

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 370/2015 IN CP ST. 1129/2015 IN OA 199/2014**

(Shri Uttam N. Vendait V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**Date : 13-06-2017**

**ORAL ORDER:-**

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

2. The learned P.O. submits that the opinion of the Law & Judiciary Department is received. He also submits that the Law & Judiciary Department has asked the respondents herein to comply with the order of the Tribunal and appropriate steps would be taken within a short period. At his request, as a last chance, S.O. to 28.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 13.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 426/2015 IN OA ST. 1577/2015**

(Shri Tanhaji D. Kubade V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**Date : 13-06-2017**

**ORAL ORDER:-**

Shri S.D. Dhongde, learned Advocate for the applicant has filed leave note. Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 13.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 13.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 36/2016 IN CP ST. 1947/2015 IN OA 258/2013**  
(Shri Dinesh T. Sonawane V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman**  
**(This matter is placed before the Single Bench**  
**due to non-availability of Division Bench.)**

**Date : 13-06-2017**

**ORAL ORDER:-**

None appears for the applicant. Shri D.R. Patil, learned Presenting Officer for the respondents, is present.

2. None appeared for the applicant on the last date also. The learned P.O. submits that he has received a communication dated 16.2.2016 (paper book page 59) from the respondents. It would show that the enquiry is conducted as directed by this Tribunal in the original application and the copy of same is also filed on record.

3. In the circumstances, without making any comment on the merit of the misc. application, as the learned Advocate is absent, the misc. application stands dismissed in default.

4. In view of dismissal in default of misc. application, the contempt petition does not survive and registration of contempt petition is refused. There shall be no order as to costs.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 13.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 356/2016 IN CP ST. 1518/2016 IN OA 396/1998**

(Shri Chandulal G. Seth V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**Date : 13-06-2017**

**ORAL ORDER:-**

Heard Shri Girish Nagori, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The learned CPO submits that 8 weeks time is required as certain compliance to be made in the matter. At his request, S.O. to 2.8.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 13.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 394/2016 IN CP ST. 1810/2016 IN OA 162/2014**

(Shri Adhikrao S. Mane V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**Date : 13-06-2017**

**ORAL ORDER:-**

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

2. The learned PO submits that, special Counsel is appointed by the State Government for conducting the case on behalf of the respondents, however, due to some problem he is not present today. At her request, S.O. to 11.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 13.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 443/2016 IN OA 453/2011**

(Shri Sopan B. Adkine V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**Date : 13-06-2017**

**ORAL ORDER:-**

None appears for the applicant. Shri D.R. Patil, learned Presenting Officer for the respondents, is present.

2. The record would show that for last 4 dates none is appearing for the applicant.

3. In the circumstances, the misc. application stands dismissed in default. There shall be no order as to costs.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 13.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 64/2017 IN OA ST. 100/2017**

(Shri M.V. Sonkamble V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**Date : 13-06-2017**

**ORAL ORDER:-**

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

2. The learned PO seeks again time. The record would show that ample opportunities were given and even warning was issued to the respondents that in case no appropriate steps are taken in the matter, this Tribunal would take coercive action against them. The learned PO submits that, in another contempt petition no affidavit in reply is filed by the respondents and it is now fixed on 15.6.2017.

3. In the circumstances, S.O. to 15.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 13.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 144/2017 IN MA ST. 434/2017 IN OA 889/2011**

(Sunita P. Gavir V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**Date : 13-06-2017**

**ORAL ORDER:-**

Heard Shri Kedar Anmole, learned Advocate holding for Shri S.B. Gastgar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The record would show that since the applicant or his Counsel remained absent for a period of 4 years, ultimately the original application was dismissed in default.

3. The learned P.O. has filed affidavit in reply. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

4. S.O. to 3.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 13.6.2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 145/2017 IN CP ST. 476/2017 IN OA 126/2014**  
(Shri (Dr.) Sudhakar D. Biradar & Ors. V/s. The State of  
Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman**  
**(This matter is placed before the Single Bench**  
**due to non-availability of Division Bench.)**

**Date : 13-06-2017**

**ORAL ORDER:-**

Heard Shri M.R. Kulkarni, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 to 3.

2. Today, Shri Kailas Mane, learned Advocate has filed his V.P. for res. nos. 3 & 4. It is taken on record. He submits that, in fact the proposal is submitted to the State Government in view of the directions given in the order passed by the Tribunal in O.A., however, no response is received from the State Government and affidavit in reply to that effect is required to be filed.

3. In the circumstances, issue notices to res. nos. 1 to 3 in the present misc. application, returnable on 25.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 13.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 146/2017 IN CP ST. 478/2017 IN OA 174/2014**  
(Shri (Dr.) Deepak M. Mendhekar V/s. The State of Mah. &  
Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**Date : 13-06-2017**

**ORAL ORDER:-**

Heard Shri M.R. Kulkarni, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 to 3.

2. Today, Shri Kailas Mane, learned Advocate has filed his V.P. for res. nos. 3 & 4. It is taken on record. He submits that, in fact the proposal is submitted to the State Government in view of the directions given in the order passed by the Tribunal in O.A., however, no response is received from the State Government and affidavit in reply to that effect is required to be filed.

3. In the circumstances, issue notices to res. nos. 1 to 3 in the present misc. application, returnable on 25.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 13.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 624/2016**

(Shri (Dr.) Aparna R. Dikondwar V/s. The State of Mah. &  
Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**Date : 13-06-2017**

**ORAL ORDER:-**

None appears for the applicant. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent nos. 1 to 3, Smt. Taksal, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for res. no. 4 and Shri V.C. Suradkar, learned Advocate for res. no. 7 are present. None appears for res. no. 6.

2. The present original application is already admitted. In the circumstances, it is removed from the board with a direction to the Office to place it on board for final hearing, whenever the Division Bench is available.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 13.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 813 OF 2015**

(Priyanka S. Bane V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**Date : 13-06-2017**

**ORAL ORDER:-**

None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 to 3 and Smt. S.S. Pandit, learned Advocate for respondent no. 4, are present.

2. The learned PO as well as the learned Advocate for res. no. 4 point out from the affidavit in reply of res. nos. 2 & 3 that the present applicant as well as the res. no. 4 have secured same marks in the tests. Besides, the issue of non-creamy layer certificate, as the res. no. 4 was senior in age, she was appointed in view of G.R. dated 27.6.2008. In the circumstances, it is claimed by the respondents that selection process was fair.

3. In view of absence of learned Advocate for the applicant, S.O. to 4.7.2017 either for hearing on admission or for passing necessary orders.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 13.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 749 OF 2016**

(Shri Sachin A. Palkhe V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**Date : 13-06-2017**

**ORAL ORDER:-**

Heard Smt. Ashlesha Raut, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to make the submissions regarding the present status of the principle of reservation for Maratha Community. At her request, S.O. to 12.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 13.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 189/2017 IN OA 676/2006**

(Shri B.R. Sutar V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**Date : 13-06-2017**

**ORAL ORDER:-**

Heard Shri N.L. Choudhary, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in the misc. application, returnable on 10.8.2017.

3. Tribunal may take the cases 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 M.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. 10.8.2017.

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

**VICE CHAIRMAN**

ARJ ORAL ORDERS 13.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 758/2016**

(Shri Jagdish M. Kale V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman**

**Date : 13-06-2017**

**ORAL ORDER:-**

Heard Smt. Vidhya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The learned PO submits that, no response is received though communications are sent to the respondents again and again. In the circumstances, as a last chance, S.O. to 20.7.2017 either for compliance or for hearing on merit without documents from the respondents. The matter be treated as part heard. The interim relief to continue till then.

3. The learned P.O. to act upon the Steno copy of this order.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 13.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**O.A. NO. 133/2016**

(Smt. Laxmibai N. Atkulwar V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**Date : 13-06-2017**

**ORAL ORDER:-**

None appears for the applicant. Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.

2. The learned P.O. submits that the present applicant was wrongly posted as a Peon and in view of educational qualification possessed by her she was reposted as a Sweeper. He further submits that pay scale for Sweeper and Peon is one and the same. He seeks time to support the submissions by filing relevant rules in this regard. At his request, S.O. to 28.6.2017.

3. The learned P.O. to act upon the Steno copy of this order.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 13.6.2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 495/2015 IN OA ST. 1761/2015**

(Shri Bharat C. Savant V/s. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**Date : 13-06-2017**

**ORAL ORDER:-**

Heard Shri M.R. Kulkarni, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. With the consent of both the sides, the present misc. application is disposed of.

3. The present misc. application has been filed by the applicant for condonation 7 years, 6 months and 5 days delay caused in filing the accompanying original application seeking his reinstatement and regularization. The record would show that, vide order passed by this Tribunal in O.A. no. 138/2003 and the batch (paper book page 25 of the O.A.) dated 18.6.2004 directions were issued to the respondents for regularization of the applicants therein, who were earlier appointed on leave or similar casual vacancies from time to time for 29 days or more.

4. As per the directions of this Tribunal the Committee was constituted by the respondents to find out which of the claimants have worked on casual basis. At paper book page 14 this Tribunal has a report of the Committee dated 12.5.2008, which would show that the said Committee has called all the claimants to file the documents showing that they have worked as a casual worker earlier. The said report further shows that some of claimants including the present applicant have not appeared before the said Committee in spite of issuance of 3 notices. Thus, the Committee in its report inter alia held that the said claimants including the present applicant cannot be regularized since the relevant documents like copy of appointment order, document showing the date of joining and payment received by them, are not on record. This report is dated 12.5.2008. Thereafter the present applicant has filed the original application before the Tribunal on 17.11.2015. As there was delay of 7 years, 6 months and 5 days in filing the original application, the present misc. application has been filed by the applicant for condonation of said delay.

5. The learned Advocate for the applicant submits that, the applicant has submitted representations on 2.6.2012, 3.3.2014 & 15.7.2013 (paper book pages 39 to 41 of the original application) seeking appointment as per seniority and as the said representations were not considered favourably, he has filed the present original application before the Tribunal on 17.11.2015.

6. The learned Advocate for the applicant submits that, since the applicant is a illiterate person and as he was not knowing about the report, the delay caused in filing the original application be condoned.

7. The learned P.O. submits that 3 notices were issued to the claimants including the present applicant for submitting the copies of appointment orders on casual basis, dates of their joining and details of salary received by them. The applicant instead of submitting those documents only submitted representation one after another and lastly on 7.11.2015 he has filed the accompanying original application before the Tribunal. In the circumstances, he submits that

the applicant has not explained the delay properly and, therefore, the present misc. application be dismissed.

8. In the aforesaid circumstances, in my view, the present applicant was negligent not only in placing the material information before the Committee as can be seen from the copy of report dated 12.5.2008, he was also negligent in filing the original application in time and went on merely filing the representations to the respondents.

9. In the circumstances, no sufficient cause is made out for condoning the delay caused in filing the original application. Accordingly, the misc. application stands dismissed. In view of dismissal of misc. application, the original application does not survive and the same also stands disposed of as such. There shall be no order as to costs.

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION NO.576/2015.**

(Shri Chakresh s/o Madhavrao Mahajan  
V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

Heard Shri S. P. Dhoble learned Advocate holding  
for Shri S. D. Kotkar learned Advocate for the applicant  
and Shri I. S. Thorat learned Presenting Officer for the  
respondents.

2. At the request of Shri S. P. Dhoble learned Advocate  
holding for Shri S. D. Kotkar learned Advocate for the  
applicant, S.O. to 4.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**13-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.346/2017.**

(Shri B. B. Latpate & Ors. V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

Heard Shri P. A. Kulkarni learned Advocate for the applicants and Shri V. R. Bhumkar learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 5.7.2017. In the meantime the concerned respondent is directed to examine the reasons given in the decision of this Tribunal in OA No.378/2016 & Ors. Dated 24.3.2017 and to take corrective steps according to law. The report about taking the steps or inability to take steps be filed on the returnable date.

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. Applicants are directed to file affidavit of compliance and notice.

7. S. O. to 05.07.2017.

8. The learned P.O. is directed to act on the Steno copy of this order.

**VICE CHAIRMAN.**

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

**ORIGINAL APPLICATION NO.321/2017.**

(Smt Manisha R. Jagtap V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

Heard Shri P. A. Kulkarni learned Advocate for the  
applicant and Shri I. S. Thorat learned Presenting Officer  
for the respondents.

2. At the request of the learned P.O. S.O. to  
19.6.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**13-06-2017-ATP**



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

**ORIGINAL APPLICATION NO.83/2017.**

(Smt Sayyed Jarinabi & Ors. V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

Heard Shri P. A. Kulkarni learned Advocate for the  
applicant and Shri S. K. Shirse learned Presenting Officer  
for the respondents.

2. At the request of the learned P.O. S.O. to  
19.6.2017. Interim relief to continue till then.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**13-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.339/2017.**

(Shri R. A. Kakad & Ors. V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

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

2. At the request of the learned P.O. S.O. to  
19.6.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**13-06-2017-ATP**

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

**MA NO.197/2017 IN OA ST.NO.526/2017.**

(Shri C. Y. Thakure V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

Heard Shri S. P. Dhoble learned Advocate holding for Shri N. L. Choudhari learned Advocate for the applicant and Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant relies on the ratio of the decision rendered by the Hon'ble High court at Bombay in W.P. No.462/2017 dated 7.3.2017 (page no.18).

3. In that case the Division Bench of the Hon'ble High Court held that, since the applicant Sanjay Jadhav therein has not played any fraud in claiming that he was a member of Scheduled Tribe merely because the tribe certificate was invalidated by the Scrutiny Committee in the light of the fact that he had put many years in the service he was entitled for continuation in service.

4. The learned Advocate for the applicant claims parity in the present case also. He however, has not filed the order of the Scrutiny Committee, which would show the reasons for invalidation of the certificate issued in his favour.

5. The learned Advocate for the applicant seeks time to file the copy of the said order. At his request, S.O. to 4.7.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 13-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.540/2016.**

(Shri R. D. Sapkale V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

Heard Shri B. S. Deshmukh learned Advocate for the applicant and Smt S. K. Ghate Deshmukh learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submit that there is a G.R. which would show that the marks obtained in the oral interview shall not be counted at the time of selection. Refer to the order of this Tribunal dated 6.2.2017.

3. At the request of the learned Advocate for the applicant to search for concerned G.R. S.O. to 3.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**13-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.587/2016.**

(Shri V. H. Bagul V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

Heard Shri A. D. Gadekar learned Advocate for the applicant and Shri D. R. Patil learned Presenting Officer for the respondents no.1 & 2. None appears for the Respondent no.3.

2. The learned P.O. seeks time to file short affidavit as directed by this Tribunal vide order dated 21.2.2017. At his request, as a last chance, S.O. to 10.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**13-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.831/2016.**

(Shri Pathan Hares Khan V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

Heard Advocate Ashlesha Sham Raut holding for Shri S. B. Talekar learned Advocate for the applicant and Shri S. K. Shirse learned Presenting Officer for the respondents.

2. At the request of Advocate Ashlesha Sham Raut holding for Shri S. B. Talekar learned Advocate for the applicant S.O. to 4.7.2017 for hearing on admission.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**13-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.931/2016.**

(Shri C. D. Pawar V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

Heard Shri Shrikant Patil learned Advocate for the  
applicant and Shri D. R. Patil learned Presenting Officer  
for the respondents.

2. The learned Advocate for the applicant seeks time.

At his request, S.O. to 11.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**13-06-2017-ATP**



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

**ORIGINAL APPLICATION NO.930/2016.**

(Shri C. D. Pawar V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

Heard Shri Shrikant Patil learned Advocate for the  
applicant and Shri D. R. Patil learned Presenting Officer  
for the respondents.

2. The learned Advocate for the applicant seeks time.

At his request, S.O. to 11.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**13-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.103/2017.**

(Shri N. A. Matsagar V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

Heard Shri S. D. Joshi learned Advocate for the applicant and Shri V. R. Bhumkar learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submit that he will have to take instructions to find out as to whether rejoinder is necessary. He therefore, seeks time. The rejoinder if any, be filed on or before 5.7.2017.

3. S.O. to 5.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**13-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.104/2017.**

(Shri V. S. Pawal V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

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

2. The learned Advocate for the applicant submit that he will have to take instructions to find out as to whether rejoinder is necessary. He therefore, seeks time. The rejoinder if any, be filed on or before 5.7.2017.

3. S.O. to 5.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**13-06-2017-ATP**

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

**MA NO.163/15 IN CP ST.623/15 IN OA 447/09.**

(Shri P. P. Tayde V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

It is reported that Shri S. D. Dhongde learned Advocate for the applicant has filed leave note. Shri V. R. Bhumkar learned Presenting Officer for the respondents is present.

2. S.O. to 13.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**13-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.924/2016.**

(Shri U. Z. Bahure V/s. The 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 : 13-06-2017**

**ORAL ORDER:-**

None appears for the applicant. Heard Smt D. S. Deshpande learned Presenting Officer for the respondents.

2. Nobody has appeared on the last date also.

3. Learned P.O. submit that though as per the applicant he received the call letter belatedly though posted by the respondent through post within time, the submission of the respondent would show that the applicant has not given E-mail online applications were called and even the result were published in daily newspaper and therefore, there is no merit in the application.

4. In view of the absence of the learned Advocate for the applicant, as a last chance, S.O. to 13.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**13-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.857/2016.**

(Shri B. P. Sonar & Ors. V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

It is reported that Shri S. D. Dhongde learned Advocate for the applicant has filed leave note. Smt R. S. Deshmukh learned Presenting Officer for the respondents is present.

2. S.O. to 13.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**13-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.79/2017.**

(Shri Md. Kamran. V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

It is reported that Shri S. D. Dhongde learned Advocate for the applicant has filed leave note. Smt R. S. Deshmukh learned Presenting Officer for the respondents is present.

2. S.O. to 12.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**13-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.95/2017.**

(Shri B. J. Gaikwad V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

It is reported that Shri S. D. Dhongde learned Advocate for the applicant has filed leave note. Shri V. R. Bhumkar learned Presenting Officer for the respondents is present.

2. S.O. to 12.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**13-06-2017-ATP**



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

**ORIGINAL APPLICATION NO.715/2016.**

(Shri V. H. Patil & Ors. V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

It is reported that Shri S. D. Dhongde learned Advocate for the applicants has filed leave note. Shri D. R. Patil learned Presenting Officer for the respondents is present.

2. S.O. to 18.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**13-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.602/2016.**

(Shri H. S. Gawali V/s. The 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** : 13-06-2017

**ORAL ORDER:-**

Heard Shri A. D. Gadekar learned Advocate for the applicant and Shri S. K. Shirse learned Presenting Officer for the respondents.

2. Learned P.O. files on record the decision rendered by the Respondent no.2 dated 12.6.2017. The same is taken on record and marked as "X" for the purpose of identification.

3. Upon hearing it appears that, the Respondent no.2 has not considered the effect of decision rendered by the Division Bench of the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad in Writ Petition No.6916/2011 dated 22.11.2011. In that case it was held that, the candidate would be entitled for

appointment though the select list has lapsed but the vacancy has arisen prior to lapsing.

4. The decision rendered by the Respondent no.2 would show that, the same is silent regarding this case and merely decision in W.P.No.11745/2015 is considered.

5. The Respondent no.2 is therefore, directed to explain as to why the decision in the Writ Petition No.6916/2011 as referred above is not considered and submit fresh decision accordingly to this Tribunal on or before 12.7.2017.

6. As the case is being prolonged because of the failure of the Respondent no.2 to follow the direction issued by this Tribunal, in case no decision is taken by the next date this Tribunal would be constrained to take coercive action as may be deemed fit according to Law.

-3- **ORIGINAL APPLICATION NO.602/2016**

7. S.O. to 12.07.2017.

8. The learned P.O. is directed to act on the Steno copy of this order.

**ORAL ORDERS 13-06-2017-ATP**

**VICE CHAIRMAN.**

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

**DIST. NANDED.**

**ORIGINAL APPLICATION NO.204/2015.**

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Sanjay s/o Devidasrao Deshpande,

Age 36 years, Occu. Nil,

R/o Deshpande Galli, Bhokar,

Tq. Bhokar Dist. Nanded.

-- **APPLICANT**

**VERSUS**

1. The State of Maharashtra  
Through Secretary,  
Irrigation Department,  
Mantralaya, Mumbai.
2. The Collector Nanded,  
Collector Office, Nanded.
3. The Superintending Engineer  
Nanded, Irrigation Division,  
Nanded.
4. The Executive Engineer Nanded,  
Irrigation Division, Nanded.

(Copy to be served on Chief  
Presenting Officer, Maharashtra  
Administrative Tribunal, Mumbai  
Bench at Aurangabad).

-- **RESPONDENTS.**

**APPEARANCE** : Shri G. G. Suryawanshi, learned  
Advocate for the Applicant.

: Shri M.P. Gude, learned Presenting  
Officer for the Respondents no.1 to 3.

: Shri G. N. Patil, learned Advocate for the  
Respondent No.4.

**CORAM** : **Hon'ble Shri Justice M. T. Joshi,**  
**Vice Chairman.**

**DATE** : 13.06.2017.

**ORAL ORDER.**

1. Heard Shri G. G. Suryawanshi, learned Advocate  
for the Applicant, Shri M. P. Gude, learned Presenting  
Officer for the Respondents no.1 to 3 and Shri G. N. Patil,  
learned Advocate for the Respondent no.4.

2. The present applicant is seeking to quash and set aside the directions dated 12.3.2013 issued by the Respondent no.1 whereby his request for substituting his name in waiting list for grant of appointment on compassionate ground was rejected.

3. The father of the applicant namely Devidasrao Deshpande who was working as a Class IV servant at Nanded in the office of Respondent nos. 3 & 4. He died in harness on 25.10.2001. The elder brother of the applicant was included in the waiting list for appointment on compassionate ground. The proposal was also forwarded to Respondent no.4. In the meantime the said brother namely Pradeep Deshpande died on 11.01.2007. Thereafter, the present applicant has applied for replacing the name on 22.2.2007. The proposal was accordingly sent to the Respondent no.1. However, the same can be rejected by the Principal Secretary and the communication was sent to the applicant on 12.3.2013. Therefore, the present application is filed.

4. Today, at the time of hearing the learned Presenting officer filed on record short affidavit on behalf of Respondent no.1. The same is accepted and marked as "X" for the purpose of identification. The said affidavit is annexed with minutes of the meeting dated 11.3.2013. Surprisingly the said minutes would show that, the proposal was in fact accepted. However, the letter sent to the present applicant was to the effect that the proposal was rejected.

5. Additionally the learned Advocate for the applicant has placed reliance on the G.R. dated 20.5.2015, which would show that in case a candidate who is on the waiting list for appointment on compassionate ground dies, one of the legal heirs of the deceased can be included in the wait list in case he fulfills other criteria.

6. Taking into consideration all these facts the present application is allowed without any order as to costs, in terms of prayer clauses "C" & D", which runs as under :-



“C) by issuing appropriate order or directions in the like nature, the order dated 12.3.2013 passed by respondent no.1 Annexure A-8 may kindly be quashed and set aside.

D) By issuing appropriate order or directions in the like nature, the respondent authorities may be directed to reconsider the claim of the applicant in respect of compassionate appointment in the place of his father.”

**VICE CHAIRMAN.**

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**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 16 OF 2017**

**(Shri. Sk. Mukhtyar Sk Noor Ali Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 13.06. 2017.**

**ORAL ORDER:**

1. Heard Shri S.G. Magare, learned Advocate holding for Shri M.D. Godhamgaonkar – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 19<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 13.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 243 OF 2017**

**(Shri. Pralhad T. Patil Vs. The State of Maharashtra and  
Others.)**

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

**DATE : 13.06. 2017.**

**ORAL ORDER:**

1. Heard Shri D.B. Thoke – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer prays for time for filing affidavit in reply. Time granted.
3. S.O. to 19<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 13.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 145 OF 2017**

**(Shri. Suresh D. Mitke Vs. The State of Maharashtra and  
Others.)**

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

**DATE : 13.06. 2017.**

**ORAL ORDER:**

1. Heard Shri V.B. Wagh – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. On instructions, learned Advocate for the applicant seeks permission of this Tribunal to withdraw the present Original Application.
3. Permission granted. Withdrawal is allowed. Accordingly, the present Original Application stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

ORAL ORDERS 13.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 481 OF 2016**

**(Shri. Vijay R. Bangar Vs. The State of Maharashtra and  
Others.)**

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

**DATE : 13.06. 2017.**

**ORAL ORDER:**

1. Heard Shri M.R. Kulkarni – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for respondent Nos.1 to 4. Shi S.M. Kshirsagar – learned Advocate for respondent No. 5 (**absent**).
2. Learned Advocate for the applicant prays for time. Time granted.
3. S.O. to 4<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 13.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 322 OF 2016**

**(Smt. Swati Narhari Joshi & Anr. Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 13.06. 2017.**

**ORAL ORDER:**

1. Shri B.S. Kudale – learned Advocate for the applicants (**absent**). Shri S.K. Shirse – learned Presenting Officer for the respondents, present.
2. Since nobody appeared for the applicants, S.O. to 18<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 13.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 837 OF 2016**

**(Shri. Sham Suresh Fulgaonkar Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 13.06. 2017.**

**ORAL ORDER:**

1. Heard Shri B.S. Deshmukh – learned Advocate for the applicant, Mrs. Priya R. Bharaswadkar – learned Presenting Officer for respondent Nos. 1 to 3 and Shri S.D. Joshi – learned Advocate for respondent No. 4.

2. It transpires from the proceedings that separate affidavit in replies on behalf of respondent Nos. 3 & 4 have already been filed on record.

3. On instructions, learned Presenting Officer submits that affidavit in reply on behalf of respondent Nos. 1 & 2 is not necessary.

4. S.O. to 3<sup>rd</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 13.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 907 OF 2016**

**(Shri. Sanjivkumar Babasaheb Sathe Patil & Ors. Vs. The  
State of Maharashtra and Others.)**

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

**DATE : 13.06. 2017.**

**ORAL ORDER:**

1. Heard Shri R.N. Bharaswadkar – learned Advocate for the applicants and Shri M.P. Gude – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted as a last chance.
3. S.O. to 5<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 13.06.2017-HDD



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 115 OF 2017**

**(Shri. Tulshiram S/o. Maruti Lande Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 13.06. 2017.**

**ORAL ORDER:**

1. Shri Satyajeet S. Dixit – learned Advocate for the applicant (**absent**). Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents, present.
2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 4 and the same has been taken on record.
3. On instructions, learned Chief Presenting Officer submits that affidavit in reply on behalf of respondent No. 1 is not necessary.
4. Since nobody appeared on behalf of the applicant, S.O. to 20<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 13.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 125 OF 2017**

**(Shri. Syed Amjad S/o. Syed Hamza Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 13.06. 2017.**

**ORAL ORDER:**

1. Heard Shri A.D. Gadekar – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted.
3. S.O. to 20<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 13.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 126 OF 2017**

**(Shri. Arjun Yadav Rakshe Vs. The State of Maharashtra  
and Others.)**

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

**DATE : 13.06. 2017.**

**ORAL ORDER:**

1. Heard Shri A.D. Sugdare – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has submitted that the provisional pension has been sanctioned to the applicant as directed to the concerned authority. She has further submitted that affidavit in reply is ready and it has been sent to the concerned respondents to swear it and, therefore, she prays for time to file it. Time granted.

3. S.O. to 20<sup>th</sup> June, 2017.

**MEMBER (J)**

ORAL ORDERS 13.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 133 OF 2017**

**(Shri. Radhakrushna S/o. Sarjerao Bodkhe Vs. The State  
of Maharashtra and Others.)**

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

**DATE : 13.06. 2017.**

**ORAL ORDER:**

1. Heard Shri A.D. Gadekar – learned Advocate for the applicant and Shri M.S. Mahajan – learned Presenting Officer for the respondents.
2. Learned Chief Presenting Officer prays for time for filing affidavit in reply. Time granted.
3. S.O. to 20<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 13.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 174 OF 2017**

**(Dr. Madhav Fakirchand Jadhav Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 13.06. 2017.**

**ORAL ORDER:**

1. Heard Smt. Vidya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent No. 6 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. S.O. to 14<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 13.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 211 OF 2017**

**(Shri. Ashok Bhikaji Bankar Vs. The State of Maharashtra  
and Others.)**

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

**DATE : 13.06. 2017.**

**ORAL ORDER:**

1. Heard Shri S.M. Shegaonkar – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer prays for time for filing affidavit in reply. Time granted.
3. S.O. to 20<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 13.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.NO. 96/2017 IN O.A.ST.NO. 310/2017**

**(Shri. Radhakrushna S/o. Sarjerao Bodkhe Vs. The State  
of Maharashtra and Others.)**

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

**DATE : 13.06. 2017.**

**ORAL ORDER:**

1. Heard Shri Avinash S. Deshmukh – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. Learned Chief Presenting Officer prays for time for filing affidavit in reply in the present M.A. Time granted.
3. S.O. to 17<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 13.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A. 156/2017 IN O.A.NO. 175/2017**

**(Shri. Madhukar S/o. Maroti Khamkar Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 13.06. 2017.**

**ORAL ORDER:**

1. Heard Shri R.E. Pathade, learned Advocate holding for Shri D.A. Bide – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 4 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. S.O. to 17<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 13.06.2017-HDD



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 164/2017 in O.A. No. 762/2016  
(The State of Mah. & Ors. V/s Shri Makul Mhaske & Ors.)**

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

**DATE : 13.06.2017.**

**ORAL ORDER:-**

Heard Shri I.S. Thorat, learned Presenting Officer for the applicants (original respondents) and Shri A.S. Deshmukh, learned Advocate for the respondent (original applicant).

2. Learned Presenting Officer has filed separate affidavit in reply in O.A. on behalf of respondent nos. 1 & 2 respectively. Same are taken on record and copies thereof have been served upon the learned Advocate for the applicant.

3. At the request of learned Presenting Officer, S.O. 14.06.2017.

**MEMBER (J)**

**KPB ORAL ORDER 13-06-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 80/2017 in O.A. No. 109/2017  
(Shri Shashikant T. Dive V/s. The State of Mah. & Ors.)**

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

**DATE : 13.06.2017.**

**ORAL ORDER:-**

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that due to some personal difficulty the applicant could not be able to serve the notices on the respondents and therefore, she seeks time. Time granted.

3. S.O. to 20.07.2017.

**MEMBER (J)**

**KPB ORAL ORDER 13-06-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 601/2015  
(Shri Shrimant M. Ture V/s. The State of Mah. & Ors.)**

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

**DATE : 13.06.2017.**

**ORAL ORDER:-**

Heard Shri A.S. Deshmukh, learned Advocate holding for Shri K.B. Jadhav, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to file Misc. Application for amendment. Time granted.
3. S.O. to 18.07.2017.

**MEMBER (J)**

**KPB ORAL ORDER 13-06-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 285/2016**  
(Shri Devidas V. Salgarkar V/s. The State of Mah. & Ors.)

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

**DATE : 13.06.2017.**

**ORAL ORDER:-**

Shri Ajay Deshpande, learned Advocate for the applicant (**Leave Note**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent nos. 1 & 2, present. Shri S.D. Dhongde, learned Advocate for respondent no. 3 (**Leave Note**).

2. In view of leave note filed by the learned Advocate for the applicant as well as learned Advocate for respondent no. 3, S.O. to 17-07-2017.

**MEMBER (J)**

**KPB ORAL ORDER 13-06-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 527/2016  
(Smt. Pratibha M. Kathar V/s. The State of Mah. & Ors.)**

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

**DATE : 13.06.2017.**

**ORAL ORDER:-**

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

2. At the request of learned Advocate for the applicant, S.O. to 21.07.2017.

**MEMBER (J)**

**KPB ORAL ORDER 13-06-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 528/2016  
(Smt. Asma Z. Shaikh V/s. The State of Mah. & Ors.)**

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

**DATE : 13.06.2017.**

**ORAL ORDER:-**

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

2. At the request of learned Advocate for the applicant, S.O. to 21.07.2017.

**MEMBER (J)**

**KPB ORAL ORDER 13-06-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 529/2016  
(Smt. Sandhya S. Mugute V/s. The State of Mah. & Ors.)**

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

**DATE : 13.06.2017.**

**ORAL ORDER:-**

Shri M.B. Kolpe, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 21.07.2017.

**MEMBER (J)**

**KPB ORAL ORDER 13-06-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 579/2016**

**(Shri Dnyaneshwar D. Gavad & Ors. V/s. The State of Mah. & Ors.)**

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

**DATE : 13.06.2017.**

**ORAL ORDER:-**

Shri S.D. Dhongde, learned Advocate for the applicant (**Leave Note**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 21.07.2017.

**MEMBER (J)**

**KPB ORAL ORDER 13-06-2017**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 779/2016**

**(Shri Mohommad Munawar Gulam Dastgir V/s. The State of Mah. & Ors.)**

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

**DATE : 13.06.2017.**

**ORAL ORDER:-**

Shri S.D. Dhongde, learned Advocate for the applicant (**Leave Note**). Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 21.07.2017.

**MEMBER (J)**

**KPB ORAL ORDER 13-06-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 700/2016**  
(Shri Appasaheb G. Shinde V/s. The State of Mah. & Ors.)

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

**DATE : 13.06.2017.**

**ORAL ORDER:-**

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

2. On instructions, learned Advocate for the applicant seeks permission of this Tribunal to withdraw the present O.A. with liberty to approach the competent appellate authority in view of the provisions of Rule 18 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.

3. In view of the submissions made by the learned Advocate for the applicant, the permission to withdraw the present O.A. is granted, with liberty to approach the competent authority challenging impugned order.

4. Accordingly, the O.A. stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

**KPB ORAL ORDER 13-06-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 199/2017 in O.A. St. No. 707/2017  
(Shri Hari P. Panchal & Ors. V/s. The State of Mah. & Ors.)**

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

**DATE : 13.06.2017.**

**ORAL ORDER:-**

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

2. For the reasons stated in the Misc. Application and since the cause, the prayers and reliefs sought are identical to avoid the multiplicity of proceedings, leave to sue jointly is granted. Accompanying O.A. be registered, if objections if any are complied with. M.A. stands disposed of accordingly. No order as to costs.

**MEMBER (J)**

**KPB ORAL ORDER 13-06-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**O.A. St. No. 707/2017**

**(Shri Hari P. Panchal & Ors. V/s. The State of Mah. & Ors.)**

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

**DATE : 13.06.2017.**

**ORAL ORDER:-**

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

2. The Applicants are challenging the order passed by the respondents regarding wages paid to them during the period from 1.6.2012 to 3.12.2013. The applicants are Class-IV employees, and therefore, they prayed to stay the execution of impugned order dated 19.05.2016.

3. Learned Chief Presenting Officer has submitted that the order has been issued as per the Rules and he seeks time to file detailed affidavit in reply in the O.A.

4. The applicants are Class-IV employees. The recovery has been ordered regarding excess amount paid to them. In these circumstances, it is just and proper to stay the execution of the impugned order dated 19.05.2016 till filing of the affidavit in reply by the respondents.

5. Issue notices to the respondents, returnable on 20.07.2017.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. 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.
8. 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.
9. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the

//3// O.A. St. No. 707/2017

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

10. S.O.to 20.07.2017.

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

**MEMBER (J)**

**KPB ORAL ORDER 13-06-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 357/2017  
(Shri Manohar V. Chaudhari V/s. The State of Mah. & Ors.)**

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

**DATE : 13.06.2017.**

**ORAL ORDER:-**

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

2. Learned Advocate for the applicant has submitted that the applicant is working as a Deputy District Election Officer, Jalgaon since, 14.08.2013. He has completed his normal tenure of posting and he is due for transfer. But he is going to retire w.e.f. 31.12.2017 and therefore, he made representation to the respondents to retain him on the same post till his retirement. But without considering the said representation, he has been transferred as a District Resettlement Officer, Nandurbar, Dist. Nandurbar by impugned order dated 7.6.2017. He has submitted that in view of the provisions of section 5(1)(a) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "the

Transfer Act 2005”), the applicant cannot be transferred, since he is going to retire within one year. Therefore, the order under challenge is in contravention of the provisions of Transfer Act, 2005. On this ground, the applicant has prayed to stay the execution of impugned transfer order dated 7.6.2017.

3. Learned Chief Presenting Officer has submitted that the applicant has completed his normal tenure of posting at Jalgaon and therefore, he has been transferred on administrative ground, in view of the provisions of Transfer Act, 2005. He has submitted that the respondents want to file detailed affidavit in reply and therefore, he seeks time.

4. On perusal of the record, it reveals that the applicant is going to retire w.e.f. 31.12.2017. In view of the provision of section 5(1)(a) of Transfer Act, 2005, the tenure can be extended in exceptional cases in case an employee is due for transfer after completion of tenure at a station of posting or post has less than one year for



retirement. In these circumstances, it is just and proper to stay the execution of the impugned transfer order. Therefore, the respondents are directed to maintain status quo to the extent of applicant till filing of the affidavit in reply by the respondents.

5. Issue notices to the respondents, returnable on 14.07.2017.

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

7. 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.

8. 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.

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O.A. No. 357/2017

9. 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.

10. S.O.to 14.07.2017.

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

**MEMBER (J)**

**KPB ORAL ORDER 13-06-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 190/2017 in O.A. St. No. 505/2017  
(Shri Trimbak D. Susar V/s. The State of Mah. & Ors.)**

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

**DATE : 13.06.2017.**

**ORAL ORDER:-**

Heard Shri S.P. Dhobale, learned Advocate holding for Shri N.L. Choudhari, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

3. At the request of learned Advocate for the applicant, S.O. to 04.07.2017.

**KPB ORAL ORDER 13-06-2017**

**MEMBER (J)**

