

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.343/2016 IN O.A.St.No.1570/2016
(Shri Datta Tumran V/s. The State of Mah. & Ors.)

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

DATE : 02-05-2017

ORAL ORDER:-

Heard Shri S.M.Narnaware learned Advocate holding for Shri S.N.Pagare learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Learned CPO seeks time to file reply on behalf of the respondents. Time granted.

3. S.O.04-07-2017.

YUK ORAL ORDER 02-05-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.382/2016 IN O.A.St.No.1750/2016
(Shri Bhagwat Chaudhari V/s. The State of Mah. & Ors.)

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

DATE : 02-05-2017

ORAL ORDER:-

Shri A.D.Sugdare learned Advocate for the applicant as well as the Shri S.D.Dhongde learned Advocate for respondent nos.2 and 3 have filed **leave note** on record.

Shri V.R.Bhumkar learned Presenting Officer for the respondents is present.

2. In view of leave note of learned Advocate for the applicant as well as the learned Advocate for respondent nos.2 and 3, S.O.**04-07-2017**.

YUK ORAL ORDER 02-05-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.441/2016 IN O.A.St.No.1841/2016
(Shri Madhukar Dusane V/s. The State of Mah. & Ors.)

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

DATE : 02-05-2017

ORAL ORDER:-

Shri S.D.Dhongde learned Advocate for the applicant has filed **leave note** on record. Shri V.R.Bhumkar learned Presenting Officer for the respondents is present.

2. In view of leave note of learned Advocate for the applicant, S.O.04-07-2017.

YUK ORAL ORDER 02-05-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.445/2016 IN O.A.St.No.1876/2016
(Shri Surekha Pawar V/s. The State of Mah. & Ors.)

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

DATE : 02-05-2017

ORAL ORDER:-

Heard Shri Deepak Rajput learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for the respondents.

2. Learned P.O. states that he will file affidavit in reply on behalf of the respondents during the course of the day. He undertakes to serve copy on the other side.

3. S.O.30-06-2017.

YUK ORAL ORDER 02-05-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.478/2016 IN O.A.St.No.2082/2016
(Md. Asfiouddin & Anr. V/s. The State of Mah. & Ors.)

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

DATE : 02-05-2017

ORAL ORDER:-

Heard Shri I.D.Maniyar learned Advocate for the applicants and Shri D.R.Patil learned Presenting Officer for the respondent nos.1 to 3 and. Shri S.E.Madne learned Advocate for respondent no.4 is **absent**.

2. Applicants are challenging the order dated 13-04-2015 rejecting their claim of recording deemed date of regularization of service w.e.f. 09-04-1987. It is their contention that they have filed representation against the said order on 27-04-2015 but the same had not been decided by the respondents till date. It is their contention that they ought to have preferred the O.A. on or before 27-10-2016 but they have filed the present original application on 13-12-2016. It is further contended that there is delay of 47 days caused in filing the O.A. They have prayed to condone delay caused in filing the O.A. as their representation is still pending before the respondents. They have further contended

that respondent no.3 has sent proposal for regularization of services of the applicants to the respondent no.2 on 29-12-2015 and that is still pending. It is their contention that since the year 1997 they are fighting several litigations regarding their service conditions. They spent time in collecting the required documents pertaining to decision in the earlier litigations and therefore some delay has been caused in filing the O.A. Learned Advocate for the applicant has submitted that the applicants have explained delay by showing just and proper cause. For these reasons, he has prayed to condone delay caused for filing the O.A.

3. Learned P.O. has resisted the claim on the ground that there is no just and proper reason for condonation of delay caused for filing the O.A.

4. Considering the long standing litigations and several orders passed by the Hon'ble High Court, Tribunal as well as representations made by the applicants, the applicants required some time to collect

documents, and therefore, delay of 47 days has been caused for filing the O.A.

5. In view of the abovesaid facts it is clear that applicants have put forth just and proper reasons for not filing the O.A. within limitation. Reasons given by the applicants in paragraph 3 and 4 of the M.A. seem to be just and proper to condone the delay caused for filing the O.A. Valuable rights of the applicants are involved in the O.A. and same deserve to be decided on merit. Therefore, in my opinion, it is just and proper to condone the delay caused for filing the O.A. by allowing the M.A.

6. Accordingly, M.A. is allowed. Delay of 47 days caused for filing the O.A. is hereby condoned.

7. Office to register and number the O.A. as per rules, after compliance of office objections, if any.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A.St.No.2082/2016

(Shri Md. Asfiouddin & Anr. V/s. The State of Maharashtra
& Ors.)

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

DATE : 02-05-2017

ORAL ORDER:-

Heard Shri I.D.Maniyar learned Advocate for the applicants and Shri D.R.Patil learned Presenting Officer for the respondent nos.1 to 3 and. Shri S.E.Madne learned Advocate for respondent no.4 is **absent**.

2. Issue notice to the respondents returnable on 05-07-2017.

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

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

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

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

8. S.O.05-07-2017.

MEMBER (J)

YUK ORAL ORDER 02-05-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.N No.49/2017 IN O.A.St.No.160/2017
(Shri Meena Fattelashkari V/s. The State of Mah. & Ors.)

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

DATE : 02-05-2017

ORAL ORDER:-

Heard Shri S.R.Dheple learned Advocate holding for Shri Kakasaheb Jadhav learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O.05-07-2017.

YUK ORAL ORDER 02-05-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.72/2017 IN O.A.St.No.187/2017
(Shri Shankar Choudhari V/s. The State of Mah. & Ors.)

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

DATE : 02-05-2017

ORAL ORDER:-

Shri A.D.Sugdare learned Advocate for the applicant has filed **leave note** on record. Shri D.R.Patil learned Presenting Officer for the respondents is present.

2. In view of leave note of learned Advocate for the applicant, S.O.04-07-2017.

YUK ORAL ORDER 02-05-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.142/2017 IN O.A.No.108/2017
(Shri Kishor Shinde V/s. The State of Mah. & Ors.)

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

DATE : 02-05-2017

ORAL ORDER:-

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

2. Learned Advocate for the applicant wants to amend the O.A. by adding paragraph 11-A. It is the contention of the applicant that proposed amendment is necessary for deciding the O.A. on merit.

3. It seems that the proposed amendment is in the nature of explanation to the O.A. and it will not change the nature of the present litigation. Applicant is permitted to amend the O.A. accordingly. M.A.No.142/2017 is allowed and disposed of.

4. S.O.30-06-2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.12/2016
(Suvarna Ghodke V/s. The State of Mah. & Ors.)

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

DATE : 02-05-2017

ORAL ORDER:-

Heard Shri S.R.Dheple learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for the respondents.

2. Learned P.O. has placed on record a short affidavit of one Shri Bandu s/o. Ashru Kapse, Tahsildar, Tahsil Office, Pachora, Dist. Jalgaon. This Tribunal on 01-04-2017 has directed the Sub Divisional Officer, Pachora to remain present before Tribunal personally and explain the procedure adopted by him/her while conducting selection process, while declaring result of written examination, as well as oral examination, in view of the direction of the Tribunal on 08-01-2016. In spite of specific directions given by the Tribunal, S.D.O. Pachora has intentionally flouted the order of the Tribunal. Learned P.O. has submitted that Mrs. Manisha Khatri

was the Sub Divisional Officer, Pachora at the time of recruitment process and she is now on earned leave for 10 days upto 7th May, 2017. Learned P.O. has submitted that at present charge of the post of Sub Divisional Officer is kept with S.D.O. Chalisgaon. Learned P.O. has submitted that Mrs. Manisha Khatri has taken decision on 18-04-2017 holding the applicant ineligible for the appointment on the post of Police Patil.

3. On perusal of the short affidavit filed today, it is clear that the affidavit has been drafted and signed on 20th April, 2017. At that time, Mrs. Manisha Khatri was on duty as per statement made by Shri Bandu Kapse, Tahsildar, Pachora. It is evident that she has not responded to the order of the Tribunal dated 01-04-2017 and failed to file affidavit accordingly. She had also not remained present before the Tribunal on that date. Order in writing by which the applicant is held as ineligible for the post of Police Patil has not been placed on record. This fact shows that S.D.O., Pachora viz. Mrs. Manisha

Khatri is intentionally flouting the order of the Tribunal. Therefore, it would be just to issue show cause notice to Mrs. Manisha Khatri as to why action should not be taken against her for not complying and disobeying the order of the Tribunal.

4. S.O.05-06-2017.

5. Steno copy may be provided to the learned P.O. on her request.

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A.NOS.669/2016 AND 670/2016

(Shri Chandrakant Shinde & Dineshsing Patil V/s. The
State of Mah. & Ors.)

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

DATE : 02-05-2017

ORAL ORDER:-

Heard Shri A.S.Deshmukh learned Advocate for the applicants and Shri I.S.Thorat & Shri N.U.Yadav learned Presenting Officers for the respondents in respective matters.

2. Learned P.O. has submitted that by communication dated 26-04-2017 he had informed the Secretary, Home Department, Mantralaya, Mumbai as well as the Superintendent of Police (SP), Jalgaon regarding order passed by the Tribunal on 10-04-2017 and also requested to produce notification published in the official gazette as regards constitution of Police Establishment Board as provided u/s.22-J-1 of the Maharashtra Police Act. He has submitted that inspite of the said communication neither the Secretary, Home Department nor S.P. Jalgaon approached him and produced any notification in that regard. He has further submitted that S.P. Jalgaon has sent copies of Circular dated

27th November 1997, 7th February 1998 etc. with one Shri Rameshwar Mohan Gade, Police Inspector attached to District Traffic Branch, Jalgaon who is representing S.P.Jalgaon.

3. Learned Advocate for the applicant has submitted that this Tribunal has directed respondents to produce the notification published in official gazette as required u/s.22-J-1 of the Maharashtra Police Act but the respondents have not complied with the order, and therefore, he prayed to pass necessary order.

4. Order dated 10-04-2017 shows that the learned P.O. has made submissions before this Tribunal that government had issued notification in the government gazette regarding constitution of Police Establishment Board at District Level in view of the provisions of Section 22-J-1 of Maharashtra Police Act (Act No.XXII of 1951), and he sought time to produce the same. Time was granted to the learned P.O. to produce said notification. Thereafter, matter was adjourned to 13-04-2017.

On that date also learned P.O. sought time to produce the notification on record. Then matter was adjourned to 25-04-2017. On that date also the learned P.O. sought time to produce the notification on record. Matter was treated as part heard and fixed for further arguments and several opportunities were given to the respondents to produce notification published in the official gazette but the respondents have failed to produce the same.

5. Matter has already been heard at length. However, legal issue involved in the matter and the genuine efforts made by the learned P.O. to secure the notification regarding constitution of Police Establishment Board. Therefore, it would be just to grant one more chance to the respondents to find out whether such notification as required u/s.22-J-1 of the Maharashtra Police Act has been issued constituting Police Establishment Board. Hence, time granted as a last chance to the respondents to produce the notification on record.

6. S.O. 05-05-2017.

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.404/2016

(Dr. Avinash T. Landge V/s. The State of Mah. & Ors.)

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

DATE : 02-05-2017

ORAL ORDER:-

Heard Shri Ganesh Jadhav learned Advocate holding for Shri A.S.Shelke learned Advocate for the applicant, Smt. Resha Deshmukh learned Presenting Officer for the respondent nos.1 to 3 and Shri A.A.Nimbalkar learned Advocate for respondent no.4.

2. At the request of learned Advocate for the applicant, S.O.20-06-2017.

YUK ORAL ORDER 02-05-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 116/2017 IN CP ST. 362/2017 IN OA 711/2016

(Shri Imprakash D. Mane 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 : 02-05-2017

ORAL ORDER:-

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

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

3. Upon going through para 5 of the said affidavit in reply, it appears that, the proposal for filing appeal against the order of this Tribunal dated 20.12.2016 passed in O.A. no. 711/2016 is pending with the Law & Judiciary Department. The said pleadings are vague.

4. In the circumstances, the res. no. 2 is hereby directed to file additional affidavit in reply on the next date and thereby give the dates of sending of the said proposal by the concerned respondent to the Law & Judiciary Department and date of receipt of the same by the said Department.

5. S.O. to 9.6.2017.

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MA 116/17 IN CP ST. 362/17
IN OA 711/16

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

VICE CHAIRMAN

ARJ ORAL ORDERS 2.5.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 133/2017 IN OA 949/2016

(Shri Dinesh D. Kachare 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 : 02-05-2017

ORAL ORDER:-

Heard Shri Dinesh D. Kachare, applicant in person and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The learned P.O. files on record affidavit in reply of res. no. 3 in the misc. application. It is taken on record and copy thereof has been served upon the applicant in person.
3. S.O. to 15.6.2017 for hearing of M.A.

VICE CHAIRMAN

ARJ ORAL ORDERS 2.5.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 151/2017 IN TA 02/2016 (W.P. 12209/2015)

(Sonal B. Deshmukh 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 : 02-05-2017

ORAL ORDER:-

Heard Shri V.B. Wagh, learned Advocate for the applicant / proposed intervenor in the present M.A., Shri N.U. Yadav, learned Presenting Officer for respondent no. 1 in the present M.A. and Shri M.B. Kolpe, learned Advocate for respondent no. 2 in the present M.A. Shri S.S. Thombre, learned Advocate for present respondent no. 3 / applicant in T.A. is absent.

2. The present misc. application has been filed by the applicant for adding her as a party respondent in the T.A.

3. In order to have decision on merit, the M.A. is allowed without any order as to costs.

4. The applicant in the T.A. is hereby directed to add 'Smt. Sonal Babasaheb Deshmukh' as a party respondent in the T.A., within a period of one week

5. At the request of Shri Wagh, learned Advocate, the T.A. be placed on board on 15.6.2017 for filing affidavit in reply on behalf of added respondent.

VICE CHAIRMAN

ARJ ORAL ORDERS 2.5.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 230/2017

(Dr. Kole Nagnath Vinayakrao 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 : 02-05-2017

ORAL ORDER:-

Heard Shri (Dr.) Rajendra J. Godbole, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in the original application, returnable on 21.6.2017.

3 Tribunal may take the cases 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. 21.6.2017.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 2.5.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 14/2016 IN OA 81/2013

(Shri Anand A. Hale 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 : 02-05-2017

ORAL ORDER:-

Heard Miss. Pradnya S. Talekar, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The applicant has filed the present M.A. for condonation of 1337 days caused in filing the accompanying O.A. before the Tribunal.

3. The learned Advocate for the applicant submits that the applicant sent the representation to the respondents for reconsidering its earlier decision for not giving him appointment in the category of Project Affected Persons. On relying on the ratio laid down by the Hon'ble Supreme Court in the case of **M.S.PASHA Vs. UNION OF INDIA & OTHERS** reported at **2004 (2) L.L.N. 68**, the learned Advocate for the applicant submits that, in fact, the Original Application would be within limitation.

4. Without going into the issue of applicability of the decision relied by the learned Advocate for the applicant, it appears that, the present applicant is a educated unemployed person and, therefore, for the reasons stated in the misc. application, the same is allowed without any order as to costs and the delay of 1337 days caused in filing the accompanying Original Application is hereby condoned.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 81/2013

(Shri Anand A. Hale 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 : 02-05-2017

ORAL ORDER:-

Heard Miss. Pradnya S. Talekar, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in the original application, returnable on 5.7.2017.

3 Tribunal may take the cases 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. 5.7.2017.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 2.5.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 648 OF 2015

(Dr. Subhash P. MadrewarV/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 : 02-05-2017

ORAL ORDER:-

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 to 3. None appears for respondent no. 4.

2. Admit.

3. For the time being the present matter is removed from the board, with direction to the office to place the same for final hearing, along with similar matters, whenever Division Bench would be available. Both the sides are at liberty to circulate the matter for final hearing on availability of Division Bench.

VICE CHAIRMAN

ARJ ORAL ORDERS 2.5.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NOS. 485, 768 & 769 ALL OF OF 2015
(Dr. Subhash P. MadrewarV/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 : 02-05-2017

ORAL ORDER:-

Heard S/Shri B.K. Patil, and J.S. Deshmukh, learned Advocates for the applicants in all these matters, Shri S.K. Shirse, learned Presenting Officer for respondent nos. 1 & 2 in O.A. no. 485/2015 and Smt. Resha S. Deshmukh and Smt. Deepali S. Deshpande, learned Presenting Officers for the respondent nos. 1 to 3 in O.A. Nos. 768 & 769 of 2015. None appears for respondent no. 4 in O.A. nos. 768 & 769 of 2015.

2. All these matters are already admitted by the Tribunal.
3. For the time being the present matters are removed from the board, with a direction to the office to place the same for final hearing, along with similar matters, whenever Division Bench would be available. Both the sides are at liberty to circulate the matters for final hearing on availability of Division Bench.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

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

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

DATE : 02-05-2017

ORAL ORDER:-

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

2. Upon hearing both the sides, it is found that in the minutes of the meeting dated 23.8.2016 it is noted that the Chief Engineer (Electrical), Mumbai had brought to the notice of the Members of the Civil Services Board (1) that continuing the posting of the applicant at Aurangabad may hamper the departmental proceedings pending against him.

3. From the aforesaid fact it would reveal that 4 months prior to issuance of the present impugned transfer order, the applicant was posted at Aurangabad and thereafter by the impugned order he is sought to be transferred from Aurangabad to Amravati.

4. The learned P.O. seeks time to find out as to whether there is any communication from the Chief Engineer

(Electrical), Mumbai pointing out the difficulty in continuing the present applicant at Aurangabad. At his request, S.O. to 6.6.2017. The interim relief granted earlier to continue till then.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 2.5.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

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

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

DATE : 02-05-2017

ORAL ORDER:-

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

2. The learned P.O. seeks time to comply the order of this Tribunal dated 30.3.2017. At his request, S.O. to 23.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 2.5.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 395 OF 2015

(Shri Rajaram J. Gaikwad & Ors. V/s. State of Mah. & Ors.)

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

DATE : 02-05-2017

ORAL ORDER:-

Heard Shri R.R. Bangar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities. Shri S.D. Dhongde, learned Advocate for respondent no. 7 has filed leave note.

2. In view of the leave note of Shri Dhongde, learned Advocate for respondent no. 7, S.O. to 15.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 2.5.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 201 OF 2017

(Shri Shriram S/o. Deelip Neharkar Vs. The State of
Maharashtra and Others.)

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 : 02.05. 2017.

ORAL ORDER:

1. Shri Bharat R. Warma – learned Advocate for the applicant (**absent**). Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents, present.

2. Read order dated 3rd April, 2017. In view of the absence of the applicant and his Advocate, S.O. to 20th June, 2017.

VICE CHAIRMAN

ORAL ORDERS 02.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 255 OF 2017

**(Shri P.B. Deshmukh & 2 others Vs. The State of
Maharashtra and Others.)**

**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 : 02.05. 2017.

ORAL ORDER:

1. Heard Ms. Preeti Wankhade – learned Advocate for the applicants and Mrs. Priya R. Bharasadkar – learned Presenting Officer for the respondents.
2. No interim relief at this stage can be granted. The respondents cannot be forced to prepare wait list.
3. In the circumstances, issue notices to the respondents, returnable on 20th 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. Applicants are 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

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O.A. NO. 255 OF 2017

with affidavit of compliance in the Registry before due date.
Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 20th June, 2017.
9. Steno copy and hamdust is allowed to both the parties.

VICE CHAIRMAN

ORAL ORDERS 02.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 476 OF 2016

**(Smt. Ashvini P. Gange Vs. The State of Maharashtra and
Others.)**

**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 : 02.05. 2017.

ORAL ORDER:

1. Heard Shri S.P. Dhobale, learned Advocate holding for Shri A.V. Patil (Indrale) – learned Advocate for the applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. It transpires from the proceedings that affidavit in reply on behalf of respondent Nos. 1 to 3 has already been filed on record.

3. Upon hearing both the parties, it would show that the arguable case is made out. Admit. Liberty to file rejoinder to the applicant is hereby granted.

4. The present Original Application be removed from the board and it be fixed for final hearing before the Division Bench as and when the same is available.

VICE CHAIRMAN

ORAL ORDERS 02.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 575 OF 2016

**(Shri Aniket S/o. Nagnath Mundhe Vs. The State of
Maharashtra and Others.)**

**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 : 02.05. 2017.

ORAL ORDER:

1. Heard Shri K.J. Ghute Patil, learned Advocate holding for Shri P.R. Kadam – learned Advocate for the applicant, Shri D.R. Patil – learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Amit S. Savale – learned Advocate for respondent No. 4.
2. At the request of both the sides, S.O. to 3rd May, 2017.

VICE CHAIRMAN

ORAL ORDERS 02.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 738 OF 2016

**(Shri Amol S/o. Devidas Bedse Vs. The State of Maharashtra
and Others.)**

**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 : 02.05. 2017.

ORAL ORDER:

1. Heard Shri K.J. Ghute Patil, learned Advocate holding for Shri Ashish Rajkar – learned Advocate for the applicant, Shri D.R. Patil – learned Presenting Officer for the respondent Nos. 1 to 3 and Shri N.K. Bhadane – learned Advocate for respondent No. 4. None appears for respondent No. 5.
2. At the request of both the sides, S.O. to 3rd May, 2017.

VICE CHAIRMAN

ORAL ORDERS 02.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 726 OF 2016

**(Shri Dattatray Baliram Kharat Vs. The State of
Maharashtra and Others.)**

**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 : 02.05. 2017.

ORAL ORDER:

1. Heard Shri K.B. Jadhav – learned Advocate for the applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.
2. Upon hearing both the parties, it would show that the arguable case is made out. Admit. Liberty to file rejoinder to the applicant is hereby granted.
3. The present Original Application be removed from the board and it be fixed for final hearing before the Division Bench as and when the same is available.

VICE CHAIRMAN

ORAL ORDERS 02.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 78 OF 2017

**(Shri Shivaji S. Dahale Vs. The State of Maharashtra and
Others.)**

**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 : 02.05. 2017.

ORAL ORDER:

1. Heard Ms. Bhavna Patil, learned Advocate holding for Shri S.B. Talekar – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.
2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 27th June, 2017.

VICE CHAIRMAN

ORAL ORDERS 02.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 123 OF 2017

**(Shri Krishna Gulab Jadhav Vs. The State of Maharashtra
and Others.)**

**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 : 02.05. 2017.

ORAL ORDER:

1. Heard Shri K.B. Jadhav – 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. Time granted.
3. S.O. to 21st June, 2017.

VICE CHAIRMAN

ORAL ORDERS 02.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 130 OF 2017

**(Smt. Priyanka Appasaheb Dongre Vs. The State of
Maharashtra and Others.)**

**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 : 02.05. 2017.

ORAL ORDER:

1. Heard Shri S.K. Chavan – learned Advocate for the applicant, Shri N.U. Yadav – learned Presenting Officer for the respondent Nos. 1 to 4 and Shri S.S. Thombre – learned Advocate for respondent No. 5.
2. Learned Presenting Officer submits that he wants to seek instructions regarding production of record as directed by this Tribunal by its order dated 01.03.2017.
3. In the circumstances, as a last chance S.O. to 15th June, 2017 with a caveat that in case the order dated 01.03.2017 is not complied with, this Tribunal may be constrained to take coercive action as may be deemed fit in accordance with law.
4. Learned Advocate for respondent No. 5 seeks time to file affidavit in reply. Time granted. Interim relief granted earlier to continue till then.
5. S.O. to 15th June, 2017.
6. Learned Presenting Officer to act upon steno copy of this order.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 170 OF 2017

**(Shri Keshav Datta Wanole & Ors. Vs. The State of
Maharashtra and Others.)**

**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 : 02.05. 2017.

ORAL ORDER:

1. Heard Shri Manish P. Tripathi – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 15th June, 2017.

VICE CHAIRMAN

ORAL ORDERS 02.05.2017-HDD

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 146 OF 2017

(Shri Narendra S/o. Keshav Chukalwar Vs. The State of
Maharashtra and Others.)

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 : 02.05. 2017.

ORAL ORDER:

1. Shri Vinod M. Vibhute – learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar – learned Presenting Officer for the respondent Nos. 1, 3 to 5, present. Shri Vivek Bhavthankar – learned Advocate for respondent No. 2 (**absent**).

2. At the request of learned Presenting Officer for the respondent Nos. 1, 3 to 5 seeks time for filing affidavit in reply. Time granted.

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

VICE CHAIRMAN

ORAL ORDERS 02.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 336/2016 IN O.A.ST.NO. 1567/2016

(Shri B.P. Gosavi Vs. The State of Maharashtra and Others.)

**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 : 02.05. 2017.

ORAL ORDER:

1. Heard Shri J.S. Deshmukh – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.
2. Learned Presenting Officer has placed on record a copy of communication dated 9.3.2017 received to him from the Under Secretary of Finance Department directing the Revenue Secretary, as well as, the Collector, Aurangabad, to take suitable action on the ground that the present applicant would also be entitled for consideration for grant of second Assured Progress Scheme. The copy of the said communication dated 9.3.2017 is taken on record and marked as document 'X' for identification purpose.
3. Respondent No. 4 is, therefore, directed to take action on the line of the said communication and file compliance report on or before 5th July, 2017.
4. S.O. to 5th July, 2017.
5. Learned Presenting Officer to act upon steno copy of this order.

VICE CHAIRMAN

ORAL ORDERS 02.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A. 73/17 IN C.P.ST.227/17 IN O.A.NO. 74/2015

(Dr. G. H. Thite Vs. The State of Maharashtra and Others.)

**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 : 02.05. 2017.

ORAL ORDER:

1. Heard Shri M.R. Kulkarni – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Advocates for the respective parties submit that the Writ Petition is still pending and the same is kept for hearing on 6th June, 2017.
3. In the circumstances, S.O. to 20th June, 2017.

VICE CHAIRMAN

ORAL ORDERS 02.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A. 74/17 IN C.P.ST.229/17 IN O.A.NO. 78/2015

(Dr. G. H. Thite Vs. The State of Maharashtra and Others.)

**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 : 02.05. 2017.

ORAL ORDER:

1. Heard Shri M.R. Kulkarni – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.
2. Learned Advocates for the respective parties submit that the Writ Petition is still pending and the same is kept for hearing on 6th June, 2017.
3. In the circumstances, S.O. to 20th June, 2017.

VICE CHAIRMAN

ORAL ORDERS 02.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A. 446/16 IN C.P.ST.1979/16 IN O.A.NO. 227/2015

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

**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 : 02.05. 2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.
2. Learned Presenting Officer files on record a photocopy of the office record to show that the amount of Rs. 6,350/- towards leave encashment difference has also been paid to the applicant vide DDO Cheque No. 042965 dated 18.3.2017, as directed by this Tribunal by its order dated 08.03.2017.
3. In the circumstances, nothing survives in the present application and, therefore, the same stands disposed of without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 02.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. 118/2016 IN C.P.ST.94/16 IN O.A. 465/12
(Mohammed Zakiyoddin S/o. Mohammed Anisoddin Vs. The
State of Maharashtra and Others.)**

**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 : 02.05. 2017.

ORAL ORDER:

1. Heard Shri Asif Ali, learned Advocate holding for Mrs. A.N. Ansari – learned Advocate for the applicant and Shri S.K. Shirase – learned Chief Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks time for arguing the present case.
3. Learned Presenting Officer files on record a copy of communication dated 29th April, 2017 and the same is taken on record and marked as document 'X' for identification purposes.
4. It reveals from the aforesaid communication dated 29th April, 2017 that the compliance of the order passed in O.A. is made. The present applicant is admitted to the wait list since the very inception.
5. Learned Advocate for the applicant however, submits that in fact, the appointment on compassionate ground is to be made. This appears to be against the law and directions are issued in the O.A.
6. At the request of learned Advocate for the applicant to take instructions in this regard, S.O. to 22nd June, 2017.

VICE CHAIRMAN

ORAL ORDERS 02.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A. 165/17 IN C.P.ST.611/16 IN O.A.NO. 487/2014

**(Dr. Sunil S/o. Suresh Kulkarni Vs. The State of
Maharashtra and Others.)**

**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 : 02.05. 2017.

ORAL ORDER:

1. Heard Shri Avinash Deshmukh – learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents.
2. In the affidavit in reply dated 9th February, 2017, the respondent No. 1 had submitted that since the issue of Second Departmental Enquiry initiated against the applicant was not brought to the notice of this Tribunal, the order in O.A. came to be passed. The Writ Petition challenging the said order was also dismissed. It was averred that the respondent No. 1 was going to file application for review the order dated 21.1.2016 of the Hon'ble Bombay High Court, Bench at Aurangabad.
3. While the learned Presenting Officer has no instructions regarding filing of Review Application, learned Advocate for the applicant makes a statement that though search is made on the internet, no such Review Application appears to be filed. He further points the judgment in the Writ Petition dated 21.1.2016 filed on record. Paragraph No. 5 page 26 would show that in the Writ Petition itself the respondents had agitated issue of second departmental enquiry and it was averred by the applicant that no charge-sheet was served on the applicant regarding any such departmental enquiry.
4. Upon hearing both the sides, it appears that the initiation of second departmental enquiry was not foreign to the earlier proceedings.

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**M.A. 165/17 IN C.P.ST.611/16
IN O.A.NO. 487/2014**

5. In the circumstances, it appears that the respondent No. 1 is intentionally and deliberately committing the breach of the order passed in the O.A. Hence, I pass the following order

(a) Miscellaneous Application No. 165/2016 is allowed without any order as to costs and the applicant is permitted to file contempt petition.

(b) Contempt Petition be registered. Upon registration, issue notices to the respondents in format, returnable on 21st June, 2017.

VICE CHAIRMAN

ORAL ORDERS 02.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 257/2017
[Shri Jaganath N. Ghadge Vs. The State of Mah. & Ors.]**

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

DATE : 02.05.2017.

ORAL ORDER:

Heard Shri V.S. Kadam, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 29th June, 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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

8. S.O. to 29.06.2017.

MEMBER (J)

ORAL ORDERS 02.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. St. No. 412/2017 in O.A. St. No. 413/2017
[Shri Udav K. Mane & Ors. Vs. The State of Mah. & Ors.]**

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

DATE : 02.05.2017.

ORAL ORDER:

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

2. Learned Advocate for the applicants has submitted that the applicants are going to file application for condonation of delay and therefore, he seeks time. Time granted.

3. S.O. to 01.07.2017.

MEMBER (J)

ORAL ORDERS 02.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. St. No. 497/2017 in O.A. St. No. 498/2017
[Shri Chintaman N. Yadav & Ors. Vs. The State of Mah. &
Ors.]**

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

DATE : 02.05.2017.

ORAL ORDER:

Heard Shri V.B. Dhage, learned Advocate for the Applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Learned Advocate for the applicants has submitted that the applicants are going to file application for condonation of delay in filing O.A. and therefore, he seeks time. Time granted.

3. S.O. to 01.07.2017.

MEMBER (J)

ORAL ORDERS 02.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 737/2016
[Shri Latuf P. Pathan Vs. The State of Mah. & Ors.]

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

DATE : 02.05.2017.

ORAL ORDER:

Shri A.D. Gadekar, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for respondent nos. 1 & 2. Shri S.D. Dhongde, learned Advocate for respondent no. 3 (**Leave Note**).

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

3. S.O. to 03.07.2017.

MEMBER (J)

ORAL ORDERS 02.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 786/2016
[Shri Subhash V. Bongulwar Vs. The State of Mah. & Ors.]

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

DATE : 02.05.2017.

ORAL ORDER:

Shri A.D. Gadekar, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondent nos. 1 & 2. Smt. Yogita S. (Thorat)Kshirsagar, learned Advocate for respondent no. 3 (Absent).

2. It transpires from the proceedings that the respondent no. 3 has not filed affidavit in reply.

3. S.O. to 03.07.2017.

MEMBER (J)

ORAL ORDERS 02.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 787/2016
[Shri Wishwanath F. Jondhale Vs. The State of Mah. & Ors.]

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

DATE : 02.05.2017.

ORAL ORDER:

Shri A.D. Gadekar, learned Advocate for the Applicant
and Shri M.P. Gude, learned Presenting Officer for
respondents.

2. At the request of both the parties, S.O. to 03.07.2017.

MEMBER (J)

ORAL ORDERS 02.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 788/2016
[Shri Madhav K. Patil Vs. The State of Mah. & Ors.]

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

DATE : 02.05.2017.

ORAL ORDER:

Shri A.D. Gadekar, learned Advocate for the Applicant
and Shri M.P. Gude, learned Presenting Officer for
respondents.

2. At the request of both the parties, S.O. to 03.07.2017.

MEMBER (J)

ORAL ORDERS 02.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 840/2016
[Shri Hiralal L. Bhatewale Vs. The State of Mah. & Ors.]**

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

DATE : 02.05.2017.

ORAL ORDER:

Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent no. 4. Time granted.

3. S.O. to 03.07.2017.

MEMBER (J)

ORAL ORDERS 02.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A. No. 69/2016 in O.A. St. No. 132/2015
[Smt. Shantabai B. Bidve Vs. The State of Mah. & Ors.]

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

DATE : 02.05.2017.

ORAL ORDER:

Shri S.D. Dhongde, learned Advocate for the Applicant (**Leave Note**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 03.07.2017.

MEMBER (J)

ORAL ORDERS 02.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A. 114/2015 with M.A. St. 376/2015 in O.A. St. 377/2015
[Shri Shaikh Jeelani Mahaboob Vs. The State of Mah. & Ors.]

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

DATE : 02.05.2017.

ORAL ORDER:

Shri S.D. Dhongde, learned Advocate for the Applicant (**Leave Note**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 03.07.2017.

MEMBER (J)

ORAL ORDERS 02.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 135/2017

[Smt. Shital V. Bhosale @ Shtial S. Mandle Vs. The State of Mah. & Ors.]

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

DATE : 02.05.2017.

ORAL ORDER:

Shri A.P. Barate, learned Advocate holding for Shri S.A. Wakure, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned Chief Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.
3. S.O. to 04.07.2017.

MEMBER (J)

ORAL ORDERS 02.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 129/2017
[Shri Shafi Pasha Aziz Pasha Vs. The State of Mah. & Ors.]

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

DATE : 02.05.2017.

ORAL ORDER:

Heard Shri Qadri Taher Ali, learned Advocate for the Applicant and Smt. Priay R. Bharaswadkar, learned Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 4.7.2016.

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

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

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

6. The service may be done by hand delivery, speed post, courier and 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. Steno copy and Hamdast is allowed to both parties.

8. S.O. to 04.07.2017.

MEMBER (J)

ORAL ORDERS 02.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 43/2017
[Shri Nanasheh Sandu Patil Vs. The State of Mah. & Ors.]

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

DATE : 02.05.2017.

ORAL ORDER:

Shri V.G. Salgalre, learned Advocate for the Applicant
(**Absent**). Smt. Priya R. Bharaswadkar, learned Chief
Presenting Officer for respondents, present.

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

3. S.O. to 03.07.2017.

MEMBER (J)

ORAL ORDERS 02.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 29/2017
[Shri Shankar Daga Chaudhari Vs. The State of Mah. & Ors.]

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

DATE : 02.05.2017.

ORAL ORDER:

Shri A.D. Sugdare, learned Advocate for the Applicant
(**Leave Note**). Shri D.R. Patil, learned Chief Presenting
Officer for respondent nos. 1 & 2, present. Shri S.D.
Dhongde, learned Advocate for respondent no. 3 (**Leave
Note**).

2. In view of leave note filed by the learned Advocate for
the applicant as well as learned Advocate for respondent
no. 3, S.O. to 03.07.2017.

MEMBER (J)

ORAL ORDERS 02.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 14/2017
[Shri Ravindra H. Varade Vs. The State of Mah. & Ors.]

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

DATE : 02.05.2017.

ORAL ORDER:

Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

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

3. S.O. to 30.06.2017.

MEMBER (J)

ORAL ORDERS 02.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 934/2016
[Shri Amol Vitthal Mane Vs. The State of Mah. & Ors.]

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

DATE : 02.05.2017.

ORAL ORDER:

Shri K.J. Suryawanshi, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

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

3. S.O. to 05.05.2017.

MEMBER (J)

ORAL ORDERS 02.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 848/2016

[Dr. Mohammed Gulam Subhani Vs. The State of Mah. & Ors.]

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

DATE : 02.05.2017.

ORAL ORDER:

Heard Shri Quadri Taher Ali, learned Advocate for the Applicant, Smt. Resha S. Deshmukh, learned Presenting Officer for respondent nos. 1 to 3, Shri M.P. Tripathi, learned Advocate holding for Shri N.S. Kadam, learned Advocate for respondent nos. 4 & 5 and Shri V.B. Wagh, learned Advocate for respondent no. 6.

2. Learned Advocate for the applicant has submitted that the applicant is not pressing prayer clauses 'C' and 'D'. He has submitted that the applicant is 40% blind so far as his right eye is concerned and therefore, he is a physically handicapped person. He has submitted that in view of the G.R. dated 15.04.2004 the applicant is entitled to get posting near his native place. He has also submitted that in the year 2016, the applicant has been transferred from Primary Health Centre, Kundalwadi, Dist. Nanded to Primary Health Centre, Tuppa Tq. & Dist. Nanded. He has submitted that the distance between Nanded and Kundalwadi is 80 kms and the distance

between Nanded and Tuppa is 15 kms. He has submitted that the applicant was transferred to Tuppa in the Annual General Transfer of the year 2016 by the order dated 31.5.2016, but thereafter, his transfer has been cancelled without any reason by order dated 7.10.2016. He has submitted that the applicant has challenged the said order of transfer in this O.A. Now the applicant is not pressing prayer clauses 'C' and 'D'. He has submitted that the applicant is due for transfer in this year, as he has completed his normal tenure of posting of three years and he had given options for the posting online in the month of February, 2017. He has submitted that considering his illness and handicapness, the respondents be directed to give him posting in view of the G.R. dated 15.04.2004 and with the said direction the O.A. be disposed of.

3. Learned Presenting Officer submitted that the respondent nos. 1 to 3 have not filed affidavit in reply and therefore, she prayed to pass the necessary orders.

4. Learned Advocates for respondent nos. 4, 5 & 6 and learned Presenting Officer for respondent nos. 1 to 3 have submitted that they have no objection to dispose of the present O.A. by issuing direction in view of G.R. dated 15.04.2004.

5. In view of the G.R. dated 15.04.2004, it was resolved to give the handicapped person their posting near their native place. The applicant is due for transfer in the Annual General Transfer of the year 2017 and therefore, it would be just and proper to direct the respondent nos. 1 and 2 to consider the representation made by the applicant for his transfer near his native place in view of the G.R. dated 15.04.2004.

6. Therefore, the present O.A. stands disposed of accordingly, with a direction to respondent nos. 1 and 2 to consider the request of the applicant to transfer him near his native place in view of the G.R. dated 15.04.2004 as per Rules on merit. There shall be no order as to costs.

MEMBER (J)

ORAL ORDERS 02.05.2017-KPB(SB)BPP