

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**O.A. NOS. 282, 283, 284, 285, 286, 287, 288 AND 289 ALL  
OF 2017**

**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 : 14-06-2017**

**ORAL ORDER:-**

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants in all these matters, S/shri M.S. Mahajan, M.P. Gude, V. R. Bhumkar & Smt. Priya R. Bharaswadkar, learned Chief Presenting Officer & Presenting Officers for the respondents in respective matters.

2. The learned C.P.O. / other P.Os. seek time to take instructions as regards the decision on the representations of the respective applicants and / or to take corrective steps, if the decision is not taken. Since the present matters pertain to transfer of large number of Medical Officers, at the request of C.P.O. / P.Os., S.O. to 19.6.2017.

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

**VICE CHAIRMAN**

ARJ ORAL ORDERS 14.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 212/2016 IN OA ST. 664/2016**

(Shri Nandkishor C. Khicchi V/s. The State of Mah. & Ors.)

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

**Date : 14-06-2017**

**ORAL ORDER:-**

Heard Shri Nandkishor C. Khicchi, party in person and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The party in person submits that injustice is caused to him and, therefore, he wants to argue the matter. At his request, S.O. to 28.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 14.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 340/2016 IN CP ST. 1574/2016 IN OA 516/2003**  
(Shri (Dr.) Vijakumar B. Sarwade V/s. The State of Mah. &  
Ors.)

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

**Date : 14-06-2017**

**ORAL ORDER:-**

Heard Shri V.B. Wagh, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent no. 1 and Shri S.S. Shinde, learned Advocate holding for Shri P.R. Tandale, learned Advocate for respondent no. 2.

2. The learned Advocate for res. no. 2 seeks time. Time granted. S.O. to 4.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 14.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 481/2016 IN OA ST. 1995/2016**

(Aruna V. Shinde V/s. The State of Mah. & Ors.)

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

**Date : 14-06-2017**

**ORAL ORDER:-**

None appears for the applicant. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, is present.

2. Read the order of the Tribunal dated 11.4.2017. It appears that, no steps are taken by the applicant for service of notices upon the respondents as directed since long i. e. on 12.1.2017.

3. In the circumstances, put up the present misc. application either for taking steps by the applicant or for passing necessary orders on 3.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 14.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 95/2017 IN CP ST. 240/2017 IN OA 716/2015**  
(Shri (Dr.) Vijayprakash N. Tambhale V/s. The State of Mah.  
& Ors.)

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

**Date : 14-06-2017**

**ORAL ORDER:-**

Heard Shri D.T. Devane, learned Advocate holding for Shri Shamsundar B. Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The learned P.O. files on record a departmental communication dated 12.6.2017, which is taken on record and marked as document 'X' for the purpose of identification. It appears from the said communication that all the benefits are imparted to the applicant and even the commutation of pension now is ultimately to be paid by the Treasury.

3. The learned Advocate for the applicant seeks time to take instructions in this regard. At his request, S.O. to 12.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 14.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

MA 543/15 IN CP ST. 1721/2015 IN OA 717/98  
MA 544/15 IN CP ST. 1723/2015 IN OA 522/2000  
MA 545/15 IN CP ST. 1727/2015 IN OA 718/98  
MA 546/15 IN CP ST. 1731/2015 IN OA 1203/99  
MA 547/15 IN CP ST. 1725/2015 IN OA 492/02  
MA 548/15 IN CP ST. 1719/2015 IN OA 493/02  
MA 549/15 IN CP ST. 1729/2015 IN OA 525/02  
MA ST. 1328/15 IN CP ST. 1329/2015 IN OA 705/96  
MA ST. 1330/15 IN CP ST. 1331/2015 IN OA 682/96  
MA ST. 1332/15 IN CP ST. 1333/2015 IN OA 718/96

**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 :** 14-06-2017

**ORAL ORDER:-**

Heard S/shri M.H. Patil & Avinash S. Deshmukh, learned Advocates for the respective applicants in respective matters, S/shri M.S. Mahajan, N.U. Yadav, S.K. Shirse, V.R. Bhumkar, M.P. Gude, D.R. Patil, Smt. Deepali S. Deshpande, Resha S. Deshmukh and Smt. Sanjivani Deshmukh Ghate, learned Chief Presenting Officer & Presenting Officers for the respondents in respective matters.

2. The learned C.P.O. / P.Os. submits that the fees of the Commissioner who is appointed as per the order of the Tribunal dated 14.2.2017 would be very disproportionate to the issue involved in the present matters. In the circumstances, the order of appointment of the Commissioner is withdrawn. The learned C.P.O. submits that on the next

date he would file the entire data so that the applicants can verify the same and individual affidavit, if any, if they are not satisfied with the same be filed.

3. In the circumstances, S.O. to 7.7.2017.

4. Steno copy allowed for the use of learned C.P.O.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 14.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 237/2013**

(Kaveri V. Chavan @ Smt. Kaveri Wd/o Santoshrao Bagal  
V/s. The State of Mah. & Ors.)

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

**Date : 14-06-2017**

**ORAL ORDER:-**

Heard Shri P.G. Gunale, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 1 to 4. None appears for respondent no. 5. None appears for respondent no. 6, though duly served.

2. Upon service of notice on res. no. 6, for the first the present matter is appearing on today's board. None appears for respondent no. 6.

3. The learned P.O. seeks time to file additional affidavit in reply of the respondents to the amendment. In the circumstances, S.O. to 28.7.2017 for filing affidavit in reply to the amendment.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 14.6.2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 224/2017**

(Shri Devidas K. Taru V/s. The State of Mah. & Ors.)

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

**Date : 14-06-2017**

**ORAL ORDER:-**

Heard Shri G.R. Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 & 2, Shri Sachin Mundhe, learned Advocate holding for Shri S.G. Rudrawar, learned Advocate for respondent no. 3.

2. At the request of Shri Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant, S.O. to 16.6.2017 to satisfy this Tribunal on the query raised earlier vide order dated 4.5.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 14.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 572/2015**

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

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

**Date : 14-06-2017**

**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. At the request of learned Advocate for the applicant, S.O. to 20.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 14.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 311/2015**

(Smt. Kalpna M. Patil V/s. The State of Mah. & Ors.)

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

**Date : 14-06-2017**

**ORAL ORDER:-**

Heard Shri H.P. Jadhav, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent nos. 1 to 4 and Shri S.S. Shinde, learned holding for Shri Vivek Bhavthankar, learned Advocate for respondent no. 5. None appears for respondent no. 6.

2. The learned Advocate for the applicant submits that it has been learnt by the applicant that the res. no. 6 is now disqualified by the respondents and, therefore, she would not be considered for appointment. He, however, submits that the applicant has no written information in this regard.

3. In the circumstances, the learned P.O. is directed to take instructions from the concerned respondents in regard to above submission made by the learned Advocate for the applicant and to file necessary report on record. At her request, S.O. to 12.7.2017.

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

**VICE CHAIRMAN**

ARJ ORAL ORDERS 14.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 322/2015**

(Shri Balasaheb M. Kulkarni V/s. The State of Mah. & Ors.)

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

**Date : 14-06-2017**

**ORAL ORDER:-**

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

2. The learned P.O. submits that there is no response from the res. nos. 2 & 3 despite the communications of order of the Tribunal dated 6.4.2017. In the circumstances, at his request, as a last chance, S.O. to 11.7.2017. Upon failure by the concerned respondents to comply with the order, this Tribunal would be constrained to take coercive action against the said respondents.

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

**VICE CHAIRMAN**

ARJ ORAL ORDERS 14.6.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 55/2017 in O.A. St. No. 167/2017  
(Shri Abhimanya S. Kalyan V/s. The State of Mah. & Ors.)**

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

**DATE : 14.06.2017.**

**ORAL ORDER:-**

Heard Shri Kalyan Patil, learned Advocate holding for Shri S.R. Barlinge, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 19.06.2017.

KPB ORAL ORDER 14-06-2017

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 60/2017 in O.A. St. No. 184/2017  
(Shri Sheshrao S. Bhalerao V/s. The State of Mah. & Ors.)**

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

**DATE : 14.06.2017.**

**ORAL ORDER:-**

Shri D.T. Devane, learned Advocate holding for Shri P.G. Rodge, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

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

3. S.O. to 21.07.2017.

**MEMBER (J)**

**KPB ORAL ORDER 14-06-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A. 160/17 with M.A. 87/17 in O.A. St. 280/17  
(Shri Punamchand S. Bainade V/s. The State of Mah. & Ors.)**

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

**DATE : 14.06.2017.**

**ORAL ORDER:-**

Shri A.U. Mane, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 24.07.2017.

**MEMBER (J)**

**KPB ORAL ORDER 14-06-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**O.A. No. 781/2013**

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

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

**DATE : 14.06.2017.**

**ORAL ORDER:-**

Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to argue the matter. Time granted as a last chance.

3. S.O. to 13.07.2017.

**MEMBER (J)**

KPB ORAL ORDER 14-06-2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 724/2016  
(Shri Sirajoddin K. Ansari V/s. the State of Mah. & Ors.)**

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

**DATE : 14.06.2017.**

**ORAL ORDER:-**

Heard Shri Shamsundar B. Patil, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 3.7.2017.

KPB ORAL ORDER 14-06-2017

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 552/2016  
(Shri Subhash B. Bagal V/s. the State of Mah. & Ors.)**

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

**DATE : 14.06.2017.**

**ORAL ORDER:-**

Heard Shri N.K. Choudhary, learned Advocate for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent nos. 1 to 4 and Shri S.S. Ware, learned Advocate holding for Shri Y.V. Dhoble, learned Advocate for respondent no. 5. None present for respondent no. 6.

2. Learned Advocate for the applicant has submitted that the applicant is seeking leave of this Tribunal to amend the prayer clauses of the O.A. suitably.

3. Leave as prayed for by the applicant is granted. The applicant shall carry out the necessary amendment in the O.A. on or before the next date.

4. S.O. to 21.06.2017.

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 468/2016**  
(Shri Padmakar S. Ghodke V/s. the State of Mah. & Ors.)

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

**DATE : 14.06.2017.**

**ORAL ORDER:-**

Heard Shri N.J. Patil, learned Advocate for the applicants and Smt. Resha S. Deshmukh, learned Presenting Officer for respondents.

2. Today, the learned Presenting Officer has placed on record a copy of communication dated 29.05.2017 sent by the Enquiry Officer or Naib Tahsildar (1), Ausa to the Sub Divisional Officer, Ausa-Renapur, after completing the enquiry against the present applicant. The Enquiry Officer concluded that there was no intention on the part of the applicant to cheat the Government and therefore, he sent enquiry report to the S.D.O., Ausa-Renapur for taking decision on it. Learned Presenting Officer has submitted that the matter is pending before the S.D.O., Ausa-Renapur and therefore, the S.D.O., Ausa-Renapur has to take decision in the said enquiry report. Therefore, he seeks time to facilitate the S.D.O., Ausa-Renapur to take proper decision on the enquiry report submitted by the Enquiry Officer.

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O.A. No. 468/2016

3. In view thereof, the respondent no. 5 i.e. the S.D.O., Ausa-Renapur is directed to take final decision on the enquiry report submitted by the Enquiry Officer or Naib Tahsildar (1), Ausa, on its own merit.

4. S.O. to 3.7.2017.

KPB ORAL ORDER 14-06-2017

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 164/2017 in O.A. No. 762/2016  
(The State of Maharashtra Vs. Shri Nakul S. Mhaske & Ors.)**

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

**DATE : 14.06.2017.**

**ORAL ORDER:-**

Heard Shri I.S. Thorat, learned Presenting Officer for the applicant (original respondents) and Shri A.S. Deshmukh, learned Advocate for respondents (original applicants).

2. Learned Presenting Officer has submitted that on 17.02.2017, this Tribunal has passed an order to direct the respondent no. 1 i.e. the Principal Secretary, Agriculture, Animal Husbandry, Dairy Development and Fisheries Department, M.S., Mumbai to take final decision on the Enquiry Report submitted by the respondent no. 3 i.e. the Divisional Commissioner, Nashik. He has submitted that on 17.02.2017 inadvertently it was submitted that the respondent no. 1 is the competent authority to take decision in the Departmental Enquiry filed against the applicants. He has submitted that the respondent no. 1 thereafter informed the office of Chief Presenting Officer that he is

not the competent authority and he is not necessary party to the O.A. Unfortunately, the said fact remained to be communicated to this Tribunal. He has submitted that thereafter, show cause notice has been issued to the respondent no. 1 by this Tribunal. The respondent no. 1 i.e. the Principal Secretary, Agriculture, Animal Husbandry, Dairy Development and Fisheries Department, M.S., Mumbai has filed detailed affidavit in reply in the O.A. on 13.06.2017 and submitted that he is not the competent authority to take final decision on the enquiry report submitted by the respondent no. 3. Moreover, the enquiry report was not submitted to the respondent no. 1 by the respondent no. 3 previously and statement in that regard has been recorded mistakenly made before this Tribunal on 17.02.2017. He has submitted that recently the final enquiry report has been submitted to the Secretary, E.G.S., Government of Maharashtra, Mumbai by communication dated 03.05.2017 by the Divisional Commissioner, Nashik, as the allegations regarding misappropriation of funds of

E.G.S. were involved in the said Departmental Enquiry. He has submitted that the Secretary, E.G.S., Mumbai is the competent authority to take final decision on the departmental enquiry report and therefore, the direction given to the respondent no. 1 has not been followed. He has submitted that the respondent no. 1 has tendered unconditional apology for not appearing before this Tribunal on earlier occasion and informing all these facts and therefore, he prayed to withdraw the show cause notice issued to the respondent no. 1. He has further submitted that in these circumstances, the applicant (original respondents) does not want to proceed with the M.A. and he wants to withdraw the same unconditionally. Therefore, he prayed to allow the applicant to withdraw the present M.A.

3. The learned Advocate for respondents (original applicants) has no objection for withdrawal, since the applicant does not want to proceed with the M.A. as the respondent no. 1 has given detailed explanation in the affidavit in reply which is filed on 13.06.2017.

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M.A. No. 164/2017 in  
O.A. No. 762/2016

4. Considering the affidavit of the respondent filed in O.A., submission of the P.O., permission is granted for withdrawing the M.A. unconditionally. Accordingly, M.A. stands disposed of as withdrawn with no order as to costs.

KPB ORAL ORDER 14-06-2017

**MEMBER (J)**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 762/2016**  
(Shri Nakul S. Mhaske & Ors.V/s. the State of Maharashtra)

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

**DATE : 14.06.2017.**

**ORAL ORDER:-**

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

2. Today, the learned Presenting Officer has placed on record a copy of communication dated 3.5.2017 which is addressed to the Secretary, E.G.S. Department, Government of Maharashtra, Mumbai sent by the Divisional Commissioner, Nashik. He has submitted that the final report has been submitted to the Secretary, E.G.S., Mumbai vide the said communication by the Divisional Commissioner, Nashik as he is a competent authority to take final decision in the Departmental Enquiry. He has submitted that the Secretary, E.G.S., Mumbai is not a party respondent in the O.A. and as the matter pertains to jurisdiction of the Secretary, E.G.S. Mumbai, the respondent no. 1 cannot take final decision on the Enquiry Report.

3. Learned Advocate for the applicant has submitted that in view of the production of letter dated 3.5.2017, by the learned Presenting Officer, the applicants want to amend the O.A. suitably and want to add the Secretary, E.G.S., Mumbai as a party respondent in the O.A. He, therefore, sought leave to amend the O.A.

4. In view of the submission made by the learned Advocate for the applicant, leave to amend the O.A. is granted. The applicant shall carry out the necessary amendment in the O.A. on or before the next date.

5. The respondent no. 1 has filed affidavit in reply wherein it has been mentioned that he is not a competent authority to take decision on the enquiry report submitted by the Divisional Commissioner, Nashik. He has submitted that the inadvertently he has not explained the said fact earlier and therefore, he tendered unconditional apology and prayed to withdraw the show cause notice and also prayed to drop the proceeding.

6. On perusal of the record, particularly from the letter dated 3.5.2017 sent by the respondent no. 3 i.e. the Divisional Commissioner, Nashik to the Secretary, E.G.S., Mumbai, it reveals that enquiry report was submitted in the year 2015 but the said enquiry report has been sent to the Secretary, E.G.S., Mumbai for taking decision by the respondent no. 3 on 3.5.2017 and not in the month of September, 2015, as submitted by both the parties on 17.02.2017. As the enquiry report was not sent to the respondent no. 1 earlier, no question of taking decision by the respondent no. 1 in that proceeding arises. But the respondent no. 1 has not appeared before this Tribunal in response to the show cause notice issued to him earlier. Not only this, he has not clarified the said position earlier in spite of specific direction given by this Tribunal on 17.02.2017. This shows negligence on the part of the respondent no. 1. Not only this, but he had not appeared before the Tribunal in spite of specific direction given to him. However, for the said acts, he has tendered unconditional

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O.A. No. 762/2016

apology in the affidavit in reply dated 13.06.2017. His unconditional apology is accepted and the said show cause notice issued to him is hereby withdrawn.

7. S.O. to 19.06.2017.

**MEMBER (J)**

KPB ORAL ORDER 14-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 431 OF 2016**

**(Miss. Archana Devidasrao Lathkar Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri A.M. Nagarkar – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 13<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 764 OF 2016**

**(Shri Baswaraj S/o. Mahadevappa Swame and Others Vs.  
The State of Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri A.M. Nagarkar – 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 21<sup>st</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 923 OF 2016**

**(Shri Ashok S/o. Ramdas Kotwal Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri Vivek Pingle – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.

2. Learned Presenting Officer for the respondents prays for time for filing affidavit in reply on behalf of the respondents. Time granted.

3. S.O. to 21<sup>st</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 565 OF 2016**

**(Shri Ashok S/o. Ramdas Kotwal Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri Vivek Pingle – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 21<sup>st</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 194 OF 2016**

**(Shri Ramesh S/o. Madhukar Jakatdar & Ors. Vs. The  
State of Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri Vivek Pingle – learned Advocate for the applicants and Shri M.P. Gude – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicants, S.O. to 21<sup>st</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 841 OF 2016**

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

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri Vivek Pingle, learned Advocate holding for Shri V.B. Wagh – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 24<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 04 OF 2017**

**(Shri Ramlal Bhika Brahmane Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri Vivek Pingle, learned Advocate holding for Shri V.B. Wagh – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 24<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 215 OF 2017

(Shri Kalim S/o. Fulchand Tamboli Vs. The State of  
Maharashtra and Others.)

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

DATE : 14.06. 2017.

ORAL ORDER:

1. Shri Avishkar S. Shelke – learned Advocate for the applicant (**absent**). Shri N.U. Yadav – learned Presenting Officer for the respondent Nos. 1 & 2. Shri S.B. Choudhari – learned Advocate for respondent No. 3 (**absent**).

2. Since nobody appeared for the applicant, S.O. to 24<sup>th</sup> July, 2017.

MEMBER (J)

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 219 OF 2016**

**(Smt. Shobha Krushna Ovhal Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri Vikram S. Undre – learned Advocate for the applicant, Shri M.P. Gude – learned Presenting Officer for the respondent Nos. 1 to 5 and Shri Ganesh Jadhav, learned Advocate holding for Shri A.S. Shelke – learned Advocate for respondent No. 6.

2. On instruction from the applicant, learned Advocate for the applicant submits that the applicant does not want to proceed with the present Original Application and she wants to withdraw the same unconditionally and therefore, he prayed to dispose of the Original Application accordingly.

3. In view of the aforesaid submissions made by the learned Advocate for the applicant, permission to withdraw the present Original Application is granted.

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

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 186 OF 2017**

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

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri Kalyan Patil, learned Advocate holding for Shri S.R. Barlinge – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondent Nos. 1 to 4.

2. Learned Advocate Shri D.T. Devane appeared before this Tribunal today and he has submitted that he is appearing on behalf of respondent No. 5. He has filed **VAKALATNAMA** on his behalf and the same is taken on record.

3. At the request of learned Presenting Officer for respondent Nos. 1 to 4 and learned Advocate for respondent No. 5, S.O. to 21<sup>st</sup> July, 2017 for filing affidavit in reply.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 51 OF 2017**

**(Shri Deelip S/o. Murlidhar Shinde Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri Vishwas D. Solanke, learned Advocate holding for Shri R.D. Khadap – 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 21<sup>st</sup> July, 2017 for filing affidavit in reply, as a last chance.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 15 OF 2017**

**(Shri Subhash Motiram Sonwane Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Shri Sanjay Kolhare – learned Advocate for the applicant has filed leave note. Shri D.R. Patil – learned Presenting Officer for the respondents.
2. In view of leave note filed by the applicant, S.O. to 24<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 806 OF 2016**

**(Ranjeeta Somnath Patil Vs. The State of Maharashtra  
and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri Vinod P. Patil – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted as a most last chance.
3. S.O. to 5<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 785 OF 2016**

**(Dr. Aruna Santosh Pardeshi Vs. The State of Maharashtra  
and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Smt. Vidya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 3 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.
3. Learned Presenting Officer sought short time to file affidavit in reply on behalf of respondent No. 2. Time granted.
4. S.O. to 11<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 744 OF 2016**

**(Shri Anna S/o. Tulshiram Pawar Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri J.S. Deshmukh – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.
2. Learned Presenting Officer has filed a copy of office order dated 12.05.2017 issued by Superintendent of Police, Ahmednagar and the same has been taken on record and marked as document 'X' for the identification purpose.
3. On perusal of the aforesaid office order dated 12.05.2017, it reveals that the applicant has been reinstated in service by the Superintendent of Police, Ahmednagar.
4. Learned Advocate for the applicant submitted that in view of the aforesaid office order dated 12.05.2017 the purpose of the applicant has been served and, therefore, the applicant does not want to proceed with the present Original Application and, hence, he prayed to dispose of the present Original Application accordingly.
5. In view of the aforesaid submissions made on behalf of the applicant, the present Original Application stands disposed of with no orders as to costs.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 731 OF 2016

(Dr. Bhagwan Balasaheb Methe Vs. The State of  
Maharashtra and Others.)

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

DATE : 14.06. 2017.

ORAL ORDER:

1. Heard Shri J.S. Deshmukh – learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondent Nos. 1 to 4. Shri S.B. Pulkundwar – learned Advocate for respondent No. 5 (**absent**).

2. Learned Presenting Officer sought time to file affidavit in reply on behalf of the respondents and to deposit the amount of costs to the tune of Rs. 10,000/- imposed on the respondents by this Tribunal by an order dated 19.04.2017, on the ground that approval of the higher authority is required to file affidavit in reply.

3. It transpires from the proceedings that ample opportunities have already been given to the respondent Nos. 3 & 4 to file affidavit in reply, in spite of the fact that they failed to file affidavit in reply.

4. It further transpires from the proceedings that on 19.04.2017 last chance was granted to the respondent Nos. 3 & 4 to file affidavit in reply subject to payment of cost of Rs. 10,000/-. In spite of this, they failed to file affidavit in reply and to deposit the amount of costs of Rs. 10,000/-. On 12.06.2017 at the request of learned Presenting Officer, the matter has been kept today again. However, today also

**O.A. NO. 731 OF 2016**

learned Presenting Officer prays for time for filing affidavit in reply. In the interest of justice, further adjournment is granted subject to payment of costs of Rs. 5,000/- in addition to costs of Rs. 10,000/- which was imposed earlier. The respondents are directed to deposit the total amount of Rs. 15,000/- in the Registry of this Tribunal.

5. S.O. to 1<sup>st</sup> July, 2017 for filing affidavit in reply on behalf of respondent Nos. 3 & 4, as a most last chance.

6. Learned Presenting Officer shall act on the Steno copy.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 632 OF 2016**

**(Shri Narayan Ramrao Nirval Vs. The State of Maharashtra  
and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Ms. Amruta Paranjape learned Advocate holding for Shri P.S. Paranjape – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 3<sup>rd</sup> July, 2017 for enable her to take instructions from her client i.e. the applicant.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 544 OF 2016

(Dr. Seema Aniruddha Kulkarni & 3 Ors. Vs. The State of  
Maharashtra and Others.)

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

DATE : 14.06. 2017.

ORAL ORDER:

1. Heard Shri J.S. Deshmukh – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondent Nos. 1 to 4. Shri K.U. More – learned Advocate for respondent Nos. 5 & 6 (**absent**).
2. Learned Presenting Officer for the respondents prays for time to file affidavit in reply. Time granted as a last chance.
3. S.O. to 13<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 545 OF 2016**

**(Dr. Satish Radhakishan Runwal & 6 Ors. Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri J.S. Deshmukh – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondent Nos. 1 to 4. None appears for respondent Nos. 5 & 6.
2. Learned Chief Presenting Officer for the respondent Nos. 1 to 4 prays for time to file affidavit in rely. Time granted as a last chance.
3. S.O. to 13<sup>th</sup> July, 2017.

**MEMBER (J)**

**ORAL ORDERS 14.06.2017-HDD**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 494 OF 2016**

**(Shri Laxmikant S/o. Govindrao Ratnaparkhi Vs. The  
State of Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri S.B. Deshmukh – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant has filed affidavit in rejoinder and the same is taken on record and the copy thereof has been served on the learned Presenting Officer for the respondents.
3. At the request and by consent of both the parties, S.O. to 17<sup>th</sup> July, 2017.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 359 OF 2017**

**(Smt. Saraswati D/o. Nagnath Lakhmaji Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri V.R. Jain – 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 27<sup>th</sup> June, 2017.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 358 OF 2017**

**(Smt. Sapana W/o. Bhaskar Jawkar Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri V.R. Jain – 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 27<sup>th</sup> June, 2017.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 534 OF 2017**

**(Shri Babasaheb S/o. Ramesh Pagare Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri S.M. Chavan, learned Advocate holding for Shri N.B. Narwade – learned Advocate for the applicant and Shri S.K. Shirse – learned Chief Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 23<sup>rd</sup> June, 2017.

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 362 OF 2017**

**(Shri Sudhakar S/o. Sukhedav Magre Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri Nikhil P. Dube – 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 23<sup>rd</sup> June, 2017 to enable him to address submissions on the point of maintainability of the present Original Application, in view of provisions of Sections 19 & 20 of Administrative Tribunals Act, 1985

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 723 OF 2016**

**(Shri Sandeep S/o. Sudhakarrao Kulkarni Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri Raghavendra N. Bharaswadkar – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed office order dated 26.05.2017 issued by the Divisional Commissioner, Aurangabad, and submitted that one Smt. Vaishali Patil, Assistant Revenue, District Collector Office, Hingoli, is transferred and posted on the post of Tahsildar, Sengaoon, District Hingoli, on which the applicant was posted by the impugned transfer order. The copy of the said office order dated 26.5.2017 is taken on record and marked as document 'X' for the purposes of identification.

3. On instruction from the applicant, learned Advocate for the applicant submits that in view of the aforesaid fact, applicant does not want to proceed with the present Original Application and he wants to withdraw the same

**O.A. NO. 723 OF 2016**

unconditionally and therefore, he prayed to dispose of the Original Application accordingly.

3. In view of the aforesaid submissions made by the learned Advocate for the applicant, permission to withdraw the present Original Application is granted.

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

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 240 OF 2017**

**(Shri Sudhakar S/o. Yadavappa Gavandar Vs. The State of  
Maharashtra and Others.)**

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

**DATE : 14.06. 2017.**

**ORAL ORDER:**

1. Heard Shri Avinash S. Deshmukh – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. On instruction from the applicant, learned Advocate for the applicant submits that the applicant does not want to proceed with the present Original Application and he wants to withdraw the same unconditionally and therefore, he prayed to dispose of the Original Application accordingly.

3. In view of the aforesaid submissions made by the learned Advocate for the applicant, permission to withdraw the present Original Application is granted.

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

**MEMBER (J)**

ORAL ORDERS 14.06.2017-HDD



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

**ORIGINAL APPLICATION NO.169/2017.**

(Shri S. R. 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 : 14-06-2017**

**ORAL ORDER:-**

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

2. Learned P.O. files affidavit in reply on behalf of  
Respondents no.2 to 4. The same is accepted.

3. S.O. to 2.8.2017 for hearing on admission.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**14-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.210/2017.**

(Shri R. B. Pimple 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 : 14-06-2017**

**ORAL ORDER:-**

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

2. Upon perusal of the record it is clear that, notices are not issued to the respondents. Vide order dated 6.4.2017 the learned C.P.O. was directed to take instructions from the State Excise regarding the fact as to why 15% reservation is not provided for the dependence of the Defence personnel as is provided by G.R. found at Exh. "B" & "C".

3. Learned C.P.O. seeks time. At his request, S.O. to 23.6.2017 as a last chance.

4. Learned C.P.O. is directed to act on the Steno copy of this order.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**14-06-2017-ATP**

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

**MA NO.198/17 IN OA ST.NO.624/17.**

(Shri S. M. Pakhale 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 : 14-06-2017**

**ORAL ORDER:-**

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

2. Issue notices to the respondents in MA returnable on 8<sup>th</sup> August, 2017.

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

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

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

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

7. S.O. to 8<sup>th</sup> August 2017.

8. Steno copy & hamdust allowed to both the parties.

**VICE CHAIRMAN.**

ORAL

ORDERS

14-06-2017-ATP

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

**ORIGINAL APPLICATION NO.550/2014.**

(Shri J. K. Kangale & 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 : 14-06-2017**

**ORAL ORDER:-**

Heard Shri H. A. Joshi learned Advocate for the  
applicant and Smt S. K. Ghate Deshmukh learned  
Presenting Officer for the respondents.

2. Learned P.O. files affidavit in reply on behalf of  
Respondent no.3 to the amended O.A. The same is taken  
on record. Its copy is served on the other side.

3. S. O. to 12.7.2012 for hearing on admission.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**14-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.717/2016.**

(Smt S. S. Rathod 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 : 14-06-2017**

**ORAL ORDER:-**

None appears for the applicant. Heard Shri I. S. Thorat learned Presenting Officer for the respondents.

2. The record would show that for last more than six months nobody is appearing for the applicant.

3. The learned P.O. points towards the fact that, the present applicant was reverted as he failed to pass the necessary departmental examination within the prescribed period as per Exh. E page no.30. Therefore, according to rule the applicant was reverted from the post of Clerk cum Typist to the post of Clerk.

4. In view of the absence of the learned Advocate for the applicant without making any comment on merit the application is dismissed in default.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**14-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.730/2016.**

(Shri D. K. Bahir 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 : 14-06-2017**

**ORAL ORDER:-**

None appears for the applicant. Heard Shri D. R. Patil learned Presenting Officer for the respondents no.1 & 2 and Shri R. E. Pathade learned Advocate for the Respondents no.3 to 5. None appears for the Respondents no.6 & 7.

2. Shri R. E. Pathade learned Advocate for the Respondents no.3 to 5 files affidavit in reply. The same is taken on record.

3. Respondents no.6 & 7 are absent and no reply is filed on their behalf despite the service of notice. In the circumstances, S.O. to 6.7.2017 for hearing on admission.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**14-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.932/2016.**

(Shri S. A. Shisode 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 : 14-06-2017**

**ORAL ORDER:-**

Heard Shri H. P. Jadhav learned Advocate for the applicant, Smt P. R. Bharaswadkar learned Presenting Officer for the respondents no.1 to 5 and Shri Shrikant Patil learned Advocate for the Respondent no.6.

2. Upon hearing both sides it appears that, the issue is as to whether G. R. dated 16.05.2007 (page no.155) would be applicable in the present case. According to the learned P.O. since the present applicant was initially appointed from open category (page 150) and thereafter he placed certificate as a VJNT category, he was later on shown as from that category. In the circumstances, according to her as per the above G.R. the benefits if any, of reservation would not be available to the applicant with retrospective effect. She therefore, submit that, Respondent no.6 Ranjit Rathod was rightly promoted.



3. Learned Advocate for the applicant seeks time to take instructions in this regard.

4. Learned Advocate for the Respondent no.6 also seeks time to file affidavit in reply. Time granted to both of them.

5. S.O. to 5.7.2017.

**VICE CHAIRMAN.**

ORAL

ORDERS

14-06-2017-ATP

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

**ORIGINAL APPLICATION NO.45/2017.**

(Smt Sunita R. Thite 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 : 14-06-2017**

**ORAL ORDER:-**

Heard Shri S. B. Mene learned Advocate holding for  
Shri Ajay Deshpande learned Advocate for the applicant  
and Shri N. U. Yadav learned Presenting Officer for the  
respondents.

2. Read the order dated 12.4.2017. Learned P.O.  
seeks time of three weeks for completing the process by  
the concerned Respondent. At his request, as a last  
chance, S.O. to 11.7.2017.

3. Learned P.O. is directed to act on the Steno copy of  
this order.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**14-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.70/2017.**

(Shri R. S. Shendge 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 : 14-06-2017**

**ORAL ORDER:-**

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

2. Learned Advocate for the applicant submit that in view of the developments that took place during the pendency of the application amendment is required to be made. Liberty to file it is hereby granted.

3. S.O. to 25.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**14-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.220/2017.**

(Smt. Archana N. Shendge 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 : 14-06-2017**

**ORAL ORDER:-**

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

2. Learned P.O. seeks time to file affidavit in reply. At  
his request, S.O. to 25.7.2017. Interim relief to continue  
till then.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**14-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.67/2017.**

(Miss Surekha M. Tak 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 : 14-06-2017**

**ORAL ORDER:-**

Heard Shri P. V. Suryawanshi learned Advocate for  
the applicant and Shri V. R. Bhumkar learned Presenting  
Officer for the respondents no.1 to 6.

2. Respondent no.7 - party in person present and he  
files affidavit in reply. The same is accepted. Copy  
served on the other side.

3. Learned P.O. seeks time to file reply. At his  
request, S.O. to 20.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**14-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.547/2016.**

(Shri D. U. Rathod 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 : 14-06-2017**

**ORAL ORDER:-**

It is reported that Shri S. D. Dhongde learned Advocate for the applicant has filed leve note. Shri D. R. Patil learned Presenting Officer for the respondents is present.

2. S.O. to 20.7.2017.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**14-06-2017-ATP**

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

**OA Nos.622 and 643 of 2016.**

(S/Shri M. T. Takalkar & G. Y. Bharsakhle.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** : 14-06-2017

**ORAL ORDER:-**

Heard Shri M. S. Dhapate learned Advocate holding  
for Shri R. P. Bhumkar learned Advocate for the  
applicants in both the matters and Smt P. R.  
Bharaswadkar learned Presenting Officer for the  
respondents in both the matters.

2. Shri M. S. Dhapate learned Advocate holding for  
Shri R. P. Bhumkar learned Advocate for the applicants  
seeks time to file affidavit in rejoinder. At his request,  
S.O. to 5.7.2017 for filing affidavit in rejoinder.

**VICE CHAIRMAN.**

**ORAL**

**ORDERS**

**14-06-2017-ATP**

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

**ORIGINAL APPLICATION NO.64/2017.**

(Dr. Snehal I. Nagre 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 : 14-06-2017**

**ORAL ORDER:-**

Heard Shri R. B. Bhosale learned Advocate holding  
for Shri J. G. Toshniwal learned Advocate for the  
applicant and Smt P. R. Bharaswadkar learned  
Presenting Officer for the respondents no.1 to 4. None  
appears for the Respondent no.5.

2. Shri R. B. Bhosale learned Advocate holding for  
Shri J. G. Toshniwal learned Advocate for the applicant  
seek time. At his request, S.O. to 13.7.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 14-06-2017-ATP**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 148/2017**

(Shri Kailash Madhavgir Gosawmi V/s. The State of  
Mah. & Ors.)

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

DATE : 14-06-2017

**ORAL ORDER:-**

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

2. Learned CPO has submitted that he has received instructions from Commissioner of Education, Pune and it is instructed that complaints against the applicant have been enquired into by higher authorities. Proposal regarding departmental enquiry has been forwarded to Director of Education which is pending and result of the same is also awaited. Therefore, he has submitted after receiving approval, charge sheet will be served on the applicant. Learned CPO sought a short time for the same.

3. S.O.21-06-2017.

**MEMBER (J)**

YUK ORAL ORDER 14-06-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.366/2017**

(Shri Kumar H. Patil V/s. The State of Mah. & Ors.)

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

DATE : 14-06-2017

**ORAL ORDER:-**

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

2. Learned Advocate for the applicant has submitted that the applicant was promoted as Executive Engineer and posted at Minor Irrigation Division, Latur in view of the order dated 10-11-2014. Accordingly, he joined his posting at Latur. He has submitted that since then he is serving as Executive Engineer, Minor Irrigation Division, Latur. He has not completed his normal tenure of posting at Latur. It is submitted on behalf of the applicant that the applicant is a physically handicapped person and his daughter is studying in 12<sup>th</sup> Standard at Latur. He has submitted that the respondents have transferred him at Mumbai by impugned order dated 18-05-2017. Applicant has submitted representation dated 19-05-2017, which is pending with the respondents. He has further submitted that in the meanwhile, applicant received notice dated 03-06-2017 issued by the Under Secretary (Services), Government of Maharashtra with direction to him to join his new posting, otherwise to face disciplinary action. He has submitted that applicant has not been yet relieved by the Superintending Engineer in

view of the impugned order dated 18-05-2017. Learned Advocate for the applicant has further submitted that, considering the fact that the applicant is a handicapped person and his daughter is studying in 12<sup>th</sup> Standard, it will be just to stay execution of the impugned transfer order.

3. Learned CPO has submitted that he has no instruction from the respondents, and therefore, he sought time to file detailed reply on receiving instructions from the respondents.

4. On perusal of the record and as per the statement of the applicant, it seems that the applicant has not completed his normal tenure of posting at Latur. Documents on record show that his daughter is studying in 12<sup>th</sup> Standard in Science faculty. Representation of the applicant dated 19-05-2017 is still pending with the respondents. Applicant is not yet relieved from his present post. In the circumstances, it will be just to direct the respondents to maintain status quo, if applicant is not relieved, till filing of the reply by the respondents.

5. Hence, respondents are directed to maintain status quo till filing their reply, if the applicant is not relieved.

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

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

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

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

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

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

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

**MEMBER (J)**