

ORIGINAL APPLICATION NO. 785 OF 2015

{Shri Chhagan D. Nerkar Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 18.01.2017

Oral Order :-

1. None appears for the applicant. Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.
2. As applicant and his learned Advocate are absent, S.O. to 27.2.2017.

MEMBER (J)

ARJ ORAL ORDERS 18.1.2017

ORIGINAL APPLICATION NO. 318 OF 2016

{Shri Nivrutti E. Wagh Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 18.01.2017

Oral Order :-

1. Heard Shri Chetan Jadhav, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for respondent nos. 1 to 3 and Shri S.D. Joshi, learned Advocate for respondent no. 4.

2. By consent of both the sides, S.O. to 20.1.2017. To be treated as a part heard.

MEMBER (J)

ARJ ORAL ORDERS 18.1.2017

ORIGINAL APPLICATION NO. 336 OF 2016

{Shri Gokulsing E. Patil Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 18.01.2017

Oral Order :-

1. Heard Shri Chetan Jadhav, learned Advocate for the applicant, Smt. Resha S. Deshmukh, learned Presenting Officer for respondent nos. 1 to 3 and Shri S.S. Kulkarni, learned Advocate for respondent no. 4.

2. The learned Advocate for the applicant has filed short affidavit of the applicant. It is taken on record and copy thereof has been served upon the other side.

3. The learned P.O. as well as learned Advocate for res. no. 4 seek time to file reply to the short affidavit filed by the applicant. Time granted.

4. S.O. to 27.2.2017.

MEMBER (J)

ARJ ORAL ORDERS 18.1.2017

ORIGINAL APPLICATION NO. 337 OF 2016

{Shri Shriram J. Shelke Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 18.01.2017

Oral Order :-

1. Heard Shri Chetan Jadhav, learned Advocate for the applicant, Smt. Resha S. Deshmukh, learned Presenting Officer for respondents and Shri G.A. Nagori, learned Advocate for respondent no. 2.

2. The learned Advocate for the applicant has filed short affidavit of the applicant. It is taken on record and copy thereof has been served upon the other side.

3. The learned P.O. as well as learned Advocate for res. no. 2 seek time to file reply to the short affidavit filed by the applicant. Time granted.

4. S.O. to 27.2.2017.

MEMBER (J)

ARJ ORAL ORDERS 18.1.2017

ORIGINAL APPLICATION NO. 623 OF 2016

{Shri Anil P. Katkar Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 18.01.2017

Oral Order :-

1. Heard Shri S.B. Mene, learned Advocate holding for Ajay Deshpande, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent no. 1. None appears for respondent no. 2.

2. At the request of learned Advocate for the applicant and learned P.O. for the res. no. 1, S.O. to 20.1.2017.

MEMBER (J)

ARJ ORAL ORDERS 18.1.2017

ORIGINAL APPLICATION NO. 875 OF 2016

{Shri Akhil Ahmed Sulaman Juneri Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 18.01.2017

Oral Order :-

1. Heard Shri D.T. Devane, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 31.1.2017.

MEMBER (J)

ARJ ORAL ORDERS 18.1.2017

ORIGINAL APPLICATION NO. 809 OF 2016

{Shri Vishnu U. Jadhav Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 18.01.2017

Oral Order :-

1. Heard Shri D.T. Devane, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks permission to amend the O.A. suitably. Permission as sought for is granted. The O.A. be amended within a reasonable time and copy thereof be served upon the respondents thereafter.

3. S.O. to 10.2.2017 for filing affidavit in reply by the respondents.

MEMBER (J)

ARJ ORAL ORDERS 18.1.2017

ORIGINAL APPLICATION NO. 669 OF 2016

{Shri Chandrakant S. Shinde Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 18.01.2017

Oral Order :-

1. Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file additional affidavit in reply along with relevant documents therewith. Time granted.
3. S.O. to 31.1.2017.

MEMBER (J)

ARJ ORAL ORDERS 18.1.2017

ORIGINAL APPLICATION NO. 670 OF 2016

{Shri Dineshsing L. Patil Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 18.01.2017

Oral Order :-

1. Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file additional affidavit in reply along with relevant documents therewith. Time granted.
3. S.O. to 31.1.2017.

MEMBER (J)

ARJ ORAL ORDERS 18.1.2017

ORIGINAL APPLICATION NO. 240 OF 2016

{Shri Ramkisan B. Khajekar Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 18.01.2017

Oral Order :-

1. Heard Shri M.S. Dhapate, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The learned P.O. seeks time to file affidavit in reply. Time granted. However, it is made clear that if affidavit in reply is not filed on the next date, heavy costs shall be imposed upon the respondents.

3. S.O. to 1.3.2017.

MEMBER (J)

ARJ ORAL ORDERS 18.1.2017

MA 22/2017 IN OA ST. 53/2017

{Shri Babasaheb N. Raut & Ors. Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE :- 18.01.2017

Oral Order :-

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

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the M.A. and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid multiplicity, leave to sue jointly is granted, subject to payment of court fee stamps, unless it is paid already.

4. M.A. stands disposed of accordingly. There shall be no order as to costs.

MEMBER (J)

OA ST. 53/2017

{Shri Babasaheb N. Raut & Ors. Vs. The State of Mah. & Ors.}
CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE :- 18.01.2017

Oral Order :-

1. Heard Shri S.S. Dambe, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 23.2.2017.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicants are 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 23.2.2017.
8. Steno copy & hamdust allowed to both the parties.

MEMBER (J)

MA 31/2017 IN CP ST. 77/2017 IN OA 500/2014

{Shri Dattatraya D. Parte Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE :- 18.01.2017

Oral Order :-

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

2. The applicant has challenged the communication dated 1.10.2016 vide which the applicant's claim for appointment on compassionate ground was rejected. The learned Advocate for the applicant has invited my attention to the similar communication dated 25.7.2014 (paper book page 12 of the contempt petition). The said communication dated 25.7.2014 was challenged by the applicant in O.A. no. 500/2014 and in the said O.A. the communication was quashed and set aside by this Tribunal vide its order dated 22.7.2016 and thereby the res. no. 3 was directed to consider the applicant's claim for compassionate ground on its own merits. It seems that, instead of complying the order of this Tribunal dated 22.7.2016 passed in O.A. no. 500/2014, the respondent no. 3 has now issued the

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MA 31/2017 IN CP ST.
77/2017 IN OA 500/2014

impugned communication dated 1.10.2016. The learned Advocate for the applicant submits that the respondent no. 3 has, therefore, committed the contempt of this Tribunal.

3. In view thereof, issue notices to the respondents in M.A. no. 31/2017, returnable on 23.2.2017.

MEMBER (J)

ARJ ORAL ORDERS 18.1.2017

C.P. NO. 47/2003 IN OA NO. 404/2002

{Shri Gangadhar S. Salve Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE :- 18.01.2017

Oral Order :-

1. None appears for the petitioner. Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.
2. Vide order dated 13.12.2016 passed by this Tribunal the respondents were directed to file reply mentioning therein whether the directions given by the Tribunal have been complied with or not ? The learned P.O. seeks 3 weeks time to file reply to that effect. Time granted. The learned P.O. is directed to file such a reply on the next date without fail.
3. S.O. to 3.2.2017.

MEMBER (J)

ARJ ORAL ORDERS 18.1.2017

ORIGINAL APPLICATION NO. 689 OF 2014

{Smt. Priya S. Marathe Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 18.01.2017

Oral Order :-

1. Heard Shri K.J. Tandale, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. The applicant's father deceased Sanjay Sukhdeo Marathe was initially appointed as a Constable in the year 1988. He died while in service on 10.11.2013. After the death of her father, the present applicant Miss. Priya Sanjay Marathe applied for the post of Lady Police Constable on compassionate ground. Admittedly, her request has been rejected by the res. no. 2 the Superintendent of Police (Rural), Aurangabad vide the impugned communication dated 16.10.2014. The said rejection letter is as under :-

“महोदय,

उपरोक्त संदर्भीय विषयान्वये आपणास कळविण्यात येते की, आपण अनुकंपा तत्वावर महिला पोलीस शिपाई पदी नेमणुक देणे बाबत विनंती अर्ज या कार्यालयास सादर केला आहे. त्या अनुषंगाने आपण सादर केलेले अर्जाची चौकशी पो.नि. कल्याण यांचे मार्फतीने केली

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O.A. NO. 689 OF 2014

असता मयत पोलीस हवालदार ब.नं. १०४३ संजय सुखदेव मराठे यांना चार अपत्य असल्याचे निष्पन्न झालेले आहे.

शासन निर्णय क्रमांक साप्रवि क्रं. १०००/प्रक्र/२०२०००/८, दिनांक २८.३.२००९ अन्वये ज्या कर्मचा-यांना ३१ डिसेंबर २००९ नंतर दोन पेक्षा जास्त अपत्य असतील अशा कर्मचा-यांच्या कुटुंबियांना अनुकंपा धर्तीवरील नौकरी साठी सवलती अनुज्ञेय नाहीत, असे नमुद केलेले आहे व चौकशीमध्ये मयत पोह/१०४३ संजय सुखदेव मराठे यांना खालील प्रमाणे चार अपत्य असल्याचे निष्पन्न झाले आहे.

अ.क्रं.	पाल्यांचे नांव	नाते	जन्म दिनांक
१	प्रिया संजय मराठे	मुलगी	०२.०५.१९९५
२	प्रिती संजय मराठे	मुलगी	२४.०५.१९९८
३	साक्षी संजय मराठे	मुलगी	०४.०३.२००३
४	कृष्णा संजय मराठे	मुलगा	१२.०५.२००५

वरील प्रमाणे अं.क्रं. ३ व ४ दोन अपत्य हे शासन निर्णयानुसार दिनांक ३१.१२.२००९ नंतरचे असल्याने आपण अनुकंपा धर्तीवर नौकरी साठी पात्र नाहीत.”

3. The applicant has challenged the aforesaid communication dated 16.10.2014 and requested that the said communication be quashed and set aside. She has also requested that the impugned communication which has been issued by the res. no. 2 on the basis of G.R. dated

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O.A. NO. 689 OF 2014

28.3.2001 also be quashed and set aside being ultra vires to the provisions of the Constitution of India.

4. The impugned G.R., which is under challenge has been placed on record at paper book pages 16 to 18 (both pages inclusive). This G.R. is regarding accommodating the wards of the employees on compassionate ground. This is a G.R. of 28.3.2001. Clause (इ) of the said G.R. reads as under :-

“(इ) दिनांक ३१ डिसेंबर २००१ नंतर तिसरे अपत्य झालेल्या कर्मचा-यांच्या कुटुंबियांस अनुकंपा तत्वावरील नियुक्तीसाठी पात्र समजले जाणार नाही.”

6. The impugned communication dated 16.10.2014 whereby the applicant's claim has been rejected is in view of this clause (इ) of the G.R. dated 28.3.2001.

7. From the impugned communication, it seems that the applicant's father, though joined the service in the year 1988, he got 4 issues out of wedlock and first 3 issues out of 4 were female children and last one was male. The date of birth given in the impugned letter shows that the issues viz. Sakshi Sanjay Marathe & Krusna Sanjay Marathe of the

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O.A. NO. 689 OF 2014

deceased Govt. employee are born after the cut of date i. e. 31.12.2001 as mentioned in the G.R. dated 28.3.2001.

8. The learned Advocate for the applicant submits that the applicant's father joined the service in the year 1988 and at that time the impugned G.R. dated 28.3.2001 was not in existence and, therefore, it is not binding on the employees, who were appointed before issuance of that G.R.

9. It is material to note that the applicant's father, who was an employee of the Government, never challenged the G.R. dated 28.3.2001 and, therefore, the applicant has no locus standi to challenge the same by filing this original application. The applicant's father was under obligation to follow the whatever G.Rs. which were in existence while he was in service and the same were never challenged by him and, therefore, very basis of filing this original application is not legal.

10. From the perusal of the impugned communication dated 16.10.2014, it seems that the prayer of the applicant has rightly been rejected by the respondents in view of the clause (३) of the G.R. dated 28.3.2001.

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O.A. NO. 689 OF 2014

11. In view thereof, there is no merit in the present original application and, therefore, the same stands dismissed with no order as to costs.

MEMBER (J)

ARJ ORAL ORDERS 18.1.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 707/2016

(Shri Saurabh Ratnakar Bagul Vs. The State of Mah.& Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

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

DATE : 18.01.2017.

ORAL ORDER:-

Heard Shri D.T. Devane, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondent Nos. 1 to 4 and Shri Ujjwal S. Patil, learned Advocate for respondent no. 5.

2. After hearing the matter for considerable time, it is closed for orders.

MEMBER (J)

ORAL ORDERS 18.01.2017-KPB(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 713/2016
(Mohd. Anwar Mohd. Ismail Vs. The State of Mah.& Ors.)**

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

DATE : 18.01.2017.

ORAL ORDER:-

Shri M.D. Godamgaonkar, learned Advocate for the applicant (**Absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for the Respondents, present.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 1 to 3. It is taken on record.

3. S.O. to 21.02.2017.

MEMBER (J)

ORAL ORDERS 18.01.2017-KPB(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 803/2016

(Sayyed Kalim Sayyad Mehboob Vs. The State of Mah.& Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

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

DATE : 18.01.2017.

ORAL ORDER:-

Shri V.B. Wagh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent no.1. It is taken on record. The copy of the same has been served upon the learned Advocate for the applicant.

3. S.O. to 27.01.2017 for rejoinder, if necessary.

MEMBER (J)

ORAL ORDERS 18.01.2017-KPB(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 740/2016

(Shri Shankar Haridash Jadhav Vs. The State of Mah.& Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

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

DATE : 18.01.2017.

ORAL ORDER:-

Shri R.K. Ashtekar, learned Advocate for the applicant (**Absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for the Respondent nos. 1 to 3, present.

2. The learned Advocate Shri Swapnil D. Tawshikar, has filed VAKALATNAMA on behalf of respondent nos. 4 & 5. It is taken on record.

3. The learned Presenting Officer has filed affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. The copy of the same has been served upon the other side.

4. S.O. to 21.02.2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**O.A. Nos. 292, 293, 294, 295, 296, 321, 720 & 841 ALL
OF 2012**

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

DATE : 18.01.2017.

ORAL ORDER:-

Shri Milind Patil, learned Advocate for the applicants in all these matters and S/Shri I.S. Thorat, N.U. Yadav, V.R. Bhumkar, Smt. Deepali S. Deshpande, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officers for the respective Respondents in respective matters.

2. The matters shall be placed before the Division Bench, whenever it is available.

MEMBER (J)

ORAL ORDERS 18.01.2017-KPB(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 768/2012

**(Shri Subhash Bhikaji Deshmukh & Ors. Vs. The State of
Maharashtra & Ors.)**

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

DATE : 18.01.2017.

ORAL ORDER:-

Shri A.S. Deshmukh, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. The matter shall be placed before the Division Bench, whenever it is available.

MEMBER (J)

ORAL ORDERS 18.01.2017-KPB(DB)

ORIGINAL APPLICATION NO. 27 OF 2017
(Dr. Ashwamedh Balasaheb Jagtap Vs. The State of Maharashtra and Others.)

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01.2017.

ORAL ORDER:

Heard Shri V.B. Wagh – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. On query, the learned Presenting Officer submits that she has no instructions.

3. The applicant has prayed to quash and set aside the impugned transfer order dated 11.1.2017, whereby the respondent No. 4 has been transferred as Medical Officer, Group 'A' at Civil Hospital, Buldhana, in place of the applicant.

4. The copy of the impugned order of transfer is placed on record at page Nos. 17 to 28. Perusal of the impugned order of transfer will show that the respondent No. 4 has been posted at District Training Centre at Jalna in place of the applicant and the name of the applicant does not appear in the said order of transfer. The learned Advocate for the applicant says that respondent No. 4 viz. Dr. Gajanan Dattatraya Mhaske, has given joining report at Jalna and in fact, there is only one post at Jalna and, therefore, unless the applicant is relieved, the respondent No. 4 cannot be allowed to join.

O.A. NO. 27 OF 2017

5. In fact, in the impugned order of transfer the name of the applicant does not find place and it is not known where the applicant is being posted.

6. In view of the above, I do not find any reason to pass any interim order in the present Original Application, as the respondent No. 4 has already been posted at Jalna.

7. Issue notices to the respondents, returnable on 27th February, 2017.

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

9. 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.

10. 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.

11. 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.

12. S.O. to 27th February, 2017.

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O.A. NO. 27 OF 2017

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

MEMBER (J)

ORAL ORDERS 18.01.2017- HDD(SB)

ORIGINAL APPLICATION ST. NO. 79 OF 2017
(Smt. Sushilabai W/o Ganpatrao Kalaskar & Ors. Vs. The
State of Maharashtra and Others.)

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01.2017.

ORAL ORDER:

Heard Shri P.V. Suryawanshi – learned Advocate for the applicants and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 23rd February, 2017.

3. Tribunal may take the case/s 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.

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O.A. ST. NO. 79 OF 2017

7. S.O. to 23rd February, 2017.
8. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 18.01.2017- HDD(SB)

M.A.NO. 30/2017 IN O.A.ST.NO.79/2017
(Smt. Sushilabai W/o Ganpatrao Kalaskar & Ors. Vs. The
State of Maharashtra and Others.)

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01. 2017.

ORAL ORDER:

Heard Shri P.V. Suryawanshi – learned Advocate for the applicants and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the misc. application and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamp, if not paid, and accompanying O.A. be registered and numbered, and present M.A. No. 30/2017 stands disposed of accordingly. No order as to costs.

MEMBER (J)

ORAL ORDERS 18.01.2017- HDD(SB)

ORIGINAL APPLICATION NO. 583 OF 2015
(Shri Sambhaji S/o Shahaji Khaladkar Vs. The State of Maharashtra and Others.)

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01.2017.

ORAL ORDER:

Heard Shri M.S. Dhapate, learned Advocate holding for Shri R.P. Bhumkar – learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents.

2. It appears from the proceeding that the affidavit in reply has been already filed on behalf of the respondent Nos. 1 & 2.

4. In that view of the matter and considering the cause made out in the present OA, it is admitted with liberty to the applicant to file rejoinder, if any.

5. The present Original Application be kept for final hearing on 1st March, 2017.

MEMBER (J)

ORAL ORDERS 18.01.2017- HDD(SB)

ORIGINAL APPLICATION NO. 130 OF 2016
(Shri. Vinayak S/o. Balkrushna Kulkarni Vs. The State of Maharashtra and Others.)

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01. 2017.

ORAL ORDER:

Heard Shri Madhav C. Ghode – learned Advocate for the applicant and Shri. D.R. Patil – learned Presenting Officer for the respondents.

2. The learned Presenting Officer for the respondents seeks time to file affidavit in reply on behalf of the respondents. The said prayer of the learned Presenting Officer has been strongly opposed by the learned Advocate for the applicant on the ground that on the last date i.e. on 23.11.2016 time to the respondents was granted as a last chance.

3. It appears from the proceedings that though several chances/dates were granted to the respondents to file affidavit in reply and more particularly on the last date i.e. on 23.11.2016, this Tribunal has granted time to the respondents as a last chance to file affidavit in reply, but the respondents have failed to file reply.

4. The learned Advocate for the applicant submits that the applicant is aged about 85 years and still even reply is not filed in this O.A. from last about 10 months.

5. However, learned Presenting Officer again requested time to file affidavit in reply. It appears that respondent Nos.

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O.A. NO. 130 OF 2016

2 to 4 are from Beed only. In fact, there is no reason to grant more time to the respondents. However, whatever orders that may be passed by this Tribunal are to be complied with, by the respondents.

6. However, considering the request made by the learned Presenting Officer, time is granted as a most last chance, subject to payment of costs of Rs. 5,000/- (Rs. Five thousand only). The amount of costs shall be paid to the applicant.

7. It is made clear that, if the respondents fail to file affidavit in reply on or before the next date, the present O.A. will be heard on the next date without affidavit in reply.

8. S.O. to 27th February, 2017.

9. Steno copy is allowed for the use of the learned Presenting Officer, at his request.

MEMBER (J)

ORAL ORDERS 18.01.2017- HDD(SB)

ORIGINAL APPLICATION NO. 353 OF 2016
(Shri Ladappa S/o. Annarao Chikale Vs. The State of Maharashtra and Others.)

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01.2017.

ORAL ORDER:

Heard Shri Amol G. Vasmatkar, learned Advocate holding for Shri U.B. Bilolikar – learned Advocate for the applicant and Shri. M.P. Gude – learned Presenting Officer for the respondents.

2. It appears from the proceeding that the affidavit in reply has been already filed on behalf of the respondent Nos. 1 to 5.

4. In that view of the matter and considering the cause made out in the present OA, it is admitted with liberty to the applicant to file rejoinder. The applicant shall serve the copy of the rejoinder upon the learned Presenting Officer well in advance.

5. The present Original Application be kept for final hearing on 3rd March, 2017.

MEMBER (J)

ORAL ORDERS 18.01.2017- HDD(SB)

ORIGINAL APPLICATION NO. 593 OF 2016
(Shri N.T. Chavan & Ors. Vs. The State of Maharashtra and Others.)

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01.2017.

ORAL ORDER:

Heard Shri Ganesh Jadhav, learned Advocate holding for Shri Avishkar S. Shelke – learned Advocate for the applicants and Shri. S.K. Shirase – learned Presenting Officer for the respondents.

2. The learned Presenting Officer seeks four weeks' time as a last chance. Time as prayed for is granted subject to the condition that the respondents shall not recover the so-called excess amount from the applicant till that date.

3. S.O. to 1st March, 2017.

MEMBER (J)

ORAL ORDERS 18.01.2017- HDD(SB)

ORIGINAL APPLICATION NO. 782 OF 2016
(Shri Sakharam S/o Shankar Kude Vs. The State of
Maharashtra and Others.)

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01. 2017.

ORAL ORDER:

Heard Shri Avinash Deshmukh – learned Advocate for the applicant, Shri. V.R. Bhumkar – learned Presenting Officer for the respondent Nos. 1 & 2.

2. Learned Advocate Shri Shamsundar B. Patil appeared today and he has filed VAKALATNAMA on behalf of respondent No. 3 and copy of the same has been taken on record.

3. The learned Presenting Officer for respondent Nos. 1 & 2 and learned Advocate for respondent No. 3 seek time for filing affidavit in reply. Time granted.

4. The learned Advocate for the applicant submits that the Government has issued Government Resolution dated 9th December, 2016.

5. The copy of the aforesaid Government Resolution dated 9th December, 2016 has been placed on record by the learned Presenting Officer and, therefore, the respondents may require to file short affidavit mentioning that as to whether the case of the applicant can be considered in view of the said Government Resolution.

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O.A. NO. 782 OF 2016

6. The learned Advocate for the applicant submits that other similar cases are fixed on 6th February, 2017 and, therefore, this case also be fixed on the said date.

7. Hence, S.O. to 6th February, 2017 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 18.01.2017- HDD(SB)

ORIGINAL APPLICATION NO. 783 OF 2016
(Shri Subhash S/o. Pandharinath Thorat Vs. The State of Maharashtra and Others.)

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01.2017.

ORAL ORDER:

Heard Shri Avinash Deshmukh – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondent Nos. 1 & 2.

2. The learned Presenting Officer for respondent Nos. 1 and 2 seeks time for filing affidavit in reply. Time granted.

3. The learned Advocate for the applicant submits that the Government has issued Government Resolution dated 9th December, 2016.

4. The copy of the aforesaid Government Resolution dated 9th December, 2016 has been placed on record by the learned Presenting Officer and, therefore, the respondents may require to file short affidavit mentioning that as to whether the case of the applicant can be considered in view of the said Government Resolution.

5. The learned Advocate for the applicant submits that other similar cases are fixed on 6th February, 2017 and, therefore, this case also be fixed on the said date.

6. Hence, S.O. to 6th February, 2017 for filing affidavit in reply.

MEMBER (J)

ORIGINAL APPLICATION NO. 794 OF 2016

(Shri Vishnu S/o Dagdu Bidwe & Ors. Vs. The State of Maharashtra and Others.)

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01.2017.

ORAL ORDER:

Heard Shri Avinash Deshmukh – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondent Nos. 1 to 3.

2. The learned Presenting Officer for respondent Nos. 1 to 3 seeks time for filing affidavit in reply. Time granted.
3. The learned Advocate for the applicant submits that the Government has issued Government Resolution dated 9th December, 2016.
4. The copy of the aforesaid Government Resolution dated 9th December, 2016 has been placed on record by the learned Presenting Officer and, therefore, the respondents may require to file short affidavit mentioning that as to whether the case of the applicant can be considered in view of the said Government Resolution.
5. The learned Advocate for the applicant submits that other similar cases are fixed on 6th February, 2017 and, therefore, this case also be fixed on the said date.
6. Hence, S.O. to 6th February, 2017 for filing affidavit in reply.

MEMBER (J)

ORIGINAL APPLICATION NO. 795 OF 2016
(Shri Bhimrao S/o Shamrao Gawande & 5 Ors. Vs. The
State of Maharashtra and Others.)

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01.2017.

ORAL ORDER:

Heard Shri Avinash Deshmukh – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondent Nos. 1 & 2.

2. The learned Presenting Officer for respondent Nos. 1 to 3 seeks time for filing affidavit in reply. Time granted.
3. The learned Advocate for the applicant submits that the Government has issued Government Resolution dated 9th December, 2016.
4. The copy of the aforesaid Government Resolution dated 9th December, 2016 has been placed on record by the learned Presenting Officer and, therefore, the respondents may require to file short affidavit mentioning that as to whether the case of the applicant can be considered in view of the said Government Resolution.
5. The learned Advocate for the applicant submits that other similar cases are fixed on 6th February, 2017 and, therefore, this case also be fixed on the said date.
6. Hence, S.O. to 6th February, 2017 for filing affidavit in reply.

MEMBER (J)

ORIGINAL APPLICATION NO. 805 OF 2016
(Shri Firoz Kalekha Jamadar Vs. The State of Maharashtra
and Others.)

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01.2017.

ORAL ORDER:

Heard Shri V.B. Wagh – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 3 and it is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. In that view of the matter and considering the cause made out in the present OA, it is admitted and kept for final hearing on 20th February, 2017.

MEMBER (J)

ORAL ORDERS 18.01.2017- HDD(SB)

ORIGINAL APPLICATION NO. 854 OF 2016
(Smt. A. K. Dhattrak Vs. The State of Maha. and Others.)

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01. 2017.

ORAL ORDER:

Shri J.B. Choudhary – learned Advocate for the applicant has filed leave note. Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondent Nos. 1 to 4 and Shri S.D. Joshi – learned Advocate for respondent Nos. 5 & 6, were present.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 3 & 4 and the same has been taken on record and copy thereof has been served upon the learned Advocate for respondent Nos. 5 & 6. Copy of the said affidavit in reply could not be served upon the learned Advocate for the applicant, as he is not present today.

3. However, learned Presenting Officer undertakes to serve the copy of the affidavit in reply filed on behalf of respondent Nos. 3 & 4 upon the learned Advocate for the applicant.

4. Since nobody appeared for the applicant, S.O. to 23rd January, 2017.

5. In the meantime, the learned Presenting Officer is directed to take instructions from the respondents as to whether the request of respondent Nos. 5 & 6 for mutual transfer can be considered and make a statement on the next date.

6. S.O. to 23rd January, 2017.

MEMBER (J)

ORAL ORDERS 18.01.2017- HDD(SB)

**ORIGINAL APPLICATION NO. 855 OF 2016
(Smt. P.Y. Gaikwad Vs. The State of Maha. and Others.)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01. 2017.

ORAL ORDER:

Shri J.B. Choudhary – learned Advocate for the applicant has filed leave note. Shri D.R. Patil – learned Presenting Officer for the respondent Nos. 1 to 4 and Shri S.D. Joshi – learned Advocate for respondent Nos. 5 & 6, were present.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 3 & 4 and the same has been taken on record and copy thereof has been served upon the learned Advocate for respondent Nos. 5 & 6. Copy of the said affidavit in reply could not be served upon the learned Advocate for the applicant, as he is not present today.

3. However, learned Presenting Officer undertakes to serve the copy of the affidavit in reply filed on behalf of respondent Nos. 3 & 4 upon the learned Advocate for the applicant.

4. Since nobody appeared for the applicant, S.O. to 23rd January, 2017.

5. In the meantime, the learned Presenting Officer is directed to take instructions from the respondents as to whether the request of respondent Nos. 5 & 6 for mutual transfer can be considered and make a statement on the next date.

6. S.O. to 23rd January, 2017.

MEMBER (J)

ORAL ORDERS 18.01.2017- HDD(SB)

**ORIGINAL APPLICATION NO. 877 OF 2016
(Shri Rajesh S/o Natu Ahire Vs. The State of Maha. and
Others.)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01.2017.

ORAL ORDER:

Shri K.G. Salunke – learned Advocate for the applicant (**absent**). Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents, present.

2. The learned Chief Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 21st February, 2017.

MEMBER (J)

ORAL ORDERS 18.01.2017- HDD(SB)

ORIGINAL APPLICATION NO. 895 OF 2016
(Shri Manik S/o. Umaji Galphade Vs. The State of Maha.
and Others.)

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01.2017.

ORAL ORDER:

Heard Shri M.S. Dhapate, learned Advocate holding for Shri R.P. Bhumkar – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents, present.

2. The learned Presenting Officer seeks time for filing affidavit in reply on behalf of the respondents. Time granted.
3. S.O. to 1st March, 2017.

MEMBER (J)

ORAL ORDERS 18.01.2017- HDD(SB)

**M.A.NO. 176/2016 IN O.A.ST.NO. 594/2016
(Shri Amol C. Dhekale Vs. The State of Maha. and Others.)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01.2017.

ORAL ORDER:

Heard Shri Amol Kurangul, learned Advocate holding for Shri C.R. Thorat – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply in M.A. No. 176/2016. Time granted.

3. S.O. to 22nd February, 2017.

MEMBER (J)

ORAL ORDERS 18.01.2017- HDD(SB)

**M.A.NO. 445/2016 IN O.A.ST.NO. 1876/2016
(Smt. Surekha W/o Jitendrasing Pawar Vs. The State of
Maha. and Others.)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 18.01.2017.

ORAL ORDER:

Shri Deepak K. Rajput – learned Advocate for the applicant (**absent**). Shri D.R. Patil – learned Presenting Officer for the respondents, present.

2. The learned Presenting Officer seeks time to file affidavit in reply in M.A. No. 445/2016. Time granted.
3. S.O. to 27th February, 2017.

MEMBER (J)

ORAL ORDERS 18.01.2017- HDD(SB)