

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 38/2017 IN O.A.ST.NO.3051/2016

**(Shri. Faroqui Sahed Latif S/o. Mohd. Mumtajuddin
Faroqui Vs. The State of Maharashtra and Others.)**

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

DATE : 23.06. 2017.

ORAL ORDER:

1. Heard Shri Mohsin Khan – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time to file affidavit in reply. Time granted.
4. S.O. to 26th July, 2017.

MEMBER (J)

ORAL ORDERS 23.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO. 3049 OF 2016

**(Shri. Uttam Ramrao Patil Vs. The State of Maharashtra
and Others.)**

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

DATE : 23.06. 2017.

ORAL ORDER:

1. Heard Shri G.M. Ghongade, learned Advocate holding for Shri S.G. Chapalgaonkar – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant prays for time. Time granted as a last chance.

4. S.O. to 28th July, 2017.

MEMBER (J)

ORAL ORDERS 23.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 347 OF 2017

**(Shri. Sanjay S/o. Sitaram Gaikwad Vs. The State of
Maharashtra and Others.)**

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

DATE : 23.06. 2017.

ORAL ORDER:

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

2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted.

4. S.O. to 11th July, 2017. Interim relief granted earlier to continue till then.

MEMBER (J)

ORAL ORDERS 23.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 301 OF 2017

**(Dr. Seema Pralhadrao Panad Vs. The State of
Maharashtra and Others.)**

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

DATE : 23.06. 2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh – learned Advocate for the applicant, Shri N.U. Yadav – learned Presenting Officer for the respondent Nos. 1 & 2 and Shri B.S. Munde – learned Advocate for respondent No. 3.

2. Learned Advocate for the applicant has filed affidavit in rejoinder to the reply filed on behalf of respondent Nos. 2 & 3 and the same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Advocate for the applicant, S.O to 11th July, 2017.

MEMBER (J)

ORAL ORDERS 23.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 390 OF 2017

**(Shri Vijay Shankarrao Tikole Vs. The State of
Maharashtra and Others.)**

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

DATE : 23.06. 2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 4th July, 2017.
3. Tribunal may take the case/s for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 4th July, 2017.
8. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 23.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 391 OF 2017

**(Shri Sambhaji S/o. Ramrao Patil Vs. The State of
Maharashtra and Others.)**

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

DATE : 23.06. 2017.

ORAL ORDER:

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

2. Issue notices to the respondents, returnable on 4th July, 2017.

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

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

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

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

7. S.O. to 4th July, 2017.

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

MEMBER (J)

ORAL ORDERS 23.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 192/2017 IN O.A.NO. 792/2015

(Dr. Chetan S/o. Krishna Shingane & Ors. Vs. The State of Maharashtra and Others.)

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

DATE : 23.06. 2017.

ORAL ORDER:

1. Heard Shri Avinash Deshmukh – learned Advocate for the miscellaneous applicants, Shri I.S. Thorat – learned Presenting Officer for respondent Nos. 8 & 9 and Shri Vishnu Dhobale – learned Advocate for the respondent Nos. 1 to 7 in M.A.

2. Issue notices to all the respondents.

3. Learned Advocate Shri Vishnu Dhobale waives notice for respondent Nos. 1 to 7 in M.A. No. 192/20017.

4. Hence, issue notices to the respondent Nos. 8 & 9, returnable on 17th July, 2017.

5. Tribunal may take the case/s 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 M.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. 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.

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 17th July, 2017.

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

MEMBER (J)

ORAL ORDERS 23.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 261 OF 2017

**(Shri Shivram S/o. Yadav Surwase Vs. The State of
Maharashtra and Others.)**

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

DATE : 23.06. 2017.

ORAL ORDER:

1. Heard Shri S.K. Mathpati – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted.
3. S.O. to 26.07.2017.

MEMBER (J)

ORAL ORDERS 23.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 144 OF 2017

**(Shri Sharad Ramdas Pathak Vs. The State of Maharashtra
and Others.)**

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

DATE : 23.06. 2017.

ORAL ORDER:

1. Shri Ajay Deshpande – learned Advocate for the applicant (**absent**). Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents, present.
2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted as a last chance.
3. S.O. to 25th July, 2017.

MEMBER (J)

ORAL ORDERS 23.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 49 OF 2017

**(Shri Uttamrao S. Joshi Vs. The State of Mah. and
Others.)**

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

DATE : 23.06. 2017.

ORAL ORDER:

1. Heard Shri Shamsundar B. Patil – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer prays for time for filing affidavit in reply. Time granted as a last chance.
3. S.O. to 17th July, 2017.

MEMBER (J)

ORAL ORDERS 23.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 812 OF 2016
(Dr. Vijay M. Katte Vs. The State of Mah. and Others.)**

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

DATE : 23.06. 2017.

ORAL ORDER:

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

2. Heard both the parties on the issue of interim relief.

3. Learned Advocate for the applicant has submitted that the applicant has been appointed as a Medical Officer (Orthopedics) at Trauma Care Centre at Telgaon, District Beed on vacant post, by an order dated 20.09.2016 (Annexure 'B' page-37) by respondent No. 5 i.e. the Collector, Beed. He has submitted that thereafter the applicant has been deputed at District Hospital, Beed w.e.f. 18th October, 2016 (page-103) since then he is working there. He has submitted that the applicant made representation to the respondents and requested them to give him a posting at Civil Hospital, Beed or at Trauma Care Unit at Beed as some posts are vacant there, but his representation has not been considered. Therefore, he approached this Tribunal for giving directions to the respondents to give posting to him as Medical Officer (Ortho.) either at District Hospital, Beed, or Trauma Care Unit, Telgaon, District Beed.

4. He has further submitted that representation dated 29.9.2016 sent by the applicant is still pending with the Health Services Department, Mantralaya, Mumbai and it has not been decided.

5. Learned Presenting Officer has submitted that the said representation is under consideration and appropriate authority will take necessary decision on it considering the vacancy, if any at Beed.

6. Only point involved in this matter is as to whether the applicant, who is Medical Officer (Ortho.) can be posted at Trauma Centre Beed or Civil Hospital, Beed, if the posts are available. Admittedly, the applicant has been posted at Telgaon District Beed, by the Collector after counseling. Due to the administrative exigency, he has been deputed in the Civil Hospital, Beed w.e.f. 18.10.2016. The applicant has contended that some posts are vacant at Beed and, therefore, he may be accommodated there. He made representation dated 29.9.2016 to the respondents to that effect. It is pending with the Chief Secretary, Health Services. In these circumstances, it is just to direct the respondent No. 1 to

decide the representation dated 29.9.2016 filed by the applicant on merit within a period of one month. Hence, respondent No. 1 is directed to decide the representation dated 29.9.2016 filed by the applicant within a period of one month from the date of this order on merit.

7. Accordingly, the present Original Application stands disposed of with no order as to costs.

MEMBER (J)

ORAL ORDERS 23.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 256/2017

(Shri Rajendra R. Londhe Vs. The State of Mah. & Ors.)

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

Date : 23-06-2017

ORAL ORDER:-

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply. At his request, S.O. to 10.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 23.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO. 658/2017

(Shri Bhimrao M. Ambalkar Vs. The State of Mah. & Ors.)

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

Date : 23-06-2017

ORAL ORDER:-

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

2. It appears from the record of the matter that, notices are not collected by the applicant despite the order dated 16.5.2017. Ex parte ad interim relief was granted to the applicant vide the said order. Even the memo, index & synopsis of the present original application is also not substituted by the learned Advocate for the applicant as directed by the Tribunal by the said order.

3. In the circumstances, S.O. to 29.6.2017 either for taking appropriate steps by the applicant or for passing necessary orders.

VICE CHAIRMAN

ARJ ORAL ORDERS 23.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 11/2017 IN OA 245/2016

(Shri Satish P. Dhangar Vs. The State of Mah. & Ors.)

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

Date : 23-06-2017

ORAL ORDER:-

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 to 4. None appears for respondent no. 5.

2. In view of absence of respondent no. 5 or his learned Advocate, S.O. to 4.7.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 23.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 157/2017 IN CP ST. 328/2017 IN OA 46/2015

(Shri Nikhil D. Chavan Vs. The State of Mah. & Ors.)

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

Date : 23-06-2017

ORAL ORDER:-

Heard Shri Mahesh Dhapate, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The learned C.P.O. has filed affidavit in reply of res. no.1 in the misc. application. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The learned Advocate for the applicant seeks time to go through the affidavit in reply of res. no. 1. At his request, S.O. to 26.7.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 23.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 210/2017

(Shri Ramesh B. Pimple Vs. The State of Mah. & Ors.)

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

Date : 23-06-2017

ORAL ORDER:-

Heard Shri Ramesh Pimple – applicant in person and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The learned P.O. seeks time to take instructions from the concerned respondents regarding the order of the Tribunal dated 6.4.2017. It is to be noted that the said order was passed by the Tribunal long back i.e. on 6.4.2017 and thereby the learned P.O. was directed to take instructions from the State Excise regarding the fact as to why 15% reservation is not provided for the dependents of the Defence personnel as is provided by G.R. at Exh. B & C of the O.A., however, still the compliance of the said order is not made.

3. In the circumstances, as a last chance to take instructions, S.O. to 20.7.2017. It is hereby made clear that, if necessary compliance is not made by the respondents by that time, necessary coercive action may be taken against them.

4. S.O. to 20.7.2017.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 23.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 314/2016 IN OA 535/2013

AND

MA 315/2016 IN OA 575/2013

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

Date : 23-06-2017

ORAL ORDER:-

Heard Shri P.G. Tambde, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicants in both the matters and S/shri N.U. Yadav & V.R. Bhumkar, learned Presenting Officers for the respective respondents in respective matters.

2. With the consent of both the sides, S.O. to 12.7.2017 for hearing on misc. application.

VICE CHAIRMAN

ARJ ORAL ORDERS 23.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

- (1) MA NO. 436/2016 IN OA ST. 1871/2016
- (2) MA NO. 437/2016 IN OA ST. 1869/2016
- (3) MA NO. 438/2016 IN OA ST. 1867/2016
- (4) MA NO. 440/2016 IN OA ST. 1873/2016

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

Date : 23-06-2017

ORAL ORDER:-

None appears for the applicants in all these four matters. Smt. Priya R. Bharaswadkar and S/shri N.U. Yadav, V.R. Bhumkar, learned Presenting Officers for the respective respondents in respective matters, are present.

2. It appears that, the concerned respondents have already filed affidavit in replies in M.A. no. 437/2016 in O.A. st. 1866/2016 and M.A. no. 438/2016 in O.A. st. no. 1867/2016.

3. The respective learned P.Os. seek time to file affidavit in replies of the respondents in M.A. nos. 436/2016 in O.A. st. no. 1871/2016 and M.A. no. 440/2016 in O.A. st. No. 1873/2016. At their request, S.O. to 26.7.2017.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 11/2017
(Shri Subhash K. Dahale V/s. the State of Mah. & Ors.)

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

DATE : 23.06.2017.

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant, S.O. to 31.07.2017.

MEMBER (J)

KPB ORAL ORDER 23-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

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

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

DATE : 23.06.2017.

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant, S.O. to 25.07.2017.

MEMBER (J)

KPB ORAL ORDER 23-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 892/2016
(Smt. Babita U. Rathod V/s. the State of Mah. & Ors.)**

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

DATE : 23.06.2017.

ORAL ORDER:-

Shri Ashish Rajkar, learned Advocate holding for Shri S.D. Joshi, 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 19.07.2017.

MEMBER (J)

KPB ORAL ORDER 23-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 326/2017
(Shri Nilakant S. Jadhav V/s. the State of Mah. & Ors.)

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

DATE : 23.06.2017.

ORAL ORDER:-

Shri S.P. Landge, learned Advocate holding for Shri Sandip Rathod, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 06.07.2017.

KPB ORAL ORDER 23-06-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 913/2016
(Shri Rameshwar S. Waghmare V/s. the State of Mah. & Ors.)**

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

DATE : 23.06.2017.

ORAL ORDER:-

Shri S.D. Hiwrekar, 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 most last chance.

3. S.O. to 11.07.2017.

MEMBER (J)

KPB ORAL ORDER 23-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 54/2017
(Shri Balaji V. Malchpure V/s. the State of Mah. & Ors.)**

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

DATE : 23.06.2017.

ORAL ORDER:-

Shri S.D. Hiwrekar, 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 most last chance.

3. S.O. to 11.07.2017.

MEMBER (J)

KPB ORAL ORDER 23-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 534/2017
(Shri Balasaheb R. Pagare V/s. the State of Mah. & Ors.)**

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

DATE : 23.06.2017.

ORAL ORDER:-

Shri S.M. Chavan, learned Advocate holding for Shri N.B. Narwade, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 14.07.2017.

KPB ORAL ORDER 23-06-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 392/2017

[Smt. Sheela H. Mohite Vs. The State of Mah. & Ors.]

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

DATE : 23.06.2017.

ORAL ORDER:

Heard Shri A.R. Kawade, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 21.07.2017.

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

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

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

7. S.O.to 21-07-2017.

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

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 209/2017 in O.A. St. 771/2017
[Dr. Gopal B. Kuril Vs. The State of Mah. & Ors.]**

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

DATE : 23.06.2017.

ORAL ORDER:

Heard Shri S.N. Pagare, 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 25.07.2017.

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 the 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O.to 25-07-2017.

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

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 366/2016
(Dr. Sweta H. Wange V/s. the State of Mah. & Ors.)**

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

DATE : 23.06.2017.

ORAL ORDER:-

Shri A.N. Giddime, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for respondent nos. 1 to 3 and Shri D.K. Borkar, learned Advocate holding for Shri P.D. Suryawanshi, learned Advocate for respondent no. 4, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent nos. 1 to 3. Time granted as a last chance.

3. S.O. to 28.07.2017.

MEMBER (J)

KPB ORAL ORDER 23-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 802/2015
(Shri Dattu T. Sable V/s. the State of Mah. & Ors.)**

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

DATE : 23.06.2017.

ORAL ORDER:-

Shri V.G. Salgare, learned Advocate for the applicant (**Absent**). Smt. Sanjivani K. Dehsmukh-Ghate, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 28.07.2017.

MEMBER (J)

KPB ORAL ORDER 23-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 537/2017
(Shri Rameshwar S. Waghmare V/s. the State of Mah. & Ors.)**

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

DATE : 23.06.2017.

ORAL ORDER:-

Heard Shri R.K. Khandelwal, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the applicant does not want to proceed with the O.A., as he has preferred an appeal before the appellate authority. Therefore, he prayed to withdraw the present O.A. unconditionally.

3. Since the applicant does not want to proceed with the O.A., as he has availed alternative remedy available to him, permission is granted to withdraw the present O.A. unconditionally. Accordingly, the O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

KPB ORAL ORDER 23-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 292/2017
(Shri Sudarshan L. Mundhe V/s. the State of Mah. & Ors.)**

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

DATE : 23.06.2017.

ORAL ORDER:-

Heard Shri V.B. Wagh, learned Advocate holding for Shri V.H. Dighe, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. Today, the learned Advocate for the applicant has filed a copy of withdrawal pursis singed by the applicant stating that the respondents have modified the impugned order and therefore, the applicant does not want to proceed with the present O.A. and he wants to withdraw it. The learned Advocate for the applicant has also produced the copy of modified order dated 17.06.2017.

3. Leaned Presenting Officer has also produce the copy of modified order dated 17.06.2017 and he has no objection to grant leave to the applicant to withdraw the O.A.

4. In view of the above said facts, the O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

KPB ORAL ORDER 23-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 362/2017
(Shri Sudhakar S. Magre V/s. the State of Mah. & Ors.)**

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

DATE : 23.06.2017.

ORAL ORDER:-

Heard Shri N.P. Dube, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the applicant has been transferred as a Assistant Superintendent, Rural Hospital, Manwat on 16.05.2016. He has submitted that thereafter, the applicant has made request to the respondents to transfer him in the annual transfer of the year 2017 in any hospital in the Aurangabad district. He has submitted that the daughter of the applicant is suffering from Tuberculosis and she is in 12th Std. Therefore, he requested to the respondents to transfer him in the Aurangabad district. He has submitted that the respondents have not considered the said aspect in the annual general transfer of the year 2017 and therefore, he has approached this Tribunal by filing present O.A.

3. Learned Advocate for the applicant has submitted that the respondents have not considered his request and therefore, he is aggrieved by the said inaction on of the respondents and therefore, the application is maintainable in view of provisions of section 19 of the Administrative Tribunals Act, 1985.

4. He has submitted that the applicant has submitted his representation before the respondents and they have not taken the decision thereon and therefore, in view of the provisions of Section 20 of the Administrative Tribunals Act, 1985, the present O.A. can be entertained.

5. Learned Presenting Officer has submitted that the applicant is not aggrieved by any order of respondents and therefore, the present O.A. is not maintainable in view of the provisions of section 19 of the Administrative Tribunals Act, 1985.

6. On going through the record, it reveals that the applicant was initially transferred as Assistant Superintendent, Rural Hospital, Pathri by order dated 6.5.2016, thereafter on his request the order has been

modified and he has been posted as Assistant Superintendent, Rural Hospital, Manwat by order dated 16.05.2016. He has not completed one year on the post at the time of Annual General Transfer of the year 2017. He has filed application for transferring him in the Aurangabad district on his personal ground, but the respondents might not have thought it proper to consider his request and therefore, he has not been transferred. The documents show that the applicant is not aggrieved by any of the order of the respondents. Moreover the six months has not been elapsed since the date of his representation. Therefore, in my view, in view of Sections 19 & 20 of the Administrative Tribunals Act, 1985 the present O.A. cannot be entertained as it is not maintainable. Therefore, it deserves to be rejected.

7. In these circumstances, the O.A. is not maintainable in view of the Section 19 and Section 20 of the Administrative Tribunals Act, 1985. Hence, the same is rejected. There shall be no order as to costs.

MEMBER (J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..
OA Nos. 321 & 83/2017.

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 23-06-2017

ORAL ORDER:-
O.A. No.83/2017:-

Heard Shri P. A. Kulkarni learned Advocate for the applicants in both the matters and S/Shri I. S. Thorat & S. K. Shirse learned Presenting Officers for the respondents in the respective matters.

2. The learned Advocate for the applicants yesterday has already filed written notes of argument. The same is taken on record. Its copy is served on the other side.

3. Shri S. K. Shirse the learned P.O. for the Respondents submit that, the notification of which reference is made on the earlier date is yet to be reached. It is to be noted that, the oral arguments are already advanced. In the circumstances, S. O. to 29.6.2017 for passing orders.

4. In the meantime written notes of arguments, if any, as well as the notification from the side of the Respondents may be filed.

5. Interim Relief to continue till then in OA No.83/2017.

6. O.A. No. 321/2017 also be kept along with this O.A. No.83/2017.

VICE CHAIRMAN.

ORAL ORDERS 23-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.393/2017.
(Taslim Khan Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 23-06-2017

ORAL ORDER:-

Heard Dr. Swapnil Tawshikar learned Advocate for the applicant and Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. Issue notice to the Respondents, returnable on 2.8.2017. Until further order the Respondent no.5 shall not be appointed by the Respondents.

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 2.8.2017.

VICE CHAIRMAN.

ORAL ORDERS 23-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

C. P. NO.15/2014 IN O.A. NO.1128/1999.
(Shri R. R. Landge Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 23-06-2017

ORAL ORDER:-

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

2. The learned P.O. seeks time. At his request S. O.
to 11.7.2017.

VICE CHAIRMAN.

ORAL ORDERS 23-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.708/2013.
(Dr. Rekha A. Salunkhe Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 23-06-2017

ORAL ORDER:-

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

2. The learned P. O. points that, in OA No.707/2013
the copy of the decision of the Secretary is filed. The said
O.A. is already disposed of. In the circumstances, call
record and papers of OA No.707/2013. Be placed with
the present application.

3. In view of the absence of the learned Advocate for
the applicant, S. O. to 6.7.2017.

VICE CHAIRMAN.

ORAL ORDERS 23-06-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.573/2015.
(Shri A. K. Kharat Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 23-06-2017

ORAL ORDER:-

Heard Miss. Ashlesha Raut learned Advocate holding for Shri S. B. Talekar learned Advocate for the applicant and Smt D. S. Deshpande learned Presenting Officer for the respondents.

2. The learned P.O. seeks time. The record would show that on many occasion the applicant has sought time. In the circumstances, as a last chance, S. O. to 19.7.2017.

VICE CHAIRMAN.

ORAL ORDERS 23-06-2017-ATP

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

ORIGINAL APPLICATION NO.784/2015.
(Shri M. P. Shendule Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 23-06-2017

ORAL ORDER:-

None appears for the applicant. Heard Smt S. K. Ghate Deshmukh learned Presenting Officer for the respondents.

2. Perused the order dated 26.4.2017. The learned P.O. submit that, the SLP is still pending in which stay to the order of the Hon'ble High Court is granted. In the circumstances, S. O. to 28th Sept. 2017.

VICE CHAIRMAN.

ORAL ORDERS 23-06-2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.117/2016
(Radhabai Zade V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 23-06-2017

ORAL ORDER:-

Shri P.A.Bharat learned Advocate for the applicant has filed **leave note** on record. Smt. Sanjivani Ghate learned Presenting Officer for the respondents is present.

2. In view of leave note of learned Advocate for the applicant, S.O.28-07-2017.

YUK ORAL ORDER 23-06-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.353/2016

(Shri Ladappa Chikale V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 23-06-2017

ORAL ORDER:-

Heard Shri U.B.Bilolikar 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. 19-07-2017.

MEMBER (J)

YUK ORAL ORDER 23-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

O.A.NO.443/2016 with O.A.No.605/2016

(Shri Nandkishor Rathod & Nitin Chavan V/s. The State
of Maharashtra & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 23-06-2017

ORAL ORDER:-

Heard Shri Kakasaheb B. Jadhav learned Advocate for the applicant in O.A.No.443/2016 and Shri D.K.Rajput learned Advocate for the applicant in O.A.No.605/2016 and Shri S.K.Shirse learned Presenting Officer for the respondents in both O.As. Shri Masood Syed learned Advocate for respondent no.3 in both O.As. is **absent**.

2. Learned Advocate Shri D.K.Rajput has filed affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. Learned P.O. seeks time to go through the rejoinder. Time granted.

4. S.O.18-07-2017.

MEMBER (J)

YUK ORAL ORDER 23-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.577/2016

(Dr. Baban Jadhav V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 23-06-2017

ORAL ORDER:-

Heard Shri J.S.Deshmukh learned Advocate for the applicant, Smt. Deepali Deshpande learned Presenting Officer for the respondent nos.1 to 3 and Shri H.P.Jadhav learned Advocate for respondent no.4.

2. On consent and at the request of all the parties,
S.O. to 19-07-2017.

YUK ORAL ORDER 23-06-2017

MEMBER (J)