

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 832/2016

(Shri Vishal P. Gangavane 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 :- 14.8.2017

Oral Order :-

1. Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 & 3. Shri Ashish B. Rajkar, learned Advocate for respondent no. 2 **(absent)**.
2. Admit.
3. This matter to come up for final hearing before the Division Bench in due course of time.

CHAIRMAN

ARJ ORAL ORDERS 14.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA NO. 232/2017 IN OA ST. 789/2017

(Shri Kailash A. Pardeshi 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 :- 14.8.2017

Oral Order :-

1. Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. The learned Chief Presenting Officer prays for time for filing affidavit in reply.
3. However, learned Advocate for the applicant prays to adjourn the hearing because he is considering to amend the Original Application and he wants time to make up his mind.
4. S.O. to 18.9.2017, for applicant to take steps.

CHAIRMAN

ARJ ORAL ORDERS 14.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. ST. NO. 1185/2017

(Anuradha A. Hiwarde 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 :- 14.8.2017

Oral Order :-

1. Heard Shri B.V. Thombre, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Issue notices to the respondents in the original application, returnable on 21.8.2017.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due

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O.A. ST. NO. 1185/2017

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

7. It is hereby made clear that, if hand delivery of notice is not taken by the learned Advocate for the applicant today itself, the Original Application shall stand dismissed automatically, without reference to the Tribunal.

8. S.O. to 21.8.2017.

9. Steno Copy & Hamdast allowed to both the parties.

CHAIRMAN

ARJ ORAL ORDERS 14.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 439/2010

(Shri Dilip S. Karle 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 :- 14.8.2017

Oral Order :-

1. Heard Ms. Ashlesha Raut, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer prays for adjournment.
3. It is hoped that, corrective step must be taken before next date, without fail.
4. S.O. to 21.8.2017.

CHAIRMAN

ARJ ORAL ORDERS 14.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 948/2016

(Shri Hemant J. Bichkewar 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 :- 14.8.2017

Oral Order :-

1. Heard Ms. Ashlesha Raut, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. Admit.
3. This matter to come up for final hearing before the Division Bench in due course of time.

CHAIRMAN

ARJ ORAL ORDERS 14.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.936/2016

(Shri Tuljaram Mane V/s.
The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

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

2. Arguments of both sides are heard. Matter is closed for order.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.05/2017

(Shri Bhanudas Pund V/s.
The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

Heard Shri A.D.Gadekar learned Advocate for the applicant, Shri D.R.Patil learned Presenting Officer for the respondents and Shri K.G.Salunke learned Advocate holding for Smt. Yogita Kshirsagar learned Advocate for respondent no.3.

2. Arguments of both sides are heard. Matter is closed for order.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.06/2017

(Shri Zargar Abdul Salim V/s.
The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

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

2. Arguments of both sides are heard. Matter is closed for order.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.72/2017

(Shri Sitaram Rathod V/s.
The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

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

2. Arguments of both sides are heard. Matter is closed for order.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.73/2017

(Shri Gorakh Tikone V/s.
The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

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

2. Learned P.O. has filed affidavit in reply on behalf of respondent no.4. It is taken on record. Copy thereof has been served on the other side.

3. Arguments of both sides are heard. Matter is closed for order.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.940/2016

(Shri Md. Kutub Md. Hasham V/s.
The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

Shri D.G.Kamble learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for the respondents.

2. Since none is present for the applicant,
S.O.22-08-2017.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.241/2017

(Shri Sudhakar Mangalkar & Ors. V/s.
The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

Heard Shri K.M.Nagarkar learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

2. After hearing the matter for considerable time, learned P.O. seeks time till Friday for arguing the matter finally.

3. Matter be treated as part heard.

4. S.O. 18-08-2017.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.316/2017

(Shri Shamsundar Mhetre V/s.
The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

Heard Shri K.G.Salunke learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Learned CPO files affidavit in reply on behalf of respondent nos.1 and 2. It is taken on record. Copy thereof has been served on the learned Advocate for the applicant.

3. Learned Advocate for the applicant submits that he will go through the reply.

4. Learned Advocate for the applicant has also placed on record copy of representation filed by the applicant dated 04-08-2017, copy of which is served on the learned CPO.

5. At the request of learned Advocate for the applicant, S.O. to 23-08-2017.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.340/2017

(Shri Kishor Choudhary V/s.
The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

Heard Shri Kakasaheb B. Jadhav learned Advocate for the applicant, Shri M.S.Mahajan learned Chief Presenting Officer for the respondents and Shri Ashish Rajkar learned Advocate for respondent no.3.

2. At the request of learned CPO as well as the learned Advocate for respondent no.3, S.O. 28-08-2017 for filing reply.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.363/2017

(Shri Vishwanath Kelkar V/s.
The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

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

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

3. S.O. to 24-08-2017.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.434/2017

(Shri Abhijit Sable V/s.
The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

Heard Shri M.R.Kulkarni learned Advocate for the applicant, Shri M.S.Mahajan learned Chief Presenting Officer for the respondents and Shri S.G.Kulkarni learned Advocate holding for Shri S.D.Dhongde learned Advocate for respondent no.4.

2. Learned CPO as well as the learned Advocate for respondent no.4. seek time to file reply on behalf of the respondents. Time granted.

3. S.O. to 22-09-2017.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.263/2017

(Shri Bhaskar Meshram V/s.
The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

Heard Shri S.G.Kulkarni learned Advocate holding for Shri S.D.Dhongde learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Learned CPO seeks time to file reply on behalf of the respondents. Time granted.

3. S.O.22-09-2017.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.155/2016

(Dr. Jaising Veer V/s. The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

Heard Shri J.S.Deshmukh learned Advocate for the applicant, Shri M.P.Gude learned Presenting Officer for the respondents and Shri S.N.Rodge learned Advocate for respondent nos.5 and 6.

2. At the request of both sides, S.O. to 13-09-2017.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.278/2016

(Shri Mohan K. Deobone V/s.
The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

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

2. At the request of both sides, S.O. to 07-09-2017.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.527/2016

(Pratibha Kathar V/s. The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

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

2. At the request of both sides, S.O. to 12-09-2017.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.528/2016

(Asma Shaikh V/s. The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

Heard Shri M.B.Kolpe learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for the respondents.

2. At the request of both sides, S.O. to 12-09-2017.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.529/2016

(Sandhya Mugute V/s. The State of Maharashtra &
Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

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

2. At the request of both sides, S.O. to 12-09-2017.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.694/2016

(Sanjay Gaikwad V/s. The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

Heard Shri S.R.Sapkal learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for the respondents.

2. At the request of both sides, S.O. to 01-09-2017.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.909/2016

(Laxman Lomte V/s. The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

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

2. At the request of both sides, S.O. to 04-09-2017.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.164/2017
(Nilesh Pawar V/s. The State of Maharashtra & Ors.)**

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

DATE : 14-08-2017

ORAL ORDER:-

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

2. At the request of both sides, S.O. to 01-09-2017.

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.568/2017

(Shri Vishnu Gaikwad V/s.
The State of Maharashtra & Ors.)

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

DATE : 14-08-2017

ORAL ORDER:-

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

2. The applicant was promoted to the post of Naik Police Constable vide order dated 02-07-2011 and was posted at Paithan. Thereafter, he was transferred from Paithan to S.D.P.O office at Paithan vide order dated 12-06-2015. It is stated that he has just completed 2 years in his post at S.D.P.O. Office at Paithan but vide the impugned order dated 07-08-2017, he has been transferred to Aurangabad Headquarter and the said impugned order has been challenged on various grounds, amongst which, one of the ground is that, he has not completed his tenure in his post at S.D.P.O. office at Paithan.

=2=

O.A.No.568/17

3. From the record, it seems that the applicant is already serving in the Police Constabulary from 02-07-2011 at Paithan itself. Whether his transfer is without completion of tenure or not has to be considered on merits, for which, reply of the respondents is necessary.

4. In view thereof, issue notices to the respondents, returnable on 14-09-2017.

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

6. 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.

=3=

O.A.No.568/17

7. 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.

8. 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.

9. S.O.to 14-09-2017.

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

VICE CHAIRMAN

YUK ORAL ORDER 14-08-2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.114/15 WITH MA ST.376/15 IN OA ST.377/15.

(Shaikh Jeelani Vs. State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

Heard Shri S. G. Kulkarni learned Advocate holding for Shri S. D. Dhongde learned Advocate for the applicant and Shri N. U. Yadav learned Presenting Officer for the respondents.

2. Shri S. G. Kulkarni learned Advocate holding for Shri S. D. Dhongde learned Advocate for the applicant seeks time. Time granted.

3. S. O. to 16.8.2017.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.69/2015 IN OA ST. No.132/2015.

(Smt Shantabai B. Bidve Vs. State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

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

2. Learned P.O. has filed reply affidavit on behalf of Respondent no.4. The same is taken on record. Its copy is served on the learned Advocate for the applicant.

3. Shri S. G. Kulkarni learned Advocate holding for Shri S. D. Dhongde learned Advocate for the applicant seeks time. Time granted.

4. S. O. to 16.8.2017.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.285/16 WITH MA No.144/16 IN OA ST.1950/15.

(Shri N. G. Jadhav & Ors. Vs. State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

Heard Shri S. G. Kulkarni learned Advocate holding for Shri S. D. Dhongde learned Advocate for the applicant and Smt D. S. Deshpande learned Presenting Officer for the respondents.

2. Shri S. G. Kulkarni learned Advocate holding for Shri S. D. Dhongde learned Advocate for the applicant seeks time. Time granted.

3. S. O. to 16.8.2017.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.148/2016 IN OA NO.167/2016.

(Kamel K. Inamdar Vs. State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

Heard Shri K. G. Salunke learned Advocate for the applicant, Shri M. S. Mahajan learned Presenting Officer for the respondent no.1 & Shri G. N. Patil learned Advocate for the Respondents no.2 to 4.

2. At the request of the learned Advocate for the applicant, S. O. to 18.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO. 18/2016 IN OA ST.NO.1364/2015.

(Shri B. G. Jadhav Vs. State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

Heard Shri S. K. Mathpati learned Advocate holding for Shri R. P. Bhumkar learned Advocate for the applicant, Shri D. R. Patil learned Presenting Officer for the respondent no.1, 4 & 5 and Shri G. N. Patil learned Advocate for the Respondents no.2 & 3.

2. Shri S. K. Mathpati learned Advocate holding for Shri R. P. Bhumkar learned Advocate for the applicant seeks time. Time granted.

3. S. O. to 22.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO. 27/2016 IN OA ST.NO.80/2016.

(Shri M. S. Bangale Vs. State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

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

2. This is an application for condonation of delay. It is stated that, there is a delay of 12 years, 11 months and 13 days in filing the O.A. In O.A. the applicant has claimed that, he may be granted time bound promotional scale w.e.f. 1.10.1994 instead of 1.2.2002. He is also claiming declaration that, he is entitled to the benefit of G.R. dated 8.6.1995 w.e.f. 1.10.1994. However, there is a delay in filing such application. The learned Advocate for the applicant submits that, he was first intimated about his claim on 23.6.2011 and thereafter he is also intimated on 2.7.2011 and subsequently from time to time.

3. The learned P.O. submits that, the applicant has claimed towards his right for number of years and therefore, he can not claim the deemed date.

4. The learned Advocate for the applicant placed reliance in the judgment noted in Special leave Petition (Civil) Nos. 6609-6613 of 2014 by the Hon'ble Apex Court. The copy of which is at paper book page no.36 to 42 (both inclusive).

5. The learned Advocate for the applicant however, submits that, the non grant of deemed date of promotion may affect his pensionary benefits, which is continue cause of action. He placed reliance on the observation in OA No.19/2013 decided by this Tribunal bench at Aurangabad on 15.12.2016 in the case of "*Shivanna Narsanna Ghante & Others Vs. The State of Maharashtra and Others, OA No.19/2013*". He particularly relied on para no.9, which reads as under :-

“9. The Respondents have claimed that his O.A. has been filed in the year 2013, while the cause of action arose in the year 1994 to 1997, when the Applicants became due for Time Bound Promotion. The Respondents claimed that his O.A. is barred by limitation. Learned Counsel for the Applicants has relied on the judgment of Hon'ble Supreme Court in **M.R. Gupta Vs. Union of India & Others : 1996 AIR 669**. In this case, the Applicant had filed O.A. before the Central Administrative Tribunal in 1989, seeking proper fixation of initial pay from 1.8.1978. C.A.T. has dismissed the O. A. as time barred. Hon'ble Supreme Court held that it was a case of continuing wrong. The question of limitation would arise only regarding arrears, if the claim of the Applicant was accepted. The facts are quite similar in the present case. Though the Applicants have retired, their pension is affected.”

6. The learned Advocate for the applicant submits that, the question of limitation can also be kept open by hearing the matter on merits. In view of the submission made above, the application for condonation of delay will be considered on merits along with O.A. The point of

limitation issue is kept open. Accordingly, the M.A. be tagged with O.A. and it will be heard on merits at the time of final hearing.

S.O. 21.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

OA ST.NO.80/2016.

(Shri M. S. Bangale Vs. State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

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

2. Issue notice to the respondents, returnable on 21.09.2017, keeping point of limitation open.

3. Applicant is authorized and directed to serve on all respondents notice of O.A. authenticated by Registry, along with complete paper book of O.A. stating that this Tribunal may take the case for final disposal at this stage and a separate notice for final disposal not be issued.

4. Authorization for service of 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.

5. The service of notice may be done by the applicant by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry as far as possible before the due date.
6. Affidavit of service be filed one week before due date.
7. Learned P.O. is directed to communicate this order.
8. Affidavit in reply be filed before due date.
9. Steno copy and Hamdast is allowed to both parties.
10. S.O. to 21.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.703/2011.

(Dr. R. M. Lahurikar Vs. State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

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

2. A detailed order was passed on 14.3.2017 by this Tribunal and thereafter on 12.7.2017. Vide order dated 12.7.2017 a last chance was granted at the request of the learned P.O. to take instructions from the respondents. It was observed in the order that, upon failure to give instructions to the learned P.O. on the line as directed by the Tribunal earlier, the Tribunal may be constrained to call the responsible respondents before the Tribunal or to impose heavy costs on them.

3. The learned P.O. today placed on record one communication dated 02.08.2017. It is taken on record and marked as document "X" for the purposes of identification. Learned P.O. submits that, in view of this letter the respondents have filed the Writ Petition against

the order passed by this Tribunal in case of one Shri Maradkar. The said writ petition has been numbered as St.No.16607/2017 and therefore, the case of the applicant can not be considered in the present situation. The said letter however does not whisper as to whether the case of the applicant was considered by the competent authority as directed by this Tribunal vide order dated 12.7.2017 or not.

4. The learned P.O. submits that necessary action will be taken on or before 24.8.2017, and in case such action is not taken on or before 24.8.2017, the Respondent no.1 will appear before this Tribunal to explain the circumstances as to why the case of the applicant has not been considered as directed by this Tribunal vide order dated 14.3.2017. In view of this the matter be placed on 24.8.2017.

5. S. O. to 24.8.2017.

VICE CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.219/2012.

(Shri V. B. Haral Vs. State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

Heard Shri K. B. Jadhav learned Advocate for the applicant and Shri M. P. Gude learned Presenting Officer for the respondents.

2. After hearing the matter for considerable the learned P.O. seeks time till Friday i.e. 18.8.2017. Time granted.

3. S. O. to 18.8.2017. Be treated at Part Heard.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA No.562/2015 IN OA St.No.113/15.

(Shri R. K. Jadhav Vs. State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

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

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S. O. to 28.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.113/2012.

(Shri B. T. Kadam Vs. State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

Heard Shri K. G. Salunke learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. It seems that, as per order dated 03.01.2017 case has been fixed on 04.12.2017. The learned Advocate for the applicant submits that, in the writ petition filed by the State, the stay has been granted and therefore, in view thereof at the request of both sides it be kept on 4.12.2017.

3. S. O. to 04.12.2017.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.889/2011.

(Smt Sunita P. Ganvir Vs. State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

None present for the applicant. Heard Shri N. U. Yadav learned Presenting Officer for the respondents.

2. The office was directed to issue notice to Shri Santosh B. Gastgar the learned Advocate for the applicant in the matter. It seems that, the notice has been issued accordingly and he has received notice on 27.7.2017. However, nobody appeared for the applicant. Hence be kept on 28.8.2017.

3. S. O. to 28.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.51/2016 IN OA ST.183/2016.

(Shri Vijay A. Salve Vs. The State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

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

2. Since nobody appears for the applicant, S. O. to 22.9.2017.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.64/2016 IN OA ST.199/2015.

(Shri Vijay A. Salve Vs. The State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

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

2. Since nobody appears for the applicant, S. O. to 22.9.2017.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.308/2016 IN OA ST.975/2016.

(Shri Vijay A. Salve Vs. The State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

None present for the applicant. Shri S. K. Shirse learned Presenting Officer for the respondents is present.

2. Since nobody appears for the applicant, S. O. to 22.9.2017.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.965/1996.

(Shri S.K. Mangle Vs. State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

Heard Shri K. B. Jadhav learned Advocate for the applicant and Smt D. S. Deshpande learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time.
Time granted.

3. S. O. to 18.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.896/2016.

(Shri S. T. Anchule Vs. State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

Shri Vinit Chaudhary learned Advocate holding for Shri S. B. Talekar learned Advocate for the applicant and Shri M. P. Gude learned Presenting Officer for the respondents.

2. Shri Vinit Chaudhary learned Advocate holding for Shri S. B. Talekar learned Advocate for the applicant seeks time to file rejoinder.

3. S. O. to 15.9.2017 for filing rejoinder, if any.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.75/2017.

(Shri Abud Bin Abdulla Vs. State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

Shri A. D. Sugdare learned Advocate for the applicant, Shri V. R. Bhumkar learned Presenting Officer for the respondents 1 & 2 and Shri Sham Patil learned Advocate for the Respondents no.3 & 4 are present.

2. At the request of both sides, S. O. to 16.9.2017.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.419/2017.

(Shri B. V. Waghmare Vs. State of Mah. & Ors.)

CORAM: Hon Shri J. D. Kulkarni, Vice Chairman.

DATE : 14-08-2017

ORAL ORDER:-

Shri V. B. Wagh learned Advocate for the applicant has filed leave note. Shri M. S. Mahajan learned Chief Presenting Officer for the respondent no.1 and Shri S. B. Mene learned Advocate for the Respondents no.2 to 5 has filed his Vakalat Nama.

2. Shri S. B. Mene learned Advocate for the Respondents no.2 to 5 has filed his Vakalat Nama on their behalf and he seeks time. Time granted.

3. S.O. to 01.09.2017. Interim Relief granted earlier to continue till then.

VICE CHAIRMAN.

ORAL ORDERS 14.08.2017-ATP

