 797/2016
(Shri Gaurav A. Chavan V/s. the State of Mah. & Ors.)**

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 16.08.2017.

ORAL ORDER:-

Shri C.V. Thombre, learned Advocate for the applicant and Smt. Deepli S. Deshpande, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 2 & 5. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 29.08.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 622/2015
(Shri Rameshwar K. Munde V/s. the State of Mah. & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 16.08.2017.

ORAL ORDER:-

Shri M.B. Kolpe, learned Advocate for the applicant
and Shri M.P. Gude, learned Presenting Officer for
respondents.

2. At the request of learned Presenting Officer, S.O. to
23.08.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 750/2016
(Shri Jaysing S. Maher V/s. the State of Mah. & Ors.)**

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 16.08.2017.

ORAL ORDER:-

Ms. Ashlesha Raut, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent No. 1, Shri Shamsundar B. Patil, learned Advocate for respondent Nos. 2 & 3. Shri S.T. Shelke, learned Advocate for respondent No. 4, **absent**.

2. Learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted.

3. S.O. to 06.09.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 857/2016
(Shri Bhikar P. Sonar & Ors. V/s. the State of Mah. & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 16.08.2017.

ORAL ORDER:-

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

2. Learned Advocate for the applicant seeks time to make submission as regards maintainability of the O.A., as the earlier O.A. filed by the applicant raising similar issue has been decided in the year 2004. Time granted.

3. S.O. to 04.09.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 79/2017
(Shri MD. Kamran Md Abrar Sk V/s. the State of Mah. & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 16.08.2017.

ORAL ORDER:-

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

2. Learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted.

3. S.O. to 04.09.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 198/2017
(Shri Yousufuddin Qamruddin V/s. the State of Mah. & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 16.08.2017.

ORAL ORDER:-

Smt. A.N. Ansari, learned Advocate for the applicant (**Leave Note**). Shri V.R. Bhumkar, learned Presenting Officer for respondents, present.

2. In view of leave not filed by the learned Advocate for the applicant, S.O. to 14.09.2017. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 244/2017
(Shri Amol R. Savle V/s. the State of Mah. & Ors.)**

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 16.08.2017.

ORAL ORDER:-

Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 04.09.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 300/2017

**(Aurangabad District Talathi Sanghtana, Aurangabad though its
President, Anil S. Suryawanshi V/s. the State of Mah. & Ors.)**

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 16.08.2017.

ORAL ORDER:-

Shri V.B. Wagh, learned Advocate for the applicant
(**Leave Note**). Shri M.S. Mahajan, learned Chief
Presenting Officer for respondents, present.

2. In view of leave not filed by the learned Advocate for
the applicant, S.O. to 14.09.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 432/2017
(Shri Kishan P. Ghodekar V/s. the State of Mah. & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 16.08.2017.

ORAL ORDER:-

Shri S.D. Joshi, learned Advocate for the applicant
(**Leave Note**). Shri M.P. Gude, learned Presenting Officer
for respondents, present.

2. In view of leave not filed by the learned Advocate for
the applicant, S.O. to 04.09.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 21/2016 in O.A. No. 421/2015
(Shri Sd. Gaus Sd. Pasha V/s. the State of Mah. & Ors.)**

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 16.08.2017.

ORAL ORDER:-

Heard Shri S.D. Dhongde, learned Advocate holding for Smt. S.A. Dhongde (Upadhya), learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the applicant is going to file representation with the respondents to consider his case in view of the G.R. dated 21.03.2013 and to grant him promotion as per his qualification and therefore, he seeks time. Time granted.

3. S.O. to 14.09.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 23/2017in O.A. No. 43/2015
(Shri Ramchandra G. Pardeshi V/s. the State of Mah. & Ors.)**

**CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 16.08.2017.

ORAL ORDER:-

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

2. Today, the learned Presenting Officer has placed on record a copy of communication dated 11.8.2017 received to him from the Dean, Swami Ramanada Tirtha Rural Government Medical College, Ambajogai, informing that by communications dated 4.8.2017 and 10.08.2017 he sent proposal for sanction of provisional pension of the applicant to the Accountant General-II, Nagpur and the proposal is still pending and therefore, he seeks time. Time granted.

3. 21.08.2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 547/2016

(Shri Dattaram Uddhav Rathod V/s. the State of Mah. & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 16.08.2017.

ORAL ORDER:-

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

2. Today, the learned Advocate for the applicant has filed withdrawal pursis signed by the applicant and submits that the applicant does not want to proceed with the O.A., as the applicant has been promoted and wants to avail the opportunity to put forth his grievances before the Departmental Inquiry Officer with liberty to file fresh O.A., if required. Therefore, he wants to withdraw the O.A.

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

4. As the applicant does not want to proceed with the present O.A., the same stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 911/2016
(Shri Nagnath P. Kokane V/s. the State of Mah. & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 16.08.2017.

ORAL ORDER:-

Shri R.V. Naiknavare, 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 11.09.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 912/2016
(Shri Ramakant G. Kulkarni V/s. the State of Mah. & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 16.08.2017.

ORAL ORDER:-

Shri R.V. Naiknavare, 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 11.09.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 226/2016
(Shri Shivram N. Dhapate V/s. the State of Mah. & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 16.08.2017.

ORAL ORDER:-

Shri A.R. Tapse, learned Advocate holding for Shri P.M. Shinde, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 19.09.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 767/2016
(Shri Lalasaheb N. Pawar V/s. the State of Mah. & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 16.08.2017.

ORAL ORDER:-

Shri S.K. Mathpati, learned Advocate holding for
Shri M.M. Kadtu, 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 19.09.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 571/2017

With

Caveat No. 49/2017

(Dr. Shrinivas R. Jadhav V/s. the State of Mah. & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 16.08.2017.

ORAL ORDER:-

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

2. Learned Chief Presenting Officer submits that the similar matter is fixed on 18.08.20017, therefore, the present matter be fixed on that date.

3. Hence this matter be kept on 18.08.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 807/2016
(Shri Madhukar N. Jadhav V/s. the State of Mah. & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 16.08.2017.

ORAL ORDER:-

Shri V.B. Wagh, learned Advocate for the applicant
(Leave Note). Shri M.S. Mahajan, learned Chief
Presenting Officer for respondents, present.

2. In view of leave note filed by the learned Advocate
for the applicant, S.O. to 20.09.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 808/2016
(Shri Gangadhar A. Kakade V/s. the State of Mah. & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 16.08.2017.

ORAL ORDER:-

Shri V.B. Wagh, learned Advocate for the applicant
(**Leave Note**). Shri V.R. Bhumkar, learned Presenting
Officer for respondents, present.

2. In view of leave note filed by the learned Advocate
for the applicant, S.O. to 20.09.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 810/2016
(Shri Babu D. Ghute V/s. the State of Mah. & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 16.08.2017.

ORAL ORDER:-

Shri V.B. Wagh, learned Advocate for the applicant
(Leave Note). Shri Deepali S. Deshpande, learned
Presenting Officer for respondent nos. 1 & 3 and Shri
A.D. Gadekar, learned Advocate for respondent no. 2, are
present.

2. In view of leave note filed by the learned Advocate
for the applicant, S.O. to 20.09.2017.

MEMBER (J)

KPB ORAL ORDER 16-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 884/2016
(Shri Lahu V. Gajdhane V/s. the State of Mah. & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 16.08.2017.

ORAL ORDER:-

Shri V.G. Salgare, learned Advocate for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents, present.

2. Learned Presenting Officer has submitted that nobody from the office of respondent Nos. 1 and 2 approached her, in spite of the fact that the intimation regarding date has been given to them, therefore, she sought time. Already ample opportunities were given for filing affidavit in reply and there is no just reason to grant further time. However, in the interest of justice, as a last chance is granted to the respondents for filing affidavit in reply, subject to payment of costs of Rs. 10,000/- (Ten Thousand Only). The amount of costs shall be deposited in the Registry of this Tribunal.

3. S.O. to 6.9.2017.

4. Steno copy allowed to the learned P.O. at her request.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 383/2016 in O.A. St. No. 1756/2016
(Smt. Mangal Shriram Kathar V/s. the State of Mah. & Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J).**

DATE : 16.08.2017.

ORAL ORDER:-

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

2. The applicant has filed O.A. St. No. 1756/2016 along with this Misc. Application for condonation of delay. In the Original Application, the applicant has claimed that the order dated 20.08.2009 issued by the respondent No. 3 withdrawing the benefit of time bound promotion be quashed and set aside and the respondents be directed to continue the benefit of time bound promotion granted to the applicant vide order dated 13.09.1996 and further respondents be directed to consider the case of the applicant for second time bound promotion as per G.R. dated 01.04.2010. There is a delay of 2227 days in filing the accompanying O.A., therefore, the applicant seeks condonation of said delay.

//2// M.A. No. 383/2016 in
O.A. St. No. 1756/2016

3. The applicant was appointed as a Staff Nurse on 1.7.1978 and was posted at respondent No. 3's college. After completion of 12 years of service, she was granted benefit of time bound promotion as per G.R. dated 8.6.1995. This benefit was granted vide order dated 13.09.1996 w.e.f. 1.10.1994. On 23.01.2009, the applicant was promoted to the post of Sister-Nurse. On 20.08.2009, the benefit of first time bound promotion granted to the applicant was withdrawn by respondent No. 3, the said order is illegal. The applicant filed representation for relief, which was already granted since 1996. The applicant retired from service on 31.01.2013.

4. On 7.9.2015, 11.08.2015 and 17.12.2015, the respondent No. 2 directed respondent No. 3 not to withdraw the benefit of first time bound promotional scale granted to the employees like applicant. Similar relief was also granted to the similarly situated employees by this Tribunal vide order dated 20.12.2013 in O.A. Nos. 103, 104 of 2013 and O.A. No. 83 of 2016. The applicant also made representation on 25.04.2016 and requested

//3// M.A. No. 383/2016 in
O.A. St. No. 1756/2016

that the benefits granted to her may not be withdrawn. However, no action was taken and therefore, the applicant has filed O.A. St. No. 1756 of 2016, in which she has claimed as under:-

“B) The order dated 20.08.2009 issued by the Respondent No. 3, withdrawing the benefit of time bound promotion granted to the applicant may kindly be quashed and set aside.

C) The Respondents may kindly be directed to continue the benefit of time bound promotion granted to the applicant vide order dated 13.09.1996.

D) The Respondents further may kindly be directed to consider the case of the Applicant for Second benefit of time bound promotion as per the Government Resolution dated 01.04.2010.”

5. The respondent Nos. 2 and 3 have resisted the claim of the applicant and submitted that this Tribunal has earlier passed the order in M.A. St. No. 262/2016 in O.A. St. 263/2016 on 10.10.2016, whereby the application for condonation of delay was rejected.

6. Perusal of the documents on record show that the earlier, this Tribunal in M.A. St. No. 262/2016 in O.A. St. 263/2016 was pleased to reject the application for condonation of delay in similar circumstances to other employees.

7. Learned Advocate for the applicant further invited my attention to some new facts from which it seems that the Association of the applicants have filed one representation before the Government requesting that the benefit of time bound promotional scale granted to the similarly situated employees shall not be withdrawn, since they were enjoying the said benefits since 1996 till 2009. It seems that the request of the Association has been accepted by the Government and the decision of withdrawal of benefit of time bound promotion has been kept in abeyance. Prima-facie, the applicant's case seems to be strong and therefore, on technical ground of limitation it cannot be proper to deny opportunity to the applicant to fight out his claim on merits.

//5// M.A. No. 383/2016 in
O.A. St. No. 1756/2016

8. The learned Advocate for the applicant has placed reliance on the judgment reported in 1995 DGLS (SC) 793 in the case of M.R. Gupta Vs. Union of India decided on 21st August, 1995, wherein it has been held that the claim for pay fixation of pay in accordance with rules is a continuing wrong which gives rise to a recurring cause of action each time salary is paid. Considering this aspect, I feel that the case of the applicant is required to be considered on merits. Hence, following order:-

ORDER

1. M.A. No. 383/2016 for condonation of delay caused in filing O.A. St. No. 1756/2016 is allowed. Delay of 2227 days caused in filing O.A. stands condoned and M.A. stands disposed of accordingly. O.A. be registered and numbered. There shall be no order as to costs. Notices be issued in O.A.

VICE CHAIRMAN (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

O.A. St. No. 1756/2016

(Smt. Mangal Shriram Kathar V/s. the State of Mah. & Ors.)

**CORAM : HON'BLE SHRI J.D. KULKARNI,
VICE CHAIRMAN (J).**

DATE : 16.08.2017.

ORAL ORDER:-

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

2. Issue notices to the respondents, returnable on 15.09.2017.

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

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

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

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

7. The respondents are directed to file affidavit in reply within a period of four weeks.

8. S.O.to 15-09-2017.

9. Steno copy and Hamdast is allowed to both parties

VICE CHAIRMAN (J)