

ORIGINAL APPLICATION NO. 492 OF 2012

[Dr. A.V. Awaragaonkar Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 22.09. 2016.

ORAL ORDER:

Shri N.B. Khandare – learned Advocate for the Applicant (**absent**). Shri V.R. Bhumkar – learned Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 23rd September, 2016 for dismissal.

MEMBER (J)

VICE CHAIRMAN (A)

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ORIGINAL APPLICATION NO. 147 OF 2012

[Pramod V. Nagare & Anr. Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 22.09. 2016.

ORAL ORDER:

Shri S.S. Thombre – 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 23rd September, 2016 for dismissal.

MEMBER (J)

VICE CHAIRMAN (A)

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ORIGINAL APPLICATION NO. 475 OF 2012

[Sambhaji Malhari Zaware Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 22.09.2016.

ORAL ORDER:

Heard Shri Avinash Deshmukh – learned Advocate for the Applicant and Mrs. Priya B. Bharaswadkar – learned Presenting Officer for the respondents.

2. It is seen that the Applicant was seeking limited relief in the present Original Application that he may be allowed to appear in the selection process for selection to the post of Superintendent in General State Services, Group-B (Clerical cadre) under the School Education and Sports Department pursuant to the advertisement, which was issued on 26th August, 2011. The Applicant also sought interim relief to that effect, which was not granted to him. The interviews have been held long time back and the prayer of the applicant has become infructuous.

3. The present Original Application is, therefore, disposed of accordingly with no order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO. 533 OF 2012

[Smt. Siminta H. Phad Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 22.09. 2016.

ORAL ORDER:

Shri H.K. Munde – learned Advocate for the Applicant (**absent**). Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 23rd September, 2016 for dismissal.

MEMBER (J)

VICE CHAIRMAN (A)

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ORIGINAL APPLICATION NO. 538 OF 2012

[Ravi S. Vyawahare Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 22.09. 2016.

ORAL ORDER:

Shri Amol S. Gandhi – learned Advocate for the Applicant (**absent**). Shri N.U. Yadav – learned Presenting Officer for the respondent Nos. 1 & 2, present. Shri P.B. Rakhunde – learned Advocate for respondent No. 3 (**absent**).

2. Since nobody appears for the applicant, S.O. to 23rd September, 2016 for dismissal.

MEMBER (J)

VICE CHAIRMAN (A)

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ORIGINAL APPLICATION NO. 580 OF 2012

[Bebi S. Rathod & Ors. Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 22.09. 2016.

ORAL ORDER:

Shri G.K. Kshirsagar – learned Advocate for the Applicant (**absent**). Shri V.R. Bhumkar – learned Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 23rd September, 2016 for dismissal.

MEMBER (J)

VICE CHAIRMAN (A)

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ORIGINAL APPLICATION NO. 581 OF 2012

[Kavita K. Dhotre & Ors. Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 22.09. 2016.

ORAL ORDER:

Shri G.K. Kshirsagar – learned Advocate for the Applicant (**absent**). Shri M.G. Gude – learned Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 23rd September, 2016 for dismissal.

MEMBER (J)

VICE CHAIRMAN (A)

22.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 601 OF 2012

[Dr. Sheela R. Garikipati Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 22.09. 2016.

ORAL ORDER:

Shri S.V. Natu – learned Advocate for the Applicant (**absent**). Shri D.R. Patil – learned Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 23rd September, 2016 for dismissal.

MEMBER (J)

VICE CHAIRMAN (A)

22.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 602 OF 2012

[Dr. Quadri Sayed Inayattulla Sayed Mehboob Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 22.09. 2016.

ORAL ORDER:

Shri S.V. Natu – learned Advocate for the Applicant (**absent**). Shri D.R. Patil – learned Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 23rd September, 2016 for dismissal.

MEMBER (J)

VICE CHAIRMAN (A)

22.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 609 OF 2012

[Dr. Arun P. Deshpande & Anr. Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 22.09. 2016.

ORAL ORDER:

Shri S.V. Natu – learned Advocate for the Applicant (**absent**). Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 23rd September, 2016 for dismissal.

MEMBER (J)

VICE CHAIRMAN (A)

22.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 607 OF 2013

[Bhagwat Malhari Jamadar Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 22.09. 2016.

ORAL ORDER:

Heard Shri Avinash Deshmukh – learned Advocate for the Applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. Learned Advocate Shri Avinash Deshmukh fairly stated that the applicant as on today will not be covered by exception, which was granted by para 30 of the judgment delivered by the Hon'ble Bombay High Court in group of Writ Petitions No. 2093/2011 and others dated 30th September, 2011, as Applicant has not been granted the benefit of Career Advancement Scheme. He however, stated that issue was decided in the year 2002 by this Tribunal and the matter was taken by the Government before the Hon'ble Bombay High Court. The said matter is still pending before the Hon'ble Bombay High Court. In case the order of this Tribunal is upheld by the Hon'ble High Court, the case of the applicant will be covered by para 30 of the aforesaid judgment of Hon'ble High Court. He, therefore, prayed that this O.A. may be kept pending till the Writ Petitions pending before the Hon'ble High Court regarding grant of the benefit of Career Advancement Scheme to the applicant is finally decided.

O.A. NO. 607 OF 2013

3. Learned Presenting Officer argued that the Applicant is not eligible to be given extension in service up to 62 years as he did not receive the benefits of Career Advancement Scheme and his case is not covered by the judgment of Hon'ble Bombay High Court in W.P. No. 2093/2011. This Original Application is not maintainable.

4. We find that this O.A. is not maintainable in view of the judgment of Hon'ble Bombay High Court in group of W.P. No. 2093/2011 and others dated 30th September, 2011. This O.A. is accordingly dismissed with the liberty to the Applicant to file a fresh O.A., if his Writ Petition pending before the Aurangabad Bench of Hon'ble Bombay High Court regarding grant of benefits of Career Advancement Scheme is successful. The issue of 'Res-judicata' or limitation will not apply in such an eventuality. There shall be no order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO. 404 OF 2014

[Suneeta F. Dapke Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 22.09. 2016.

ORAL ORDER:

Heard Smt. Madhavi Ayappan, learned Advocate holding for Shri S.B. Talekar – learned Advocate for the Applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the Applicant, this matter be kept before the next Division Bench, whenever it is available.

MEMBER (J)

VICE CHAIRMAN (A)

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ORIGINAL APPLICATION NO. 82 OF 2015

[Sheetal P. Sonawane Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)**

DATE : 22.09. 2016.

ORAL ORDER:

Heard S.D. Dhongde – 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, this matter be kept before the next Division Bench, whenever it is available.

MEMBER (J)

VICE CHAIRMAN (A)

22.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 743 OF 2016

{Shri Rakesh D. Barela Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. Heard Shri D.A. Rajput, learned Advocate for the applicant and Shri M.S. Sahajan, learned Chief Presenting Officer for the respondents.
2. issue notices before admission to the respondents, returnable on 26.10.2016.
4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
5. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due

date. Applicant is directed to file affidavit of compliance and notice.

8. S.O. 26.10.2016.

9. Steno copy & hamdust allowed to both the parties.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

ORIGINAL APPLICATION NO. 07 OF 2016

{Shri Arun D. Ingole Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. Heard Shri H.P. Jadhav, learned Advocate for the applicant and Shri M.S. Sahajan, learned Chief Presenting Officer for the respondents.
2. Perused the affidavit filed by Smt. Sunanda N. Jagtap, Superintending Engineer, C.A.D.A., Beed, which is at page no. 119 of the paper book. The contents thereof do not answer the queries raised by this Tribunal in a proper manner and, therefore, the same is struck out from the record.
3. Smt. Sunanda N. Jagtap, Superintending Engineer is present today before the Tribunal and the learned C.P.O. prays for permission to file affidavit in proper manner.
4. Permission as prayed for is granted.
5. This Tribunal expects that the Res. no. 6 shall call the applicant personally, examine his case on the basis of the Recruitment Rules in the forms of statutory rules or concerned G.Rs. etc. as is vague at relevant time and denovo to find out applicant's eligibility particularly with reference to the claim of the applicant about passing of the departmental examination, and with reference to the relaxation of the

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O.A. NO. 7/2016

conditions of the passing of the departmental examination on attaining the age of 45 years etc.

6. In view thereof, this Tribunal expects that the res. no. 6 shall examine the matter, longer time is granted.

7. S.O. to 10.11.2016.

8. Steno copy & hamdast is allowed to learned C.P.O. for communication.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

ORIGINAL APPLICATION NO. 65 OF 2016

{Shri Arvind P. Awad & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. Heard Shri H.P. Jadhav, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. Perused the affidavit filed by Smt. Sunanda N. Jagtap, Superintending Engineer, C.A.D.A., Beed, which is at page no. 158 of the paper book. The contents thereof do not answer the queries raised by this Tribunal in a proper manner and, therefore, the same is struck out from the record.
3. Smt. Sunanda N. Jagtap, Superintending Engineer is present today before the Tribunal and the learned P.O. prays for permission to file affidavit in proper manner.
4. Permission as prayed for is granted.
5. This Tribunal expects that the Res. no. 6 shall call the applicants personally, examine their cases on the basis of the Recruitment Rules in the forms of statutory rules or concerned G.Rs. etc. as is vague at relevant time and denovo to find out applicant's eligibility particularly with reference to the claim of the applicant about passing of the departmental examination, and with reference to the relaxation of the

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O.A. NO. 65/2016

conditions of the passing of the departmental examination on attaining the age of 45 years etc.

6. In view thereof, this Tribunal expects that the res. no.6 shall examine the matter, longer time is granted.

7. S.O. to 10.11.2016.

8. Steno copy & hamdast is allowed to learned P.O. for communication.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

ORIGINAL APPLICATION NO. 68 OF 2016

{Shri Sk. Liyakat Sk. Dildar Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. Heard Shri S.P. Golewar, learned Advocate for the applicant and Smt. Sanjivani Deshmukh - Ghate, learned Presenting Officer for the respondents.
2. The learned P.O. states that affidavit in reply will be filed on tomorrow.
3. In view thereof, S.O. to 23.9.2016.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

ORIGINAL APPLICATION NO. 267 OF 2016

{Shri Ashok L. Shejul & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. Heard Shri R.R. Bangar, learned Advocate for the applicants, Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent nos. 1 to 3 and Shri G.N. Patil, learned Advocate for respondent nos. 4,10,11,14,15,16,18,23, 26, 27 & 40. None appears for other respondents.
2. The learned P.O. & Shri G.N. Patil, learned Advocate have filed affidavits in replies on behalf of respective respondents and the same are taken on record.
3. The learned P.O. submits that the exemption as sought by the applicants is already granted to them.
4. The learned Advocate for the applicants seeks time to take instructions as to whether the cause survives anymore?
5. Time granted.
6. S.O. to 10.11.2016.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

ORIGINAL APPLICATION NO. 319 OF 2016

{Shri Shivaji P. Kokate Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. None appears for the applicant. Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents, is present.

2. As none appears for the applicant, S.O. to 23.9.2016.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

ORIGINAL APPLICATION NO. 355 OF 2016

{Shri Sk. Jamil Fakir Saheb Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. Heard Shri R.R. Bangar, learned Advocate holding for Shri V.D. Gunale, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. The learned P.O. prays for time for filing affidavit in reply.
3. Time granted as a last chance.
4. It is made clear that, if affidavit in reply is not filed on the next date, the case will be taken up for disposal without affidavit in reply.
5. S.O. to 9.11.2016.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

ORIGINAL APPLICATION NO. 357 OF 2016

{Shri Sanjay N. Anpat Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. None appears for the applicant. Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.
2. The learned P.O. prays for time for filing affidavit in reply.
3. Time is granted as a last chance.
4. It is made clear that, if affidavit in reply is not filed on the next date, the case will be taken up for disposal without affidavit in reply.
5. S.O. to 9.11.2016.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

ORIGINAL APPLICATION NO. 362 OF 2016

{Shri Pradeep V. Rathod & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

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

2. The learned P.O. has tendered affidavit in reply on behalf of res. nos. 1 to 5. It is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. The learned Advocate for the applicant prays for time to go through affidavit in reply, and file rejoinder only if it is necessary, on the next date.

4. S.O. to 24.10.2016.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

ORIGINAL APPLICATION NO. 513 OF 2016

{Shri N.B. Mulay Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The learned P.O. has tendered affidavit in reply on behalf of res. nos. 1 to 3. It is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. The learned Advocate for the applicant prays for time to go through affidavit in reply, and file rejoinder on the next date only if it is necessary.

4. S.O. to 24.10.2016.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

ORIGINAL APPLICATION NO. 646 OF 2016

{Shri A.M. Kachre & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. Heard Shri Ashish Rajkar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicants, Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent nos. 1 to 3 and Shri S.S. Panale, learned Advocate for respondent nos. 7,8,9,12,13 & 16.

2. Today, Shri S.R. Patil, learned Advocate has filed his V.P. for res. nos. 10 & 11. It is taken on record. Learned Advocate Shri S.R. Patil prays for time to file affidavit in reply. Time as prayed for is granted.

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

4. The learned Adv. for the applicant prays for time to go through affidavit in reply filed on behalf of res. nos.2 &3.

5. The applicant is put to notice that, the rejoinder be filed on the next date, only if it is necessary.

6. S.O. to 24.10.2016.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

ORIGINAL APPLICATION ST. NO. 185 OF 2015

{Shri Umesh B. Modke & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. None appears for the applicants. Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.
2. Admit.
3. This case be placed on board for final hearing in due course.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

MA 400/2015 IN OA ST. NO. 1324/2014

{Smt. Ratna S. Wankhede Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. None appears for the applicant. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 to 4 and Shri M.R. Kulkarni, learned Advocate for respondent no. 5.
2. The learned Advocate for res. no. 5 has tendered affidavit in reply in M.A. It is taken on record.
3. As none appears for the applicant, S.O. to 14.10.2016 as a last chance.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

MA 243/2015 IN CP. ST. 921/2015 IN O.A. 619/2003

{Shri Siraj Nazamoddin & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. Heard Shri Sham Patil, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time.
3. Time granted.
4. S.O. to 29.9.2016.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

MA NO. 515/2015 IN O.A. NO. 243/2015

{Shri Pandurang N. Solunke Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. None appears for the applicant. Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.
2. The record shows that on previous 4 dates, the applicant and his learned Advocate were absent.
3. In view of above position, the misc. application stands dismissed for want of prosecution. There shall be no order as to costs.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

MA NO. 35/2016 IN O.A. ST. NO. 1807/2016

{Shri Arjun H. Patil Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. None appears for the applicant. Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.
2. The learned P.O. tendered affidavit in reply. It is taken on record.
3. As none appears for the applicant, S.O. to 21.10.2016.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

MA NO. 89/2016 IN O.A. NO. 704/2012

{Shri P.D. Kandlikar Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. Heard Shri R.R. Bangar, learned Advocate holding for Shri R.I. Ingole Patil, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the res. nos. 1 to 3 in the present M.A.. Shri Sudhir Patil, learned Advocate for present respondent nos. 4 & 5 in the present M.A. / applicants in O.A. has filed leave note.

2. Shri Bangar, learned Advocate states that due to some personal difficulty it is not possible for Shri Ingole Patil, learned Advocate for the applicants to appear today in the matter. He seeks short adjournment.

3. Adjournment granted.

4. S.O. to 17.11.2016.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

MA NO. 170/2016 IN O.A. NO. 576/2013

{Shri R.G. Ubale & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. Heard Shri S.S. Dambe, learned Advocate for the applicants and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. By this misc. application the applicants are seeking permission to amend the O.A. as averred in para 4 to add para nos. 5-1 To 5-C and prayer clause B-1 of the O.A., and to annex the copies of some G.Rs. by way of annexures.

3. The amendment as sought for is aimed to amplify the cause, this M.A. with prayer for amendment is granted.

4. The learned Advocate for the applicants undertakes to carry out the amendment in the O.A. within a period of 2 weeks.

5. Two weeks time for carrying out amendment is granted.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

O.A. NO. 576/2013

{Shri R.G. Ubale & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. Heard Shri S.S. Dambe, learned Advocate for the applicants and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. Today, by passing a separate order in M.A. no. 170/2016, the applicants are permitted to amend the O.A. suitably. The applicants are directed to serve amended O.A. on the respondents directly and serve one copy on the learned P.O.

3. The respondents are directed to file affidavit in reply to the amended O.A. by the next date for which longer date is given. Copy thereof be served upon the learned Advocate for the applicants in advance.

4. S.O. to 17.11.2016.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN

O.A. NO. 259 OF 2016

{Shri Ravikiran M. Shete Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 22.09.2016

Oral Order :-

1. None appears for the applicant. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.
2. The learned P.O. prays for time for filing affidavit in reply.
3. The learned P.O. was called upon to state as to reasons due to which the adjournment is sought. She states that she is still waiting for instructions in the form of letter &/or para-wise remarks from the respondents.
4. The record shows that the respondents were served with the notice of this Tribunal in May, 2016. The acknowledgement of delivery of notice is placed on record. Thereafter the case was listed on board on 13.6.2016 & 21.7.2016. It is highly shocking that till today the learned P.O. has not been even sent a letter muchless para-wise remarks by the respondents, and learned P.O. is unilaterally praying for time for filing reply in larger public interest.
5. The learned P.O. is directed to furnish the name of res. no. 1 – the Secretary, Public Works Department, Mantralaya, Mumbai.

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O.A. NO. 259 OF 2016

6. The learned P.O. submits that Shri Ashish Sinha is the Principal Secretary of P.W.D.

7. Shri Ashish Sinha, Principal Secretary, P.W.D., Mantralaya, Mumbai is hereby directed to file affidavit on the following points :-

- (i) The exact date on which his office has receive the notice of this Tribunal.
- (ii) The date on which the notice was brought to his or his predecessors notice.
- (iii) Who is officer / staff who is responsible towards the delay in bringing it to his/her notice.
- (iv) Reasons as to why the matter is not attended by his office and / or reasons for not giving the instructions to the P.O.
- (v) Is there any legal impediment in filing affidavit in reply in this O.A..

8. Shri Ashish Sinha, Principal Secretary, P.W.D., Mantralaya, Mumbai is also directed to call similar instructions and explanation from res. nos. 2 & 3 and make enquiry whether there is a lapse on their part in approaching the learned P.O. and giving appropriate directions to these subordinates to avoid similar lapse in future.

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O.A. NO. 259 OF 2016

9. Affidavit and report of compliance as directed in foregoing paragraphs be filed on or before 10.11.2016.

10. S.O. to 10.11.2016.

11. Steno copy & hamdast is granted to the learned P.O. for communication of order to the respondents.

CHAIRMAN

ARJ 22.09.2016 (D.B.) HON. CHAIRMAN