

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD  
MA 225/2017 IN OA 740/2016**

[Shri Shankar H. Jadhav Vs. the State of Mah. & Ors.]

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman**

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

**DATE :- 1.7.2017**

**Oral Order :-**

1. Shri R.K. Ashtekar, learned Advocate for the applicant **(absent)**. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.
2. The present misc. application has been filed by the applicant for transferring the O.A. no. 740/2016 from Aurangabad Bench to principal seat at Mumbai.
3. This misc. application will be heard in the month of November, 2017.
4. The applicant shall make efforts for circulation of O.A. before the Division Bench, which would be available at Aurangabad Bench in the next fortnight.

**CHAIRMAN**

**ARJ ORAL ORDERS 1.7.2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD  
MA 226/2017 IN OA 474/2015**

[Shri Nagarao K. Gaikwad Vs. the State of Mah. & Ors.]

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman**

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

**DATE :- 1.7.2017**

**Oral Order :-**

1. Shri R.K. Ashtekar, learned Advocate for the applicant **(absent)**. Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, is present.

2. The present misc. application has been filed by the applicant for transferring the O.A. no. 474/2015 from Aurangabad Bench to principal seat at Mumbai.

3. This misc. application will be heard in the month of November, 2017.

4. The applicant shall make efforts for circulation of O.A. before the Division Bench, which would be available at Aurangabad Bench in the next fortnight.

**CHAIRMAN**

**ARJ ORAL ORDERS 1.7.2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD  
MA 217/2017 IN CP ST. 824/2017 IN OA NOS. 699 & 718 BOTH OF  
2015**

[Shri Arun S. Mali & Ors. Vs. the State of Mah. & Ors.]

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman**

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

**DATE :- 1.7.2017**

**Oral Order :-**

1. Heard Shri V.B. Dhage, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicants has argued the case for some time. In the midst of hearing, he submits as under :-

- (i) He has now realised that the notices regarding contempt petition ought to have provided to the respondents with 4 weeks time, while applicant has given only seven days' time.
- (ii) The notices of contempt petition are given to the respondents on 12.6.2017, it is served on 16.6.2017, and the present misc. application for permission to file contempt petition is filed by the applicants on 27.6.2017.
- (iii) He prays for liberty to serve notices upon the respondents afresh by giving 4 weeks time to comply with the order in question and wait for that period. If the order in question is

not complied with by the respondents by that time, he will file fresh misc. application for permission to file contempt petition against the respondents and for that purpose he seeks liberty of the Tribunal.

- (iv) He, therefore, seeks permission to withdraw the present M.A. & C.P. for taking appropriate steps.

3. In view of above submission of the learned Advocate for the applicants, permission to withdraw the present M.A. & C.P. is granted, with liberty as prayed for to serve fresh notice and file fresh M.A. & C.P., if occasion arises . There shall be no order as to costs.

**CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD  
ORIGINAL APPLICATION ST. NO. 850/2017.**

[Shri Krushna L. Basar Vs. the State of Mah. & Ors.]

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman**

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

**DATE :- 1.7.2017**

**Oral Order :-**

1. Shri F.R. Tandale, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Issue notices to the respondents in the original application, returnable on 4.8.2017.
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. Heard on the point of interim relief. Prima-facie, applicant has made out a case that, the sport in which applicant had participated was delisted in 2016 from eligibility. Applicant has shown that he had participated in 2012, which is prior to delisting.

8. Learned Advocate for applicant therefore prays that for avoiding complications and multiplicity of litigations one post of Police Constable Armed from Sport Category be kept vacant.

9. This Tribunal is satisfied that interim relief for keeping one post vacant can be granted without causing prejudice to anyone.

10. Hence this Tribunal orders that one post of Police Constable - Armed for which applicant is selected be kept vacant until further orders.

11. S.O. 4.8.2017.

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

**CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A. No. 23/2017 in O.A. No. 43/2015**

**With**

**M.A. No. 24/2017 in O.A. No. 257/2015**

**(Shri Dnyanoba G. Puri & Anr. Vs. The State of Mah. & Ors.)**

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN.  
(This matter is placed before Single Bench due  
to non-availability of Division Bench)**

**DATE : 1<sup>st</sup> July, 2017.**

**ORAL ORDER:-**

1. Heard Shri T.J. Gaikwad, learned Advocate for the applicants in both these cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in both these cases.

2. Learned C.P.O. is directed to secure information as to the reasons due to which provisional pension of applicants is not continued and as to whether there exist legal impediment in continuing the pension.

3. S.O. to 13.07.2017.

4. Seno copy allowed to the learned C.P.O. at his request.

**CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**O.A. No. 326/2012 with O.A. No. 555/2015**

**(Shri Madhav C. Padvi & Anr. Vs. The State of Mah. & Ors.)**

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN.  
(This matter is placed before Single Bench due  
to non-availability of Division Bench)**

**DATE : 1<sup>st</sup> July, 2017.**

**ORAL ORDER:-**

1. Heard Shri F.R. Tandale, learned Advocate for the applicants in both these cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in both these cases.
2. It is seen that the case of D.E. of misconduct allegedly committed by the applicant is pending before the Government.
3. Applicant's representation that a decision be taken expeditiously, too has remained undecided.
4. In these premises, the Secretary, Department of Cooperation is directed as follows:-
  - (a) He shall personally call entire case papers of applicant's case relevant to this O.A.
  - (b) Shall himself read all the papers.
  - (c) He shall take action/decision in the matter which ever is within his power and control.



//2//

O.A. No. 326/12 with  
O.A. No. 555/15

- (d) File his own affidavit of compliance on or before 13.07.2017.
  - (e) The affidavit shall also state reasons due to which delay in decision making has occurred and also whether any legal impediment exists in deciding applicant's misconduct case.
5. S.O. to 13.07.2017.
  6. Steno copy allowed to the learned P.O. at his request.

**CHAIRMAN**

KPB ORAL ORDER 01-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A. St. No. 412/2017 in O.A. St. NO. 413/2017  
(Shri Udhav K Mane & Ors. V/s. the State of Mah. & Ors. )**

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

**DATE : 01.07.2017.\_**

**ORAL ORDER:-**

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

2. At the request of learned Advocate for the applicant, S.O. to 01.08.2017.

**MEMBER (J)**

**KPB ORAL ORDER 01-07-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A. St. No. 497/2017 in O.A. St. NO. 498/2017  
(Shri Chintaman N. Yadav & Ors. V/s. the State of Mah. & Ors. )**

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

**DATE : 01.07.2017.\_**

**ORAL ORDER:-**

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

2. At the request of learned Advocate for the applicant, S.O. to 01.08.2017.

**MEMBER (J)**

**KPB ORAL ORDER 01-07-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A. St. No. 591/2017 in O.A. St. NO. 592/2017  
(Shri Dharma M. More& Ors. V/s. the State of Mah. & Ors. )**

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

**DATE : 01.07.2017.\_**

**ORAL ORDER:-**

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

2. At the request of learned Advocate for the applicant, S.O. to 01.08.2017.

**MEMBER (J)**

**KPB ORAL ORDER 01-07-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 505/2016  
(Smt. Manjula A. Suralkar V/s. the State of Mah. & Ors. )**

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

**DATE : 01.07.2017.\_**

**ORAL ORDER:-**

Heard Shri N.K. Tungar, learned Advocate for the applicant, Smt. Resha S. Deshmukh, learned Presenting Officer for respondent nos. 1 to 3 and Shri K.N. Farooqui, learned Advocate for respondent no. 4.

2. After hearing the matter for considerable time, the learned Presenting Officer sought time to produce on record document showing that the payment of the excess amount has been paid to the applicant. Time granted.

3. S.O. to 17.07.2017.

4. The matter is to be treated as part heard.

**MEMBER (J)**

**KPB ORAL ORDER 01-07-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 554/2016  
(Shri Ramdas N. Sangle V/s. the State of Mah. & Ors. )**

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

**DATE : 01.07.2017.\_**

**ORAL ORDER:-**

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

2. Learned Advocate for the applicant has filed rejoinder affidavit. It is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. Learned Advocate for the applicant has submitted that the applicant does not want to press the prayer Clauses 'B' to 'D' as claimed by him and the applicant wants to press prayer Clause 'E' regarding recovery of an amount of Rs. 87,200/-.

4. At the request of learned Presenting Officer, S.O. to 24.07.2017.

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 413/2017**  
(Shri Suresh P Hatgale V/s. the State of Mah. & Ors. )

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

**DATE : 01.07.2017.\_**

**ORAL ORDER:-**

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

2. Issue notices to the respondents, returnable on 28.07.2017.

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

4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the M.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 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 28-07-2017.

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

**MEMBER (J)**

**KPB ORAL ORDER 01-07-2017**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 414/2017**  
(Dr. Vitthal N. Tidke V/s. the State of Mah. & Ors. )

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

**DATE : 01.07.2017.\_**

**ORAL ORDER:-**

Heard Shri Shamsundar B. Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent.

2. Issue notices to the respondents, returnable on 28.07.2017.

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

4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the M.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 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 28-07-2017.

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

**MEMBER (J)**

**KPB ORAL ORDER 01-07-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 623 OF 2016**

**(Shri. Anil P. Katkar Vs. The State of Mah. and Others.)**

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

**DATE : 01.07. 2017.**

**ORAL ORDER:**

1. Shri Ajay Deshpande – learned Advocate for the applicant (**absent**). Shri N.U. Yadav – learned Presenting Officer for the respondent No.1 and Shri Pravin G. Patil, learned Advocate holding for Shri G.N. Patil – learned Advocate for respondent No. 2, were present.

2. Since nobody appears for the applicant, S.O. to 28<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 01.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 157 OF 2017**

**(Shri. Dadasaheb P. Satdive Vs. The State of Mah. and  
Others.)**

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

**DATE : 01.07. 2017.**

**ORAL ORDER:**

1. Heard Shri Kakasaheb B. Jadhav – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 & 2 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant.
3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 3 & 4. Time granted.
4. S.O. to 3<sup>rd</sup> August, 2017.

**MEMBER (J)**

ORAL ORDERS 01.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 97 OF 2017**

**(Shri. Sayyd Mujahed Ali Vs. The State of Mah. and Others.)**

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

**DATE : 01.07. 2017.**

**ORAL ORDER:**

1. Heard Shri Kakasaheb B. Jadhav – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents
2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.
3. Learned Advocate for the applicant has submitted that he wants to take instructions from the applicant as to whether a departmental appeal has been filed or not against the order dated 9.1.2017 passed by the Disciplinary Authority ? Therefore, he sought time. Time granted.
4. S.O. to 3<sup>rd</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 01.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 52 OF 2017**

**(Smt. Dr. Bharti S. Sonwane Vs. The State of Mah. and Ors.)**

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

**DATE : 01.07. 2017.**

**ORAL ORDER:**

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

2. At the request of learned Advocate for the applicant, S.O. to 6<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 01.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 23 OF 2017**

**(Shri Bandu B. Chavan Vs. The State of Mah. and Ors.)**

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

**DATE : 01.07. 2017.**

**ORAL ORDER:**

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

2. Learned Presenting Officer for the respondents has filed affidavit in reply on behalf of respondent No. 2 and the same is taken on record. The copy of the same could not be served on the applicant, as nobody appeared on his behalf.

3. Since nobody appears for the applicant, S.O. to 1<sup>st</sup> August, 2017.

**MEMBER (J)**

ORAL ORDERS 01.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 896 OF 2016**

**(Shri Sheshrao T. Anchule Vs. The State of Mah. and Ors.)**

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

**DATE : 01.07. 2017.**

**ORAL ORDER:**

1. Heard Shri Nusrat Pathan, learned Advocate holding for Shri S.B. Talekar – learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents.

2. It transpires from the proceedings that affidavit in reply on behalf of respondent Nos. 3 & 4 and separate affidavit in reply on behalf of respondent No. 5 has already been filed on record.

3. On instructions, learned Presenting Officer has submitted that there is no necessity to file affidavit in reply on behalf of respondent Nos. 1, 2 & 6, as respondent Nos. 3 to 5 have filed affidavit in reply.

4. At the request of learned Advocate for the applicant, S.O. to 21<sup>st</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 01.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.NO. 219/2017 IN O.A.ST.NO. 799/2017**

**(Shri Layak N. Bijapure & Ors. Vs. The State of Mah. and  
Ors.)**

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

**DATE : 01.07. 2017.**

**ORAL ORDER:**

1. Heard Shri P.B. Jadhav – 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 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. stands disposed of accordingly. No order as to costs.

**MEMBER (J)**

ORAL ORDERS 01.07.2017-HDD



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO. 799 OF 2017**

**(Shri Layak N. Bijapure & Ors. Vs. The State of Mah. and  
Ors.)**

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

**DATE : 01.07. 2017.**

**ORAL ORDER:**

1. Heard Shri P.B. Jadhav – learned Advocate for the applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. The applicant is directed to satisfy this Tribunal on the point of maintainability of the present Original Application, in view of the provisions of Section 21 of the Administrative Tribunals Act, 1985
3. S.O. to 3<sup>rd</sup> August, 2017.

**MEMBER (J)**

ORAL ORDERS 01.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 948 OF 2016**

**(Shri Hemant J. Bichkewar Vs. The State of Mah. and Ors.)**

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

**DATE : 01.07. 2017.**

**ORAL ORDER:**

1. Heard Shri Nusrat Pathan, learned Advocate holding for Shri S.B. Talekar – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Chief Presenting Officer for the respondents.

2. The applicant has challenged the circular dated 01.07.2015 issued by the Government of Maharashtra as ultra-vires of the Maharashtra Police Manual 1999 as well as the Bombay Police Act, 1951 in this Original Application. The prayer clauses 'A' & 'B' read as follows :-

**“A.** To hold and declare the Circular dated 01.07.2015 issued by Government of Maharashtra as ultra-vires the Maharashtra Police Manual 1999 as well as the Bombay Police Act, 1951.

**B.** To quash the Circular dated 01.07.2015 issued by the Government of Maharashtra, Home Department being violative of the Maharashtra Police Manual 1999 as well as the Bombay Police Act, 1951.”

**O.A. NO. 948 OF 2016**

3. Since the applicant is challenging Circular, the present Original Application can be entertained by the Division Bench. Hence, this Original Application be transferred to Division Bench with the direction to the applicant to submit copies of the additional set of the original application.

4. The present Original Application be placed before the Division Bench on 21<sup>st</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 01.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.NO. 105/2017 IN O.A.ST.NO. 325/2017**

**(Shri Babasaheb E. Jakate Vs. The State of Mah. and Ors.)**

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

**DATE : 01.07. 2017.**

**ORAL ORDER:**

1. Heard Shri V.M. Maney – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.
2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.
3. This is an application filed by the applicant praying for condonation of delay of about 7 years and 8 months caused in filing the accompanying Original Application. According to the applicant the delay caused is a technical delay.
4. In the accompanying Original Application the applicant has sought directions to the respondents to apply Rule 110 (3) and all other relevant rules under the Maharashtra Civil Services (Pension) Rules, 1982, so as to grant pensionary benefits to the applicant within stipulated period.
5. Learned Advocate for the applicant has submitted that the applicant has been retired as Talathi on attaining the age of

**M.A. 105/17 IN O.A.ST. 325/17**

superannuation on 30.04.2007. Thereafter, his proposal for pension was sent to the Accountant General, but the Accountant General rejected the said proposal on the ground that he has not completed 10 years' service. He has submitted that the applicant has served for 9 years, 6 months and 18 days during the period from 13.10.1997 to 30.4.2007. He has submitted that there was short of period of 5 months and 12 days for completion of 10 years' of his service. However, the short period can be condoned and, therefore, the applicant had filed application dated 6.6.2008 to the respondents praying to condone the said short period and to submit proposal for pension. Thereafter, the respondents raised several objections and queries by making correspondence inter se, but no decision had been taken by the respondents till today. He has submitted that the applicant had a belief that his representation / application would be decided and, therefore, he has not approached this Tribunal in time. He has submitted that valuable rights of the applicant are involved in this matter. Therefore, he prayed to condone the delay caused in filing accompanying Original Application.

6. Learned Presenting Officer has submitted that the applicant was aware of the fact that his proposal for pension

**M.A. 105/17 IN O.A.ST. 325/17**

has been rejected by the Accountant General vide letter dated 31.07.2007 and 17.08.2007 as he had not completed 10 years' qualifying service. He has submitted that thereafter the applicant filed an application dated 6.6.2008 addressed to the office of Collector, Beed through the Tahsildar, Patoda, knowing fully well that his proposal had been rejected by the Accountant General, Nagpur. He has submitted that that the applicant had filed Original Application after lapse of 8 years and the delay has not been explained properly in the present miscellaneous application. Therefore, he prayed to reject the application filed for condonation of delay caused in filing accompanying original application.

7. On perusal of the documents, it reveals that the applicant served as Talathi during the period from 13.10.1997 to 30.4.2007. He served only for 9 years, 6 months and 18 days. The respondents have submitted the proposal to the Accountant General, Nagpur, for granting pension to the applicant, but the Accountant General rejected the said proposal on the ground that the applicant has not completed 10 years' qualifying service. The said communications were dated 31.07.2007 and 17.08.2007. Thereafter, the applicant filed application on 6.6.2008 addressed to the respondents

**M.A. 105/17 IN O.A.ST. 325/17**

requesting to condone the period, which is short for completion of 10 years' service. His proposal was forwarded to the Government and the same is pending. The documents on record show that several objections and queries have been raised by the Government in that proposal. The said proposal is still pending with the Government and no final decision has been taken in it till today. The document on record shows that the applicant made several representations and requested to the respondents to decide it. It shows that the applicant had a belief that the respondents may take decision on his request in the application dated 6.6.2008 and, therefore, he has not approached this Tribunal in time.

8. In my opinion, explanation given by the applicant is satisfactory. The valuable rights of the applicant are involved in the Original Application and they require to be considered on merit. Moreover, the said delay also does not appear to be willful, deliberate and intentional, and hence, same deserves to be condoned in the interest of justice.

9. In the result, the present miscellaneous application is allowed and delay of 7 years and 8 months caused in filing accompanying original application stands condoned.

**:: - 5 - ::**

**M.A. 105/17 IN O.A.ST. 325/17**

Accompanying O. A. be registered and numbered. No order as to costs.

**MEMBER (J)**

ORAL ORDERS 01.07.2017-HDD



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO. 325 OF 2017**

**(Shri Babasaheb E. Jakate Vs. The State of Mah. and Ors.)**

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

**DATE : 01.07. 2017.**

**ORAL ORDER:**

1. Heard Shri V.M. Maney – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 3<sup>rd</sup> August, 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.
7. S.O. to 3<sup>rd</sup> August, 2017.
8. Steno copy and hamdust is allowed to both the parties.

**MEMBER (J)**

ORAL ORDERS 01.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NOS.731/2016**

(Dr. Bhagwan Balasaheb Methe V/s. The State of Mah. &  
Ors.)

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

DATE : 01-07-2017

**ORAL ORDER:-**

Heard Shri J.S.Deshmukh learned Advocate holding for the applicant and Smt. Sanjivani Ghate learned Presenting Officers for the respondents. Shri S. B. Pulkundwar, learned Advocate for the Respondent no.5 is **absent**.

2. Applicant Bhagwan Balasaheb Methe is Medical Officer. Vide order dated 29-06-2012 applicant was deputed for completion of P.G. Training for a period of 3 years. Said training was completed on 29-06-2015 and the applicant was relieved so as to join on his posting on 29-06-2015 itself. The applicant accordingly went to join office of the Director, Medical Health Services, Mumbai on 29-06-2015 but he was directed to appear before the District Health Officer, Zilla Parishad, Nanded. Accordingly, on 04-07-2015, applicant appeared before the District Health Officer, Zilla Parishad, Nanded and submitted his joining report as per Annexure A-4.

He was, however, not allowed to join on his post. District Health Officer, Zilla Parishad, Nanded vide letter dated 15-07-2015 made submission before the Director, Health Services, Mumbai that the applicant cannot be allowed to join for the reasons stated in the said letter.

3. Joint Director vide its letter dated 28-08-2015 directed District Health Officer, Zilla Parishad, Nanded to allow the applicant to join immediately and to explain as to why he was not allowed to join. Thereafter, the applicant was allowed to join on 31-08-2015. However, salary of the applicant for the period from 30-06-2015 to 30-08-2015 has not yet been paid nor his service period is regularized. The applicant has, therefore, requested that he respondents be directed to treat the period from compulsory waiting period from 30-06-2015 to 31-08-2015 as duty period and that the respondents be directed to pay salary and allowances of the said period to the applicant.

4. Respondent nos.1 to 3 have filed reply affidavit and admitted the fact that the applicant was not paid salary for the abovesaid period. Learned P.O. has invited my attention to paragraph 13 of the reply affidavit in which it is stated as under (page 42, para 13):

*“13. With reference to Para No. E(a to d), I say and submit that in view of all above submissions, the Director of Health Services, Mumbai has sent the proposal regarding compulsory waiting period from 30-06-2015 to 31-08-2015 of the applicant to ACS, Public Health Department, Mantralaya, Mumbai vide letter dated 19-05-2017 and same has been submitted to competent authority for appropriate approval. After approval from the competent authority, the order will be issued regarding regularization of period from 30-06-2015 to 31-08-2015 of the applicant and salary and allowances will be paid accordingly.”*

5. It is, therefore, stated that getting approval of the competent authority the order will be issued regarding regularization of period, salary and allowances will be paid to the applicant accordingly.

6. On perusal of affidavit in reply of respondents as well as the documents filed on record, it reveals that applicant was not at all responsible for non-payment of salary by the respondents. On the contrary, immediately after training, applicant approached the authority as directed to him and submitted his joining report. However, he was not allowed to join under the garb of technicalities.

7. Considering all these aspects, I am satisfied that the applicant is entitled to claim compulsory waiting period from 30-06-2015 to 31-08-2015 as duty period as well as the salary and allowances for the same period,

which is not been done by the respondent authorities. In view thereof, I pass following order:

=5=

O.A.No.731/2016

**ORDER**

- (I) O.A. is allowed in terms of prayer clause “B”.
- (II) Respondents are directed to complete all formalities, as may be required, and pay the amount to the applicant within a period of 2 months from the date of this order.
- (III) Immediately after receiving amount, the applicant will be entitled to file representation claiming interest on the delayed payment from the date of his entitlement for said amount, till actual receipt of the same.
- (IV) There shall be no order as to costs.

**VICE-CHAIRMAN (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NOS.656/2016**

(Gangaram Damu Maske V/s. The State of Mah. & Ors.)

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

DATE : 01-07-2017

**ORAL ORDER:-**

Heard Smt. Sharda P. Chate learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officers for the respondents.

2. Applicant Gangaram Damu Maske has claimed direction to the respondent authorities to allow him to join on the post of Kotwal in view of selection in pursuance of the advertisement dated 14-01-2015. It is stated that he is eligible to be appointed on the post of Kotwal.

3. From the facts on record, it seems that advertisement for the post of Kotwal was issued on 14-01-2015 by President, Taluka Selection Committee @ Sub Divisional Officer, Beed whereby the applications were called for 38 posts of Kotwal for various categories excluding Scheduled Caste (SC) category. In other words, no post was kept reserved for SC category.

4. The applicant files application in pursuance of the advertisement and stated his caste as Mahar in column no.10 but he had shown himself to be belonging to Scheduled Tribe (ST) category in column no.11. Admittedly, the applicant was called for written and oral tests and a final select list was published in which the applicant has been shown at Sr. No.2 in the list whereas one Nandkumar Sheshrao Maske has been shown at Sr. No.1. According to the applicant, he was waiting for his appointment order but it was not issued to him, and therefore, he has filed this O.A.

5. According to the applicant, he should have been considered to be eligible for the post of Kotwal taking into consideration his educational qualification and also various G.Rs. in field. It is further stated that as per G.R. dated 5<sup>th</sup> September, 2013, the applicant is eligible and entitled to be appointed as Kotwal since he was allowed to appear for examination and was also shown in the select list.



6. Respondent nos.3, 4 and 5 have filed their affidavit in reply. They have submitted that the applicant has mentioned his caste as Mahar in the caste column but he had shown his category as ST instead of SC, and therefore, inadvertently, his case was considered and he was allowed to appear for the examination, and thereafter, wrongly shown at Sr.No.2 in the final select list. However, during the scrutiny of documents it has come to the knowledge of the respondents that the applicant has deliberately marked his category as ST though he belongs to SC category, and therefore, the applicant is not entitled to appointment on the post of Kotwal.

7. In the rejoinder affidavit, applicant submits that the respondent no.5 has accepted his application for the post of Kotwal, and therefore, that authority is responsible for the same.

8. The material point to be considered in this case is whether the applicant is entitled to be selected for the

=4=

O.A.No.656/16

post of Kotwal as per advertisement dated 14-01-2015 and also as per G.R. dated 5<sup>th</sup> September, 2013. Advertisement is at paper book page 18 and the relevant chart showing reservation, is as under:

“उपरोक्त सुचनेनुसार तहसिलदार, बीड यांच्या आस्थापनेवरील रिक्त कोतवाल पदांसाठी खालील नमुद केलेल्या प्रवर्गातील पात्र उमेदवारांकडून तालुका निवड समिती मार्फत या जाहिरातीद्वारे विहित नमुन्यातील अर्ज मागविण्यात येत आहेत.

कोतवाल संवर्गातील रिक्त पदांचे आरक्षण

(एकवीस मानधन (मासिक) रू.५०००/-) एकूण पदे—३६.

अ. क्र.	जतीचा प्रवर्ग	एकूण भरावयाची पदे	महिलांसाठी आरक्षित पदे	महिला आरक्षणाशिवाय भरावयाची पदे
१.	अनुसुचित जाती	-	-	-
२.	अनुसुचित जमाती	०४	०१	०३
३.	विमुक्त जाती (अ)	०२	०१	०१
४.	भटक्या जमाती (ब)	०१	००	०१
५.	भटक्या जमाती (क)	०२	०१	०१
६.	भटक्या जमाती (ड)	०१	००	०१
७.	वि. मा. प्र.	०१	००	०१
८.	इतर मागास वर्ग	१२	०४	०८
९.	खुला	१३	०४	०९
	एकूण	३८	११	२७

9. Aforesaid advertisement clearly shows that no post is reserved for SC category, and therefore, very application of the applicant under SC category should not have been considered. The applicant, however, seems to have played mischief. He has shown his caste as Mahar (SC) in column no.10 of the application but in column no.11 he has shown his caste category as ST. That seems to be the reason as to why the respondent might have committed mistake considering the application as candidate from S.T. category. After publication of final select list, respondents might have come to know their mistake, and therefore, they have not appointed the applicant. It seems that the applicant has deliberately applied for the post reserved for ST category though he was well aware that post is not available for SC category. Applicant himself, is therefore, responsible for misguiding the respondent authorities by mentioning his caste category as ST in the application form.

10. Learned Advocate for the applicant invited my attention to one G.R. dated 5<sup>th</sup> September, 2013 which is marked as Annexure VI and submitted that, in case, candidates belonging to ST category are not available then candidates from SC category can be appointed. I have perused the said G.R. dated 5<sup>th</sup> September, 2013, it nowhere states as contended by the learned Advocate for the applicant. Accordingly, in my opinion, said G.R. is not applicable in the present case.

11. On conspectus of discussion in the foregoing paragraphs, it will be thus crystal clear that applicant himself applied for the post to which he was not eligible and he deliberately made application for the post of Kotwal misguiding the authorities mentioning his caste as Mahar but caste category has been mentioned as ST. Merely because his application was accepted, inadvertently, and he was allowed to participate in the selection process and his name appears in the select list, that itself will not entail the applicant to claim post of

=7=

O.A.No.656/16

Kotwal under ST category. Hence, I do not find any merit in the O.A. In view thereof, I pass following order:

**ORDER**

O.A. stands dismissed with no order as to costs.

**VICE-CHAIRMAN (J)**

YUK ORAL ORDER 01-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**

**BENCH AT AURANGABAD.**

**ORIGINAL APPLICATION NO.412/2017.**

**(Shri P. R. Shelke Vs. State of Mah. & Ors.)**

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**

(This matter is placed before the Single Bench

due to non-availability of Division Bench.)

**DATE : 01-07-2017**

**ORAL ORDER:-**

Heard Shri V. D. Sapkal learned Advocate holding for Shri A. B. Jagtap learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. Issue notice to the Respondents, returnable on 10<sup>th</sup> of August, 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 10<sup>th</sup> August, 2017.

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

**VICE CHAIRMAN.**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**  
**BENCH AT AURANGABAD.**

**O. A. Nos.639, 640, 676 & 681 of 2012.**

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**

(This matter is placed before the Single Bench

due to non-availability of Division Bench.)

**DATE** : 01-07-2017

**ORAL ORDER:-**

None appears for the applicants. Heard S/Shri V. R. Bhumkar and N. U. Yadav learned Presenting Officers for the respondents.

2. The learned P.O. submit that in fact some of the Original Applications concerning the same issues are already dismissed by the Tribunal. The learned P.O. therefore, seeks time to file copy in this respect on the next date.

3. S. O. to 24.07.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 01-07-2017-ATP**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**  
**BENCH AT AURANGABAD.**

**MA NO.509/2015 IN OA ST.NO.550/2016.**

**(Shri P. B. Kokate Vs. State of Mah. & Ors.)**

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**

**DATE** : 01-07-2017

**ORAL ORDER:-**

Heard Smt. Bhavna Panpatil, learned Advocate h/f Shri SB Talekar, learned Advocate for the applicant and Smt R. S. Deshmukh learned Presenting Officer for the respondents.

2. Liberty to file written notes of arguments coupled of synopsis of case Law, if any, is hereby granted. The notes of arguments, if any, may be filed on 11.7.2017, thereafter, necessary orders would be passed.

3. S. O. to 11.7.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 01-07-2017-ATP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**  
**BENCH AT AURANGABAD.**

**MA NO.396/2016 IN OA NO.691/2016.**

**(Shri P. V. Gaikwad & Ors. Vs. State of Mah. & Ors.)**

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**

**DATE** : 01-07-2017

**ORAL ORDER:-**

None appears for the applicant. Heard Shri V. R. Bhumkar learned Presenting Officer for the respondents. None appears for the Intervenor.

2. It prima facie appears that, the grievance of both applicants is that, due to non preparation of the waiting list for the concerned post by Respondent no.3 M.P.S.C. they are deprived of selection.

3. The submissions of the learned P.O. would show that, since meritorious candidates were not found the waiting list could not be prepared.

4. In view of the absence of the learned counsels for the applicants in MA as well as OA, S. O. to 03.08.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 01-07-2017-ATP**

