

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

M.A.No.53/2016 WITH M.A.St.No.67/2016 IN  
C.P.St.No.68/2016 IN O.A.No.281/1993

(J.K.Mahendrekar V/s. State of Maharashtra & Ors)

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

DATE : 14-10-2016.

**ORAL ORDER :**

Heard Shri R.P.Bhumkar learned Advocate for the Applicant and Shri M.S.Mahajan learned Chief Presenting Officer for Respondents.

2. Heard at length. It transpires that the applicant's grievance is against the rejection communicated by the Government through Superintending Engineer on 04-04-2008, which has come to day light as Annexure R-4 of affidavit of the Government.

3. Learned Advocate for the applicant states that after discovery of this information choice with the applicant is to challenge it.

4. Learned Advocate for the applicant, therefore, prays for leave to withdraw this O.A. with liberty to challenge the decision taken by the Government on 04-04-2008 by appropriate O.A.

5. Leave as prayed for is granted.

6. Present O.A. is, therefore, disposed of with liberty to the applicant to agitate the challenge in accordance with law.

=2=

M.A.No.53/2016 WITH M.A.St.No.67/2016 IN C.P.St.No.68/2016 IN O.A.No.281/1993

7. Since the O.A. is withdrawn nothing survives in the M.A.No.53/2016 as well as M.A.St.No.67/2016 in C.P.St.No.68/2016. Hence, M.A.No.53/2016 as well as M.A.St.No.67/2016 in C.P.St.No.68/2016 are disposed of accordingly.

**CHAIRMAN**

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**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

M.A.No.220/2016 WITH M.A.St.No.785/2016 IN  
O.A.St.No.786/2016

(Maharashtra Rajya Rojandari Va Kayam Van Kamgar Kruti  
Samiti V/s. State of Maharashtra & Ors)

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

DATE : 14-10-2016.

**ORAL ORDER :**

Shri A.S.Shelke learned Advocate for the Applicant is **absent**. Shri V.R.Bhumkar learned Presenting Officer for Respondents and Shri S.S.Shinde learned Advocate holding for Shri Vivek Bhavthankar learned Special Counsel for respondent nos.3 to 5.

2. Learned Advocate for respondent nos.3 to 5 prays for time for filing reply on behalf of the respondents. Time granted.

3. Longer date is granted with a hope that replies in M.A. as well as the O.A. are filed on the next date. If reply is not filed on that date, the case will proceed without reply of the respondents.

4. S.O. 28-11-2016.

**CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

M.A.No.221/2016 WITH M.A.St.No.788/2016 IN  
O.A.St.No.789/2016

(Maharashtra Rajya Rojandari Va Kayam Van Kamgar Kruti  
Samiti V/s. State of Maharashtra & Ors)

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

DATE : 14-10-2016.

**ORAL ORDER :**

Shri A.S.Shelke learned Advocate for the Applicant is **absent**. Shri M.S.Mahajan learned Chief Presenting Officer for Respondents and Shri S.S.Shinde learned Advocate holding for Shri Vivek Bhavthankar learned Special Counsel for respondent nos.3 to 5.

2. Learned Advocate for respondent nos.3 to 5 prays for time for filing reply on behalf of the respondents. Time granted.

3. Longer date is granted with a hope that replies in M.A. as well as the O.A. are filed on the next date. If reply is not filed on that date, the case will proceed without reply of the respondents.

4. S.O. 28-11-2016.

**CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A. 388/15 WITH M.A.St.860/15 IN O.A.St.861/15  
M.A. 389/15 WITH M.A.St.864/15 IN O.A.St.865/15  
M.A. 390/15 WITH M.A.St.858/15 IN O.A.St.859/15  
M.A. 392/15 WITH M.A.St.871/15 IN O.A.St.872/15  
M.A. 393/15 WITH M.A.St.873/15 IN O.A.St.874/15  
M.A. 394/15 WITH M.A.St.875/15 IN O.A.St.876/15  
M.A. 395/15 WITH M.A.St.866/15 IN O.A.St.867/15  
M.A. 396/15 WITH M.A.St.862/15 IN O.A.St.863/15  
M.A. 397/15 WITH M.A.St.869/15 IN O.A.St.870/15**

(Maharashtra Rajya Rojandari Va Kayam Van Kamgar Kruti  
Samiti V/s. State of Maharashtra & Ors)

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

DATE : 14-10-2016.

**ORAL ORDER** :

Shri A.S.Shelke learned Advocate for the Applicant is **absent**. Shri M.S.Mahajan learned Chief Presenting Officer for Respondents and Shri S.S.Shinde learned Advocate holding for Shri Vivek Bhavthankar learned Special Counsel for respondent nos.3 to 5.

2. Learned Advocate Shri S.S.Shinde holding for Shri Vivek Bhavthankar learned Special Counsel has filed reply in M.A.No.397/2015 on behalf of respondent nos.1 to 5. It is taken on record. He undertakes to serve copy of the reply on the other side.

3. He prays for time for filing reply in O.A.St.No.870/2015.

4. In remaining cases, Learned Advocate Shri S.S.Shinde holding for Shri Vivek Bhavthankar learned Special Counsel prays for time for filing reply on behalf of the respondents. Time granted.

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M.A. 388/15 WITH M.A.St.860/15 IN O.A.St.861/15 & Ors.

5. Longer date is granted with a hope that replies in M.A. as well as the O.A. are filed on the next date. If reply is not filed on that date, the case will proceed without reply of the respondents.

6. S.O. 28-11-2016.

**CHAIRMAN**

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**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

M.A.No.224/2015 IN O.A.No.401/2016 WITH CAVEAT  
NO.49/2016

(J.D.Valvi V/s. State of Maharashtra & Ors)

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

DATE : 14-10-2016.

**ORAL ORDER :**

Heard Shri S.D.Dhongde learned Advocate for the Applicant and Shri M.S.Mahajan learned Chief Presenting Officer for Respondents. Shri C.D.Biradar learned Advocate for Intervenor is **absent**.

2. Learned Advocate prays for permission to have liberty to mention the case before the Division Bench as and when it is available.

3. Liberty as prayed for is granted.

4. In view of the above, M.A. is removed from the board.

**CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.541/2016

(A.V.Vangwar V/s. State of Maharashtra & Ors)

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

DATE : 14-10-2016.

**ORAL ORDER :**

Heard Shri S.B.Sant learned Advocate holding for Shri N.L.Choudhary learned Advocate for the Applicant and Shri M.S.Mahajan learned Chief Presenting Officer for Respondents.

2. Learned Advocate for the applicant states as follows:

(a) He apologizes for delay in service of notice and for improper service of notice.

(b) He prays for issuance of fresh notice and undertakes to serve the same on the respondents.

3. Hence, issue fresh notice to the respondents, returnable on 21-11-2016.

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

5. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.



6. 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.

7. 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.

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

9. S.O. 21-11-2016.

**CHAIRMAN**

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

**M.A.NO. 242/2016 IN O.A.NO. 684/2015**

[Shri Subhash S/o Jethmal Bafna Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri A.H. Joshi, Chairman  
[This matter is placed before Single Bench due  
to non-availability of Division Bench]**

**DATE : 14.10. 2016.**

**ORAL ORDER:**

Heard Shri B.V. Thombre – learned Advocate for the Applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. Learned Advocate for the Applicant states as follows: -

That he wants to move this case before the Division Bench on Monday i.e. on 17<sup>th</sup> October, 2016.

3. Hence, S.O. to 17<sup>th</sup> October, 2016.

**CHAIRMAN**

ORAL ORDER 14-10-2016.doc

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

**M.A.NO. 344/2016 IN O.A.NO. 24/2013**

**[Shri Prakash Ramchandra Pandit & 9 Ors. Vs. The State of  
Mah. & Ors.]**

**CORAM : Hon'ble Shri A.H. Joshi, Chairman  
[This matter is placed before Single Bench due  
to non-availability of Division Bench]**

**DATE : 14.10. 2016.**

**ORAL ORDER:**

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

2. Learned Advocate for the Applicants states as follows: -

That the applicants would not press the present M.A. No. 344/2016, which is filed for interim relief, and choose to move before the Division Bench for early hearing of O.A. No. 24/2013, whenever D.B. is available.

3. The aforesaid submission of Learned Advocate for the Applicants is accepted.

4. M.A. No. 344/2016 is disposed of as withdrawn.

5. Liberty is granted to the applicant to move the O.A. as and when D.B. is available, for a date for hearing.

**CHAIRMAN**

ORAL ORDER 14-10-2016.doc

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

**M.A.NO. 400/2015 IN O.A.ST.NO. 1324/2014  
[Ratna Shankar Wankhede Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri A.H. Joshi, Chairman  
[This matter is placed before Single Bench due  
to non-availability of Division Bench]**

**DATE : 14.10. 2016.**

**ORAL ORDER:**

Shri Vinod Patil – learned Advocate for the Applicant (**absent**). Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondent Nos. 1 to 4 and Shri M.R. Kulkarni – learned Advocate for respondent No. 5.

2. Since nobody appears for the applicant, S.O. to 9<sup>th</sup> January, 2017.

**CHAIRMAN**

ORAL ORDER 14-10-2016.doc

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

**M.A.NO. 509/2015 IN O.A.ST.NO. 550/2015  
[Pradeep Bhanudas Kokate Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri A.H. Joshi, Chairman  
[This matter is placed before Single Bench due  
to non-availability of Division Bench]**

**DATE : 14.10. 2016.**

**ORAL ORDER:**

Heard Smt. Bhavna Panpatil, learned Advocate holding for Shri S.B. Talekar – learned Advocate for the Applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.

2. Learned Advocate for the Applicant prays for time to prepare and address.
3. Time granted.
4. S.O. to 16<sup>th</sup> November, 2016.

**CHAIRMAN**

ORAL ORDER 14-10-2016.doc

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

**M.A.NO. 45/2016 IN O.A.ST.NO. 1007/2015**

[Shri Haribhau S. Kusmude & Anr. Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri A.H. Joshi, Chairman  
[This matter is placed before Single Bench due  
to non-availability of Division Bench]**

**DATE : 14.10. 2016.**

**ORAL ORDER:**

Heard Shri H.U. Dhage – learned Advocate for the Applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.

2. By this M.A. No. 45/2016, the applicants are praying for condonation of delay of about 152 days caused in filing the O.A. St. No. 1007/2015.

3. Prayer in the O.A. is for direction to decide the proposal of the applicants for promotion.

4. The applicants have explained the delay and reasons thereto, in the body of the application as time was spent in watching for action on the part of the respondents.

5. The prayer for condonation of delay is opposed by the respondents by filing affidavit in reply. It is submitted by Learned Presenting Officer that the present miscellaneous application bears no substance and same is devoid of any merits, and therefore, urged that it be dismissed.

**M.A.NO. 45/2016 IN  
O.A.ST.NO. 1007/2015**

6. For the reasons stated in the present miscellaneous application, the M.A. is allowed in terms of prayer clauses 'A' & 'B' thereof. Delay of about 152 days caused in filing accompanied original application stands condoned. The present miscellaneous application stands disposed of accordingly. No orders as to costs.

**CHAIRMAN**

**ORAL ORDER 14-10-2016.doc**

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

**ORIGINAL APPLICATION ST.NO. 1007 OF 2015**

[Shri Haribhau S. Kusmude & Anr. Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri A.H. Joshi, Chairman**  
**[This matter is placed before Single Bench due**  
**to non-availability of Division Bench]**

**DATE : 14.10.2016.**

**ORAL ORDER:**

Heard Shri H.U. Dhage – learned Advocate for the Applicants and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.

2. Learned Advocate for the Applicants states as follows:-

That during submissions, he has realized that it would not be possible for him to proceed with the present Original Application without incorporating grounds and prayers for challenging the communication dated 10<sup>th</sup> February, 2014, Annexure 'A-15', page-76. He, therefore, seeks leave of this Tribunal to amend the O.A. and prays accordingly and undertakes to carry out the amendment within one month.

3. Leave to amend the O.A. and time for amendment as prayed for is granted.

4. It is made clear that, if the amendment is not carried out by the applicant on or before 25<sup>th</sup> November, 2016, the present O.A. shall stand disposed of without further reference to the Court.



**O.A. ST.NO. 1007 OF 2015**

5. After the amendment is carried out, issue notices to the respondents, returnable on 15<sup>th</sup> December, 2016.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. 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.
8. 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.
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. Applicants are directed to file affidavit of compliance and notice.
10. The respondents shall file affidavit in reply till 14<sup>th</sup> December, 2016.
11. S.O. to 15<sup>th</sup> December, 2016.
12. Steno copy and hamdust is allowed to both the parties.

**CHAIRMAN**

ORAL ORDER 14-10-2016.doc **MAHARASHTRA ADMINISTRATIVE  
TRIBUNAL, MUMBAI**

**BENCH AT AURANGABAD.**

**M.A.ST.NO. 1194/2015 IN O.A.ST.NO. 1007/2015**

[Shri Haribhau S. Kusmude & Anr. Vs. The State of Mah. & Ors.]

**CORAM : Hon'ble Shri A.H. Joshi, Chairman**  
**[This matter is placed before Single Bench due**  
**to non-availability of Division Bench]**

**DATE : 14.10. 2016.**

**ORAL ORDER:**

Heard Shri H.U. Dhage – learned Advocate for the Applicants and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.

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

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

**CHAIRMAN**

ORAL ORDER 14-10-2016.doc

**O.A. NO. 607/2016**

{Shri Anil S. Solanke Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**DATE :- 14.10.2016**

**Oral Order :-**

1. Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. The learned Presenting Officer has tendered affidavit affirmed by Shri Abhay s/o Bhaskarrao Deshpande, Deputy Superintendent of Police (HQ), Jalna. It is taken on record.
3. This Tribunal expresses its great displeasure towards the language and manner in which the said affidavit is drafted.
4. The Officer Shri Abhay s/o Bhaskarrao Deshpande is present before the Tribunal and he assures that the present matter will be attended punctually and further adjournment will not be sought by assigning any flimsy reason.
5. The learned Presenting Officer prays for 2 weeks time.
6. Time as prayed for is granted.
7. S.O. to 9.11.2016.

**CHAIRMAN**

ARJ 14.10.2016 HON. CHAIRMAN

**O.A. NO. 608/2016**

{Shri Sudhakar D. Dhakne Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**DATE :- 14.10.2016**

**Oral Order :-**

1. Heard Shri S.D. Joshi, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. The learned Presenting Officer has tendered affidavit affirmed by Shri Abhay s/o Bhaskarrao Deshpande, Deputy Superintendent of Police (HQ), Jalna. It is taken on record.
3. This Tribunal expresses its great displeasure towards the language and manner in which the said affidavit is drafted.
4. The Officer Shri Abhay s/o Bhaskarrao Deshpande is present before the Tribunal and he assures that the present matter will be attended punctually and further adjournment will not be sought by assigning any flimsy reason.
5. The learned Presenting Officer prays for 2 weeks time.
6. Time as prayed for is granted.
7. S.O. to 9.11.2016.

**CHAIRMAN**

ARJ 14.10.2016 HON. CHAIRMAN

**M.A. NO. 198/2016 IN CP ST. 746/2016 IN OA 318/2014**

{Shri Iqbal Abdul Aziz Patel Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**DATE :- 14.10.2016**

**Oral Order :-**

1. Heard Smt. Vidhya Taksal, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicant and Shri Milind S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3. None appears for respondent no. 4.
2. The learned C.P.O. states as follows :-
  - (i) Exact statement as to the timeframe within which applicant's pension case will be finalized, will be made on the next date.
  - (ii) He prays one week's time for making such a statement.
3. Time as prayed for is granted.
4. S.O. to 21.10.2016.
5. Steno copy allowed for the use of learned Chief Presenting Officer for the respondents.

**CHAIRMAN**

ARJ 14.10.2016 HON. CHAIRMAN

**M.A. NO. 14/2016 IN OA 81/2013**

{Shri Anand A. Hole Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**DATE :- 14.10.2016**

**Oral Order :-**

1. Heard Ms. Bhavna Panpatil, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri Milind S. Mahajan, learned Chief Presenting Officer for the respondents.

2. at the request of learned Advocate for the applicant, S.O. to 5-11-2016, with liberty to circulate the matter before the Division Bench if it is available in the meantime.

**CHAIRMAN**

ARJ 14.10.2016 HON. CHAIRMAN

**M.A. NO. 229/2016 WITH MA ST. 1153/2016 IN OA  
563/2014**

{Tushar @ Tusharsing B. Rajput Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**DATE :- 14.10.2016**

**Oral Order :-**

1. S/shri V.P. Raje / H.V. Tungar, learned Advocate for the applicant (absent). Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.

2. This M.A. no. 229/2016 has been filed by the applicant for condonation of delay of 162 days caused in filing M.A. St. No1153/2016, which is filed for restoration of O.A. no. 563/2014, which was disposed of by the Tribunal on 4.12.2015 for the reasons recorded in the said order.

3. This case was called in the morning session twice, but none appeared for the applicant. The case was kept back till second session. In the second session also none appeared for the applicant.

4. The record shows that, none was present for the applicant on the last occasion i. e. on 13.10.2016.

5. In view of above position, M.A. no. 229/2016 stands dismissed for want of prosecution. Consequently the M.A. st. no. 1153/2016 also stands dismissed. There shall be no order as to costs.

**CHAIRMAN**

ARJ 14.10.2016 HON. CHAIRMAN

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

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**TA NO.05/2016 (W.P.NO.5439/16)**  
**(Shaikh Yunus Vs. State of Mah.& Ors.)**  
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**CORAM:HON'BLE SHRIJUSTICE A.H. JOSHI,CHAIRMAN.**  
**(This matter is placed before Single Bench due  
to non-availability of Division Bench)**

**DATE :14.10.2016.**

**ORAL ORDER**

Heard Shri P.P. Kothari, learned Advocate holding  
for Shri Satyajit S.Bora, learned Advocate for the applicant  
and Smt PR Bharaswadkar, learned Presenting Officer for  
the Respondents.

2. Learned P.O. states as follows :-

i) She could not trace out a similar case at  
Mumbai

ii) Reply filed by the State in W.P.No.5439/2016 of  
which present T.A. is adequate, and today the  
pursis is filed for adopting the said reply.

3. Pursis is taken on record.

4. Admit.

5. To come up for hearing in due course.

**CHAIRMAN.**

**14.10.2016-ATP(c)**



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

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**ORIGINAL APPLICATION NO.233/2016.**

(P.W. Pangul Vs. State of Mah.& Ors.)

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CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.

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

DATE :14.10.2016.

ORAL ORDER :-

None present for the applicant. Heard Smt DS  
Deshpande, learned Presenting Officer for the Respondents.

2. Learned P.O. states as follows :-

- i) Applicant's claim has been included in the provisional seniority list on the lines claimed by him.
- ii) Seniority list may be finalized in due course.

3. In view of the statement made by the learned P.O.,  
hearing is adjourned to 6.2.2017.

**CHAIRMAN.**

**14.10.2016-ATP(c)**

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

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**MA NO.103/2015 IN CP ST.333/15 IN OA 529/11.**

(S.L. Kulkarni & Ors. Vs. State of Mah.& Ors.)

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

DATE :14.10.2016.

ORAL ORDER :-

Heard Shri S.D. Gaikwad, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the applicants and Shri SK Shirse, learned Presenting Officer for the Respondents.

2. Learned P.O. states as follows :-

- i) He did not realize that affidavit of subordinate Officer could not have been accepted.
- ii) He had dialogue with Divisional Commissioner, Aurangabad as well as Collector, Parbhani, and those Officers shall file affidavit of apology on the next date.

3. Learned P.O. prays for four weeks time for filing affidavit of apology.

4. S.O. to 18.11.2016.

**CHAIRMAN.**

**14.10.2016-ATP(c)**

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

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**MA NO.105/2015 IN CP ST.337/15 IN OA 830/11.**  
(S.S. Deshmukh & Ors. Vs. State of Mah.& Ors.)

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

DATE :14.10.2016.

ORAL ORDER :-

Heard Shri S.D. Gaikwad, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the applicants and Smt RS Deshmukh, learned Presenting Officer for the Respondents.

2. Learned P.O. states as follows :-

- i) Se did not realize that affidavit of subordinate Officer could not have been accepted.
- ii) She had dialogue with Divisional Commissioner, Aurangabad as well as Collector, Parbhani, and those Officers shall file affidavit of apology on the next date.

3. Learned P.O. prays for four weeks time for filing affidavit of apology.

4. S.O. to 18.11.2016.

**CHAIRMAN.**

**14.10.2016-ATP(c)**

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

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**MA NO.104/2015 IN CP ST.335/15 IN OA 197/12.**

(N.V. Mundhe & Ors. Vs. State of Mah.& Ors.)

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

DATE :14.10.2016.

ORAL ORDER :-

Heard Shri S.D. Gaikwad, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the applicants and Shri SK Shirse, learned Presenting Officer for the Respondents.

2. Learned P.O. states as follows :-

- i) He did not realize that affidavit of subordinate Officer could not have been accepted.
- ii) He had dialogue with Divisional Commissioner, Aurangabad as well as Collector, Parbhani, and those Officers shall file affidavit of apology on the next date.

3. Learned P.O. prays for four weeks time for filing affidavit of apology.

4. S.O. to 18.11.2016.

**CHAIRMAN.**

**14.10.2016-ATP(c)**

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

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**MA NO.165/2016 IN CP ST.611/16 IN OA 487/14.**

(Dr. S.S. Kulkarni & Ors. Vs. State of Mah.& Ors.)

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

DATE :14.10.2016.

ORAL ORDER :-

Heard Smt Vidya Taksal, learned Advocate holding  
for Shri AS Deshmukh, learned Advocate for the applicant  
and Shri MP Gude, learned Presenting Officer for the  
Respondents.

2. Learned P.O. states that the order has been partly  
complied with, and remaining payment would be made  
forthwith. For reporting the compliance in all respects,  
adjourned to 10.11.2016.

3. Respondents are put to notice that, bear statement at  
to compliance shall not suffice, and an appropriate affidavit  
of apology of Contemptnor No.1 should be filed.

**CHAIRMAN.**

**14.10.2016-ATP(c)**

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

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**MA NO.265/2016 IN CP ST.1254/16 IN OA 145/15.**

(Sharad Vasantrya Kandle Vs. State of Mah.& Ors.)

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CORAM: HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN.

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

DATE :14.10.2016.

ORAL ORDER :-

Heard Shri Asef Ali, learned Advocate holding for Smt A.N. Ansari, learned Advocate for the applicant and Shri S. K. Shirse, learned Presenting Officer for the Respondents.

2. Learned Advocate Shri Asif Ali for the statement the Applicant wants to withdraw this M.A. as well as Contempt petition, thereafter issue appropriate notice to persons who can be named as Contemnors, and who have willfully disobeyed the order of this Tribunal and if necessary file fresh application for action for Contempt, and pray for liberty to withdraw the M.A. and C.P., with liberty to file fresh Contempt Petition, if necessary and if advised.

3. Leave for withdrawal of M.A. and C.P., with liberty to file fresh application for contempt if occasion arises, is granted.

4. It is necessary to reiterate the observations and directions contained in the order passed in MA No.324/2016 in CA No.8/2015 in OA No.1038/2013 at Mumbai by Division Bench on 30.8.2016 at the cost of repetition.

5. A motion for action for contempt would be a lifeless exercise, because the contemnor may not infact know that the contempt has occurred.

6. Therefore, whenever a notice of proposed action for contempt is issued, the notice must be given to the Contemnor by giving reasonable time. The time to be given could be atleast of one month unless it is impossible. Personal notice must be served on the Contemnor. In case personal notice is served, it could help the applicant in proving of willfulness behind disobedience.

7. Many times, rather often, the notice does not reach the Contemnor. Therefore the envelope containing the notice could contain highlighted text, to exhibit that the envelope contains a notice of action for contempt likely to be filed, if the order is not complied with.

8. It has to be noted that every ingredient of willfulness has to be proved by strict proof. Short-cuts in the process of initiation of a motion for contempt can prove to be a harsh and powerful scissor, impairing the justice and majesty of law. Hence an eloquent and due notice needs to be issued as a serious act, than as a formality or a lifeless ritual.

**CHAIRMAN.**

**14.10.2016-ATP(c)**

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

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**MA NO.266/2016 IN CP ST.1252/16 IN OA 229/09.**  
(Syed Azam Syed Lal Vs. State of Mah.& Ors.)

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CORAM: HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN.

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

DATE :14.10.2016.

ORAL ORDER :-

Heard Shri Asef Ali, learned Advocate holding for Smt A.N. Ansari, learned Advocate for the applicant and Shri DR Patil, learned Presenting Officer for the Respondents.

2. Learned Advocate Shri Asif Ali for the statement the Applicant wants to withdraw this M.A. as well as Contempt petition, thereafter issue appropriate notice to persons who can be named as Contemnors, and who have willfully disobeyed the order of this Tribunal and if necessary file fresh application for action for Contempt, and pray for liberty to withdraw the M.A. and C.P., with liberty to file fresh Contempt Petition, if necessary and if advised.

3. Leave for withdrawal of M.A. and C.P., with liberty to file fresh application for contempt if occasion arises, is granted.

4. It is necessary to reiterate the observations and directions contained in the order passed in MA No.324/2016 in CA No.8/2015 in OA No.1038/2013 at Mumbai by Division Bench on 30.8.2016 at the cost of repetition.

5. A motion for action for contempt would be a lifeless exercise, because the contemnor may not infact know that the contempt has occurred.



6. Therefore, whenever a notice of proposed action for contempt is issued, the notice must be given to the Contemnor by giving reasonable time. The time to be given could be atleast of one month unless it is impossible. Personal notice must be served on the Contemnor. In case personal notice is served, it could help the applicant in proving of willfulness behind disobedience.

7. Many times, rather often, the notice does not reach the Contemnor. Therefore the envelope containing the notice could contain highlighted text, to exhibit that the envelope contains a notice of action for contempt likely to be filed, if the order is not complied with.

8. It has to be noted that every ingredient of willfulness has to be proved by strict proof. Short-cuts in the process of initiation of a motion for contempt can prove to be a harsh and powerful scissor, impairing the justice and majesty of law. Hence an eloquent and due notice needs to be issued as a serious act, than as a formality or a lifeless ritual.

**CHAIRMAN.**

**14.10.2016-ATP(c)**

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

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**OA Nos. 636 & 702 of 2016.**

(BV Lone & Ors. And SG Gaikwad & Ors.Vs.  
State of Mah.& Ors.)

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

DATE :14.10.2016.

ORAL ORDER :-

Heard Shri DG Kamble, learned Advocate for the applicants and Shri SK Shirse, learned Presenting Officer and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents in respective matters.

2. Learned P.O. tendered affidavit in reply of Shri S.B. Chobe, A.P.I. on behalf of Respondent no.2 i.e. S.P. It is taken on record.

3. The Superintendent of Police is directed to file his own affidavit stating as to what is the excuse available in law entitling him to oppose the prayer for treating the applicants at par with the applicants in OA No.839/2015, which has been allowed by this Tribunal.

4. The affidavit be filed on or before 21.11.2016. It shall not be necessary to file affidavit if an appropriate orders extending the same benefits as in OA No.839/2015, is extended to the applicants.

-2- **OA Nos. 636, & 702 of 2016.**

5. Learned P.O. is directed to communicate this order.
6. Steno copy and Hamdust allowed.
7. S.O. to 21.11.2016.

**CHAIRMAN.**

**14.10.2016-ATP(c)**

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

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**ORIGINAL APPLICATION No.637 of 2016.**

( P.K. Sarode & Ors.Vs. State of Mah.& Ors.)

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CORAM: HON'BLE SHRI JUSTICE A.H.JOSHI, CHAIRMAN.

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

DATE :14.10.2016.

ORAL ORDER :-

Heard Shri DG Kamble, learned Advocate for the applicant and Shri DR Patil, learned Presenting Officer for the Respondents in respective matters.

2. Learned P.O. tendered affidavit in reply of Shri S.B. Chobe, A.P.I. on behalf of Respondent no.4 i.e. S.P. It is taken on record.

3. The Superintendent of Police is directed to file his own affidavit stating as to what is the excuse available in law entitling him to oppose the prayer for treating the applicants at par with the applicants in OA No.839/2015, which has been allowed by this Tribunal.

4. The affidavit be filed on or before 21.11.2016. It shall not be necessary to file affidavit if an appropriate orders extending the same benefits as in OA No.839/2015, is extended to the applicants.

-2- **ORIGINAL APPLICATION NO.637 of 2016.**

5. Learned P.O. is directed to communicate this order.
6. Steno copy and Hamdust allowed.
7. S.O. to 21.11.2016.

**CHAIRMAN.**

**14.10.2016-ATP(c)**

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

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**ORIGINAL APPLICATION NO. 627of 2016.**

( L.N. Lahane Vs. State of Mah.& Ors.)

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CORAM: HON'BLE SHRI JUSTICE A.H.JOSHI, CHAIRMAN.

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

DATE :14.10.2016.

ORAL ORDER :-

Heard Shri DG Kamble, learned Advocate for the applicants and Smt. PR Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned P.O. requested time to file affidavit in reply.

3. Learned P.O. tendered affidavit in reply of Shri S.B. Chobe, A.P.I. on behalf of Respondent no.2 i.e. S.P. It is taken on record.

4. The Superintendent of Police is directed to file his own affidavit stating as to what is the excuse available in law entitling him to oppose the prayer for treating the applicants at par with the applicants in OA No.839/2015, which has been allowed by this Tribunal.

5. The affidavit be filed on or before 21.11.2016. It shall not be necessary to file affidavit if an appropriate orders extending the same benefits as in OA No.839/2015, is extended to the applicants.

-2- **ORIGINAL APPLICATION NO.627/2016.**

6. Learned P.O. is directed to communicate this order.
7. Steno copy and Hamdust allowed.
8. S.O. to 21.11.2016.

**CHAIRMAN.**

**14.10.2016-ATP(c)**

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

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**OA Nos. 768 and 769 of 2015**

(Dr. Pensalwar & Dr.S.S. Shivpuje Vs. State of Mah.& Ors.)

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

DATE :14.10.2016.

ORAL ORDER :-

Heard Shri MR Kulkarni, learned Advocate holding for Shri JS Deshmukh, learned Advocate for the applicants and Shri IS Thorat & Smt SK Ghate - Deshmukh, learned Presenting Officers for the Respondents in respective matters.

2. Shri MR Kulkarni, learned Advocate holding for Shri JS Deshmukh, learned Advocate for the applicants prays for adjournment.

3. Admit.

4. O.A. shall come for final hearing in due course.

**CHAIRMAN.**

**14.10.2016-ATP(c)**



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

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**MA No.407/16 in CP ST.1831/16 IN OA 624/12**

( V.S. Tak Vs. State of Mah.& Ors.)

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

DATE :14.10.2016.

ORAL ORDER :-

None present for the applicant. Shri MP Gude, learned  
Presenting Officer for the Respondents.

2. Learned P.O. on instructions from the Respondent no.2 as  
follows :-

D.P.C. would be convened, held, decision would be  
taken. The decision as may be reached in meeting shall be  
placed on record on the next date for which two weeks time  
is granted.

3. Adjourned to 22.11.2016.

**CHAIRMAN.**

**14.10.2016-ATP(c)**

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

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**ORIGINAL APPLICATION NO. 369 of 2015**

( K.D. Patle Vs. State of Mah.& Ors.)

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

DATE :14.10.2016.

ORAL ORDER :-

None present for the applicant. Shri DR Patil, learned  
Presenting Officers for the Respondents.

2. Learned P.O. tendered reply of Respondents no.1 & 2. It is  
taken on record.

3. Admit.

4. O.A. shall come for final hearing in due course.

**CHAIRMAN.**

**14.10.2016-ATP(c)**

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

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**MA NO.374/2016 IN CP ST.1692/16 IN OA 74/16.**

(Dr. M.N. Gude Vs. State of Mah.& Ors.)

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CORAM: HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN.

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

DATE :14.10.2016.

ORAL ORDER :-

None present for the applicant. Shri MS Mahajan, learned  
Chief Presenting Officer for the Respondents.

2. At the request of the learned C.P.O. for the respondents,  
adjourned to 17.11.2016.

**CHAIRMAN.**

**14.10.2016-ATP(c)**