O.A. NO. 730/2016 (Dipak Vs. The State of Mah. & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

(This matter is placed before the Single Bench due to non-availability

of Division Bench.)

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri N.K. Tungar, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 & 2 and Shri R.E. Pathade, learned Advocate for respondent nos. 3 to 5. None appears for respondent nos. 6 & 7, though duly served.

2. The learned P.O. has filed affidavit in reply of res. no. 2 - Shri Sharad B. Angane, Deputy Director, Skill Development Employment & Entrepreneurship, Divisional Headquarter, Mumbai – as specifically directed by the Tribunal vide order dtd. 28.9.2017. The same is taken on record and copy thereof has been served upon other side. Shri Sharad B. Angane, Deputy Director, Skill Development Employment & Entrepreneurship, Divisional Headquarter,

<u>//2//</u> O.A. NO. 730/2016

Mumbai has explained that Annex. A.3 page 30 in fact is a downloaded copy from general registration for employment and it is not a downloaded copy of the application form of the applicant for the specific job.

3. The learned Advocate for the applicant seeks time to take instructions as to whether while applying with the Skill Development and Industry Division (Annex. 6 page 48) whether the applicant has applied from the category of E.S.B.C. (P.A.P.) category, though the examination admission card (page 48) would show that applicant had applied only from E.S.B.C. category. At his request, S.O. to 7.12.2017.

VICE CHAIRMAN.

O.A. NO. 390/2016 (Nagorao Vs. The State of Mah. & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

(This matter is placed before the Single Bench due to non-availability

of Division Bench.)

DATE : 08.11.2017.

ORAL ORDER:

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

- 2. The learned Advocate, on instructions from the applicant, submits that the applicant wants to withdraw the present O.A.
- 3. In the circumstances, the present O.A. stands disposed of as withdrawn without any order as to costs.

VICE CHAIRMAN.

M.A. 148/2016 IN O.A. 167/2016 (Kamel Kashif Vs. The State of Mah. & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 08.11.2017.

ORAL ORDER:

Heard Shri K.G. Salunke, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent no. 1 and Shri G.N. Patil, learned Advocate for respondent nos. 2 to 4.

2. As per order of the Tribunal dtd. 4.10.2017, the learned Advocate for the applicant files on record copy of G.Rs. The same are accepted on record and copies thereof are supplied to the learned P.O. for res. no. 1 and learned Advocate for res. nos. 2 to 4. S.O. to 19.12.2017 for hearing.

VICE CHAIRMAN.

O.A. 784/2015 (Malappa Vs. The State of Mah. & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.11.2017.

ORAL ORDER:

None appears for the applicant. Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Advocate, S.O. to 20.12.2017.

VICE CHAIRMAN.

MA 453/2017 IN MA ST. 1555/2017 IN OA ST. 1556/2017 (Shriram & Ors. Vs. The State of Mah. & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri V.B. Dhage, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicants, S.O. to 19.12.2017.

VICE CHAIRMAN.

OA ST. 372/2017

(Chandrakala Vs. The State of Mah. & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 08.11.2017.

ORAL ORDER:

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

- 2. Subject to issue of limitation to be decided later on, issue notices to the respondents in the present O.A., returnable on 21.12.2017.
- 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 21.12.2017.
- 8. Steno copy & hamdast allowed to both the sides.

VICE CHAIRMAN.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, AURANGABAD BENCH, AURANGABAD

OA ST. 1630/2017 (Durgesh Vs. The State of Mah. & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.11.2017.

ORAL ORDER:

None appears for the applicant. Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.

In view of absence of applicant and his learned Advocate,
 S.O. to 18.12.2017.

VICE CHAIRMAN.

OA 846/2016

(Kishor Vs. The State of Mah. & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 08.11.2017.

ORAL ORDER:

Heard Shri M.K. Bhosle, 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 to file on record the scheme / rules / G.Rs. regarding compassionate appointment. At his request, S.O. to 21.12.2017.

VICE CHAIRMAN.

OA 157/2017

(Dadasaheb Vs. The State of Mah. & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 08.11.2017.

ORAL ORDER:

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

2. The learned P.O. has filed affidavit in reply of res. no. 4. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant. S.O. to 7.12.2017 for hearing.

VICE CHAIRMAN.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, AURANGABAD BENCH, AURANGABAD

OA 347/2017

(Sanjay Vs. The State of Mah. & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.11.2017.

ORAL ORDER:

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

- 2. The learned Advocate for the applicant has filed affidavit in rejoinder of the applicant. It is taken on record and copy thereof has been served upon the learned P.O. for the respondents. By the said rejoinder, it is denied that the applicant has any time sent any request letter for his transfer.
- 3. The learned P.O. points out towards the minutes of the meeting (page 39), wherein reference has been made about the request of the applicant for his transfer. However, no such request letter is filed on record by the respondents.

<u>::-2-::</u> OA 347/2017

- 4. In the circumstances, at the request of learned P.O., S.O. to 13.12.2017 for taking instructions regarding the request letter of the applicant and / or filing on record the copy of the said request letter. The interim relief granted earlier to continue till then.
- 5. Steno copy allowed for the use of learned P.O. for the respondents.

VICE CHAIRMAN.

OA 426/2017

(Sudhakar Vs. The State of Mah. & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri K.N. Thorat, learned Advocate holding for Shri Chetan Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 20.12.2017 for filing affidavit in rejoinder.

VICE CHAIRMAN.

OA 472/2017

(Sanjay Vs. The State of Mah. & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 08.11.2017.

ORAL ORDER:

Heard Shri T.M. Venjane, 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, S.O. to 29.11.2017.

VICE CHAIRMAN.

OA 651/2017

(Baswantsing Vs. The State of Mah. & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T. JOSHI, V.C. DATE: 08.11.2017.

ORAL ORDER:

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. files on record true copy of the order under which G.P.F. amount is paid to the applicant. It is however to be noted that the applicant is seeking interest on delayed payment of G.P.F. amount.
- 3. In the circumstances, the res. no. 2 is hereby directed to file affidavit giving following details:-
 - (i) As to who prepares the pension file(with name) when employee becomesdue for superannuation?

::-2-:: OA 651/2017

- (ii) As to why rule / practice of moving the office of Accountant General for payment of substantial part of G.P.F. even before retirement of the applicant is not followed?
- (iii) When the proposal was made by the res. no. 2 to the Accountant General for payment of G.P.F. amount of the applicant.
- 4. S.O. to 11.12.2017 for filing affidavit on the above line.
- 5. Steno copy allowed for the use of learnedP.O. for the respondents.

VICE CHAIRMAN.

OA 652/2017

(Kailas Vs. The State of Mah. & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri Dhananjay Mane, 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 13.12.2017.

VICE CHAIRMAN.

OA 701/2017

(Dr. Pradip Vs. The State of Mah. & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 to 3 & 6. None appears for respondent nos. 4 & 5.

- 2. The learned Advocate for the applicant and the learned P.O. submit that necessary steps are required to be taken in the present matter by the res. nos. 4 & 5 for complying with the order of the Tribunal dated 27.9.2017. In view of absence of res. nos. 4 & 5 S.O. to 7.12.2017.
- 3. In the circumstances, the res. nos. 4 & 5 are hereby directed to take necessary steps on the line of order dtd. 27.9.2017, by the next date, failing which on the next date issue of imposing costs on them would be considered.

VICE CHAIRMAN.

OA 11/2017

(Subhash Vs. The State of Mah. & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 08.11.2017.

ORAL ORDER:

Heard Shri Suresh D. Dhongde, 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 present O.A. has become infructuous and, therefore, the applicant wishes to withdraw the same.
- 3. In view of aforesaid submission of the learned Advocate for the applicant, the present O.A. stands disposed of as withdrawn without any order as to costs.

VICE CHAIRMAN.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, AURANGABAD BENCH, AURANGABAD

ORIGINAL APPLICATION NO. 737/2017 (Shri Sureshsing K.Taji Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.11.2017.

ORAL ORDER:

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

- 2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
- 3. At his request S.O. to 12.12.2017.

VICE CHAIRMAN

ORAL ORDERS 08.11.2017-kpb

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, AURANGABAD BENCH, AURANGABAD

M.A. No. 56/2017 in O.A. St. No. 86/2017 (Shri Sudhakar A. Goswami Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.11.2017.

ORAL ORDER:

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

2. As none present for the applicant S.O. to 14.12.2017.

VICE CHAIRMAN

ORAL ORDERS 08.11.2017-kpb

M.A. No. 459/2017 in M.A. No. 332/2017 in O.A. No. 340/2014 (Shri Gajanan R. Jawale Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri Ganesh Gadhe, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

- 2. Issue notices to the respondents in M.A. No. 459/2017, returnable on 13.12.2017.
- 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. S.O. to 13.12.2017.
- 8. Steno copy and hamdust is allowed to both the parties.

M.A. No. 460/2017 in M.A. No. 331/2017 in O.A. No. 48/2013 (Shri Saheb R. Vede Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.11.2017.

ORAL ORDER:

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

- 2. Issue notices to the respondents in M.A. No. 460/2017, returnable on 13.12.2017.
- 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.
- 8. S.O. to 13.12.2017.
- 9. Steno copy and hamdust is allowed to both the parties.

VICE CHAIRMAN

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, AURANGABAD BENCH, AURANGABAD

ORIGINAL APPLICATION NO. 631/2016

(Smt. Vaidya Ujwala A. Jadhao Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 08.11.2017.

ORAL ORDER:

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

- 2. Learned Advocate for the applicant has filed additional affidavit along with documents. Same is taken on record and the copy thereof has been served on the learned Presenting Officer.
- 3. At his request S.O. to 29.11.2017. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 08.11.2017-kpb

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, AURANGABAD BENCH, AURANGABAD

ORIGINAL APPLICATION NO. 400/2017 (Smt. Vrushali S. Doifode Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri N.P. Duble, learned Advocate for respondent no. 5. Shri Yogesh Dhoble, learned Advocate for respondent No. 4, **absent.**

- 2. Learned Presenting Officer submits that as per order dated 12.10.2017 the respondent No. 3 has considered representation of the present applicant and the said representation came to be rejected. He files affidavit in reply on behalf of respondent No. 3 to that effect.
- 3. In the meantime, liberty to the applicant to file additional reply and the copy be served in advance on the other side.
- 4. S.O. to 16.11.2017.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, AURANGABAD BENCH, AURANGABAD

ORIGINAL APPLICATION NO. 304/2017 (Shri Arun R. Naik Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 08.11.2017.

ORAL ORDER:

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

- 2. Though the present O.A. is not on today's board, in view of circulation note filed by the learned Advocate for the applicant for withdrawal of the same, it is taken on board.
- 3. The learned Advocate for the applicant submits that the applicant wishes to withdraw the present O.A. Withdrawal is allowed.
- 4. In the circumstances, the O.A. stands disposed of as withdrawn without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 08.11.2017-kpb

O.A. No. 539/2017 with Caveat No. 27/2017 & 39/2017 (Dr. Sarita Vs. The State of Maharashtra & Ors.) with

ORIGINAL APPLICATION NO. 540/2017 (Dr. Sakahari Vs. The State of Maharashtra & Ors.) with

O.A. No. 541/2017 with Caveat No. 29/2017 (Dr. Manik Vs. The State of Maharashtra & Ors.) with

O.A. No. 542/2017 with Caveat Nos. 26/17, 28/17 & 43/17 (Dr. Sunil Vs. The State of Maharashtra & Ors.) with

O.A. No. 559/2017 with Caveat No. 38/2017 (Dr. Rajkumar Vs. The State of Maharashtra & Ors.) with

O.A. No. 564/2017 with Caveat No. 48/2017 (Dr. Yashwant Vs. The State of Maharashtra & Ors.) with

O.A. No. 571/2017 with Caveat No. 49/2017 (Dr. Shrinivas Vs. The State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri V.B. Wagh, learned Advocate for the applicants in O.A. No. 539/17, 540/17, 541/17, 542/17 and 559/17, Shri Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant in O.A. No. 564/2017, Shri Shamsundar B. Patil, learned Advocate for the applicant in O.A. No. 571/2017. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3 in all O.As. Shri N.P. Dube, learned Advocate for respondent No. 4 in O.A. No. 539/2017, Shri Mandar Dabholkar, learned Advocate respondent No. 5 in O.A. No. 571/2017, Shri Shamsundar B. Patil, learned Advocate for respondent No. 4 in O.A. No. 542/2017.

- 2. Learned Presenting Officer submits that the corrective steps are under process.
- 3. Learned Advocate Shri V.B. Wagh, for the applicant however, has objected to the aforesaid statement made by the learned P.O. on the ground that the proposed corrective steps are not substantive.
- 4. It appears that the decision on merit is required in the matter.
- 5. Hence, S.O. to 16.11.2017 for hearing.

VICE CHAIRMAN

ORAL ORDERS 08.11.2017-kpb

M.A.No.421/2016 IN C.P.St.No.06/1998 IN O.A.No.01/1998 (Shri Shrikant Tupe V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri S.B.Kadu learned Advocate holding for Shri P.V.Suryavanshi learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for respondents.

- 2. Learned Advocate Shri S.B.Kadu holding for Shri P.V.Suryavanshi learned Advocate for the applicant submits that the matter is pending before the Hon'ble Supreme Court, and therefore, it may be removed from the board with liberty to circulate as and when decision of the Hon'ble Supreme Court would be there.
- 3. Hence, remove from the board with liberty to either party to circulate the case as and when required.

VICE CHAIRMAN

REVIEW ST. NO.1576/2017 IN O.A.NO.701/2013 (State of Maharashtra & Ors. V/s. Ramrao Rathod)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri S.K.Shirse learned Presenting Officer for the applicants (original respondents) and Shri Kakasaheb B. Jadhav learned Advocate for the respondent (original applicant).

- 2. Learned P.O. submits that the applicants (original respondent) would file a delay condonation application.
- 3. Hence, remove from the board. Liberty to file delay condonation application is hereby granted.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.769/2017 (Shri Sunil Bansode V/s. State of Maharashtra & Ors.)

(Shri Sunil Bansode V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri Chaitanya V. Dharurkar learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

- 2. Heard with consent of both the parties on the point of maintainability of the present application.
- 3. The applicant is facing departmental enquiry as can be seen from Annexure A-1 (page 16). Vide Annexure AA-1 (page 18), so far it appears that the superior of the present applicant has directed the respondent no.6 Tahsildar to file an F.I.R. against the present applicant for the same alleged misconduct.
- 4. By the present Original Application, applicant is seeking injunction against the coercive action pursuant to these 2 steps.
- 5. It is to be noted that no illegality is pointed out in the institution of departmental enquiry. Departmental enquiry is sought to be quashed on facts. Further, so far as the direction to file an F.I.R. is concerned the applicant has various remedies,

in case no offence is made out even after filing of the F.I.R. or after investigation by the concerned police station.

6. In the circumstances, original application is not maintainable and it is rejected without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.259/2016 (Shri Ravikiran Shete V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

Shri S.T.Veer learned Advocate for the applicant is **absent**. Smt. Resha Deshmukh learned Presenting Officer for respondents is present.

- 2. None appears for the applicant. Learned P.O. seeks time for filing a short affidavit on the line of order dated 13th September, 2017.
- 3. At her request, S.O. to 12th December, 2017 as a last chance.
- 4. Parties to act on the steno copy of the order.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.595/2016 (Shri Dhanraj Dhumare V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri Bharat R. Waramaa learned Advocate for the applicant, Shri N.U.Yadav learned Presenting Officer for respondents and Shri A.S.Deshmukh learned Advocate for respondent no.5.

- 2. Learned Advocate for the applicant files affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side.
- 3. S.O. to 5th December, 2017 for hearing on admission.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.664/2016 (Shri Sambhaji Asole V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri G.N.Khandagale learned Advocate holding for Shri A.S.Bangar learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents.

- 2. Learned Advocate for the applicant prays for adjournment. Adjournment granted.
- 3. S.O. to 13-12-2017.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.722/2016 (Shri Kamlakar Hinge V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri Virendra Kale learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for respondents.

- 2. Learned P.O. seeks time to comply with the order dated 22^{nd} August, 2017. Time granted till 12-12-2017.
- 3. It is to be noted that one chance was already was already granted to the respondents. In the meantime, steps to be taken before next date and shall be reported on the next date failing which respondents would be liable to pay heavy costs by government cheque and also for an action that will be deemed fit.
- 4. S.O. to 12-12-2017 for compliance.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.153/2017 (Dr. Ramnath Hemke V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri J.S.Deshmukh learned Advocate for the applicant, Smt. Resha Deshmukh learned Presenting Officer for respondent nos.1 to 3 & 6 and Shri P.K.Wagh learned Advocate holding for Shri A.D.Aghav learned Advocate for respondent nos.4 and 5.

- 2. Upon hearing both sides, it appears that the respondent nos.4 and 5 had no jurisdiction at all to institute any departmental enquiry against the present applicant who was initially appointed by the respondent nos.4 and 5 and now he has been absorbed by the State Government.
- 3. In the circumstances, respondent nos.4 and 5 are directed to take corrective steps according to the law and report this Tribunal regarding corrective steps. In case, respondent nos.4 and 5 come to the conclusion that no corrective steps in law can be taken, a short affidavit explaining reasons **personally** by the respondent no.4 Chief Executive Officer,

Zilla Parishad, Jalna and respondent no.5 District Health Officer, Zilla Parishad, Jalna shall be filed.

- 4. S.O. to 13-12-2017 either for filing report or for filing a short affidavit, as the case may be.
- 5. Parties to act on the steno copy of the order.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.182/2017 (Shri Shripatrao Gaikwad V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

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

2. Upon hearing both sides, it appears that arguable case is made out. Hence, matter is admitted. It may be placed before the Division Bench as and when it is available.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.183/2017 (Shri Ajit Navale V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri V.B.Wagh learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for respondents.

- 2. Learned Advocate for the applicant seeks time to take instruction on the line of order dated 5th October, 2017.
- 3. At his request, S.O. to 14-12-2017 for taking instruction.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.274/2017 (Shri Anil Beedkar & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE: 08.11.2017.

ORAL ORDER:

Heard Shri Yogesh Deshmukh learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for respondents is present.

- 2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted.
- 3. S.O. to 15-12-2017.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.441/2017

(Shri Dnyaneshwar Bhutekar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

Shri Dnyaneshwar Bhutekar, applicant presnt in person. Shri D.R.Patil learned Presenting Officer for respondents is present.

- 2. Learned P.O. states that he shall file affidavit in reply during the course of the day. He also undertakes to serve copy of the reply on the other side.
- 3. S.O. to 14-12-2017.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.592/2017

(Association of Pharmacy Teachers of India, through its members V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri A.N.Kakde learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

- 2. Learned CPO submits that he will have to take instructions as to whether reply of respondent no.2 is necessary, in case it is found to be necessary, same would be filed very shortly.
- 3. At his request, S.O. 10-11-2017.

VICE CHAIRMAN

OA No.677/2017.

(Shri V. P. Saygunde V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE: 08.11.2017.

ORAL ORDER:

Heard with consent Shri S. S. Ambore learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for respondents.

2. Heard on the point of maintainability. The reading of the earlier order as well as the papers would show that, the respondent no.3 whose promotion is challenged had in fact became eligible for consideration for promotion in the very same year in which he would have otherwise lost his seniority. In that view of the matter since respondent no.3, who is senior to the present applicant is promoted no grievance would survive for the present applicant. The application is therefore, rejected without any order as to costs.

VICE CHAIRMAN.

OA No. 678/2017.

(Shri M. S. Bhalerao V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri R. N. Chavan learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for respondents.

2. The learned Advocate for the applicant submits that, he would go through the provisions of the present G.R. dated 22.4.1996 (Exh.B, page 16), which prima facie is not applicable to the case of the applicant, as it deals with the pendency of the departmental enquiry. The D.E. against the applicant is already concluded. In the circumstances, learned Advocate for the applicant seeks time on this issue. At his request, S.O. to 18.12.2017.

VICE CHAIRMAN.

OA No. 697/2017.

(Dr. S. S. Hindole & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri J. S. Deshmukh learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for respondents.

2. The learned C.P.O. seeks time to file reply. Vide order dated 25.07.2017 while issuing the notice this Tribunal vide para no.7 has directed the concerned respondent to consider the representation of the applicant, which is part and parcel of the O.A. and thereafter make detail averments in the reply to that effect. In the circumstances, time is granted for complying the above order.

- 3. S.O. to 13.12.2017 for compliance of the order dated 25.07.2017.
- 4. The learned C.P.O. is directed to act on the Steno copy of this order.

VICE CHAIRMAN.

ATP ORAL ORDERS 08-11-2017.

MA NO.64/2017 IN OA St.No.100/2017. (Shri M. V. Sonkamble V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

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

- 2. The learned Advocate for the applicant submits that, regarding the same cadre on the same issue Writ Petition No.10060/2017 is pending before the Hon'ble High Court. In the circumstances, the present application may be removed from board with liberty to circulate the same after the decision in the same writ petition.
- 3. Remove from the board with liberty as prayed for.

VICE CHAIRMAN.

OA No. 44/2015. (Sow Sulbha Dnyate V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

None present for the applicant. Heard Smt

D. S. Deshpande learned Presenting Officer for respondents.

2. The learned P.O. submits that, the learned Advocate for the applicant has communicated her the personal difficulties for attending the Tribunal today. At her request, S.O. to 10.11.2017.

VICE CHAIRMAN.

OA No. 563/2014 WITH MA NO.368/17. (Shri T. B. Rajput V/s. State of Maharashtra & Ors.)

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OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

OA. NO.563/14:-

Heard Shri H. V. Tungar, learned Advocate for the applicant and Shri I. S. Thorat learned Presenting Officer for respondents.

- 2. The learned Advocate for the applicant files G.R. along with list of documents. The same is accepted. Copies of the same be supplied to the learned P.O.
- 3. S.O. to 15.12.2017 for hearing on admission.

VICE CHAIRMAN.

OA No. 254/2014. (Shweta Kulkarni V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri M. B. Kolpe learned Advocate for the applicant, Shri I. S. Thorat, learned Presenting Officer for respondents no.1 to 4 and Shri V. B. Wagh, learned Advocate for the respondents no.14 & 18. None appears for other respondents.

2. The learned Advocate for the applicant on instructions submits that, the grievance of the applicant is now redressed and therefore, applicant wishes to withdraw the application. Allowed to withdraw. The O.A. is accordingly disposed of, without any order as to costs.

OA No. 531/2014.

(Shri P. P. Sant & ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

None present for the applicant. Heard Shri M. P. Gude, learned Presenting Officer for respondents.

2. The learned P.O. submits that, he would also take instructions from the respondents though earlier the learned Advocate for the applicant was directed to take instructions. In the circumstances, S.O. to 18.12.2017 for taking instructions, if any, regarding any developments from both the sides.

VICE CHAIRMAN.

MA 283/2016 IN OA ST.1167/2016.

(Shri S. M. Davkare V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 08.11.2017.

ORAL ORDER:

Heard Shri N. S. Choudhary learned Advocate for the applicant, Shri V. R. Bhumkar learned Presenting Officer for respondents no.1 to 6, 8 & 9 and Shri D. P. Bakshi, learned Advocate for the respondent no.7.

2. The learned Advocate for the applicant seeks accommodation. At his request, S.O. to 13.12.2017.

VICE CHAIRMAN.