

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**O.A. NO. 919/2017
(Shri Devanand B. Kurale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 16.1.2018.

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. 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 16.1.2018.

8. Before filing any detailed affidavit in reply, the respondents are directed to clarify as to under what provisions the amount of Death Cum Retirement Gratuity of the applicant is withheld. In case the concerned respondent comes to the conclusion that the said D.C.R.G. amount should not have been withheld, then the same be disbursed to the applicant at the earliest and report in that regard be filed on the next date.

9. Steno copy allowed for the use of both the sides.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**C.P. NO. 08/2017 IN O.A. NO. 756/2016
(Manik V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. Issue notices to the respondents in the
Contempt Petition, returnable on 10.1.2018.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**M.A. NO. 494/2017 WITH O.A. NO. 210/2017
(Shri Ramesh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

Shri B.B. Yenge, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents are present.

2. Heard with the consent of both the sides.

3. The record would show that father of the present applicant has retired from the Army services. Though the contention of the applicant is that thereafter his father was reemployed in the Army services and died during such service making him entitled for seeking reservation for appointment, there is nothing on record in that regard. In the circumstances, the M.A. and the O.A. are rejected without any order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**O.A. NOS. 897 & 898 BOTH OF 2017
(Shri Avinash & Shri Amol V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri Abhay R. Rathod, learned Advocate for the applicants in both the matters and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents in both the matters.

2. The learned Advocate for the applicant relies on the decision rendered by the principal seat of this Tribunal at Mumbai in O.A. no. 1007/2017 & others dated 29.11.2017. It is taken on record and marked as document 'X' for the purpose of identification. In view of the said decision, issue notices to the respondents in both these matters, returnable on 10.1.2018.

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.As. 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 10.1.2018.

8. The appointment, if any, made in the meantime shall be subject to decision in the present matters and the res. no. 2 the Secretary, M.P.S.C. in both the matters is hereby directed to place the fact of filing of the present O.As. claiming reservation, on the website below the select list and also in the appointment orders of the concerned candidates, who may be selected and appointed by the res. no. 2.

9. Steno copy allowed for the use of both the sides.

VICE CHAIRMAN

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**O.A. NO. 567/2016 WITH M.A. NO. 39/2017
(Vijay V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for respondent nos. 1 & 2, Shri V.B. Wagh, learned Advocate for respondent no. 3 and Shri V.G. Pingle, learned Advocate for respondent nos. 4, 5 & 8. None appears for respondent nos. 6 & 7.

2. The learned Advocate for the applicant files on record copy of the order of Hon'ble Supreme Court in S.L.P. (Civil) no. 28306/2017 dtd. 15.11.2017, which is taken on record and marked as document 'X' for the purpose of identification. In view of the fact that the Constitution Bench of the Hon'ble Supreme Court would be ceased of the issue, S.O. to 30.1.2018.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 22.1.2018.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 749/2016
(Sachin V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Ms. Bhavna Panpatil, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. Both the sides submit that the issue involved in the present matter i.e. reservation of Maratha community is still pending for consideration before the Hon'ble High Court. In the circumstances, the present matter is removed from the board with a liberty to both the sides to move the matter as and when occasion arises.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 858/2016
(Shri Sunil & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned
Advocate for the applicants and Shri N.U. Yadav,
learned Presenting Officer for respondents.

2. At the request of learned Advocate for the
applicants, S.O. to 8.1.2018.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 12/2017
(Shri Babu V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

None appears for the applicant. Smt. Deepali S. Deshpande, learned Presenting Officer for respondent no. 1, is present. None appears for respondent nos. 2 & 3.

2. None appears for the applicant and res. nos. 2 & 3. In the circumstances, S.O. to 17.1.2018 for hearing on admission.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant (**leave note**). Shri V.R. Bhumkar, learned Presenting Officer for respondent nos. 1 to 3 & 6 and Shri P.K. Wagh, learned Advocate holding for Shri A.D. Aghav, learned Advocate for respondent nos. 4 & 5.

2. Shri Wagh, learned Advocate holding for Shri Aghav, learned Advocate has filed additional reply of res. no. 4 as per directions of the Tribunal dtd. 8.11.2017. It is taken on record. He undertakes to serve copy thereof upon the learned Advocate for the applicant.

3. The learned Advocate for the applicant has filed leave note. In the circumstances, S.O. to 17.1.2018 for hearing on the issue raised vide order dtd. 8.11.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 397/2017
(Janardhan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 15.1.2018 for hearing on admission.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 509/2017
(Subash V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

None appears for the applicant. Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, is present.

2. The learned C.P.O. files on record affidavit in reply of res. nos. 1 to 3. It is taken on record. He undertakes to serve its copy upon the learned Advocate for the applicant.

3. On the last date also none was present for the applicant. The learned Advocate was to take instructions from the applicant regarding withdrawal, if any, of the present O.A.

4. In view of absence of applicant and his learned Advocate, S.O. to 3.1.2018 for taking instructions from the applicant regarding withdrawal of the present O.A. and / or for passing necessary orders.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 780/2017
(Ramhari V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. At the request of learned P.O. for the respondents, S.O. to 16.1.2018 for filing affidavit in reply.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 781/2017
(Bhagwan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate
for the applicant and Shri M.P. Gude, learned
Presenting Officer for respondents.

2. The learned P.O. seeks time to file affidavit
in reply. Considering the fact that interim relief
is not granted earlier in the present matter, as a
last chance, S.O. to 16.1.2018 for filing reply.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 787/2017
(Sadashiv & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The learned Advocate for the applicant seeks leave to correct the nomenclature of res. no. 7 in the title clause. He is permitted to do so. The said correction be made during the course of the day.

3. The learned P.O. seeks time to file affidavit in reply of the respondents. At her request, as a last chance S.O. to 16.1.2018 for filing affidavit in reply.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 762/2017
(Shri Manoranjan R. Dhas V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri A.N. Nagargoje, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The learned Advocate for the applicant submits that the documents filed on record as well as the record of res. no. 4 the Chief Executive Officer, Zilla Parishad, Beed i.e. the appointing authority would show that the present applicant was never appointed as a nominee of freedom fighter and merely he is holding a certificate to that effect would not be in any way a cause for cancellation of his appointment by the impugned order / G.R. Thus, according to learned Advocate a factual mistake is committed in cancelling his appointment by the concerned respondent.

3. In the circumstances, the concerned respondent i.e. the res. no. 2 the Collector, Beed is hereby directed to go through the record available with the res. no. 4 the Chief Executive

Officer, Z.P., Beed in this regard and reconsider the earlier decision. The res. no. 4 is directed to place the relevant record in this regard before the res. no. 2 for reconsidering the earlier decision.

4. In case the res. no. 2 comes to the conclusion that the impugned order requires modification / rectification then corrective steps in that regard may be taken and report in that regard be filed in the present matter on the next date. In case the res. no. 2 comes to the conclusion that no corrective steps can be taken, then a short affidavit explaining reasons therefor, pending the detailed affidavit in reply, be filed on the next date.

5. S.O. to 22.1.2018. The interim relief granted earlier to continue till then.

6. Steno copy allowed for the use of learned P.O.

VICE CHAIRMAN

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**M.A. NO. 283/2016 IN OA ST. 1167/2016
(Sudhakar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri N.S. Choudhary, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent nos. 1 to 6, 8 & 9 and Shri D.P. Bakshi, learned Advocate for respondent no. 7.

2. The present applicant is seeking condonation of delay of 6741 days in filing the accompanying O.A. The learned Advocate for the applicant seeks time. At his request S.O. to 8.1.2018.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**M.A. 447/2017 WITH M.A. 440/2017 IN O.A. 662/2017
(Shri Rohit V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri Rohit D. Pandit, applicant in the present M.A., Shri I.S. Thorat, learned Presenting Officer for respondent nos. 1 & 2 and Shri V.B. Wagh, learned Advocate for res. no. 3 in the present M.A. / applicant in M.A. no. 440/2017.

2. The learned P.O. files on record true copy of the mark list as directed by the Tribunal vide order dtd. 7.12.2017 and copy thereof is served upon the applicant in the present matter, who is present in the court hall. At the request of applicant S.O. to 15.12.2018. The interim relief to continue till then.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**M.A. 449/2017 IN O.A. ST. 1367/2017
(Anita V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri Raghavendra N. Bharaswadkar,
learned Advocate for the applicant and Shri V.R.
Bhumkar, learned Presenting Officer for
respondents.

2. At the request of learned P.O. S.O. to
15.1.2018 for filing affidavit in reply.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 126/2016
(Anjanabai V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. The learned P.O. files affidavit in reply of res. no. 2. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant. With consent of both the sides S.O. to 9.1.2018.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 437/2015
(Narayan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri N.B. Narwade, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. The learned Advocate for the applicant files on record copy of promotion order of Shri M.P. Gaikwad from the post of Peon to Clerk Typist. He submits that the present applicant is similarly situated person like said Shri Gaikwad and since Shri Gaikwad being a senior to the applicant is now promoted and, therefore, in due course of time the applicant could be considered for promotion. The said document is taken on record and marked as document 'X' for the purpose of identification and copy thereof has been served upon the learned P.O.

3. The learned P.O. seeks time to file short affidavit of the concerned respondent in this regard. At his request S.O. to 10.1.2018 for filing short affidavit of the concerned respondent.

4. Steno copy allowed for the use of learned P.O.

VICE CHAIRMAN

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO. 705/2015
(Prashant V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. The record would show that the present O.A. is filed for selection and appointment. No interim relief was granted. In the circumstances, the selection process might have been completed in the last more than 2 years and the selected candidates might have been appointed on the respective posts. In the circumstances, the learned P.O. is directed to take instructions regarding the present status of the impugned selection process by the next date.

3. In view of absence of learned Advocate for the applicant, the Office is directed to issue notice to Shri K.B. Borde Patil, learned Advocate for the applicant for appearing in the present matter on 23.1.2018, by R.P.A.D. and preserve its acknowledgement in the present matter.

4. In the circumstances, S.O. to 23.1.2018 for appearance of learned Advocate for the applicant and for taking instructions by the learned P.O. regarding present status of the impugned selection process.

VICE CHAIRMAN

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 755/2013
(Sanjeevani V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. Read the order dtd. 10.10.2017. It appears that the decision on merit is required in the present matter at the hands of Division Bench. In the circumstances, the present matter is removed from the board and it be placed before the D.B. whenever it is available.

VICE CHAIRMAN

ARJ ORAL ORDERS 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 199/2016
(Smt. Jayshree A. Landge V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Shri S.S. Ambhore, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondent No. 1. Shri D.M. Shinde, learned Advocate for respondent No. 2, **absent**.

2. At the request of learned Advocate for the applicant, S.O. to 24.01.2018.

MEMBER (J)

KPB ORAL ORDER 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 799/2016
(Shri Bhura R. Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Shri H.A. Joshi, 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 25.01.2018.

MEMBER (J)

KPB ORAL ORDER 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 652/2017
(Shri Kailas K. Jethe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Shri Dhananjay Mane, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned Chief Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 30.01.2018.

MEMBER (J)

KPB ORAL ORDER 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 918/2017
(Shri Sk. Sadik Sk Kasim V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 31-01-2018.
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. S.O.to 31-01-2018.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 922/2017
(Shri Pandurang R. Chinchale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 31-01-2018.

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. S.O.to 31-01-2018.

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

MEMBER (J)

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 923/2017
(Shri Nayeem A. Sq V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 31-01-2018.
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. S.O.to 31-01-2018.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 596/2016
(Shri Subhash G. Chavan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate holding for Shri S.G. Kulkarni, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 17.01.2018.

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

MEMBER (J)

KPB ORAL ORDER 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 216/2017
(Shri Tajkhan S. Pathan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer, S.O. to 17.01.2018 for filing compliance report in view of the order dated 03.11.2017.

MEMBER (J)

KPB ORAL ORDER 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 340/2017
(Shri Kishor N. Choudhari V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for respondent Nos. 1 & 2 and Shri Ashish Rajkar, learned Advocate for respondent No. 3.

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

3. S.O. to 18.01.2018.

MEMBER (J)

KPB ORAL ORDER 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 347/2017
(Shri Sanjay S. Gaikwad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. At the request of learned P.O., S.O. to 04.01.2018 for filing compliance record in view of the order dated 8.11.2017. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 470/2017
(Shri Shailesh U. Gomsale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. At the request of learned Presenting
Officer, S.O. to 15.12.2017.

MEMBER (J)

KPB ORAL ORDER 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 491/2017
(Shri Santosh U. Gomsale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri R.H. Wagh, learned Advocate holding for Shri S.S. Salve, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer, S.O. to 15.12.2017.

MEMBER (J)

KPB ORAL ORDER 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 533/2017
(Shri Milind D. Tungar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri Sambhaji Mundhe, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted as a last chance.

3. S.O. to 25.01.2018.

MEMBER (J)

KPB ORAL ORDER 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 158/2017
(Dr. Surekha V. More V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Ms. Ashwini Sahasrabudhe, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. Learned Presenting Officer has placed on record a copy of communication dated 13.12.2017 which is addressed to the Director, Health Services, Mumbai by Under Secretary, Government of Maharashtra. Same is taken on record. He seeks time as a last chance to file reply to the rejoinder filed by the applicant, since the session of assembly is going on.

3. On perusal of the record, it reveals that the ample opportunities were given to the respondents for filing affidavit in reply to the rejoinder, but the respondents were failed to file reply to the rejoinder. There is no just ground to

grant further adjournments. However, in the interest of justice a most last chance is granted to the respondent No. 3 for filing reply to the rejoinder subject to payment of Costs of Rs. 10,000/-. The amount of costs shall be deposited in the registry of this Tribunal.

3. S.O. to 21.12.2017. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**M.A. No. 363/2017 in O.A. St. No. 1305/2017
(Shri Arun B. Joshi & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. Learned Advocate for the applicant has placed on record a copy of the order passed by this Tribunal at Mumbai in O.A. No. 837 of 2016 in case of the Association of Sub-ordinate Service of Engineers, Maharashtra State Vs. The State of Maharashtra and Ors. Same is taken on record.

3. In the present Original Application, the applicants have challenged the communication dated 15.05.2017 issued by the respondent No. 3 and also prayed to direct the respondents to pay scales of two promotional posts i.e. Sub Divisional Officer and Executive Engineer

respectively as per G.R. dated 01.04.2010 on completion of 12 years and 24 years of service.

3. Learned Presenting Officer has submitted that the issue has already been decided by this Tribunal in O.A. No. 837/2016, which has been filed by the Association of Sub-ordinate Service of Engineers, Maharashtra State, claiming similar reliefs on the basis of G.R. dated 1.4.2010. She has submitted that this Tribunal has rejected earlier O.A. No. 837/2016 filed by the Association of Sub-ordinate Service of Engineers, Maharashtra State and against which, the Association has filed W.P. No. 2605/2017 before the Hon'ble High Court of Judicature at Bombay Civil Appellate Jurisdiction. The same W.P. is pending. She has submitted that no interim relief has been granted in that W.P. and the only direction has been given by the Hon'ble High Court that no coercive recovery be enforced against the petitioners. She has submitted that as the issue involved in this matter i.e. benefits granted to the applicant on the basis of G.R.

dated 1.4.2010 has been decided by this Tribunal and the said decision has been challenged before the Hon'ble High Court of Bombay, the present O.A. cannot be entertained and therefore, she prayed to reject the present Original Application.

4. Learned Advocate for the applicant has submitted that the applicants are not party to the earlier O.A. No. 837/2016 and therefore, the applicants have right to claim benefits on the basis of G.R. dated 1.4.2010 and therefore, the present O.A. is maintainable.

5. On going through the documents on record and perusing the judgment of this Tribunal at Mumbai in O.A. No. 837/2016, it reveals that the Association of Sub-ordinate Service of Engineers, Maharashtra State has claimed second upgradation under the Assured Career Progression (A.C.P.) Scheme in view of the G.R. dated 1.4.2010. It has been held in that O.A. that the Circular dated 16.6.2016 provides that if 2nd benefit of A.C.P. scheme has been given in violation of clause 2(b)(3) of G.R. dated 1.4.2010,

it will be withdrawn. It has been further held that clause 2(b)(3) of G.R. dated 1.4.2010 is applicable to the Sectional Engineer. Consequently, the O.A. has been dismissed. The said decision has been challenged by the Association of Sub-ordinate Service of Engineers, Maharashtra State by filing W.P. No. 2605/2017 before the Hon'ble High Court Bombay and the same is pending. Since the Association of Sub-ordinate Service of Engineers, Maharashtra State has filed earlier O.A. in the representing capacity claiming similar relief and the said issue has been decided by this Tribunal and the Association has challenged the earlier order passed by this Tribunal before the Hon'ble High Court Bombay, the present Original Application is not maintainable.

6. Hence, the present Original Application as well as M.A. are rejected, as not maintainable. There shall be no order as to costs.

MEMBER (J)

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 387/2017
(Shri Naresh G. Khardekar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Learned Presenting Officer has submitted that the respondent No. 3 has already filed affidavit in reply in the O.A., but the respondent Nos. 1 and 2 do not want to file affidavit in reply. She has submitted that the applicant had challenged the order dated 20.03.2012 passed against him in the Departmental Enquiry on the ground that one co-delinquent viz. Santosh Kantrao Kulkarni has challenged it in this Tribunal by filing O.A. No. 542/2014 (Annexure A-10). The said O.A. was disposed of by the Tribunal on 11.11.2016. She has submitted that the said decision of this Tribunal has been challenged by the present respondents before the Hon'ble High Court by filing W.P. St. No. 35773/2017 on 7.11.2017 and it is pending for admission. Therefore, she prayed to grant some time.

3. In view of the submissions made by the learned Presenting Officer, S.O. to 18.01.2018.

MEMBER (J)

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 691/2017
(Shri Dipak B. Patil & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri Ganesh Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. The applicant has filed present Original Application for following reliefs:-

“B. By way of appropriate order or directions, this Hon’ble Tribunal may kindly direct the respondent No. 3 to publish the wait list of recommended candidates pursuant to the Advertisement Nos. 89/2013, 90/2013 and 91/2013 published on 01/11/2013 in view of the request from the office of Respondent No. 1 vide letter dated 04.02.2016.”

3. The respondent No. 3 has filed affidavit in reply and contended that in all 26 meritorious candidates in respect of the posts covered by advertisement No. 90/2013 and 91/2013 have been recommended to the Government by the

Commission by letter dated 16.09.2016. Relevant paragraph of the said affidavit in reply is reproduced as follows:-

“16. With reference to para VII (9), I say and submit that, the Government sent a letter dated 4/2/2016 to the Commission for recommending 41 candidates from the waiting list and accordingly the Commission has depending on the availability of candidates recommended the names of meritorious candidates from the waiting list to the Government on 16/9/2016. In all 26 candidates in respect of the posts covered by advt. 90/2013 and for advt. no. 91/2013 (13 each) have been recommended to the Government. Copy of the said letter dated 16/9/2016 is attached herewith and marked as Exhibit-R1.”

4. Learned Presenting Officer has submitted that since the relief sought by the applicant has been satisfied in view of the recommendation of the respondent No. 3 dated 16.09.2016, nothing survives in the present Original Application. Therefore, learned Presenting Officer prayed to dispose of the present Original Application.

5. Learned Advocate for the applicant has also submitted that the M.P.S.C. i.e. the respondent No. 3 has recommended the 26 meritorious

candidates by letter dated 16.9.2016 for appointment, therefore, purpose of filing of the present Original Application has been served and therefore, he prayed to dispose of the O.A.

6. Since, the prayer clause-B made by the applicant has been satisfied, nothing survives in the present O.A. Therefore, the O.A. stands disposed of without any order as to costs.

MEMBER (J)

KPB ORAL ORDER 13-12-2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

ORIGINAL APPLICATION NO. 167/2017

(Shri Fakirrao A. Wadhve V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri Sujeet Joshi, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the Regular Pension Payment Order has been issued by the A.G. and the pension has been granted to the applicant. He has submitted that the applicant has retired in the year 1996, but his pension papers have not been forwarded the A.G. for grant of pension till 2016 and therefore, the applicant has claimed interest on the delayed payment of pension in view of the provisions of Section 129-A and 129-B of the Maharashtra Civil Services (Pension) Rule, 1982.

3. Learned Presenting Officer has submitted that the Departmental Enquiry was going on against the applicant, though, he was retired in the year 1996 and the Departmental Enquiry was finally concluded in the year 2007. She has submitted that the applicant has not approached the respondents claiming pensionary benefits since then and there was inaction on his part. Therefore, he is not entitled to get interest on delayed payment.

4. On considering the submissions of both the parties, it reveals that the applicant is retired in the year 1996, but the Departmental Enquiry is going on and it was finally concluded in the year 2007. But thereafter, respondent No. 4 i.e. the Collector, Parbhani had not forwarded his pension papers to the A.G. There was inaction on the part of the Collector, Parbhani in sending the pension papers immediately after completion of Departmental Enquiry. The regular pension has been granted to the applicant in the month of August, 2017. There was delay on the part of the Collector, Parbhani in processing the pension

papers of the applicant. Therefore, the Collector, Parbhani is liable to pay interest in view of the provisions of Section 129-A and 129-B of the Maharashtra Civil Services (Pension) Rules, 1982 for delayed payment of pension and gratuity. The Collector, Parbhani has failed to move the proposal for grant of interest on the delayed payment of pension sue-motu in view of the said provisions.

5. In view thereof, the Collector, Parbhani i.e. the respondent No. 4 is directed to file affidavit explaining reasons as to why he failed to move the proposal in view of the provisions of Rule 129-A and 129-B of the Maharashtra Civil Services (Pension) Rules, 1982 for payment of interest on the delayed payment of pension and gratuity paid to the applicant.

6. S.O. to 05.01.2018.

7. Steno copy allowed the learned P.O. at her request.

MEMBER (J)

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.710/2017
(Shri Sharad Kulkarni & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Shri A.M.Gholap learned Advocate for the applicant is **absent**. Shri M.S.Mahajan learned Chief Presenting Officer for respondents is present.

2. Since none is present for the applicant, S.O. to 29-01-2018.

YUK ORAL ORDER 13-12-2017 F

MEMBER (J)

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.732/2017
(Shri Md. Akbar Javeed V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri A.D.Gadekar learned Advocate
for the applicant and Smt. Sanjivani Ghate
learned Presenting Officer for respondents.

2. Learned P.O. seeks time to file affidavit in
reply on behalf of the respondents. Time
granted.

3. S.O. to 29-01-2018.

MEMBER (J)

YUK ORAL ORDER 13-12-2017 F

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.750/2017
(Shri Surekha Gaikwad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. Learned CPO seeks time to file affidavit in reply on behalf of the respondents. Time granted as a last chance.

3. S.O. to 04-01-2018.

YUK ORAL ORDER 13-12-2017 F

MEMBER (J)

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.771/2017
(Shri Mustak Ali Sayyad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri Pramod Gaikwad learned Advocate holding for Shri A.G.Talhar learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted.

3. S.O. to 18-01-2018.

MEMBER (J)

YUK ORAL ORDER 13-12-2017 F

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.772/2017
(Dr. Ravindra Rathod V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri Pramod Gaikwad learned Advocate holding for Shri A.G.Talhar learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Learned Advocate Shri M.S.Sonawane has filed Vakalatnama on behalf of respondent nos.4 and 5. It is taken on record.

3. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted.

4. S.O. to 05-01-2018.

MEMBER (J)

YUK ORAL ORDER 13-12-2017 F

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.825/2017
(Shri Sk. Sultan Sk. Sandu V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri K.B.Jadhav learned Advocate
for the applicant and Smt. Priya Bharaswadkar
learned Presenting Officer for respondents.

2. Learned P.O. seeks time to file affidavit in
reply on behalf of the respondents. Time
granted.

3. S.O. to 09-01-2018.

YUK ORAL ORDER 13-12-2017 F

MEMBER (J)

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**M.A.No.493/2017 IN O.A.No.647/2017
(Dr. Sonali Sayambar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. Learned Advocate on instruction states that the applicant does not want to proceed with the M.A. for amendment. Therefore, he states that he does not wish to press the M.A. Hence, M.A. stands disposed of as not pressed.

MEMBER (J)

YUK ORAL ORDER 13-12-2017 F

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**Original Application No.647/2017
(Dr. Sonali Sayambar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. Learned CPO has produced short affidavits of Shri Satish Pawar and Dr. Gowardhan Gaikwad in compliance of the directions given by the Tribunal. Those affidavits are taken on record.

3. Learned CPO seeks time to produce the record in respect of withdrawal of the termination order and other relevant documents. Time granted till 18-12-2017.

4. S.O. to 18-12-2017.

MEMBER (J)

YUK ORAL ORDER 13-12-2017 F

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.75/2017
(Abdul Bin Abdulla deceased through legal heir Sugrabi Abdul Bin Abdulla
V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri A.D.Sugdare learned Advocate for the applicant, Shri I.S.Thorat learned Presenting Officer for respondents and Shri Shamsundar B. Patil learned Advocate for respondent no.3.

2. Shri Shamsundar B. Patil learned Advocate for respondent nos.3 and 4 on instructions states that Shri H.M.Gopulwad, Sub Divisional Officer, Vishnupur Superintending Engineer, Irrigation Department, Nanded is present today and he states that Shri S.K.Sabinwar, Superintendent Engineer, Nanded Irrigation Circle, Nanded has assured to calculate the interest due and payable to the applicant on the delayed payment of pension and gratuity and disburse the amount to the applicant within 4 weeks from the date of this order. In view of the submissions made by the

learned Advocate for the respondents, 4 weeks' time is granted to calculate and pay interest on delayed payment of pension.

3. Learned Advocate for the applicant has submitted that since the Superintending Engineer, Irrigation Department, Nanded has assured to pay interest on the delayed payment of pension within 4 weeks, the applicant does not wish to proceed with the matter and he prayed to dispose of the O.A. accordingly.

4. In view of the above submissions of learned Advocate for respondent no.3 and 4 as well as the applicant, O.A. stands disposed of with no order as to costs.

MEMBER (J)

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

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 P.O., S.O. to 19-12-2017 for producing relevant record.

MEMBER (J)

YUK ORAL ORDER 13-12-2017 F

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.463/2017
(Shri Raosaheb Awhad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 19-12-2017.

MEMBER (J)

YUK ORAL ORDER 13-12-2017 F

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.464/2017
(Shri Rajendra Kirtikar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

Heard Shri A.S.Deshmukh learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. At the request of learned P.O.,
S.O. to 19-12-2017.

MEMBER (J)

YUK ORAL ORDER 13-12-2017 F

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.465/2017
(Shri Ashok Barde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 19-12-2017.

MEMBER (J)

YUK ORAL ORDER 13-12-2017 F

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 697 OF 2016
(Dr. Santosh S. Hindole & 5 Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. Learned Presenting Officer submits that though the affidavit in reply from respondent Nos. 1 to 3 has been received to him, it does not answer the query raised by this Tribunal vide order dated 25.07.2017.

3. In the circumstances, he prays for time for filing comprehensive affidavit in reply. At his request, S.O. to 11th January, 2017.

4. Learned Presenting Officer to act upon steno copy.

VICE CHAIRMAN

ORAL ORDERS 13.12.2017-HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 714 OF 2015
(Shaikh Babu S/o. Shaikh Sultan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 13.12.2017.

ORAL ORDER :

Shri K.G. Salunke, learned Advocate for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondents, present.

2. Heard the learned Presenting Officer. Upon hearing, it appears that the decision on merit at the hands of the Division Bench is required. Hence, the present case be removed from the board and it be placed before the Division Bench, as and when it is available.

VICE CHAIRMAN

ORAL ORDERS 13.12.2017-HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**M.A.NO. 482/2017 IN O.A.NO. 583/2015
(Shri Sambhaji S. Khaladkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. This is an application filed by the applicant seeking permission to amend the Original Application No. 583/2015.

3. For the reasons stated in the present Miscellaneous Application, the same is allowed and applicant is permitted to amend the Original Application. The applicant shall carry out the necessary amendment in the O.A. on or before 28th December, 2017.

4. Learned Advocate for the applicant seeks leave of this Tribunal to place on record of O.A. the relevant documents. He is permitted to do so.

5. Accordingly, the present M.A. stands disposed of with no order as to costs.

VICE CHAIRMAN

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 583 OF 2015
(Shri Sambhaji S. Khaladkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 10th January, 2017.

VICE CHAIRMAN

ORAL ORDERS 13.12.2017-HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 20 OF 2015
(Shri Shriniwas N. Tandale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 13.12.2017.

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed on record true copy of the judgment delivered by the Hon'ble Supreme Court in the case of **STATE OF MAHARASHTRA & ORS. VS. SAVITRIBAI NARSAYYA GUDDAPA ETC. [Special Leave to Appeal (C) Nos. 13140-13151/2015 dated 11th October, 2017.** It is taken on record and the copy of the same has been served on the learned Presenting Officer for the respondents.

3. Refer the order passed by this Tribunal dated 28th February, 2017.

4. Learned Presenting Officer for the respondents submits that if any short affidavit will be required in the present case, the same would be filed on the next date i.e. on the date of hearing. At his request, S.O. to 10th January, 2017 for hearing.

VICE CHAIRMAN

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**O.A. 670, 671, 672, 675, 679, 680, 681, 682, 659, 674, 695, 683
700, 736 AND 779 ALL OF 2017**

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 : 13.12.2017.

ORAL ORDER :

Heard Shri A.R. Tapse, Shri R.D. Khadap, learned Advocate holding for S/shri S.S. Thombre, M.L. Muthal, learned Advocates for the applicants in respective matters and S/Shri M.S. Mahajan & Mrs. Priya R. Bharaswadkar, learned Chief Presenting Officer & learned Presenting Officer for the respective respondents in respective matters.

2. Learned Advocate Shri A.R. Tapse for the applicants has filed copies of judgments delivered by the Hon'ble Bombay High Court Bench at Aurangabad and Hon'ble Supreme Court. He has also filed copy of subsequent communication issued by the State Government dated 18th February, 2014. The copies of those documents are taken on record and marked as document 'X' for the purposes of identification. The copies of the same have been served on the other side.

3. At the request of learned Advocates for the applicants, S.O. to 14th December, 2017 at 3.00 p.m. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 13.12.2017-HDD

