

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 254/2016 IN OA ST. 558/2016**

(Shri Ramesh B. Kandke V/s. 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 : 06-06-2017**

**ORAL ORDER:-**

Heard Shri R.S. Sadaphule, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent nos. 1 & 2. Shri G.N. Patil, learned Advocate for respondent no. 3 has filed leave note.

2. At the request of learned Presenting Officer, S.O. to 26.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 6.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 176/2017 IN OA 154/2017**

(Shri Naseem Banu Nazir Patel V/s. 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 : 06-06-2017**

**ORAL ORDER:-**

Heard Shri Prasad Jadhavar, learned Advocate holding for Shri A.N. Nagargone, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Shri Jadhavar, learned Advocate holding for Shri Nagargone, learned Advocate for the applicant seeks time. At his request, S.O. to 22.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 6.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 184/2017 WITH MA 283/2016 IN OA ST. 1167/2016**

(Shri Sudhakar M. Devkare V/s. 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 : 06-06-2017**

**ORAL ORDER:-**

Heard Shri N.S. Chaudhary, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 to 6. None appears for respondent no. 7.

2. The present misc. application bearing no. 184/2017 has been filed by the applicant for seeking permission to amend the original application suitably.

3. Perused the misc. application. Considered the contentions.

4. For the reasons stated in the present misc. application, it is allowed and disposed of and the applicant is allowed to produce the G.Rs. and insert the additional grounds as per prayer clause (B) of the present misc. application, in the accompanying original application. There shall be no order as to costs.

**::-2-::**  
**MA 184/17 WITH MA 283/16**  
**IN OA ST. 1167/16**

5. The applicant to carry out the said amendment in the original application by the next date and also serve copy of amended original application upon the learned Presenting Officer. The O.A. to come up on board on 27.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 6.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA ST. 408/2017 WITH MA ST. 409/2017 IN OA 785/98**

(Shri Bhatu Hari Sonar V/s. 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 : 06-06-2017**

**ORAL ORDER:-**

None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

2. Read the order dated 6.4.2017 passed by the Tribunal in the present misc. application. In view of the absence of the learned Advocate for the applicant for the first time in the present misc. application, S.O. to 22.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 6.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 183/2017 IN OA 300/2017**

(A'bad Dist. Talathi Sangh, A'bad through its President Anil  
S. Suryawanshi V/s. 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 : 06-06-2017**

**ORAL ORDER:-**

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

2. The learned Advocate for the applicant submits that, in fact the G.R. dated 21.11.1995 (Annex. A-1 / paper book pages 22 to 24 of the O.A.) has been superseded due to the Recruitment Rules framed by the Government. There is a specific declaration in the present G.R. that the provisions of the G.R. dated 21.11.1995 are the stopgap arrangement till the final scheme of cadres is made by the Rules.

3. The learned Advocate for the applicant also submits that he wants to file on record the copy of the Recruitment Rules, which would show that the provisions of the G.R. dated 21.11.1995 are superseded. He is permitted to do so. At his request, S.O. to 16.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 6.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 685/2015**  
(Shri Rahul B. Kulkarni V/s. 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 : 06-06-2017**

**ORAL ORDER:-**

Shri R.P. Adgaonkar, learned Advocate for the applicant  
**(absent)**. Smt. Resha S. Deshmukh, learned Presenting  
Officer for the respondents, is present.

2. In view of absence of the learned Advocate for the  
applicant, S.O. to 28.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 6.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**C.P. NO. 4/2016 IN O.A. NO. 610/2009**  
(Sahebrao V. Navthar V/s. 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 : 06-06-2017**

**ORAL ORDER:-**

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

2. The learned C.P.O. submits that he would take instructions from the res. no. 2 and more specifically from the Officer responsible for pay fixation and will explain the fact by filing additional affidavit in reply and also produce on record the copy of pay fixation order either present or revised or next pay fixation, if it is made in the meantime. At his request, S.O. to 5.7.2017.

3. The learned C.P.O. to act upon the steno copy of this order.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 6.6.2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 758/2016**  
(Jagdish M. Kale V/s. State of Mah. & Ors.)

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

**Date : 06-06-2017**

**ORAL ORDER:-**

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

2. The learned P.O. submits that till this date there is no communication from the respondents, though the communication was sent to the respondents in view of the order dated 2.5.2017 passed by the Tribunal in the present matter. At his request, S.O. to 13.6.2017. It is, however, made clear that if on the next date no communication is received to the learned P.O. from the respondents, it would be presumed that there was no communication from the Chief Engineer (Electrical), Mumbai pointing out the difficulty in continuing the present applicant at Aurangabad in view of the departmental enquiry pending against the applicant. The interim relief granted by this Tribunal to continue till then.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 6.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 781/2013**

(Shri Sudarshan D. Shinde V/s. State of Mah. & Ors.)

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

**Date : 06-06-2017**

**ORAL ORDER:-**

Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The learned P.O. has filed on record the additional affidavit in reply of res. nos. 2 & 3 as per order of the Tribunal dated 24.3.2017. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. In view of the certain developments that took place during the hearing of the matter, it would be better that I should not hear the present original application on merits.

4. The office is therefore directed to not to place the present O.A. before the bench to which Justice M.T. Joshi is a Member.

5. In the circumstances, this O.A. be placed on 14.6.2017 before the another Single Bench Court of Shri B.P. Patil, Hon'ble Member (J) on the next date.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 6.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 572/2015**

(Shri Subhash G. Chavan V/s. State of Mah. & Ors.)

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

**Date : 06-06-2017**

**ORAL ORDER:-**

Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

3. S.O. to 14.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 6.6.2017

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

**ORIGINAL APPLICATION NO.690/2013.**

(Shri V. G. Salunke V/s. The 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** : 06-06-2017

**ORAL ORDER:-**

Heard Shri M. R. Kulkarni learned Advocate for the applicant and Smt S. K. Ghate Deshmukh learned Presenting Officer for the respondents.

2. Learned P. O. seeks time to file affidavit in reply. At her request, S.O. to 4.7.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 06-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.202/2016.**

(Shri A. P. Purnapatre & Ors. V/s.  
The 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** : 06-06-2017

**ORAL ORDER:-**

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

2. Learned P.O. submit that in fact reply of  
Respondents no.1 & 2 is filed on record and reply of  
Respondent no.3 is remained to be filed. He seeks time  
to file reply of respondent no.3. At his request, S.O. to  
12.7.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 06-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.560/2016.**

(Shri A. B. Kamble V/s. The 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** : 06-06-2017

**ORAL ORDER:-**

Heard Shri H. V. Patil learned Advocate for the applicant and Shri I. S. Thorat learned Presenting Officer for the respondents is present.

2. Learned P.O. seeks time to file reply on behalf of added respondent no.4. At his request, S.O. to 11.7.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 06-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.832/2016.**

(Shri V. P. Gangawane V/s. The 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** : 06-06-2017

**ORAL ORDER:-**

Heard Shri S. B. Mene learned Advocate holding for Shri Ajay Deshpande learned Advocate for the applicant, Shri S. K. Shirse learned Presenting Officer for the respondents no.1 & 3 and Shri A. B. Rajkar, learned Advocate for the Respondent no.2.

2. Learned P.O. seeks time to file affidavit in reply on behalf of Respondent no.3. Time granted as a last chance.

3. S.O. to 3.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**06-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.914/2016.**

(Shri R. A. Jadhav V/s. The 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** : 06-06-2017

**ORAL ORDER:-**

Heard Shri R. R. Bangar learned Advocate holding  
for Shri I. D. Mainyar learned Advocate for the applicant  
and Shri N. U. Yadav learned Presenting Officer for the  
respondents.

2. Learned Advocate for the applicant seeks time to file  
rejoinder. At his request, S.O. to 30.6.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**06-06-2017-ATP**



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

**ORIGINAL APPLICATION NO.55/2017.**

(Shri N. R. Thakur V/s. The 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** : 06-06-2017

**ORAL ORDER:-**

Heard Shri P. B. Salunke learned Advocate for the applicant and Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. Learned P.O. files on record the affidavit in reply on behalf of respondent no.2. The same is taken on record. The copy of the same is supplied to the other side.

3. S.O. to 5.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**06-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.190/2017.**

(Shri D. J. Zombade V/s. The 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** : 06-06-2017

**ORAL ORDER:-**

Heard Shri Sham Patil learned Advocate for the applicant and Shri S. K. Shirse learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply. At his request, S.O. to 20.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**06-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.12/2017.**

(Shri B. G. Kapale V/s. The 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** : 06-06-2017

**ORAL ORDER:-**

None present for the applicant. Smt. D. S. Deshpande learned Presenting Officer for the respondent no.1 is present.

2. It is reported that Shri G. N. Patil, learned Advocate for the Respondents no.2 & 3 has filed leave note.

3. Learned P.O. seeks time to file affidavit in reply. At his request, S. O. to 4.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**06-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.102/2017.**

(Shri S. G. Chavan V/s. The 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** : 06-06-2017

**ORAL ORDER:-**

None present for the applicant. Smt P. R. Bharaswadkar learned Presenting Officer for the respondents is present.

2. The history of the case right from 2.3.2017 would show that, the learned Advocate for the applicant from time to time sought time for satisfying this Tribunal on the issue of tenability of the application.

3. In the circumstances, in view of the continuous absence of the learned advocate for the applicant for last two dates the application is dismissed in default.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**06-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.274/2017.**

(Shri A. A. Beedkar & Ors. V/s.  
The 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** : 06-06-2017

**ORAL ORDER:-**

Heard Shri Y. P. Deshmukh learned Advocate for  
the applicants and Smt P. R. Bharaswadkar learned  
Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply. At  
her request, S.O. to 13.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**06-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.80/2016.**

(Shri D. L. Ghuge V/s. The 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** : 06-06-2017

**ORAL ORDER:-**

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

2. The learned P.O. submit that the process for holding meeting of the D.P.C. is in progress. The order dated 23.9.2016 would show that on that date a statement was made that D.P.C. was expected to be held in December 2016. Thereafter, from time to time the time was sought. In the circumstances, vide order dated 8.3.2017 it was cautioned that in case it is not explained as to when the next D.P.C. would be held this Tribunal would be constrained to secure personal appearance of the Respondent no.3 and/or take coercive action against the Respondent no.3.

3. Thereafter, on 5.4.2017 the learned P.O. on instruction from Respondent no.3 made a statement that

D.P.C. meeting would be held in the month of May 2017. Today, the learned P.O. made a statement which is already recorded herein above. It thus appears that the Respondent no.3 is acting in irresponsible manner and is taking the Tribunal for a ride.

4. The Respondent no.3 is therefore directed to pay the cost of Rs.10,000/- to the applicant from the State expenses and communicate his superiors about the imposition of the cost. He shall file copy of the said communication on record on the next date.

5. It is hoped that, by the next date the meeting of the D.P.C. would be conducted and the result of the same would be filed on record.

6. S.O. to 18.7.2017.

7. The learned P.O. is directed to act on the Steno copy of this order.

**VICE CHAIRMAN.**

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

**MA NO.278/2015 IN OA ST.NO.1137/2014.**

(Smt Kalpana Jagdish Shinde V/s.  
The 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** : 06-06-2017

**ORAL ORDER:-**

Heard Shri V. P. Patil learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The learned P.O. files on record the copy of the communication dated 03.06.2017. The same is taken on record and marked as document "X" for the purpose of identification. The said communication is received from the Executive Engineer, which would show that, in view of the order dated 5.5.2017 the case of the applicant was considered and he is now already appointed. In that view of the matter nothing survives in the present Misc. Application. The M.A. is therefore, disposed of without any order as to costs. The O.A. is also disposed of without any order as to costs.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**06-06-2017-ATP**



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

- 1) MA NO.330/15 IN CP ST.1146/15 IN OA 511/13.  
(Dr. Ramesh J. Dhapate Vs. State of Mah. & Ors.)**
- 2) MA NO.331/15 IN CP ST.1148/15 IN OA 510/13.  
(Dr. Satish d. Londhe Vs. State of Mah. & Ors.)**
- 3) MA NO.332/15 IN CP ST.1144/15 IN OA 516/13.  
(Dr. A. S. thus 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** : 06-06-2017

**ORAL COMMON ORDER:-**

Heard Shri J. S. Deshmukh learned Advocate for the applicants and Shri S. K. Shirse, Smt. D. S. Deshpande and Shri S. K. Shirse learned Presenting Officers for the respondents in respective matters.

2. Nobody has appeared on the last date also. The record would show that the writ petition is pending before the Hon'ble High Court since 201. Considering all these facts S.O. to 26.9.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 06-06-2017-ATP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 313/2017**

**[Shri Tulshiram B. Chavan Vs. The State of Mah. & Ors.]**

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

**DATE : 06.06.2017.**

**ORAL ORDER:**

Heard Shri J.B. Coudhary, 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 has been transferred from Aurangabad to Jintur vide impugned order dated 31.05.2017 only to accommodate the respondent no. 5. It is the contention of the applicant that the respondent no. 5 was already transferred and posted at Jintur from Aurangabad in the year 2016, but again he has been transferred to Aurangabad by the impugned order. Learned Advocate for the applicant has submitted that two separate orders including the impugned order have been issued by the respondents on very day i.e. on 31.05.2017. He has submitted that the respondents have issued the transfer order of the applicant mala-fide to accommodate the respondent no. 5 at Aurangabad. Therefore, he prayed to stay the impugned order of his transfer dated 31.05.2017.

- //2// O.A. No. 313/2017
3. Learned Chief Presenting Officer has submitted that the applicant is serving at Aurangabad since the year 2009 and he has completed his normal tenure at Aurangabad and therefore, his transfer is made on administrative ground as per the provisions of Transfer Act 2005. The respondent no. 5 has been posted at Aurangabad on his request. He has submitted that the respondents are going to file detailed affidavit in reply and therefore, he prayed time to file affidavit in reply.
  4. Prima-facie there is no illegality in the impugned order of transfer so far as the applicant is concerned. The applicant has completed 8 years of his service at Aurangabad and thus, he has completed his normal tenure at Aurangabad. In these circumstances, it is just and proper to grant time to the respondents for filing affidavit in reply.
  5. Issue notices to the respondents, returnable on 10-07-2017.
  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 10-07-2017.

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

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 314/2017**

**[Shri Deepak S. Mahalinge Vs. The State of Mah. & Ors.]**

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

**DATE : 06.06.2017.**

**ORAL ORDER:**

Heard Shri A.S. Reddy, 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 has been posted on the post of Tax and Administrative Service Group "C" by order dated 30.12.2013 and accordingly, he has joined his new posting on 7.1.2014 in the officer of Municipal Council, Udgir. He has not completed his two tenure at Udgir but he has been transferred to Municipal Council, Jivati, Dist. Chandrapur by the impugned order dated 31.05.2017, though there are several vacancies in the different Municipal Councils in the Latur district. Therefore, he prayed to stay the impugned order of transfer. He has submitted that the applicant is not yet relieved by the Chief Officer, Municipal Council, Udgir.

3. Learned Chief Presenting Officer has submitted that the applicant is serving in the Municipal Council, Udgir,

Dist. Latur since the year 2003. He was accommodated in the Class-III w.e.f. 1.2.2010 and he has completed two tenures of posting in Group-C and therefore, he was due for transfer. Consequently, he has been transferred by the respondents vide impugned order dated 31.05.2017. He has submitted that there is no illegality in the impugned order, as the applicant's cadre is State Cadre and therefore, he prayed to reject the interim relief as prayed for by the applicant.

4. On perusal of the documents, it reveals that the applicant was accommodated in the Group-C cadre w.e.f. 01.02.2010 by order dated 30.12.2013 (page no. 15 of the paper book) and accordingly, he was posted w.e.f. 1.2.2010. All the benefits of said post are given to him w.e.f. 1.2.2010. The applicant has completed his two tenures at Udgir in the same cadre. Moreover, on perusal of documents it reveals that the applicant has been relieved by the Assistant Director w.e.f. 1.6.2017. In these circumstances, it is just to consider the detailed reply of the respondents.

5. Hence, Issue notices to the respondents, returnable on 10-07-2017.
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 10-07-2017.
11. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

**ORAL ORDERS 06.06.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 316/2017**

**[Shri Shamsundar S. Mhetre Vs. The State of Mah. & Ors.]**

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

**DATE : 06.06.2017.**

**ORAL ORDER:**

Heard Shri Kirna G. Salunke, learned Advocate for the Applicant and Smt. Priya R. Bhraswadkar, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the applicant has posted as Senior Clerk in Swami Ramananda Tirth Rural Medical College and Hospital, Ambejogai in view of the order dated 18.08.2011 and he joined the said post on 1.9.2011. He has submitted that the applicant has not completed six years in the said posting and he was not due for transfer. The applicant is suffering from Cancer and his sons are taking education in 10<sup>th</sup> and 12<sup>th</sup> STD. He has argued that the respondents have not called for the options from him. The respondents have also not published the list of employees who were due for transfer in the month of January, 2017 as per the Section 7 of the Transfer Act 2005. He has submitted that the applicant has made



representation with the respondents on 3.6.2017 to cancel his transfer and his representation is still pending. He has submitted that the applicant is not yet relieved and therefore, he prayed to grant stay to the impugned order.

3. Leaned Presenting Officer has submitted that the applicant has completed his normal tenure at his present posting and he is rightly transferred from the present post. She has also submitted that she wants to collect the information from the concerned authority and therefore, she sought time to file detailed affidavit in reply.

4. Prima-facie on perusal of documents, it reveals that the applicant has not completed his normal tenure on the said posting at Udgir and he is suffering from Cancer and taking treatment at Latur. Therefore, it is just and proper to direct the respondents to maintain status-quo, till filing of the affidavit in reply. Hence, the respondents are directed to maintain status-quo, till filing of the affidavit in reply, if the applicant is not relieved from the said post.

5. Issue notices to the respondents, returnable on 11-07-2017.
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.

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O.A. NO. 316/2017

10. S.O.to 11-07-2017.

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

**MEMBER (J)**

ORAL ORDERS 06.06.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 652/2016**

**[Shri Bhimraj R.Thorat Vs. The State of Mah. & Ors.]**

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

**DATE : 06.06.2017.**

**ORAL ORDER:**

Shri R.V. Naiknaware, learned Advocate holding for  
Shri H.U. Dhage, 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 30.06.2017

**MEMBER (J)**

ORAL ORDERS 06.06.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD  
ORIGINAL APPLICATION NO. 784/2016  
[Shri Shaikh M. Yekubsab Vs. The State of Mah. & Ors.]**

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

**DATE : 06.06.2017.**

**ORAL ORDER:**

Shri G.N. Kulkarni (Mardikar), learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 11.07.2017

**MEMBER (J)**

ORAL ORDERS 06.06.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 911/2016**

**[Shri Nagnath P. Kokane Vs. The State of Mah. & Ors.]**

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

**DATE : 06.06.2017.**

**ORAL ORDER:**

Shri R.V. Naiknaware, 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. Time granted as a last chance.

3. S.O. to 30.06.2017

**MEMBER (J)**

ORAL ORDERS 06.06.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 912/2016**

**[Shri Ramakant G. Kulkarni Vs. The State of Mah. & Ors.]**

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

**DATE : 06.06.2017.**

**ORAL ORDER:**

Shri R.V. Naiknaware, 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. Time granted as a last chance.

3. S.O. to 30.06.2017

**MEMBER (J)**

ORAL ORDERS 06.06.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 240/2017**

**[Shri Sudhakar Y. Gavandar Vs. The State of Mah. & Ors.]**

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

**DATE : 06.06.2017.**

**ORAL ORDER:**

Shri A.S. Deshmukh, 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. Time granted.

3. S.O. to 12.07.2017. Interim relief granted earlier to continue till then.

**MEMBER (J)**

ORAL ORDERS 06.06.2017-KPB(SB)BPP



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A.No. 460/2016 in O.A. St. No. 1999/2016  
[Shri Hanuman S. Sarode Vs. The State of Mah. & Ors.]**

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

**DATE : 06.06.2017.**

**ORAL ORDER:**

Shri B.V. Thombre, learned Advocate for the Applicant (**Absent**). Shri M.P. Gude, learned Presenting Officer for respondents, present.

2. Learned Presenting Officer seeks time to file affidavit in reply in M.A. Time granted as a most last chance.

3. S.O. to 12.07.2017

**MEMBER (J)**

ORAL ORDERS 06.06.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD  
ORIGINAL APPLICATION NO. 917/2016  
[Shri Suryakant G. Revalkar Vs. The State of Mah. & Ors.]**

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

**DATE : 06.06.2017.**

**ORAL ORDER:**

Heard Shri R.N. Bhraswadkar, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the respondent nos. 1 to 4 in their affidavit in reply admitted that they have taking action to give benefit of Revised in Service Assured Progress Scheme to the applicant, who was retired between the period from 01.10.2006 and 31.03.2010. He has submitted that in view of the said contention of the respondents, the applicant does not want to proceed with the present O.A. and the same may be disposed of accordingly.

3. Learned Presenting Officer has submitted that the respondents are taking action to implement the G.R. dated 9.12.2016 and giving benefits to the applicant accordingly and therefore, she has also prayed to dispose of the present O.A.

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O.A. No. 917/2016

4. Since, the respondents are ready to give benefit of scheme i.e. Revised In service Assured Progress Scheme to the applicant, the present O.A. is disposed of accordingly.

5. In view thereof, the present O.A. stands disposed of with no order as to costs.

**MEMBER (J)**

ORAL ORDERS 06.06.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 24/2017**

**[Shri Ramesh N. Shrimangale Vs. The State of Mah. & Ors  
CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)]**

**DATE : 06.06.2017.**

**ORAL ORDER:**

Heard Shri A.D. Sugdare, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the father of the applicant viz. Shri Nivruti Tulshiram Shrimangale was serving as a Driver in the office of the Taluka Agricultural Officer, Ahmedpur, Dist. Latur. He died on 2.1.2005 and at that time, the applicant i.e. son of Shri Nivruti T. Shrimangale was minor. The date of birth of applicant is 10.02.1993. He attained his age of majority in the year 2011 and thereafter, he moved an applicant dated 13.08.2012 for appointment on compassionate ground to the Taluka Agricultural Officer, Ahmedpur. The learned Advocate for the applicant has further submitted that the applicant's application has been rejected by the respondents on the ground that it has not been filed within one year from the date of death of his father i.e. Shri Nivruti T. Shrimangale

and accordingly, the applicant has been informed by the respondents by his communication dated 18.10.2014 (Annexure A-5) at paper book page no. 24.

3. Learned Advocate for the applicant has submitted that the respondents have not considered the application in view of the G.R. dated 11<sup>th</sup> September, 1996 as well as G.R. dated 20.05.2015. He has submitted that the applicant was minor at the time of death of his father. The applicant attained his age of majority on 10.02.2011 and thereafter, he moved an application dated 13.08.2012 with the concerned authority on the basis of G.R. dated 11<sup>th</sup> September, 1996. He has argued that the respondents have not considered the provisions made in the G.R. dated 11<sup>th</sup> September, 1996 as well as G.R. dated 20.05.2015. Therefore, he prayed to quash the impugned communication dated 18.10.2014.

4. Learned Presenting Officer has submitted that the applicant has not moved the application within time and therefore, the respondents have rightly rejected the application. He has submitted that there is no illegality in

the communication dated 18.10.2014 and therefore, he supported the impugned communication.

5. On perusal of the documents it reveals that the father of the applicant viz. Shri Nivruti Tulshiram Shrimangale died on 2.1.2005. He was appointed on the establishment of Taluka Agricultural Officer, Ahmedpur. The applicant was born on 10.02.1993 and he was minor at the time of death of his father. He attained majority on 10.02.2011 and thereafter, he moved an application dated 13.08.2012 (Annexure A-2) with the respondents but the respondents had rejected the application and informed the applicant by communication dated 18.10.2014 that the application was time barred and the same has not been filed within one year from the date of death of his father. The respondents relied on the G.R. dated 22.08.2005 while rejecting the application of the applicant. On going through the communication dated 18.10.2014, it reveals that the respondents have not considered the Government decision dated 11<sup>th</sup>

September, 1996, by which it was resolved that the minor legal heir of the deceased employee can move an application for appointment on compassionate ground within one year after attaining the age of majority. Therefore, the impugned communication dated 18.10.2014 is in contravention of the G.R. dated 11<sup>th</sup> September, 1996 and therefore, it is not legal. Consequently, it requires to be quashed and the direction requires to be issued to the respondents to reconsider it afresh.

6. In view of the above facts, the present O.A. is allowed. The impugned communication dated 18.10.2014 issued by the respondent no. 3 is quashed and set aside. The respondent no. 3 is directed to reconsider and decide the application dated 13.08.2012 filed by the applicant in view of the G.R. dated 11<sup>th</sup> September, 1996 within a period of two months from the date of this order and communicate the result thereof to the applicant in writing. There shall be no order as to costs.

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 315 OF 2017**

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

**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)**  
**DATE : 06.06. 2017.**

**ORAL ORDER : -**

1. Heard Shri Avinash Deshmukh – learned Advocate for the applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that the applicant has been transferred by an order dated 31<sup>st</sup> May, 2017 from Shirdi Municipal Council to Kopergaon Municipal Council i.e. within Ahmednagar District. He has submitted that the applicant has completed 4 years' tenure on the present posting. He has further submitted that on the recommendation of the State Municipal Council the applicant has been selected for training viz. 67<sup>th</sup> Divisional Officers' Course commencing from 03.07.2017. He has submitted that due to the impugned transfer order his participation in the course would be affected. Therefore, he prayed to grant stay to the execution of impugned transfer order.

3. Considering the fact that there is no illegality in the impugned transfer order in my opinion there is no just ground to stay the impugned transfer order. Hence, no



**O.A. NO. 315 OF 2017**

interim relief granted at this stage. Hence, issue notices to the respondents, returnable on 21<sup>st</sup> June, 2017.

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

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

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the 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 notice.

8. S.O. to 21<sup>st</sup> June, 2017.

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

**MEMBER (J)**

ORAL ORDERS 06.06.2017 – HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 571 OF 2016**

**(Shri Vishnu S/o. Karbhari Hagwane Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 06.06. 2017.**

**ORAL ORDER : -**

1. Heard Shri Avinash Deshmukh – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.
2. At the request of learned Presenting Officer, S.O. to 29<sup>th</sup> June, 2017.

**MEMBER (J)**

ORAL ORDERS 06.06.2017 – HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 882 OF 2016**

**(Shri Pradeep M. Koushike Vs. The State of Maharashtra  
and Others.)**

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

**DATE : 06.06. 2017.**

**ORAL ORDER :-**

1. Heard Shri S.D. Joshi – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks time to file affidavit in rejoinder. Time granted.
3. S.O. to 12<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 06.06.2017 – HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 155 OF 2016**

**(Dr. Jaising S. Veer Vs. The State of Maharashtra and  
Others.)**

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

**DATE : 06.06. 2017.**

**ORAL ORDER :-**

1. Shri J.S. Deshmukh – learned Advocate for the applicant (**absent**). Shri M.P. Gude – learned Presenting Officer for the respondent Nos. 1 to 4, present. Shri S.N. Rodge – learned Advocate for respondent Nos. 5 & 6 (**absent**).

2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted as a last chance.

3. S.O. to 10<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 06.06.2017 – HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 332 OF 2016**

**(Shri Madhav B. Borse Vs. The State of Maharashtra and  
Others.)**

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

**DATE : 06.06. 2017.**

**ORAL ORDER :-**

1. Shri H.U. Dhage – learned Advocate for the applicant (absent). Mrs. Priya R. Bharaswadkar – learned Presenting Officer for respondent No. 2 and Shri S.R. Dheple – learned Advocate for respondent No. 3, were present. Shri S.A. Ambilwade – learned Advocate for respondent No. 4, absent.

2. Learned Presenting Officer for the respondent No. 2 seeks time to file affidavit in reply. Time granted as a last chance.

3. S.O. to 12<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 06.06.2017 – HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.NO. 50/2017 IN O.A.ST.NO. 107/2017**

**(Shri Niwrutee S/o. Kerba Suradkar Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 06.06. 2017.**

**ORAL ORDER :-**

1. Heard Shri P.B. Salunke, learned Advocate holding for Shri V.G. Salgare – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.
2. Learned Presenting Officer for the respondents seeks time to file affidavit in reply. Time granted as a last chance.
3. S.O. to 12<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 06.06.2017 – HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 828 OF 2016**

**(Shri Sunil M. Pande Vs. The State of Maharashtra and  
Others.)**

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

**DATE : 06.06. 2017.**

**ORAL ORDER :-**

1. Heard Shri Prashant Deshmukh – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for respondent Nos. 1 to 3. None appears for respondent Nos. 4 to 6
2. By filing the present Original Application, applicant has challenged the impugned transfer order dated 31.5.2016 issued by the Collector, Nanded; thereby transferring him from Tashil Office, Mukhed to Sub Divisional Office, Degloor on administrative ground.
3. Learned Advocate for the applicant submitted that the applicant does not want to proceed with the present Original Application as he has been now transferred from Degloor to Bhokar as Naib Tahsildar in Tahsil Office as per his choice and no grievance remained in the present Original application. Therefore, the applicant wants to withdraw the present Original Application. He has placed on record pursis dated 5.6.2017 signed by the applicant and the

**O.A. NO. 828 OF 2016**

same is taken on record and marked as document 'X' for the purpose of identification.

4. In view of the aforesaid submissions made on behalf of the applicant, permission to withdraw the present Original Application is granted.

5. Accordingly, the present Original Application is disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

ORAL ORDERS 06.06.2017 – HDD(SB)



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.NO. 155/2017 IN O.A.NO. 701/2015**

**(Shri Mohan Ramdas Chaudhari Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 06.06. 2017.**

**ORAL ORDER :-**

1. Heard Shri A.D. Sugdare – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that the applicant does not want to proceed with the M.A. No. 155/2017 as he intends to file separate Original Application challenging order dated 26.5.2016 issued by the Deputy Executive Engineer, Irrigation Department, Jalgaon. Therefore, he prays to dispose of the present M.A. No. 155/2017. As the applicant does not want to proceed with the present M.A. No. 155/2017, the same stands disposed of with no order as to costs.

**MEMBER (J)**

ORAL ORDERS 06.06.2017 – HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 701/2015**

**(Shri Mohan Ramdas Chaudhari Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 06.06. 2017.**

**ORAL ORDER :-**

1. Heard Shri A.D. Sugdare – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has submitted that the office of Accountant General has granted provisional pension to the applicant by its order dated 9<sup>th</sup> May, 2017. He has placed on record the copy of said order dated 9<sup>th</sup> May, 2017 and the same is taken on record and marked as document 'X' for the purpose of identification.

3. S.O. to 29<sup>th</sup> June, 2017 for final hearing.

**MEMBER (J)**

ORAL ORDERS 06.06.2017 – HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.NO. 164/2017 IN O.A.NO. 762/2016**

**(The State of Maharashtra through its Principal  
Secretary, Agriculture, Animal Husbandary, Dairy  
Development and Fisheries Department Vs. Shri Nakul  
Shankar Mhaske and 9 Others.)**

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

**DATE : 06.06. 2017.**

**ORAL ORDER : -**

1. Heard Shri I.S. Thorat – learned Presenting Officer for the applicant/original respondent and Shri Avinash Deshmukh – learned Advocate for the respondents/ original applicants.

2. Learned Advocate for the original applicants has submitted that the respondent No. 1 viz. Principal Secretary, Agriculture, Animal Husbandry, Dairy Development and Fisheries Department, M.S., Mantralaya, Mumbai-32 has filed the present M.A. No. 164/2017 authorizing one Shri Sudhakar Balasaheb Borale, who appears to be Sub-Divisional Agriculture Officer, Sub-Division, Ahmednagar, District Ahmednagar for amendment of O.A. and other prayers. He has submitted that the present application is not maintainable. He has further submitted that respondent No. 1 has not filed say to the show cause notice issued to him by this Tribunal on 21.04.2017, and he has not complied with the order dated 17.02.2017. Therefore, he prayed to reject the

**M.A.NO. 164/2017 IN O.A.NO. 762/2016**

present M.A. No. 164/2017 and take suitable action against respondent No. 1.

3. Learned Presenting Officer for the original respondents has submitted that the respondent No. 1 is not the competent authority to take final decision in the enquiry report submitted by respondent No. 3 and it is the Secretary, Department of Planning, M.S. Mumbai, who is the competent authority to take decision in the said enquiry as the concerned employee was working under that department at the time of misappropriation. He has submitted that there is misunderstanding of the respondent No. 1 in filing the present M.A. No. 164/2017. He sought time to file reply of the respondent No. 1 to the show cause notice issued by this Tribunal on 21.04.2017 to him.

4. On perusal of the record, it reveals that the departmental enquiry so far as the original applicants are concerned, was completed in the month of September, 2015 and thereafter the report has been sent to the respondent No. 1 for passing final order as the applicants are retired Govt. employees. As the respondent No. 1 has not taken decision in the said enquiry, this Tribunal has passed order dated on 17.02.2017 and directed the respondent No. 1 to take final

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decision in the enquiry, but respondent No. 1 has not taken decision in the stipulated time. Therefore, order dated 21.4.2017 came to be passed by this Tribunal, as the respondent No. 1 flouted the order of this Tribunal. A show cause notice has been issued to the respondent No. 1 Shri Bijay Kumar, Principal Secretary, Agriculture, M.S. Mumbai, to appear before this Tribunal and to show cause as to why action should not be taken against him for flouting the order of this Tribunal dated 17.02.2017. Respondent No. 1 neither appeared nor filed his say to the show cause notice issued by this Tribunal by its order dated 21.04.2017. Respondent No. 1 has authorized one Shri Sudhakar Balasaheb Borale, who appears to be Sub- Divisional Agriculture Officer, Sub-Division, Ahmednagar, District Ahmednagar, to file the present M.A. NO. 164/2017 for amendment and for recalling the order dated 21.04.2017. No authority has been placed on record by which Shri Sudhakar Balasaheb Borale was authorized to file the present M.A.. This also shows reluctance on the part of the respondent No. 1 Shri Bijay Kumar, Principal Secretary, Agriculture, M.S. Mumbai, to obey the order of the Court and to appear before this Court. Respondent No. 1 has intentionally flouted the order passed

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by this Tribunal and he is not following the directions given by this tribunal. This amounts to contempt of this Tribunal.

5. Learned Presenting Officer has sought time to explain all these facts and he prayed to grant time till 13<sup>th</sup> June, 2017. In the circumstances, time is granted as sought by the learned Presenting Officer.

6. S.O. to 13<sup>th</sup> June, 2017.

**MEMBER (J)**

ORAL ORDERS 06.06.2017 – HDD(SB)