

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD
O.A. NO. 577/2017**

(Shri Ramesh G. Chaudhari 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 :- 21.8.2017

Oral Order :-

1. Heard Shri A.G. Ambetkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Admit.

3. Appointment of the Respondent no. 3 shall be subject to outcome of this O.A.

4. Issue notices for final disposal to the respondents, returnable on 10.10.2017.

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

6. This 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.

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 proof of service on or before 10.10.2017.

8. S.O. to 10.10.2017.
9. Steno Copy & Hamdast allowed to both the parties.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 439/2011

(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 :- 21.8.2017

Oral Order :-

1. Heard Ms. Aslesha 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. This Tribunal had passed order on 14.8.2017 and recorded as follows :-

“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.”

3. However, today learned C.P.O. has pointed out that amended O.A. is not served on the respondents.

4. Record shows that O.A. was amended after remand.

5. Though amendment is formal and consequential to subsequent developments, it is desirable to serve amended O.A. on the respondents.

6. Hence, issue fresh notice to the respondents, returnable on 16.9.2017.

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

8. 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.

9. 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.

10. 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.

11. This Tribunal is of the prima-facie view that Res. no. 2 needs to take decision, which is not taken, hence present O.A. is filed.

12. If a matter, which has to be decided by the Res. no. 2, is required to be decided by this Tribunal, exemplary costs which may reach even a sum of Rs. 2 lacs may have to be ordered.

13. It is hoped that wisdom bestows on the respondents and a corrective measure is taken before next date.

14. Hence, S.O. 16.9.2017.
15. Steno copy & hamdust allowed to both the parties.

CHAIRMAN

ARJ ORAL ORDERS 21.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 67/2017

(Surekha M. Tak 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 :- 21.8.2017

Oral Order :-

1. Heard Shri P.V. Suryawanshi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. Admit.
3. The matter to come up for final hearing in due course of time.

CHAIRMAN

ARJ ORAL ORDERS 21.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 78/2017

(Shri Shivaji S. Dahale 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 :- 21.8.2017

Oral Order :-

1. Heard Ms. Ashlesha Raut, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. Admit.
3. The matter to come up for final hearing in due course of time.

CHAIRMAN

ARJ ORAL ORDERS 21.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 85/2017

(Nikita K. Bhangе 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 :- 21.8.2017

Oral Order :-

1. Heard Shri Virendra R. Barhate, learned Advocate holding for Shri J.M. Murkute, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. Learned Presenting Officer has tendered affidavit in reply on behalf of res. no. 2 in the O.A. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.
3. Learned Presenting Officer prays for a week's time for filing personal affidavit of Shri M.P. Jadhav, Under Secretary, Maharashtra Public Service Commission, Mumbai as directed by this Tribunal vide order dated 18.7.2017.
4. Time as prayed for is granted.
5. S.O. to 30.8.2017.
6. Steno copy allowed for the use of learned P.O. for the respondents.

CHAIRMAN

ARJ ORAL ORDERS 21.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 88/2017

(Shri (Dr.) Shaikh Faiz Mohammad s/o Noor Mohammad 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 :- 21.8.2017

Oral Order :-

1. Heard Shri I.D. Maniyar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3. Shri U.B. Bondar, learned Advocate for respondent no. 4 has filed leave note.
2. The learned Chief Presenting Officer prays for time for filing affidavit in reply in the O.A.
3. Time granted.
4. S.O. to 25.9.2017.

CHAIRMAN

ARJ ORAL ORDERS 21.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 130/2017

(Priyanka A. Dongre 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 :- 21.8.2017

Oral Order :-

1. Heard Shri S.K. Chavan, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 to 4 and Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for respondent no. 5.

2. Admit.

3. The matter to come up for final hearing in due course of time.

4. It is a common ground that the order of appointment was issued on 28.2.2017 i.e. before issue of interim orders. Hence, the interim relief granted earlier has become infructuous, and therefore, it stands vacated.

CHAIRMAN

ARJ ORAL ORDERS 21.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 190/2017

(Shri Dattatraya J. Zombade 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 :- 21.8.2017

Oral Order :-

1. Heard Shri Shamsundar B. Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. Admit.
3. The matter to come up for final hearing in due course of time.

CHAIRMAN

ARJ ORAL ORDERS 21.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 439/2017

(Shri Shaikh Abdul Majid Abdul Razak 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 :- 21.8.2017

Oral Order :-

1. Heard Shri Shamsundar B. Patil, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. The learned P.O. has tendered a copy of order dated 16.8.2017 issued by the Chief Conservator of Forest (Territorial), Aurangabad. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.
3. The learned P.O. seeks time to make his submission in the matter.
4. Time granted.
5. S.O. to 4.9.2017.

CHAIRMAN

ARJ ORAL ORDERS 21.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 352/2017

(Shri Girish V. Baviskar 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 :- 21.8.2017

Oral Order :-

1. Heard Shri Meraj Khan, learned Advocate holding for Shri A.S. Bayas, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant seeks time.
3. Time granted.
4. S.O. to 4.9.2017.

CHAIRMAN

ARJ ORAL ORDERS 21.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

REV. APPLICATION NO. 4/2017 IN O.A. NO. 223/2014
(Shri Kakasaheb B. Zalte 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 :- 21.8.2017

Oral Order :-

1. Heard Smt. Juee Palekar, learned Advocate holding for Shri S.D. Joshi, 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 23.8.2017.

CHAIRMAN

ARJ ORAL ORDERS 21.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 103/2017

(Shri Navnath A. Matsagar 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 :- 21.8.2017

Oral Order :-

1. Heard Smt. Juee Palekar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 23.8.2017.

CHAIRMAN

ARJ ORAL ORDERS 21.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 104/2017

(Shri Vitthal S. Pawal 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 :- 21.8.2017

Oral Order :-

1. Heard Smt. Juee Palekar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 23.8.2017.

CHAIRMAN

ARJ ORAL ORDERS 21.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD
MA 23/2017 IN OA 43/2015**

(Shri Ramchandra G. 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 :- 21.8.2017

Oral Order :-

1. Heard Shri T.G. Gaikwad, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. At the request of learned Presenting Officer for the respondents, S.O. to 4.9.2017.

CHAIRMAN

ARJ ORAL ORDERS 21.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 336/2016 IN OA ST. NO. 1567/2016

(Shri Bhanudasbua P. Gosavi 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 :- 21.8.2017

Oral Order :-

1. Shri J.S. Deshmukh, learned Advocate for the applicant (absent). Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.
2. In view of absence of applicant and his Advocate, S.O. to 16.9.2017.

CHAIRMAN

ARJ ORAL ORDERS 21.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 587/2016

(Shri Vijaysing H. Bagul 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 :- 21.8.2017

Oral Order :-

1. Heard Shri A.D. Gadekar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant prays for leave to amend and correct the nomenclature of the Respondent no.2.
3. Leave as prayed for is granted.
4. It is seen that two affidavits are filed by the respondents.
5. Both the affidavits fail to answer each para, point and ground. Therefore both affidavits at paper book page 22 onwards as well as applicant's rejoinder are struck off and are removed, and be kept in third part.
6. Respondent no. 2 is directed to file his own affidavit.
7. It is seen that affidavits, which were filed earlier, were not properly drafted. Even the language and grammar is not apt. Therefore, it is expected that due care be taken while drafting and filing new affidavit.

8. Learned P.O. is directed to communicate this order to the Officer concerned.
9. S.O. to 4.10.2017.
10. Steno copy allowed for the use of learned P.O.

CHAIRMAN

ARJ ORAL ORDERS 21.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 569/2017

(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 :- 21.8.2017

Oral Order :-

1. Heard Shri B.V. Thombre, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The case was called out in the morning session. Learned P.O. sought time on the ground that instructions are not received till then and prays for time to file affidavit in reply.

3. Learned P.O. was called to contact local Officer of the department and ascertain the reasons of failure of the Res. nos. 1 & 2 to give instructions.

4. In the afternoon session, learned P.O. has appeared with letter received from the res. no. 2 stating that the orders for appointment of Ophthalmic Officers against all vacancies are issued on 19.8.2017.

5. Learned P.O. was called upon to state as to whether instructions are received as regards reason of failure to respond to the notice of this Tribunal. Learned P.O. states that instructions whatsoever on this aspect are still awaited.

6. Learned Advocate for the applicant argues that the attitude of the Res. nos. 1 & 2 in acting in such manner i. e.

failing to respond to this Tribunal's notice and simultaneously rushing to issue orders amounts to acting scrupulously. He prays that last candidate in merit be restrained from joining by keeping one post vacant.

7. Learned P.O. was called upon to make his submissions. Learned P.O. states that, let the appointments be made subject to outcome of present O.A.

8. This Tribunal is satisfied that the applicant's interest deserves to be protected.

9. Hence, this Tribunal directs as follows :-

‘One post of Ophthalmic Officer be kept vacant by restraining one candidate who may be in Open category and lowest in merit from joining furtherance to the appointment’.

10. Learned P.O. requests four weeks time for filing affidavit in reply.

11. Time as prayed for is granted.

12. It is hoped that each para, ground and point shall be duly replied on the due date.

13. S.O. to 25.9.2017.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 513/2017

(Shri Dinkar R. Bhosrekar 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 :- 21.8.2017

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant has furnished a note requesting that the case be listed for hearing before Hon'ble Vice Chairman as he wants to request for recalling the order passed on 2.8.2017 and also to argue the case for admission hearing.
3. Let O.A. be listed on 4.9.2017 before Hon'ble Vice Chairman for recalling of order passed on 2.8.2017 and for admission hearing.

CHAIRMAN

ARJ ORAL ORDERS 21.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 335/2017 IN CP ST. 1200/2017 IN OA NO. 805/2016

(Shri Firoz Kalekha Jamadar 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 :- 21.8.2017

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. At the request of learned Presenting Officer, S.O. to 4.9.2017.

CHAIRMAN

ARJ ORAL ORDERS 21.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 236/2017
(Smt. Yamuna L. Bhosale & Ors. V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

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

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3. Same it taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. S.O. to 29.09.2017.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A. NO. 32/2017 IN O.A ST. NO. 883/2016
(Smt. Dwarkabai R. Ramteke V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

Shri S.D. Dhongde, learned Advocate holding for Dr. Kapalata Bharaswadkar, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 15.09.2017.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 434/2016
(Dr. Abdul Salim Abdul Karim V/s. the State of Mah. & Ors.)

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

DATE : 21.08.2017.

ORAL ORDER:-

Shri P.D. Bodade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 12.09.2017.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 125/2017
(Shri Sd Amjad Sd Hamja V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

Shri A.D. Gadekar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted.

3. S.O. to 15.09.2017.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A. NO. 329/2017 IN O.A. ST. NO. 1994/2017
(Shri Narayan D. Shete V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

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

2. Issue notices to the respondents in M.A., returnable on 26.09.2017.

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 M.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

7. S.O. to 26.09.2017.

9. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A. NO. 333/2017 IN O.A. ST. NO. 1192/2017
(Shri Mahadev S. Gulmire V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

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

2. Issue notices to the respondents in M.A., returnable on 26.09.2017.

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 M.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

7. S.O. to 26.09.2017.

9. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 191/2016
(Smt. Bhagyashree H. Sopne V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

Shri S.K. Chavan, learned Advocate for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 25.09.2017, for passing necessary orders.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 763/2016
(Shri Santosh B. Ghorpade V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

Shri Arun S. Shejwal, learned Advocate for the applicant (**Absent**). Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents, present.

2. Pleadings are complete. The O.A. is admitted and it be kept for final hearing.

3. S.O. to 28.09.2017.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 51/2017
(Shri Deelip M. Shinde V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

Shri S.P. Salgar, learned Advocate holding for Shri R.D. Khadap, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed separate affidavit in replies on behalf of respondent Nos. 3 & 5 respectively. Same are taken on record and the copies thereof have been served on the learned Advocate for the applicant.

3. S.O. to 15.09.2017.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 71/2017
(Shri Mahadeo G. Kandalgaonkar V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

Shri V.G. Pingle, learned Advocate for the applicant and Smt. Resha S. Deshmukh, 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 26.09.2017.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 228/2017
(Shri Maroti S. Nilewad V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

Shri V.U. Jadhav, learned Advocate for the applicant (**Absent**). Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents, present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 3. Same is taken on record.

3. S.O. to 28.09.2017.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 229/2017
(Shri Sunil S. Pawar V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

Shri S.P. Salgar, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondent Nos. 1, 3 & 4 and Shri G.N. Patil, learned Advocate for respondent No. 2.

2. Learned Advocate for respondent No. 2 has submits that he will file affidavit in reply during the course of the day.

3. Learned Presenting Officer seeks time to file affidavit tin reply on behalf of respondent Nos. 1, 3 & 4. Time granted.

4. S.O. to 22.9.2017.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 307/2017
(Shri Prakash S. Gadekar V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

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

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

3. S.O. to 18.09.2017. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 364/2017
(Shri Hari P. Panchal & Ors. V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

Shri S.S. Deogude, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, 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 29.09.2017.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 392/2017
(Smt. Sheela H. Mohite V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

Shri A.R. Kawade, 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 as a last chance.

3. S.O. to 15.09.2017.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 461/2017
(Shri Shaikh Ahmed Imamsab V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

Shri R.P. Bangar, learned Advocate holding for Shri I.D. Maniyar, 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 22.09.2017.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 474/2017
(Shri Chandrakant B. Kadam V/s. the State of Mah. & Ors.)

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

DATE : 21.08.2017.

ORAL ORDER:-

Shri S.S. Deogude, learned Advocate holding for Shri P.D. Suryawanshi, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

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

3. S.O. to 28.09.2017.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 488/2017
(Shri Ramchandra S. Jaybhaye V/s. the State of Mah. & Ors.)

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

DATE : 21.08.2017.

ORAL ORDER:-

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

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

3. S.O. to 11.09.2017.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A. NO. 330/2017 IN O.A. NO. 578/2016
(Shri C.H. Dongaonkar & Ors. V/s. the State of Mah. & Ors.)

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

DATE : 21.08.2017.

ORAL ORDER:-

Heard Smt. S.A. Dhongde, learned Advocate for the applicant and Smt. Sanjivani K. Dehmukh-Ghate, learned Presenting Officer for respondents.

2. Issue notices to the respondents in M.A., returnable on 08.09.2017.

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 M.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

7. S.O. to 08.09.2017.

9. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A. NO. 332/2017 IN O.A. NO. 340/2014
(Shri Gajanan R. Jawale V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

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

2. Learned Advocate for the applicant seeks time to argue the matter on the point of maintainability of the Misc. Application seeking relief of condonation of delay and restoration of the Original Application in a single Misc. Application. Time granted.

3. S.O. to 31.08.2017.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A. NO. 331/2017 IN O.A. NO. 48/2013
(Shri Saheb R. Vede V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

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

2. Learned Advocate for the applicant seeks time to argue the matter on the point of maintainability of the Misc. Application seeking relief of condonation of delay and restoration of the Original Application in a single Misc. Application. Time granted.

3. S.O. to 31.08.2017.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 416/2017
(Shri Layak N. Bijapure & Ors. V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

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

2. The applicant has filed representation dated 12.04.2017 with the respondent No. 3 and requested to extend him benefit in view of the G.R. dated 29.09.2010. The said representation is still pending with the respondent No. 3 and it is under consideration. Therefore, the present O.A. is not maintainable in view of the provisions of Section 20 (2)(b) of the Administrative Tribunals Act, 1985, as the period of six months from the date on which such representation was made, has not expired. Therefore, the present Original Application cannot be admitted. Hence, the Original Application stands rejected being premature with no order as to costs.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 387/2016

(Dr. Nomani Muhammed Mufti Tahari V/s. the State of Mah. & Ors.)

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

DATE : 21.08.2017.

ORAL ORDER:-

Smt. Vinaya Muley, learned Advocate for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for respondents, present.

2. Learned Presenting Officer seeks time to file affidavit in reply.

3. On perusal of the record, it reveals that the respondents were saddled with cost on previous occasions. In spite of that, they failed to file the affidavit in reply. The respondents are deliberately prolonging the matter. It seems that the respondent No. 2 is not diligent in conducting the matter. Therefore, it is just to impose the costs upon him. In these circumstances, short time is granted subject to payment of costs of Rs. 10000/- in addition to the earlier costs of Rs. 15,000/- imposed on 27.04.2017 & 22.6.2017. The amount of cost of today's adjournment be recovered from respondent No. 2 and shall be deposited in the Registry of this Tribunal.

4. S.O. to 27.09.2017.

5. Steno copy allowed to the learned P.O. at his request.

MEMBER (J)

KPB ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD
ORIGINAL APPLICATION NO. 576/2017
(Shri Ulhas N. Suryawanshi V/s. the State of Mah. & Ors.)**

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

DATE : 21.08.2017.

ORAL ORDER:-

Heard Smt. Suchita A. Dhongde (Upadhyay), learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the applicant was retired on 30.04.2017 as a Sectional Engineer, which is a Group-B post. She has submitted that while releasing pensionary benefits, an amount of Rs. 580965/- has been withheld by the Accountant General (A&E)-I, Mumbai. She has submitted that on the basis of said order, the respondent No. 3 issued order dated 13.06.2017 for recovery of said amount. She has submitted that the order under challenge is illegal and therefore, she has prayed to issue direction to the respondents to release the amount and stop the further recovery. Learned Advocate for the applicant has further submitted that the Association of the Subordinate Service of Engineers, Maharashtra and others have challenged the Circular before the Hon'ble High Court of Judicature at Bombay Civil Appellate Jurisdiction vide W.P. No. 2605 of 2017 and the Hon'ble High Court by order dated 8th March, 2017 ordered that no coercive recovery be enforced against the petitioners. She has submitted that the applicant has been retired

and therefore, in view of the said order, interim relief may be granted.

3. Learned Presenting Officer has submitted that the benefit under Assured Progression Scheme has been granted to the applicant in view of the G.R. dated 1.4.2010 and the benefits were extended to the applicant w.e.f. 1.8.2013. He has submitted that in view of the Circular dated 13.06.2016, the benefit given to the applicant has been cancelled and therefore, the amount has been withheld. He has submitted that there is no illegality in the order dated 13.6.2017 and therefore, he prayed to reject the interim relief as prayed for by the applicant.

4. On going through the record, it reveals that the benefits under Assured Progression Scheme has been extended to the applicant w.e.f. 1.8.2013 on the basis of G.R. dated 1.4.2010. But by Circular dated 13.06.2016, the Government of Maharashtra has clarified that the said benefit has been extended wrongly and therefore, it has to be cancelled. Therefore, recovery has been directed in view of the order dated 13.06.2017. Prima-facie, there is no just reason to grant interim relief as prayed for. Therefore, interim relief as prayed for by the applicant cannot be granted. Hence, the interim relief is rejected.

5. Issue notices to the respondents, returnable on 25.09.2017.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
9. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
10. S.O.to 25-09-2017.
11. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.321/2017 IN O.A.St.No.1102/2017

**(Association of Pharmacy Teachers in India Vs.
The State of Maharashtra & Ors.)**

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

DATE : 21-08-2017

ORAL ORDER:

1. Heard Shri Amol N. Kakde learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer (C.P.O.) for the respondents.

2. For the reasons stated in the M.A., it is allowed in terms of prayer clause "B" which reads as follows:

"B) That applicant may kindly be permitted to file the Original Application on behalf of Association of Pharmacy Teachers in India before this Hon'ble Tribunal."

(Quoted from paper book page 4 of the M.A.)

3. Accordingly M.A. stands disposed of with no order as to costs.

CHAIRMAN

YUK ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

Original Application St. No. 1102/2017

**(Association of Pharmacy Teachers in India Vs.
The State of Maharashtra & Ors.)**

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

DATE : 21-08-2017

ORAL ORDER:

1. Heard Shri Amol N. Kakde learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer (C.P.O.) for the respondents.
2. Selection process by M.P.S.C. shall be subject to outcome of this O.A.
3. Learned Advocate for the applicant prays for leave to amend and add one prayer clause in the O.A.
4. Leave as prayed for is granted.
5. Issue notice to the respondents, returnable on 06-10-2017.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

9. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

10. Respondents shall file affidavit countering each para and each averment contained in the O.A., as filed/as amended.

11. Steno copy and Hamdust allowed to both parties.

12. S.O.06-10-2017.

CHAIRMAN

YUK ORAL ORDER 21-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.249/2017
(Shri Raja Vyankatrao Lakkamwad Vs.
The State of Maharashtra & Ors.)**

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN
DATE : 21-08-2017**

ORAL ORDER:

1. Heard Ms. Preeti Wankhade learned Advocate for the applicant and Mr. S.K.Shirse learned Presenting Officer (P.O.) for the respondents.

2. Perused affidavits of 3 officers named as under:

- (i) Respondent No.1: Shri Sanjay Deshmukh, Secretary, Medical Education & Drugs Deptt., Mumbai.
- (ii) Respondent No.2: Shri Pravin Shingare, Director, Medical Education & Research, Mumbai.
- (iii) Respondent No.3: Shri (Dr.), R.M. Powar, Dean, Govt. Medical College & Hospital, Latur.

3. All these 3 officers are directed as follows:

Produce office record to demonstrate the date/s on which P.O.'s letters pertaining to present O.A., notices etc. and notice of the Tribunal was/were received in respective offices, on next date.

4. S.O. to 16-09-2017.

5. Learned P.O. is directed to communicate this order.

6. Steno copy and hamdust is allowed.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.118/2017 IN O.A.St.No.346/2017

**(Shri Udhav Baburao Palve Vs.
The State of Maharashtra & Ors.)**

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

DATE : 21-08-2017

ORAL ORDER:

1. Heard Shri J.R.Patil learned Advocate for the applicant, Smt. Deepali Deshpande learned Presenting Officer (P.O.) for the respondents and Shri Shamsundar B. Patil learned Advocate for respondent no.4.

2. At the request of learned Advocate for the applicant, S.O. to 16-09-2017.

YUK ORAL ORDER 21-08-2017

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.283/2016 IN O.A.St.No.1167/2016

**(Shri Sudhakar Malba Davkare Vs.
The State of Maharashtra & Ors.)**

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

DATE : 21-08-2017

ORAL ORDER:

1. Heard Shri N.S.Choudhary learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer (C.P.O.) for the respondents and Shri D.P.Bakshi learned Advocate for respondent no.4 is **absent**.

2. At the request of learned Advocate for the applicant, S.O. to 16-09-2017.

YUK ORAL ORDER 21-08-2017

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 366 OF 2017
(Dr. Sweta H. Wange Vs. The State of Maha. and Ors.)**

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

DATE : 21.08. 2017.

ORAL ORDER:

1. Shri S.P. Dhoble, learned Advocate holding for Shri Arvind N. Gaddime – learned Advocate for the applicant, Shri S.K. Shirse – learned Presenting Officer for respondent Nos. 1 to 3 and Shri S.S. Devgude, learned Advocate holding for Shri P.D. Suryawanshi – learned Advocate for respondent No. 4.
2. Heard both sides at length and closed for orders.

MEMBER (J)

ORAL ORDERS 21.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 334/2017 WITH O.A.NO. 542/2016
(Smt. Vaishali A. Kathar Vs. The State of Maha. and Ors.)**

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

DATE : 21.08. 2017.

ORAL ORDER:

1. Heard Shri A.D. Gadekar – learned Advocate for the applicant, Shri V.R. Bhumkar – learned Presenting Officer for respondent Nos. 1 to 3 and Shri D.T. Devane – learned Advocate for respondent No. 4.

2. This Miscellaneous Application No. 337/2017 has been filed by the applicant seeking permission to amend the Original Application.

3. The applicant wants to amend the Original Application and more particularly prayer clause challenging the appointment of respondent No. 4, as appointment order of respondent No. 4 has been issued during the pendency of the Original Application. The proposed amendment is based on the subsequent event after filing the Original Application.

4. If the permission to amend the O.A. is granted, the nature of the O.A. will not be changed.

5. In view thereof, in the interest of justice, the M.A. for amendment the O.A. is allowed. The applicant is permitted to amend the O.A. He shall carry out the necessary amendment in the O.A. forthwith.

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

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 542 OF 2016
(Smt. Vaishali A. Kathar Vs. The State of Maha. and Ors.)**

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

DATE : 21.08. 2017.

ORAL ORDER:

1. Heard Shri A.D. Gadekar – learned Advocate for the applicant, Shri V.R. Bhumkar – learned Presenting Officer for respondent Nos. 1 to 3 and Shri D.T. Devane – learned Advocate for respondent No. 4.
2. Learned Advocate for respondent No. 4 has submitted that he does not want to file additional affidavit in reply to the amended O.A.
3. Learned Presenting Officer has submitted that he wants to file additional affidavit in reply to the amended Original Application and seeks time. Time granted.
4. S.O. to 1st September, 2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 698 OF 2016
(Shri Shriram M. Patil Vs. The State of Maha. and Ors.)**

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

DATE : 21.08. 2017.

ORAL ORDER:

1. Heard Shri A.D. Sugdare – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. On the previous date i.e. 31.07.2017, this Tribunal had directed to respondent No. 2 to take necessary steps for granting provisional pension. Learned Advocate for the applicant has submitted that as per the direction of the Tribunal the applicant has submitted application to the concerned office, but it has been informed to him by the concerned office that the provisional pension cannot be granted to him, as the regular pension has been sanctioned to him.

3. Shri B.M. Patil, Jalgaon Irrigation Division Jalgaon, who is present today before this Tribunal, has submitted that he made an enquiry with the concerned authority and it is informed to him that since the regular pension has been sanctioned to the applicant, no provisional pension can be sanctioned in view of the direction given by this Tribunal on the last date. He has further submitted that an amount of Rs. 1,79,238/- is yet to be recovered from the applicant and, therefore, his regular pension has not been released.

4. The pension amount has not been disbursed to the applicant till today. By this time the amount more than the

balance amount excess payment i.e. Rs. 1,79,238/- is due to the applicant towards payment of pension amount. The due amount can be recovered from the said amount of pension and balance amount if any can be disbursed to the applicant. In these circumstances, the respondents are directed to take appropriate decision for recovery of the due amount from the pension of the applicant in view of provisions of Rule 134 (a) of Maharashtra Civil Services (Pension) Rules, 1982 and to issue "No Dues Certificate" for releasing regular pension sanctioned to the applicant. Respondents are directed to file affidavit in that regard on or before the next date. They are further directed to file affidavit as directed by this Tribunal on 4th July, 2017.

5. S.O. to 11th September, 2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 775 OF 2016
(Shri Dnyanoba D. Jagtap & Ors. Vs. The State of Maha.
and Ors.)**

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

DATE : 21.08. 2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh – learned Advocate for the applicants and Shri I.S. Thorat – learned Presenting Officer for the respondents.
2. At the request of learned Presenting Officer, S.O. to 27th September, 2017.

MEMBER (J)

ORAL ORDERS 21.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 850 OF 2016
(Shri Anand S. Gavali Vs. The State of Maha. and Ors.)**

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

DATE : 21.08. 2017.

ORAL ORDER:

1. Heard Shri Abhijit Mane, learned Advocate holding for Shri S.D. Joshi – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 6th September, 2017. Interim relief granted earlier to continue till then.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 500 OF 2016
(Shri Saleem Khan Maseed Khan Sukede Vs. The State of
Maha. and Ors.)**

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

DATE : 21.08. 2017.

ORAL ORDER:

1. Heard Shri Kakasaheb B. Jadhav – learned Advocate for the applicant, Shri M.S. Mahajan – learned Chief Presenting Officer for respondent Nos. 1 & 2 and Shri S.B. Mene – learned Advocate for respondent No. 3.
2. Learned Chief Presenting Officer prays for time. Time granted as a last chance.
3. S.O. to 28th August, 2017.

MEMBER (J)

ORAL ORDERS 21.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 762 OF 2016
(Shri Nakul S. Mhaske & 9 Ors. Vs. The State of Maha.
and Ors.)**

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

DATE : 21.08. 2017.

ORAL ORDER:

1. Heard Shri Avinash Deshmukh – learned Advocate for the applicants and Shri I.S. Thorat – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time till 23rd August, 2017 to file affidavit of the concerned Secretary in view of the directions given by this Tribunal on 24.7.2017.
3. S.O. to 23rd August, 2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 466 OF 2017
(Shri Sham S. Pande Vs. The State of Maha. and Ors.)**

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

DATE : 21.08. 2017.

ORAL ORDER:

1. Heard Shri Avinash Deshmukh, learned Advocate holding for Shri A.N. Walujkar – learned Advocate for the applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. At the request of learned Chief Presenting Officer, S.O. to 29th August, 2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 305 OF 2017
(Smt. Rajmudra Murlidhar Khillare Vs. The State of Maha.
and Ors.)**

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

DATE : 21.08. 2017.

ORAL ORDER:

1. Heard Ms. Ashelesha 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 Advocate for the applicant submits that she has received copy of additional affidavit on behalf of respondent Nos. 1 to 3 filed to the rejoinder, today itself and seeks time.
3. S.O. to 24th August, 2017. Status quo granted earlier to continue till then.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 239 OF 2017
(Shri Manohar A. Gaikwad Vs. The State of Maha. and
Ors.)**

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

DATE : 21.08. 2017.

ORAL ORDER:

1. Heard Ms. P.R. Wankhade – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.
2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.
3. S.O. to 15th September, 2017.

MEMBER (J)

ORAL ORDERS 21.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 905 OF 2016
(Shri Mahavir C. Gosavi Vs. The State of Maha. and Ors.)**

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

DATE : 21.08. 2017.

ORAL ORDER:

1. Heard Ms. Ashlesha Raut, learned Advocate holding for Shri S.B. Talekar – learned Advocate for the applicant, Shri N.U. Yadav – learned Presenting Officer for respondent Nos. 1 to 3 and Shri D.T. Devane – learned Advocate for respondent No. 4.

2. On instructions, learned Presenting Officer has submitted that respondent No. 2 will not implement the impugned order of transfer so far as respondent No. 4 and applicant is concerned, till next annual general transfers to be effected in the month of April or May, 2018.

3. Learned Advocate for the applicant has submitted that the applicant does not want to proceed with the present Original Application, in view of the submissions made by the respondent No. 2, and therefore, she prayed to dispose of the present Original Application accordingly.

4. In view of the submissions made by the respondent No. 2, the Original Application stands disposed of with the direction to respondent No. 2 not to implement the impugned order of transfer so far as respondent No. 4 and applicant is concerned, till April/May, 2018.

5. There shall be no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 284 OF 2016
(Dr. Usha N. Bholane Vs. The State of Maha. and Ors.)**

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

DATE : 21.08. 2017.

ORAL ORDER:

1. Heard Shri K.A. Ingle – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondent Nos. 1 to 4. Shri B.S. Deshmukh – learned Advocate for respondent No. 5 (**absent**).

2. The applicant has joined as a Medical Officer in Class-III Category by the appointment order dated 25.12.1970. In the September, 1982 he was promoted as Medical Officer, Class-II and posted at Primary Health Centre at Edlabad Dist. Jalgaon. Thereafter, she joined the said posting and made representation and prayed to revert her in the earlier cadre and to post her at Bhusaval. The Deputy Director, Health Services, Nashik Division passed an order dated 24.12.1982 and reverted her and posted at Bhusaval. Thereafter, he sent proposal to joint Director, Health Services, Mumbai for approval to the order of reversion passed by him. Thereafter, Deputy Director, Health Services by order dated 18.4.1983, informed the Deputy Director of Health Services, Nashik that the action regarding approval to the reversion of the applicant was under consideration and he directed the Joint Director, Health Services, Pune to transfer one Dr. Narade, who was working in the Municipal Dispensary, Bhusawal. Thereafter, the applicant has not received posting. Therefore, she made several representations to the respondents, but no posting was given to her and, therefore, she constrained to file Civil Suit No. 202/1986 in the Court of learned Civil Judge (Sr.

O.A. NO. 284 OF 2016

Division) at Jalgaon. The said suit was decreed on 2nd July, 1990. The said decision has been challenged by the respondents by filing appeal bearing No. 156/1990 in the District Court, Jalgaon. Thereafter, the said appeal has been transferred to this Tribunal. This Tribunal has decided the T.A. No. 171/1993 on 9th August, 2002 and allowed the T.A. and dismissed the suit. The applicant thereafter has not received posting. She came to be retired on 17.11.2004 on attaining the age of superannuation. By that time she has not received any posting. Therefore, she could not join the post of Medical Officer, Class-II. The applicant is claiming pension for her continuous service of more than 13 years rendered by her.

3. Learned Presenting Officer has submitted that the applicant remained absent and she never joined the post from April, 1983 and, therefore, she is not eligible to claim pension. Learned Presenting Officer seeks time to make submissions as to whether any disciplinary action has been taken against the applicant for unauthorized absence since April, 1983.

4. In the circumstances, short time is granted to the respondents to make submission as to whether any disciplinary action has been initiated against the applicant for her alleged unauthorized absence since April, 1983. The respondents are directed to state as to whether any decision on the several representations made by the applicant since the year 1983 onwards, had been taken. The respondents are further directed to inform as to whether they passed any order on retirement of the applicant on superannuation.

5. S.O. to 11th September, 2017.

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O.A. NO. 284 OF 2016

6. Steno copy be provided to the learned Presenting Officer at his request.

MEMBER (J)

ORAL ORDERS 21.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**O.A.NOS. 321, 322, 323, 324, 330, 332 & 744 ALL OF
2013 AND 634, 682 BOTH OF 2014 AND 721 & 722 BOTH
OF 2015 AND 340 OF 2016**

(A.P. Bawa & Others Vs. The State of Maha. and Ors.)

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench)**

DATE : 21.08. 2017.

ORAL ORDER:

1. Heard Shri Anant Devkate – learned Advocate for the applicants in all these cases and S/Shri V.R. Bhumkar, M.P. Gude, I.S. Thorat, S.K. Shirse & Smt. Resha S. Deshmukh, Mrs. Deepali S. Deshpande, Smt. Sanjivani Deshmukh-Ghat & Mrs. Priya R. Bharaswadkar – learned Presenting Officers for respective respondents in respective cases.

2. At the request and by consent of both the parties, S.O. to 26th September, 2017.

MEMBER (J)