

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

**M.A. No. 290/2017 in O.A. St. No. 816/2017
(Shri Kailas Adhar Yalis (Patil) V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23RD NOVEMBER, 2017.

ORDER

1. This is an application filed by the applicant for condonation of delay of 5 years, 2 months and 26 days caused in filing the accompanying O.A.

2. The applicant was initially temporarily appointed for 29 days on the establishment of respondent Nos. 3 and 4. His services were regularized w.e.f. 21.10.1985 by order dated 17.6.1999 and since then, the applicant is working with the Social Welfare Department as Peon and he is working in Dr. Babasaheb Ambedkar Backward Community Government Boys Hostel, Parbhani. It is his contention that his services has been regularized w.e.f. 21.10.1985, therefore, all service benefits ought to have been extended to him from that date. The applicant was recommended for higher pay by letter dated 23.01.2009 and he was granted

benefit of ACP scheme w.e.f. 21.10.2009 by order dated 18.01.2013. It is contention of the applicant that he is sincere, hardworking and diligent in his duties. He was recommended by the appointing authority for his promotion to the Class-III post i.e. Junior Clerk considering his additional qualification. Not only this, but he was assigned the work of Junior Clerk on many of the years and his performance was satisfactory. It is his contention that he made several representations to the respondents to promote him on the post of Junior Clerk. Lastly he has filed representations on 1.7.2016 and 15.7.2016, but the respondents have not decided the same. It is his contention that he is going to retire on superannuation w.e.f. 30.06.2017. It is his further contention that he could not able to approach this Tribunal in time due to his poor financial condition and his representations are pending with the respondents and therefore, the delay has been occurred in filing the accompanying O.A. claiming deemed date of promotion under the ACP scheme. Therefore, he

prayed to condone the same. It is his contention that the said delay is not deliberate and intentional and therefore, he prayed to allow the present Misc. Application and to condone the delay in the interest of justice and equity.

3. The respondent Nos. 1 to 3 have filed their affidavit in reply and resisted the contention of the applicant. They have not disputed the fact the applicant's services were regularized w.e.f. 21.10.1985 by order dated 17.06.1999 and since then, he is serving as a Peon. They have not denied that the applicant is entitled to get all types of service benefits after regularization. They have admitted the fact that the applicant was granted ACP scheme benefit w.e.f. 21.10.2009 by order dated 18.01.2013. It is their contention that the meeting of the Divisional Promotion Committee of the Social Welfare Commissioner, Maharashtra State, Pune was held on 25.04.2017 and they selected 84 employees for promotion to Class-III post. The name of the applicant was listed at Sr. No. 1 in

the said list, but his name was not recommended, as he had completed 58 years of age. The retirement age for the post of Peon is 60 years and the applicant has rendered his service up to 60 years. It is their contention that the financial benefit was given to the applicant, though functional promotion was not given to him. It is their contention that the applicant has not filed Original Application within prescribed period of limitation. No just and reasonable explanation has been given by the applicant for condoning the delay and therefore, they prayed to reject the Misc. Application.

4. I have heard Shri Chetan T. Jadhav, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh Ghate, learned Presenting Officer for respondents.

5. Learned Advocate for the applicant has submitted that the applicant was regularized in the service w.e.f. 21.10.1985 by order dated 17.06.1999. He has submitted that since the date of regularization, the applicant is entitled to

get all service benefits and therefore, he is entitled to get benefit of Assured Career Progression Scheme since then. He has submitted that the respondents have given first benefit of ACP scheme to the applicant w.e.f. 21.10.2009 by order dated 18.01.2013. He has argued that the applicant has made several representations to the respondents giving him deemed date of promotion considering his initial date of appointment. But the respondents have not decided the said representations and therefore, the delay has been occurred in filing the accompanying O.A. He has submitted that due to his poor financial condition, the applicant is not able to approach this Tribunal in time and therefore, on that ground he prayed to condone the delay caused in filing the accompanying O.A., by allowing the present Misc. Application.

6. Learned Advocate for the applicant has placed reliance on the judgment delivered by the Hon'ble High Court, Bench at Aurangabad in case of **Basawant Devidas Nandgavali Vs. The**

**Secretary, Water Resources Department and
Ors.** reported in **2013 (3) ALL MR 113** in **Writ
Petition No. 10241 of 2012, decided on 8th
March, 2013.**

7. Learned Presenting Officer has submitted that the applicant has not given just and reasonable explanation for condonation of delay caused in filing the accompanying O.A. She has argued that there is an inordinate delay in filing the accompanying O.A. and therefore, she prayed to reject the present Misc. Application.

8. On going through the record, it reveals that the applicant was initially appointed for 29 days basis by giving one day's technical break on the establishment of respondent Nos. 3 and 4. His services were regularized w.e.f. 21.10.1985 by the order dated 17.6.1999 and since then, the applicant is working with the Social Welfare Department as Peon and he was working in Dr. Babasaheb Ambedkar Backward Community Government Boys Hostel, Parbhani at the time of filing of O.A.. The service benefits of ACP

scheme was given to the applicant w.e.f. 21.10.2009 by order dated 18.01.2013. Record shows that the applicant has made several representations with the respondents since the year 2010 onward for getting benefit of ACP scheme and deemed date. His representations had not been decided by the respondents and therefore, the applicant has constrained to file O.A. before his retirement. The applicant could not able to file Original Application within time, since he was waiting for the decision of the respondents on his representations. Therefore, in my opinion, it is a just ground to condone the delay and an opportunity should be given to the applicant to contest the accompanying O.A. on its own merit and therefore, in my opinion it is just to condone the delay to advance the cause of substantial and real justice.

9. I have gone through the judgment/decision referred by the learned Advocate for the applicant delivered by the Hon'ble High Court, Bench at Aurangabad in case of **Basawant Devidas**

Nandgavali Vs. The Secretary, Water Resources Department and Ors. reported in **2013 (3) ALL MR 113** in **Writ Petition No. 10241 of 2012, decided on 8th March, 2013,**

wherein it is observed as follows:-

“4. In State of Uttar Pradesh v/s Harish Chandra AIR 1996 SC 2173, it was observed by the Apex Court: “It is undoubtedly true that the applicant seeking for condonation of delay is duty bound to explain the reasons for the delay but as has been held by this Court in several cases, the very manner in which the bureaucratic process moves, if the case deserves merit the Court should consider the question of condonation from that perspective.

“On the facts of that case it was observed: “That apart the respondents themselves approached the High Court in the year 1990 making grievance that they had not been appointed even though they are included in the Select List of 1987 list itself expired under the Rules on 4.4.1988. In this view of the matter and in view of the merits of the case we are of the opinion that sufficient cause has

been shown for condoning the delay and accordingly we have condoned the delay.”

5. *In N. Balakrishnan v/s M. Krishnamurthy JT 1998 (6) SC 242, the Hon’ble the Supreme Court observed: “It is axiomatic that condonation of delay is a matter of discretion of the Court. Section 5 of the Limitation Act does not say that such discretion can be exercised only if the delay is within a certain limit. Length of delay is no matter; acceptability of the explanation is the only criterion. Sometimes delay of the shortest range may be uncondonable due to want of acceptable explanation whereas in certain other cases delay of very long range can be condoned as the explanation thereof is satisfactory...” The law was summed up in the following words : “Rules of limitation are not meant to destroy the right of the parties.” In every case of delay, there can be some lapse on the part of the litigant concerned. That alone is not enough to turn down his plea and to shut the door of substantial and real justice against him so as to render him remediless.”*

10. The principles laid down in the said decision is also appropriately applicable in the instant case. Therefore, in view of the said principles also, the delay caused in filing the accompanying O.A. deserves to be condoned.

11. In these circumstances, the present Misc. Application deserves to be allowed by condoning the delay caused in filing the accompanying O.A. In view of the discussion in foregoing paragraphs, the Misc. Application is allowed and the delay of 5 years, 2 months and 26 days caused in filing the accompanying O.A. is hereby condoned. There shall be no order as to costs.

12. The Registrar is directed to register the O.A. after due scrutiny.

MEMBER (J)

KPB S.B M.A. No. 290 of 2017 in O.A. St. 816 of 2017 BPP delay

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
O.A. St. No. 816/2017
(Shri Kailas Adhar Yalis (Patil) V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23RD NOVEMBER, 2017.

ORAL ORDER :

Heard Shri Chetan T. Jadhav, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh Ghate, learned Presenting Officer for respondents.

2. Issue notices to the respondents, returnable within four weeks.

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. after four weeks.

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

MEMBER (J)

KPB S.B M.A. No. 290 of 2017 in O.A. St. 816 of 2017 BPP delay

FARAD CONTINUATION SHEET

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION ST. NOS. 1749 & 1750 BOTH OF 2017
(Nilesh D. Kale & Ashish N. Pardhe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Ms. Bhavana Panpatil, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants in both the matters and Smt. Priya R. Bharaswadkar & Shri M.S. Mahajan, learned Presenting Officer & Chief Presenting Officer for the respondents in both the matters.

2. The applicants have not produced on record the legible copies of certain documents in the O.As. The Office has raised objections in that regard. In the circumstances, both the applicants are directed to first remove the office objections and then ask for circulation.

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 366/2017
(Kumar H. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent no. 1 and Shri D.T. Devane, learned Advocate for respondent nos. 2 & 3.

2. At the request of learned C.P.O., S.O. to 11.1.2018 for taking instructions from the concerned respondents. The interim relief granted earlier to continue till then.

MEMBER (J)

ARJ ORAL ORDERS 23-11-2017

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

**ORIGINAL APPLICATION NO. 421/2017
(Dr. Shamrao L. Sawant V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for respondents, is present.

2. At the request of learned P.O., S.O. to 2.1.2018 for filing affidavit in reply of the respondents.

MEMBER (J)

ARJ ORAL ORDERS 23-11-2017

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

**ORIGINAL APPLICATION NO. 422/2017
(Dr. Sheshrao M. Narwade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for respondents is present.

2. At the request of learned P.O., S.O. to 2.1.2018 for filing affidavit in reply of the respondents.

MEMBER (J)

ARJ ORAL ORDERS 23-11-2017

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

**ORIGINAL APPLICATION NO. 423/2017
(Dr. Pandurang G. Pawde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant **(absent)**. Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents, is present.

2. At the request of learned P.O., S.O. to 2.1.2018 for filing affidavit in reply of the respondents.

MEMBER (J)

ARJ ORAL ORDERS 23-11-2017

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

**ORIGINAL APPLICATION NO. 473/2017
(Dr. Manoj G. Ghadsing V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant **(absent)**. Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents, is present.

2. At the request of learned P.O., S.O. to 12.1.2018 for filing affidavit in reply of the respondents.

MEMBER (J)

ARJ ORAL ORDERS 23-11-2017

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

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

2. The learned P.O. seeks time to file additional personal affidavit of the Superintendent of Police (Rural), Aurangabad to clarify as to who is the competent transferring authority for the present applicant. Time granted.

3. S.O. to 5.12.2017.

MEMBER (J)

ARJ ORAL ORDERS 23-11-2017

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

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

2. The learned P.O. seeks time to file additional personal affidavit of the Superintendent of Police (Rural), Aurangabad to clarify as to who is the competent transferring authority for the present applicant. Time granted.

3. S.O. to 5.12.2017.

MEMBER (J)

ARJ ORAL ORDERS 23-11-2017

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

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

2. The learned P.O. seeks time to file additional personal affidavit of the Superintendent of Police (Rural), Aurangabad to clarify as to who is the competent transferring authority for the present applicant. Time granted.

3. S.O. to 5.12.2017.

MEMBER (J)

ARJ ORAL ORDERS 23-11-2017

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

**ORIGINAL APPLICATION NO. 510/2017
(Santosh S. Vetal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri I.G. Durrani, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. The learned C.P.O. seeks time to comply the earlier order of the Tribunal dated 30.10.2017. Time granted.

3. S.O. to 2.1.2018.

MEMBER (J)

ARJ ORAL ORDERS 23-11-2017

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

**ORIGINAL APPLICATION NO. 581/2017
(Smt. Mangal S. Kathar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. The learned P.O. seeks time to file affidavit in reply of the respondents. Time granted as a last chance.

3. S.O. to 9.1.2018.

MEMBER (J)

ARJ ORAL ORDERS 23-11-2017

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

**MA 326/2017 IN OA ST. 914/2017
(Ramchandra L. Kulkarni V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

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

2. The learned P.O. has filed affidavit in reply of res. Nos. 1 to 4 in the present M.A. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 1.1.2018 for making his submissions.

MEMBER (J)

ARJ ORAL ORDERS 23-11-2017

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

**ORIGINAL APPLICATION NO. 136/2016
(Shamsundar M. Choudhari V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

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

2. The learned P.O. has filed affidavit in reply of res. No. 2-A in the present O.A. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 4.12.2017 for filing rejoinder, if any.

MEMBER (J)

ARJ ORAL ORDERS 23-11-2017

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

**ORIGINAL APPLICATION NO. 623/2016
(Anil P. Katkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Shri Ajay Deshpande, learned Advocate for the applicant (**leave note**). Shri N.U. Yadav, learned Presenting Officer for respondent no. 1, is present. Shri G.N. Patil, learned Advocate for respondent no. 2 (**leave note**).

2. The learned P.O. has filed affidavit in reply of res. No. 1 and the same is taken on record. He undertakes to serve copy of said reply on other side.

3. In view of leave note of learned Advocate for the applicant and learned Advocate for res. No. 2, S.O. to 8.12.2017.

MEMBER (J)

ARJ ORAL ORDERS 23-11-2017

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

**ORIGINAL APPLICATION NO. 561/2017
(Swati V. Suryawanshi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri Amol Patale, learned Advocate holding for Shri H.V. Patil, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for respondent nos. 1 & 2 and Shri V.H. Dighe, learned Advocate for respondent no. 3.

2. The learned P.O. has filed affidavit in reply of res. no. 1. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant. The learned P.O. seeks time to take instructions from the respondents in the matter. Time granted.

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

MEMBER (J)

ARJ ORAL ORDERS 23-11-2017

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

**MA 416/2017 IN OA 176/2017
(The State of Maharashtra & Ors. Vs. Shri Jalindhar Gorakhnath Ubale)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri V.R. Bhumkar, learned Presenting Officer for the applicants in the present M.A. / respondents in the O.A. and Shri A.R. Tapse, learned Advocate holding for Shri K.G. Salunke, learned Advocate for the respondent in the present M.A. / applicant in the O.A.

2. Shri Tapse, learned Advocate has filed affidavit in reply of the respondent in the M.A. It is taken on record and copy thereof has been served upon the learned P.O. for the applicants in M.A.

3. The applicants i.e. respondents in O.A. are seeking extension of 3 months' time. It is their contention that they are intending to approach Hon'ble High Court for challenging the order of the Tribunal dtd. 31.8.2017 passed in O.A. no. 176/2017 and therefore, they prayed to extend the time for 3 months.

4. The learned P.O. for the applicants in M.A. has submitted that because of lengthy administrative procedure the respondents in O.A.

could not challenge the order dtd. 31.8.2017 of the Tribunal in O.A. no. 176/2017 within a short time and therefore, they are seeking extension of 3 months' time.

5. Already one month's time was granted by the Tribunal to the respondents to comply the order passed in O.A. They have not eomplied with the said order within that one month's period. Thereafter also 1 ½ month's time has lapsed still they have not challenged the order of the Tribunal before Hon'ble High Court.

6. There is no just reason to grant extension of time to the respondents. Therefore, the present misc. application deserves to be rejected. In these circumstances, the misc. application is rejected without order as to costs.

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 614 OF 2017
(Shri Jeevan N. Wader V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri Amol Patale, learned Advocate holding for Shri P.P. Uttarwar, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing detailed affidavit in reply. Learned Advocate for the applicant also seeks time. Time granted.

3. S.O. to 21st December, 2017.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 841 OF 2016
(Shri Sambhaji S. Waghumbare & 7 Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicants and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time. Time granted.
3. S.O. to 9th January, 2018.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 775 OF 2016
(Shri Dnyanoba D. Jagtap & 4 Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time. Time granted.
3. S.O. to 21st December, 2017.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 149 OF 2017
(Shri Balaji N. Dhondge V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks time for filing affidavit in rejoinder. Time granted.

3. S.O. to 15th December, 2017.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 279 OF 2017
(Smt. Rekha A. Bonalawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for respondent Nos. 1 to 3 and Shri A.D. Aghav, learned Advocate for respondent Nos. 4 & 5.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 1 to 3.

3. It appears that on the last occasion i.e. on 13.11.2017 the time was granted as a last chance subject to payment of cost of Rs. 5,000/- by each of the respondents as a condition precedent. In spite of the said fact, today again the learned Presenting Officer prays for time for filing affidavit in reply. In view of this, time is granted as a most last chance subject to payment of additional cost of Rs. 5,000/- by the respondents.

4. Learned Advocate for respondent Nos. 4 & 5 submits that the affidavit in reply on behalf of respondent Nos. 4 & 5 is ready. It appears that the amount of cost of Rs. 5,000/- by respondent

:: - 2 - ::
O.A. NO. 279 OF 2017

Nos. 4 & 5 each has not deposited in this Tribunal. He undertakes to deposit the amount of cost of Rs. 5,000/- each of respondent Nos. 4 & 5, today itself. In view thereof, on depositing the payment of cost of Rs. 5000/- by the respondent Nos. 4 & 5 each, their affidavit in reply be accepted and taken on record.

5. S.O. to 5th December, 2017 for filing affidavit in reply on behalf of respondent Nos. 1 to 3, subject to additional payment of cost of Rs. 5,000/- in addition to earlier cost.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 731 OF 2017
(Shri Suresh M. Tulapurkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 23.11.2017.

ORAL ORDER :

Shri Ajay Deshpande, learned Advocate for the applicant (**absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 9th January, 2018.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 436 OF 2017
(Smt. Shreya B. Mamode V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Ms. Bhavna Panpatil, learned Advocate holding for Shri Talekar & Associates, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 9th January, 2018 to enable her to go through the reply filed on behalf of respondent No. 2 today and to file affidavit in rejoinder, if any.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**M.A. 380/17 IN C.P.ST. 1300/17 IN O.A. 207/15
(Smt. Balika D. Tawshikar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri Swapnil Tawshikar, learned Advocate holding for Shri Shaikh Mazhar A. Jahagirdar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time. Time granted.

3. S.O. to 5th December, 2017.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 545 OF 2015
(Shri Rajesh P. Unhale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 23.11.2017.

ORAL ORDER :

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

2. At the request of both the parties, S.O. to 10th January, 2018.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 295 OF 2003
(Shri Pradeep S. More & 20 Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicants and Shri. I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 9th January, 2018.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**M.A. 415/17 WITH M.A.ST. 1254/17 IN O.A. 393/07
(Shri Himat B. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Smt. S.C. Thombre, learned Advocate holding for Shri C.V. Thombre, learned Advocate for the applicant and Shri. D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 10th January, 2018.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 869 OF 2016
(Shri Dhanraj T. Lazade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri Chetan Jadhav, learned Advocate holding for Shri A.K. Tiwari, learned Advocate for the applicant and Shri. V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 8th January, 2018.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION ST. NO. 1680 OF 2017
(Shri Baliram V. Kadam & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 23.11.2017.

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks leave of this Tribunal to delete the name of applicant No. 2 in the M.A. & O.A.

3. Leave granted. The applicant shall carry out the necessary amendment forthwith.

4. The learned Advocate for the applicant has filed copy of judgment dated 8th June, 2017 delivered by the Hon'ble Bombay High Court Bench at Aurangabad in W.P. No. 5290/2017 & Group [Amol Prakash Gode and Others] and the same is taken on record.

5. Learned Chief Presenting Officer prays for time to take instructions as to whether the concerned Department has taken decision on the proposal dated 9.8.2017 (Page-88) sent by the Chief Electric Inspector. Time granted.

:: - 2 - ::
O.A. ST. NO. 1680 OF 2017

6. S.O. to 8th December, 2017.

MEMBER (J)
ORAL ORDERS 23.11.2017-HDD

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

**M.A.ST.1679/2017 IN O.A.ST. 1680/2017
(Shri Baliram V. Kadam & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri Amol B. Chalak Patil, learned Advocate for the applicants and Shri. M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. This is an application filed by the applicants for sue jointly.

3. Learned Advocate for the applicant submits that as he has deleted the name of applicant No. 2 in O.A. in view of leave granted by this Tribunal by an order dated 23.11.2017 passed in O.A. St. No. 1680/2017, he does not want to proceed with the present M.A. and submits that the same may be disposed of.

4. In view of the aforesaid submissions made on behalf of the applicant and since the applicant does not want to proceed with the present M.A., the same stands disposed of

MEMBER (J)

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO. 805 OF 2017
(Smt. (Dr.) Vanita N. Puri V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri Vishnu Dhoble, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 2nd January, 2018.

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

4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. 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 2nd January, 2018.

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

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 684 OF 2017
(Dr. Devidas L. Lavhate V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

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

DATE : 23.11.2017.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 1st January, 2018.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 266 OF 2017
(Shri Sandipan A. Gavali V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

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

2. Learned Presenting Officer for the respondents prays for time for filing affidavit in reply. Time granted as a last chance.

3. S.O. to 15th December, 2017.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri Vivek U. Jadhav, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. Learned Presenting Officer prays for time to take instructions from the concerned Tahsildar, Udgir in respect of the original file and advertisement regarding an appointment of Kotwal. Short time is granted with the direction to Tahsildar, Udgir, to take thorough search of the original file and to file affidavit in this case, in that regard.

3. S.O. to 6th December, 2017.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 138 OF 2017
(Shri Babu J. Phule V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri M.D. Godhamgaonkar, learned Advocate for the applicant has filed leave note. Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 10th January, 2018.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 16 OF 2017
(Shri Shaikh Mukhtyar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri M.D. Godhamgaonkar, learned Advocate for the applicant has filed leave note. Shri D.R. Patil, learned Presenting Officer for the respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 10th January, 2018.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 719 OF 2016
(Shri Pandurang M. Chandanshiv V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Heard Shri L.H. Kawale, learned Advocate holding for Shri K.J. Suryawanshi, learned Advocate for the applicant, Mrs. Priya R. Bharaswadkar, learned Presenting Officer for respondent Nos. 1 to 3 and Shri A.R. Tapse, learned Advocate holding for Shri P.D. Suryawanshi, learned Advocate for respondent Nos. 4 & 5.

2. At the request of learned Advocate for the applicant, S.O. to 4th January, 2018.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION ST. NO. 1249 OF 2017
(Shri Samadhan P. Bari V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

Shri Manoj Shinde, learned Advocate for the applicant (**absent**). Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents, present.

2. It appears from the proceedings that on the last occasion i.e. on 01.11.2017, none appeared on behalf of the applicant. Today also none is present for the applicant.

3. In view thereof, S.O. to 5th December, 2017 for appearance of applicant/passing necessary orders.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION ST. NO. 1323 OF 2017
(Smt. Sangeetabai Wd/o Ashok Vishwasu V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed a copy of communication dated 6th May, 2017 sent by the Executive Engineer, Public Works (West) Division, Aurangabad, with a request to sanction the proposal of difference of Dearness Allowance payable to the applicant and others. He has submitted that since the respondents are not taking decision on the said proposal, the applicant has approached this Tribunal. He has submitted that from the date of the said letter, the present Original Application is within limitation and, therefore, he prayed to register the Original Application.

3. I find substance in the submissions made on behalf of the applicant. From the date of the said proposal sent by the Executive Engineer, Public Works (West) Division, Aurangabad, to the Deputy Collector, (E.G.S.), Aurangabad, dated 6th

O.A. ST. NO. 1323 OF 2017

May, 2017, the present Original Application is within limitation. Hence, the office objection is overruled. Registry is directed to scrutinize the present Original Application and register it.

4. After registration of the present Original Application, issue notices to the respondents, returnable on 9th January, 2018.

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

6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are 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 questions such as limitation and alternate remedy are kept open.

8. 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.

O.A. ST. NO. 1323 OF 2017

9. S.O. to 9th January, 2018.

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

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 556 OF 2017
(Shri Rajendra V. Marale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 23.11.2017.

ORAL ORDER :

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

2. Learned Presenting Officer for the respondents has filed a copy of communication dated 22.11.2017 issued to him from In-charge Deputy Inspector General of Prisons, Central Division, Aurangabad, along with order dated 21.11.2017 issued by the Additional Director General of Police and Inspector General of Prisons, Maharashtra State, Pune, withdrawing the impugned order to the extent of the applicant. The copy of the said communication is taken on record and marked as document 'X' for the purposes of identification.

3. Learned Advocate for the applicant has submitted that since the impugned order has been withdrawn so far as the applicant is concerned, the present Original Application may be disposed of.

4. In view of the submissions made on behalf of the applicant and the fact that the impugned

O.A. NO. 556 OF 2017

order has been withdrawn by the respondents to the extent of the applicant, the present Original Application is disposed of with no order as to costs.

MEMBER (J)

ORAL ORDERS 23.11.2017-HDD