IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI, BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 379/2017 (Shri Sanjay N. Nade V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: B. P. PATIL, MEMBER (J).

DATE: 04.06.2018.

ORAL ORDER:

Heard Shri R.O. Awasarmal, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

- 2. Learned Advocate for the applicant seeks time to argue the matter. Time granted as a last chance.
- 3. S.O. to 19.06.2018.

MEMBER (J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI, BENCH AT AURANGABAD

ORIGINAL APPLICATION ST. NO. 747/2018 (Shri Prakash N. Pole V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: B. P. PATIL, MEMBER (J).

DATE : 04.06.2018.

ORAL ORDER:

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

- 2. Issue notices to the respondents, returnable on 04.07.2018.
- 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 case. 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. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, O.A. shall stand dismissed without reference to Tribunal and papers be consigned to record.
- 8. Reply be filed on or before 04-07-2018.
- 9. S.O. 04-07-2018.
- 10. Steno copy and hamdust is allowed to both the sides.

MEMBER (J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI, BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 215/2017 (Shri Kalim F. Tamboli V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: B. P. PATIL, MEMBER (J).

DATE : 04.06.2018.

ORAL ORDER:

Heard Shri A.S. Shelke, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for respondent Nos. 1 & 2 and Shri C.R. Thorat, learned Advocate for respondent No. 3.

2. At the request of learned Advocate for respondent No. 3 and learned Presenting Officer, S.O. to 19.06.2018.

MEMBER (J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI, BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 354/2017 (Shri Devendra T. Katke V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u>: B. P. PATIL, MEMBER (J).

DATE : 04.06.2018.

ORAL ORDER:

Heard Ms. Sayali S. Machale, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 05.06.2018.

MEMBER (J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI, BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 696/2017 (Shri Anand F. Kasbekar & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: B. P. PATIL, MEMBER (J).

<u>DATE</u> : 04.06.2018.

ORAL ORDER:

Heard Shri C.R. Thorat, 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 19.06.2018.

MEMBER (J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI, BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 741/2017 (Smt. Anita G. Rathod V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: B. P. PATIL, MEMBER (J).

DATE: 04.06.2018.

ORAL ORDER:

Heard Shri M.R. Wagh, learned Advocate holding for Shri R.B. Narwade Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

- 2. Learned Advocate for the applicant seeks time to argue the matter. Time granted as a last chance.
- 3. S.O. to 06.06.2018.

MEMBER (J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI, BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 750/2017 (Smt. Sarekha U. Gaikwad V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: B. P. PATIL, MEMBER (J).

DATE: 04.06.2018.

ORAL ORDER:

Heard Shri A.M. Nagarkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

- 2. Learned C.P.O. seeks one week's time to file short affidavit of Secretary, Tribal Development Department, Mumbai to the show cause notice issued by this Tribunal on 25.04.2018. Time is granted as a last chance.
- 3. S.O. to 12.06.2018.

MEMBER (J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI, BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 775/2017 (Shri Dilip N. Sangle & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: B. P. PATIL, MEMBER (J).

DATE: 04.06.2018.

ORAL ORDER:

Shri Sudhir Patil, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

- 2. Learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted.
- 3. S.O. to 06.07.2018.

MEMBER (J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI, BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 778/2017

(Shri Parshuram S. Bramhne & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: B. P. PATIL, MEMBER (J).

DATE : 04.06.2018.

ORAL ORDER:

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

- 2. Learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted.
- 3. S.O. to 06.07.2018.

MEMBER (J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI, BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 940/2017 (Shri Chandrashekar Gangurde V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: B. P. PATIL, MEMBER (J).

DATE: 04.06.2018.

ORAL ORDER:

Shri Sudhir Patil, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

- 2. Learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted.
- 3. S.O. to 06.07.2018.

MEMBER (J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI, BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 155/2018 (Shri Arjun D. Kharat V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: B. P. PATIL, MEMBER (J).

DATE: 04.06.2018.

ORAL ORDER:

Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

- Learned Chief Presenting Officer seeks time to file affidavit in reply on behalf of respondents.
 Time granted as a last chance.
- 3. S.O. to 28.06.2018.

MEMBER (J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI, BENCH AT AURANGABAD

M.A. No. 349/2017 in O.A. St. No. 1166/2017 (Shri Udalsingh A. Bohara V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: B. P. PATIL, MEMBER (J).

DATE: 04.06.2018.

ORAL ORDER:

Shri A.L. Kanade, learned Advocate for the applicant (**Absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 29.06.2018 for passing necessary orders.

MEMBER (J)

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI, BENCH AT AURANGABAD

M.A. No. 350/2017 in O.A. St. No. 1168/2017 (Shri Janardhan P. Muley V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: B. P. PATIL, MEMBER (J).

DATE : 04.06.2018.

ORAL ORDER:

Shri A.L. Kanade, learned Advocate for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh -Ghate, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 29.06.2018 for passing necessary orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 809/2017

(Shri Ganesh T. Sable V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: B. P. PATIL, MEMBER (J).

DATE: 04.06.2018.

ORAL ORDER:

Heard Smt. Amruta Paranjape-Menezes, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. Today, the learned Presenting Officer has produced original record in respect of the impugned order and the constitution of Police Establishment Board at Aurangabad Rural. He has made a statement at bar that the Police Establishment Board has been constituted by the respondent No. 2 i.e. the S.P., Aurangabad, but he is not able to show order issued by the S.P., Aurangabad constituting the Police Establishment Board at District Level. He has submitted that the original record of the said transfer has been produced by Shri Dilip Jaunjal, Sr. Clerk in the office of S.P., Aurangabad Rural from the office of S.P., Aurangabad Rural, who is present today before this Tribunal.

- 3. On perusal of the said original record, it reveals that no such order constituting the Police Establishment Board as required under Section 22J(1) of the Maharashtra Police Act has been passed by the respondent No. 2.
- 4. At this juncture, the learned P.O. seeks time to take further instructions from the respondent No. 2 and to keep the responsible officer present on the next date to make submissions in that regard and therefore, he sought one week's time. Time granted.
- 5. S.O. to 12.06.2018.

MEMBER (J)

ORIGINAL APPLICATION NO. 843/2017

(Shri Deepesh R. Nagzire V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: B. P. PATIL, MEMBER (J).

DATE: 04.06.2018.

ORAL ORDER:

Heard Smt. Amruta Paranjape-Menezes, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. Today, the learned Presenting Officer has produced original record in respect of the impugned order and the constitution of Police Establishment Board at Aurangabad Rural. He has made a statement at bar that the Police Establishment Board has been constituted by the respondent No. 2 i.e. the S.P., Aurangabad, but he is not able to show order issued by the S.P., Aurangabad constituting the Police Establishment Board at District Level. He has submitted that the original record of the said transfer has been produced by Shri Dilip Jaunjal, Sr. Clerk in the office of S.P., Aurangabad Rural from the office of S.P., Aurangabad Rural, who is present today before this Tribunal.

- 3. On perusal of the said original record, it reveals that no such order constituting the Police Establishment Board as required under Section 22J(1) of the Maharashtra Police Act has been passed by the respondent No. 2.
- 4. At this juncture, the learned P.O. seeks time to take further instructions from the respondent No. 2 and to keep the responsible officer present on the next date to make submissions in that regard and therefore, he sought one week's time. Time granted.
- 5. S.O. to 12.06.2018.

MEMBER (J)

ORIGINAL APPLICATION NO. 844/2017

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

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: B. P. PATIL, MEMBER (J).

DATE: 04.06.2018.

ORAL ORDER:

Heard Smt. Amruta Paranjape-Menezes, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Today, the learned Presenting Officer has produced original record in respect of the impugned order and the constitution of Police Establishment Board at Aurangabad Rural. He has made a statement at bar that the Police Establishment Board has been constituted by the respondent No. 2 i.e. the S.P., Aurangabad, but he is not able to show order issued by the S.P., Aurangabad constituting the Police Establishment Board at District Level. She has submitted that the original record of the said transfer has been produced by Shri Dilip Jaunjal, Sr. Clerk in the office of S.P., Aurangabad Rural from the office of S.P., Aurangabad Rural, who is present today before this Tribunal.

- 3. On perusal of the said original record, it reveals that no such order constituting the Police Establishment Board as required under Section 22J(1) of the Maharashtra Police Act has been passed by the respondent No. 2.
- 4. At this juncture, the learned P.O. seeks time to take further instructions from the respondent No. 2 and to keep the responsible officer present on the next date to make submissions in that regard and therefore, he sought one week's time. Time granted.
- 5. S.O. to 12.06.2018.

MEMBER (J)

ORIGINAL APPLICATION NO. 883/2017

(Shri Datta R. Munde V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

<u>CORAM</u>: B. P. PATIL, MEMBER (J).

DATE: 04.06.2018.

ORAL ORDER:

Heard Shri Joslyn A. Menezes, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. Today, the learned Presenting Officer has produced original record in respect of the impugned order and the constitution of Police Establishment Board at Aurangabad Rural. He has made a statement at bar that the Police Establishment Board has been constituted by the respondent No. 2 i.e. the S.P., Aurangabad, but he is not able to show order issued by the S.P., Aurangabad constituting the Police Establishment Board at District Level. He has submitted that the original record of the said transfer has been produced by Shri Dilip Jaunjal, Sr. Clerk in the office of S.P., Aurangabad Rural from the office of S.P., Aurangabad Rural, who is present today before this Tribunal.

- 3. On perusal of the said original record, it reveals that no such order constituting the Police Establishment Board as required under Section 22J(1) of the Maharashtra Police Act has been passed by the respondent No. 2.
- 4. At this juncture, the learned P.O. seeks time to take further instructions from the respondent No. 2 and to keep the responsible officer present on the next date to make submissions in that regard and therefore, he sought one week's time. Time granted.
- 5. S.O. to 12.06.2018.

MEMBER (J)

ORIGINAL APPLICATION NO. 326 OF 2018

[Shri Prashant D. Warkari Vs. 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: 04.06.2018.

ORAL ORDER:

- 1. Heard S.K. Chavan, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
- 2. Issue notices to the respondents, returnable on 20th June, 2018.
- 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

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the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

- 7. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, O.A. shall stand dismissed without reference to Tribunal and papers be consigned to the record.
- 8. Considering the fact that the present applicant is merely seeking posting on the strength of the appointment order issued long back i.e. on 29.8.2016 (Annexure 'A-2', page-19 of the O.A.), without filing any detailed affidavit in reply, the respondent No. 4, the Collector, Aurangabad, is directed to go through the papers annexed to the present Original Application. The Collector may consult the concerned respondents for giving posting and the necessary posting order shall be issued on or before the returnable date.
- 9. The concerned respondent, who has to act on the basis of the appointment order shall also accordingly act promptly.
- 10. S.O. to 20th June, 2018 for compliance.
- 11. Steno copy and hamdust is allowed to both the sides.

VICE CHAIRMAN

C.P. NO. 14/2017 IN O.A.NO. 176/2017

[Shri Jalindhar G. Ubale Vs. 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: 04.06.2018.

ORAL ORDER:

- 1. Shri S.G. Dhumat, learned Advocate for the applicant (absent). Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents, present.
- 2. Learned Presenting Officer has filed a copy of communication, which would show that an amount of Rs. 2,08,890 as directed by this Tribunal vide order dated 7th April, 2018 has already been deposited and the proposal is sent for depositing the rest of the amount as referred in the said order dated 7th April, 2018. She further submits that the Review Application filed by the State for reviewing the order dated 31.08.2017 passed in O.A. is on today's board before the Hon'ble Single Bench of this Tribunal.
- 3. In the circumstances, the office of this Tribunal is directed to act on the directions contained in paragraph No. 4 of the order dated 7th April, 2018 passed in the present contempt petition.
- 4. S.O. to 24th July, 2018 for further compliance of the aforesaid order dated 7th April, 2018.
- 5. Steno copy is allowed for the use of learned Presenting Officer for the respondents.

VICE CHAIRMAN

C.P. NO. 23/2018 IN O.A.NO. 825/2015

[Syed Muzaffaruddin Khan Vs. 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 : 04.06.2018.

ORAL ORDER:

- 1. Heard Smt. Vidya Taksal, learned Advocate for the applicant and Shri M.S. Mahajan, learned Presenting Officer for the respondents.
- 2. The present case is taken on board in view of circulation note filed by the learned Advocate for the applicant.
- 3. Learned Advocate, on instructions from the applicant, submits that the grievance of the present applicant is redressed and, therefore, the applicant wants to withdraw the present contempt petition.
- 4. In the circumstances, the present contempt petition is disposed of as withdrawn without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 04.06.2018-HDD

M.A.No.55/2018 IN REVIEW St. No.194/2018 IN O.A.No.176/2017 (Regional Dairy Development Officer, A'bad & Ors. V/s. Jalindhar Ubale & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: B.P.PATIL, MEMBER (J)

DATE : 04.06.2018

ORAL ORDER:

Heard Shri N.U.Yadav learned Presenting Officer for the applicants (original respondents) and Shri S.G.Dhumak learned Advocate for the respondent (original applicant).

At the request of learned Presenting Officer,
S.O. to 12-06-2018.

MEMBER (J)

YUK ORAL ORDER 04-06-2018 F

ORIGINAL APPLICATION NO.322/2017 (Rajesh Deshmukh V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: B.P.PATIL, MEMBER (J)

DATE : 04.06.2018

ORAL ORDER:

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

2. At the request of learned Advocate for the applicant, S.O. to 11-06-2018.

MEMBER (J)

YUK ORAL ORDER 04-06-2018 F