

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A.NO. 886/2016 WITH M.A.NO. 173/2017

(Shri. Dinkar R. Bhosrekar Vs. The State of Mah. and Ors.)

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

DATE : 03.07. 2017.

ORAL ORDER:

1. Heard Shri P.G. Rodge – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondent Nos. 1 to 4. Shri P.R. Tandale – learned Advocate for respondent No. 5 (**absent**).

2. Learned Advocate for the applicant has submitted that the applicant has challenged the order dated 9th December, 2013 passed by the respondent No. 1 in the present Original Application. By the said order his appeal challenging the order passed by the Disciplinary Authority has been dismissed. In the said order a show cause notice has been issued against him imposing penalty by modifying order passed by the Disciplinary Authority. During pendency of the present Original Application the Appellate Authority passed the order on 06.01.2017. This fact has been came to the knowledge of the applicant, when the respondents filed their affidavit in reply. He has submitted that in view of the present development, the applicant does not want to proceed with the Original Application challenging the show cause notice dated 09.12.2013, as well as, M.A. and he intends to challenge the final order passed by the respondents in his appeal against the order of the Disciplinary Authority dated 6.1.2017. Therefore, he prayed to grant leave to withdraw the present O.A. and M.A. with liberty to file fresh Original Application challenging the order dated 6.1.2017.

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**O.A.NO. 886/2016 WITH
M.A.NO. 173/2017**

3. Learned Presenting Officer has submitted that necessary orders may be passed.

4. The applicant does not want to proceed with the present Original Application, as well as, Miscellaneous Application, since final order has been passed by the Appellate Disciplinary Authority on 6.1.2017. Therefore, liberty is granted to the applicant to withdraw the O.A., as well as, M.A. with liberty to file fresh Original Application.

5. Accordingly, the O.A. and M.A. both stand disposed of as withdrawn with no order as to costs.

MEMBER (J)

ORAL ORDERS 03.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 213/2017 IN O.A.NO. 700/2012

(Shri. Atharoddin A. Siddique Vs. The State of Mah. and Ors.)

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

DATE : 03.07. 2017.

ORAL ORDER:

1. Heard Shri Y.P. Deshmukh – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondent Nos. 1 to 4. Shri P.R. Tandale – learned Advocate for respondent No. 5 (**absent**).

2. At the request of learned Advocate for the applicant, S.O. to 26th July, 2017 to enable him to file an application for restoration of Original Application No. 700/2012, which was dismissed in default by this Tribunal by an order dated 1.7.2015.

MEMBER (J)

ORAL ORDERS 03.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 97 OF 2017

**(Shri. Sayyd M. Ali Sayyd K. Ali Vs. The State of Mah. and
Ors.)**

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

DATE : 03.07. 2017.

ORAL ORDER:

1. Heard Shri K.B. Jadhav – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. On instructions, learned Advocate for the applicant has submitted that the applicant has challenged the impugned order dated 09.01.2017 by filing an appeal before the Competent Authority and, therefore, the applicant does not want to proceed with the present Original Application. He seeks leave of this Tribunal to withdraw the present Original Application with liberty to file fresh Original Application on final decision on the appeal.

3. In view of the submissions made by the learned Advocate for the applicant, leave is granted to the applicant to withdraw the present Original Application with liberty to approach this Tribunal as and when occasion arises.

4. Accordingly, the present Original Application stands disposed of as withdrawn with liberty as sought for by the applicant. There shall be no order as to costs.

MEMBER (J)

ORAL ORDERS 03.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 468 OF 2016

(Shri. Padmakar S. Ghodke Vs. The State of Mah. and Ors.)

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

DATE : 03.07. 2017.

ORAL ORDER:

1. Shri Nilesh J. Patil – learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar – learned Presenting Officer for the respondents, present.

2. Learned Presenting Officer has placed on record a copy of letter dated 29.05.2017 addressed by Tahsildar, Ausa to the Sub Divisional Officer, Ausa-Renapur. The copy of the said letter is taken on record and marked as document 'X' for the purposes of identification.

3. On perusal of the aforesaid letter it reveals that the enquiry report has been submitted by the Enquiry Officer i.e. Naib Tahsildar, Ausa to the office of Tahsildar, Ausa.

4. Learned Presenting Officer further submitted that he has not received instructions from the Sub Divisional Officer, Ausa-Renapur, as regards final decision taken on the enquiry report submitted by the Naib Tahsildar, Ausa, dated 29.05.2017. He, therefore, sought time.

5. On the previous occasion i.e. on 14.6.2017, this Tribunal had issued direction to the Sub Divisional Officer, Ausa-Renapur, to take final decision on the enquiry report submitted by the Enquiry Officer i.e. Naib Tahsildar (1), Ausa, dated 29.05.2017 on its own merit. In spite of specific direction given by this Tribunal to respondent No. 5 i.e. Sub Divisional Officer, Ausa/Renapur, he has not taken any decision on the enquiry

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report dated 29.05.2017 and not made a submissions in that regard before this Tribunal. It seems that the respondent No. 5 has not followed the directions given by this Tribunal.

6. Hence, Sub Divisional Officer, Ausa/Renapur is directed to state by filing affidavit as to whether final decision on enquiry report has been taken by this date. If he has taken decision on the enquiry report to produce copy of the decision on record. If he has not yet taken decision, he is directed to take final decision on enquiry report, on or before 13th July, 2017.

7. S.O. to 13th July, 2017.

MEMBER (J)

ORAL ORDERS 03.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 724 OF 2016

(Shri. Sirajoddin K. Ansari Vs. The State of Mah. and Ors.)

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

DATE : 03.07. 2017.

ORAL ORDER:

1. Heard Shri D.T. Devane, learned Advocate holding for Shri Shamsundar B. Patil – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 27th July, 2017.

MEMBER (J)

ORAL ORDERS 03.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 314 OF 2017

(Shri. Deepak S. Mahalinge Vs. The State of Mah. and Ors.)

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

DATE : 03.07. 2017.

ORAL ORDER:

1. Heard Shri A.S. Reddy – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. On instructions, learned Advocate for the applicant has submitted that the applicant does not want to proceed with the present Original Application. He, therefore, seeks leave of this Tribunal to withdraw the present Original Application.
3. In view of the submissions made by the learned Advocate for the applicant, leave is granted to the applicant to withdraw the present Original Application
4. Accordingly, the present Original Application stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

ORAL ORDERS 03.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 417 OF 2017

(Smt. Ranjana A. Surkar Vs. The State of Mah. and Ors.)

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

DATE : 03.07. 2017.

ORAL ORDER:

1. Heard Shri D.T. Devane – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that the applicant is serving as Metron in Swami Ramanand Teerth Rural Hospital & Medical College, Ambajogai, Dist. Beed, since 2009. She is due for retirement in the month of April, 2018, but the respondents transferred her by the impugned transfer order dated 14.06.2017 to General Hospital, Dhule. He has submitted that the said impugned order has been passed only to accommodate respondent No. 5 viz. Smt. Usha Shriram Bhatane. He has submitted that the provisions under Section 5 (1) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay In Discharge of Official Duties Act, 2005 (for short 'the Transfer Act of 2005') has not been considered by the respondents. He has submitted that the applicant is not yet relieved from the present posting. He, therefore, prayed to stay the execution of the impugned transfer order dated 14.06.2017.

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3. Learned Chief Presenting Officer has submitted that the order has been passed by following provisions of Sections 4 (4) and 4 (5) of the Transfer Act of 2005 and, therefore, he submits that the prayer for interim relief made on behalf of the applicant be rejected. He has submitted that the respondents want to file detailed affidavit in reply and, therefore, he prays for time to file the same.

4. On perusal of the record, it reveals that the applicant has been transferred mid-term though she is due to retire within a year. Not only this, but also she has been transferred on the administrative ground under Section 4 (4) and 4 (5) of the Transfer Act of 2005, but the respondents have not recorded detailed reasons in the impugned transfer order. The said reasons need to be brought on record. In the circumstances, it is just to give opportunity to the respondents to file detailed affidavit in reply. Hence, two weeks' time is granted to the respondents to file affidavit in reply.

5. In the meanwhile, the respondents shall not relieve the applicant from the presenting posting, if already not relieved.

6. Issue notices to the respondents, returnable on 17th July, 2017.

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

8. 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.

9. 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.

10. 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.

11. S.O. to 17th July, 2017.

8. Steno copy and hamdust is allowed to both the parties.

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 540 OF 2016

(Shri Raghunandan D. Sapkale Vs. The State of Mah. and 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 : 03.07. 2017.

ORAL ORDER:

1. Shri Bhausahab S. Deshmukh – learned Advocate for the applicant (**absent**). Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents, present.
2. Since nobody appears for the applicant, S.O. to 24th July, 2017.

MEMBER (J)

ORAL ORDERS 03.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 832 OF 2016

(Shri Vishal P. Gangawane Vs. The State of Mah. and 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 : 03.07. 2017.

ORAL ORDER:

1. Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 12th July, 2017.

MEMBER (J)

ORAL ORDERS 03.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 18 OF 2017

(Smt. Ranjana S. Kamble Vs. The State of Mah. and 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 : 03.07. 2017.

ORAL ORDER:

1. Heard Shri S.B. Gastgar – 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, S.o. to 18th July, 2017.

MEMBER (J)

ORAL ORDERS 03.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

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

(Dr. Gangadhar D. Chate Vs. The State of Mah. and 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 : 03.07. 2017.

ORAL ORDER:

1. Shri S.V. Munde – learned Advocate for the applicant (**absent**). Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents, present. Shri P.D. Suryawanshi – learned Advocate for respondent No. 4 (**absent**).
2. At the request of learned Presenting Officer for the respondents, S.O. to 27th July, 2017 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 03.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 345/2015 IN O.A.ST.NO. 952/2015

(Shri Dileep L. Gadchelwar Vs. The State of Mah. and 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 : 03.07. 2017.

ORAL ORDER:

1. Shri A.M. Gaikwad – learned Advocate for the applicant (**absent**). Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents, present.
2. Since nobody appears for the applicant, S.O. to 27th July, 2017.

MEMBER (J)

ORAL ORDERS 03.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 360/2016 IN O.A.ST.NO. 1544/2016

(Shri Ram Bapurao Pawar Vs. The State of Mah. and 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 : 03.07. 2017.

ORAL ORDER:

1. Heard Shri Amol R. Kurangal, learned Advocate holding for Shri C.R. Thorat – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondent No. 1 and Smt. Juee Palekar-Parlikar, learned Advocate holding for Shri S.D. Joshi – learned Advocate for respondent No. 2.
2. Learned Advocate for the applicant submits that he will file rejoinder during the course of the day.
3. S.O. to 27th July, 2017.

MEMBER (J)

ORAL ORDERS 03.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 218/2017 in O.A. St. No. 846/2017
(Shri Prasad P. Pawar & Anr. V/s. The State of Mah. & Ors.)**

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

DATE : 03.07.2017.

ORAL ORDER:-

Heard Dr. Swapnil Tawshikar, 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 03-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

O.A. St. No. 846/2017

(Shri Prasad P. Pawar & Anr. V/s. The State of Mah. & Ors.)

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

DATE : 03.07.2017.

ORAL ORDER:-

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

2. Learned Advocate for the applicants has submitted that the applicants were transferred by order dated 30.05.2017 and accordingly, they were relieved and they took charge of their new posting w.e.f. 7.6.2017 & 1.06.2017 respectively. But thereafter, the impugned order dated 22.06.2017 came to be passed by the respondent no. 3 cancelling the previous order with a direction to join their earlier postings. He has submitted that the applicants joined their duties and shifted their families on the place of posing in view of the order dated 30.05.2017. He has submitted that both the applicants are working as Craft Instructor (Mechanical Electronics) and therefore, transfer cannot be cancelled on the ground

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O.A. St. No. 846/2017

that they are not eligible to work on the post of Craft Instructor (Mechanical Electronics). Therefore, he prayed to grant stay to the execution of the impugned order dated 22.06.2017.

3. Learned Chief Presenting Officer has submitted that the impugned order has been passed by the respondent concerned in view of qualification of the applicants and therefore, he protected the order of transfer. He has submitted that the respondents want to file detailed affidavit in reply and therefore, he seeks time.

4. On perusal of the record, it reveals that the applicants have been transferred by the order dated 30.05.2017 and accordingly, they joined on their new posting in the first week of June, 2017. Thereafter, transfer order dated 30.05.2017 has been cancelled by impugned order dated 22.6.2017. The applicants are not yet relieved from their present posts. In these circumstances, it is just and proper to stay the execution of the impugned order dated 22.06.2017 till filing of the

affidavit in reply by the respondents. Hence, the execution of impugned order dated 22.06.2017 is stayed till filing of the reply by the respondents.

5. Issue notices to the respondents, returnable on 17.07.2017.

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

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

8. 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.

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O.A. St. No. 846/2017

9. 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.

10. S.O.to 17-07-2017.

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

MEMBER (J)

KPB ORAL ORDER 03-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 481/2016 IN OA ST. 1995/2016

[Smt. Aruna Vithalrao Shinde Vs. the State of Mah. & Ors.]

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

**(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)**

DATE :- 3.7.2017

Oral Order :-

1. Smt. M.A. Kulkarni, learned Advocate for the applicant **(absent)**. Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents, is present.

2. It appears that, notices to the respondents are issued by the Tribunal vide its order dated 12.1.2017. Thereafter, though the matter is adjourned on 11.4.2017 and 14.6.2017 the learned Advocate for the applicant remained absent and he has not taken proper steps regarding service of notices upon the respondents and filing service affidavit on record.

3. In the circumstances, as a last chance, S.O. to 28.7.2017 either for taking proper steps by the applicant regarding service of notices upon the respondents and for filing service affidavit before the Tribunal or for passing necessary orders.

MEMBER (JUDICIAL)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 176/2017 IN OA 154/2017

[Smt. Naseem Banu Nazir Patel Vs. the State of Mah. & Ors.]

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

**(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)**

DATE :- 3.7.2017

Oral Order :-

1. Shri A.N. Nagargojne, learned Advocate for the applicant (**absent**). Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents, is present.
2. The learned Advocate for the applicant seeks time to file affidavit in reply of the respondents in the present misc. application. Time granted.
3. S.O. to 21.7.2017.

MEMBER (JUDICIAL)

ARJ ORAL ORDERS 3.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 144/2017 WITH MA ST. 434/2017 IN OA 889/2011

[Sunita d/o Pandharinath Ganvir @ Sunita w/o Shantaram
Raypure Vs. the State of Mah. & Ors.]

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

**(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)**

DATE :- 3.7.2017

Oral Order :-

1. Heard Shri S.B. Gastgar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant seeks time to take instructions from the applicant. Time granted.
3. S.O. to 6.7.2017.

MEMBER (JUDICIAL)

ARJ ORAL ORDERS 3.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 170/2017 IN CP ST. 586/2017 IN OA 811/2015

[Shri Shahadeo S. Bangar Vs. the State of Mah. & Ors.]

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

**(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)**

DATE :- 3.7.2017

Oral Order :-

1. Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.
2. It appears that, the order passed by the Tribunal on 7.6.2017 has not been complied with by the concerned respondents.
3. Hence for passing necessary order the present matter be placed on board S.O. to 6.7.2017.

MEMBER (JUDICIAL)

ARJ ORAL ORDERS 3.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 64/2016 IN OA ST. 1991/2016

[Shri Appa D. Chikte Vs. the State of Mah. & Ors.]

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

DATE :- 3.7.2017

Oral Order :-

1. Heard Shri D.B. Gaikwad, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant seeks time. Time granted as a last chance.
3. S.O. to 28.7.2017.

MEMBER (JUDICIAL)

ARJ ORAL ORDERS 3.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 114/2015 WITH MA ST. 376/2015 IN OA ST. 377/2015

[Shri Sheikh Jeelani Mahaboob Vs. the State of Mah. & Ors.]

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

DATE :- 3.7.2017

Oral Order :-

1. Heard Shri Suresh D. Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant seeks time. Time granted.
3. S.O. to 1.8.2017.

MEMBER (JUDICIAL)

ARJ ORAL ORDERS 3.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 69/2016 IN OA ST. 132/2015

[Smt. Shantabai wd/o Baburao Bidve Vs. the State of Mah.
& Ors.]

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

DATE :- 3.7.2017

Oral Order :-

1. Heard Shri Suresh D. Dhongde, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant seeks time. Time granted.
3. S.O. to 1.8.2017.

MEMBER (JUDICIAL)

ARJ ORAL ORDERS 3.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 965/1996

[Shri Shivdar K. Mangle Vs. the State of Mah. & Ors.]

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

DATE :- 3.7.2017

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. With the consent of both the sides, S.O. to 10.7.2017.

MEMBER (JUDICIAL)

ARJ ORAL ORDERS 3.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 837/2016

[Shri Sham S. Fulgaonkar Vs. the State of Mah. & Ors.]

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

DATE :- 3.7.2017

Oral Order :-

1. Shri B.S. Deshmukh, learned Advocate for the applicant **(absent)**. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3 and Smt. Juee Palekar - Parlikar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for respondent no. 4, are present.

2. In view of absence of applicant or his learned Advocate, S.O. to 27.7.2017.

MEMBER (JUDICIAL)

ARJ ORAL ORDERS 3.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 734/2016

[Shri Sainath B. Turakane Vs. the State of Mah. & Ors.]

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

DATE :- 3.7.2017

Oral Order :-

1. Heard Smt. Juee Palekar - Parlikar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent nos. 1 to 3 and Shri Pramod P. Dhorde, learned Advocate for respondent no. 4.
2. At the request of learned Advocate for the applicant, S.O. to 27.7.2017.

MEMBER (JUDICIAL)

ARJ ORAL ORDERS 3.7.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.354/2017.

(Shri D. T. Katke Vs. State of Mah. & Ors.)

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

DATE : 03-07-2017

ORAL ORDER:-

Heard Miss. Pradnya Talekar, 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. The learned Advocate for the applicant submits that, the applicant has been transferred from the Post of Deputy Collector, Aurangabad to District Rehabilitation Officer, Jalna on vacant post vide impugned order dated 7.6.2017. The said transfer order has been issued in view of the provisions of Section 4(4) & 4(5) of the Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005, (hereinafter referred to as Transfer Act). She submits that, the said transfer order is mid-term transfer and against the provisions of Sections 4(4) & 4(5) of the Transfer Act.

3. The learned Advocate for the applicant further submit that, the applicant made request to the respondent cant to retain him till completion of academic year as his son is studying in 10th Std. for the academic year 2017-18 She has submitted that, the applicant has been transferred by order dated 7.6.2017 in view of the provisions of Transfer Act. She has further submitted that, the mandate of the provisions of Section 4(2) of the Transfer Act has not been followed by the Respondents and no prior approval of the next higher authority has been obtained for transferring the applicant. She has further submitted that the applicant is not yet relieved and therefore she has prayed for staying the impugned order of transfer so far as the applicant is concerned.

4. The learned C.P.O. submits that, prior approval of the next higher authority has been obtained while passing the impugned order and the provisions the Transfer Act has been followed. He has further submitted that, the respondents no.1 to 3 will file detail reply and therefore he prayed that one week time may be granted.

5. On going through the submissions of both sides and perusal of the impugned order it reveals that, the impugned transfer is mid term transfer. The applicant is due for transfer in the month of April/May 2017 but he was not transferred in General Transfers of 2017. On perusal of the impugned order it transpires that, no special reasons or exceptional circumstances have been recorded for transfer of the applicant. The order does not disclose whether mandate of the provisions of Section 4(2) of the Transfer Act has been followed and prior approval of the next higher authority has been obtained. The son of the applicant is studying in 10th Std. in the academic year 2017-18. The applicant is yet not relieved. In these circumstances, it is just and proper to direct the Respondents not to relieve the applicant from his present post till filing of their reply.

6. Issue notices to the respondents, returnable on 10.07.2017.

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

8. 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.

9. 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.

10. 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.

11. S.O. to 10.07.2017.

12. Steno copy and hamdust is allowed to both the parties.

MEMBER (J).

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.632/2016.

(Shri N. R. Nirval Vs. State of Mah. & Ors.)

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

DATE : 03-07-2017

ORAL ORDER:-

Heard Ms. Amruta Paranjape learned Advocate holding for Shri P. S. Paranjape learned Advocate for the applicant and Smt R. S. Deshmukh learned Presenting Officer for the respondents.

2. Ms. Amruta Paranjape learned Advocate holding for Shri P. S. Paranjape learned Advocate for the applicant seeks time. Time granted.

3. S. O. to 26.7.2017.

MEMBER (J).

ORAL ORDERS 03-07-2017-ATP-P

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION No.737/2016.

(Shri L. P. Pathan Vs. State of Mah. & Ors.)

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

DATE : 03-07-2017

ORAL ORDER:-

Heard Shri A. D. Gadekar learned Advocate for the applicant, Shri S. K. Shirse learned Presenting Officer for the respondents no.1 & 2 and Shri S. D. Dhongde learned Advocate for the Respondent no.3.

2. The learned Presenting Officer prays for time to file affidavit in reply on behalf of Respondents. Time granted as a last chance.

3. S. O. to 3.8.2017.

MEMBER (J).

ORAL ORDERS 03-07-2017-ATP-P

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION No.786/2016.

(Shri S. V. Bongulwar Vs. State of Mah. & Ors.)

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

DATE : 03-07-2017

ORAL ORDER:-

Heard Shri A. D. Gadekar learned Advocate for the applicant, Smt P. R. Bharaswadkar learned Presenting Officer for the respondents no.1, 2 & 4 and Shri K. B. Jadhav, learned Advocate holding for Smt. Yogita S. (Thorat) Kshirsagar, learned Advocate for the Respondent no.3.

2. Shri K. B. Jadhav, learned Advocate holding for Smt. Yogita S. (Thorat) Kshirsagar, learned Advocate for the Respondent no.3 files affidavit in reply. The same is taken on record. Its copy is served on the other side.

3. S. O. to 03.08.2017.

MEMBER (J).

ORAL ORDERS 03-07-2017-ATP-P

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.787/2016.

(Shri V. F. Jondhale Vs. State of Mah. & Ors.)

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

DATE : 03-07-2017

ORAL ORDER:-

Heard Shri A. D. Gadekar learned Advocate for the applicant and Shri M. P. Gude learned Presenting Officer for the respondents.

2. The learned P.O. files affidavit in reply on behalf of Respondent no.3. The same is taken on record. Its copy is served on the other side. He submit that, the reply of Respondent no.1 is not necessary.

3. S. O. to 3.8.2017.

MEMBER (J).

ORAL ORDERS 03-07-2017-ATP-P

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.788/2016.

(Shri M. K. Patil Vs. State of Mah. & Ors.)

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

DATE : 03-07-2017

ORAL ORDER:-

Heard Shri A. D. Gadekar learned Advocate for the applicant and Shri N. U. Yadav learned Presenting Officer for the respondents.

2. The learned P.O. filed affidavit in reply on behalf of Respondent no.3. The same is taken on record. He seeks time to file reply on behalf of rest of the respondents.

3. S. O. to 3.8.2017.

MEMBER (J).

ORAL ORDERS 03-07-2017-ATP-P

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.840/2016.

(Shri H. L. Bhatewale Vs. State of Mah. & Ors.)

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

DATE : 03-07-2017

ORAL ORDER:-

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

2. The learned P.O. files affidavit in reply on behalf of Respondent no.4. The same is taken on record. Its copy is served on the learned Advocate for the applicant.

3. S. O. to 26.07.2017.

MEMBER (J).

ORAL ORDERS 03-07-2017-ATP-P

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION No.29/2017.

(Shri S. D. Chaudhari Vs. State of Mah. & Ors.)

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

DATE : 03-07-2017

ORAL ORDER:-

None appears for the applicant. Shri V. R. Bhumkar learned Presenting Officer for the respondents no.1 & 2 and Shri S. D. Dhongde learned Advocate for the Respondent no.3 are present.

2. Shri V. R. Bhumkar learned Presenting Officer for the respondents no.1 & 2 and Shri S. D. Dhongde learned Advocate for the Respondent no.3 seek time to file respective affidavit in replies. Time granted.

3. S.O. to 03.08.2017.

MEMBER (J).

ORAL ORDERS 03-07-2017-ATP-P

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.43/2017.

(Shri N. S. Patil Vs. State of Mah. & Ors.)

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

DATE : 03-07-2017

ORAL ORDER:-

None appears for the applicant. Smt P. R. Bharaswadkar learned Presenting Officer for the respondents is present.

2. The learned P.O. seeks time to file affidavit in reply on behalf of Respondents. Time granted.

3. S. O. to 3.8.2017.

MEMBER (J).

ORAL ORDERS 03-07-2017-ATP-P

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.131/2017.

(Ms. Anita T. Shinde Vs. State of Mah. & Ors.)

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

DATE : 03-07-2017

ORAL ORDER:-

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

2. The learned C.P.O. files affidavit in reply on behalf of Respondents no.2 to 4. The same is taken on record. Its copy is served on the other side.

3. The learned Advocate for the applicant seeks time to file affidavit in rejoinder. Time granted.

4. S. O. to 07.08.2017.

MEMBER (J).

ORAL ORDERS 03-07-2017-ATP-P

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.166/2017.

(Shri Shaikh Gafar Vs. State of Mah. & Ors.)

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

DATE : 03-07-2017

ORAL ORDER:-

Heard Shri V.V. Tarde learned Advocate for the applicant and Smt D. S. Deshpande learned Presenting Officer for the respondents.

2. The learned P.O. files affidavit in reply on behalf of Respondent no.1. The same is taken on record. Its copy is served on the other side. She seeks time to file affidavit in reply on behalf of rest of the Respondents. Time granted.

3. S. O. to 4.8.2017.

MEMBER (J).

ORAL ORDERS 03-07-2017-ATP-P

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.305/2017.

(Ms. Rajmudra M. Khillare Vs. State of Mah. & Ors.)

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

DATE : 03-07-2017

ORAL ORDER:-

Heard Miss. Ashlesha Raut learned Advocate holding for Shri S. B. Talekar learned Advocate for the applicant and Shri N. U. Yadav learned Presenting Officer for the respondents.

2. The learned P.O. files affidavit in reply on behalf of respondents no. 1 to 3. The same is taken on record.

3. S. O. to 10.07.2017. Status-quo granted earlier to continue till then.

MEMBER (J).

ORAL ORDERS 03-07-2017-ATP-P

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.355/2017.

(Shri R. T. Dawange Vs. State of Mah. & Ors.)

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

DATE : 03-07-2017

ORAL ORDER:-

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. seeks time to file affidavit in reply on behalf of Respondents. Time granted.

3. S. O. to 04.08.2017.

MEMBER (J).

ORAL ORDERS 03-07-2017-ATP-P

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.389/2017.

(Shri S. D. Deshpande Vs. State of Mah. & Ors.)

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

DATE : 03-07-2017

ORAL ORDER:-

Heard Advocate Juee Palekar holding for Shri S. D. Joshi learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. The learned C.P.O. seeks time to file affidavit in reply on behalf of Respondents. Time granted.

3. S. O. to 26.7.2017.

MEMBER (J).

ORAL ORDERS 03-07-2017-ATP-P