

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A. 372/2015 IN C.P.ST.1375/2015 IN O.A.723/2013  
[Shri Vilas S/o. VitthalraoTelang Vs.The State of Maharashtra &  
Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**DATE : 03.01. 2017.**

**ORAL ORDER:**

Heard Shri V.B. Wagh – learned Advocate for the Applicant and  
Smt. Resha S. Deshmukh – learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer, S.O. to 13<sup>th</sup> January,  
2017.

**CHAIRMAN**

**ORAL ORDERS 03.01.2017-HDD(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A. 28/2016 IN C.P.ST.77/2016 IN O.A.71/2012  
[Shri Ravindra S/o. H. Kulkarni Vs.The State of Maharashtra &  
Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**DATE : 03.01. 2017.**

**ORAL ORDER:**

Shri Chandrakant R. Thorat – learned Advocate for the Applicants (**absent**). Shri I.S. Thorat – learned Presenting Officer for respondents, present.

2. The learned Presenting Officer prays for time for filing reply on behalf of contemnors. Time granted.

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

**CHAIRMAN**

**ORAL ORDERS 03.01.2017-HDD(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A. 326/2016 IN O.A.568/2015  
[Mohd.HussainTayyubsabInamdar Vs.The State of Maharashtra &  
Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)**

**DATE : 03.01. 2017.**

**ORAL ORDER:**

Heard Shri R.D. Khadap – learned Advocate for the Applicant and Shri S.K. Shirase – learned Presenting Officer for respondents.

2. The learned Presenting Officer, on instructions, states that: -
  - (a) He will take instructions as to who is the Appellate Authority;
  - (b) If appeal lies before the Hon'ble Governor, he shall find out as to whether and when the appeal would be assigned to Hon'ble Minister or any officer.
3. The learned Presenting Officer shall make a statement, on the next date positively.
4. S.O. to 7<sup>th</sup> February, 2017.

**CHAIRMAN**

**ORAL ORDERS 03.01.2017-HDD(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 934 OF 2016  
[Shri Amol S/o Vitthal Mane Vs.The State of Maharashtra &  
Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman**

**DATE : 03.01. 2017.**

**ORAL ORDER:**

Shri K.J. Suryawanshi – learned Advocate for the Applicant  
(**absent**). Shri M.S. Mahajan – learned Chief Presenting Officer for  
respondents.

2. Since nobody appears for the applicant, S.O. to 19<sup>th</sup> June, 2017.

**CHAIRMAN**

**ORAL ORDERS 03.01.2017-HDD(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 429 OF 2016  
[Dr. Shripati S/o. KondiramShinde Vs.The State of Maharashtra &  
Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman**

**DATE : 03.01. 2017.**

**ORAL ORDER:**

1. Heard Shri V.B. Wagh – learned Advocate for the Applicant, Shri V.R. Bhumkar – learned Presenting Officer for respondent Nos. 1 to 3 and Shri D.T. Devane – learned Advocate for respondent No. 6. Shri S.S. Manale – learned Advocate for respondent Nos. 4 & 5 (**absent**).

2. Initially this Tribunal issued order of notice on 7.6.2016. Notice in furtherance to the order of this Tribunal is shown to have been served upon the respondents.

3. The learned Presenting Officer for res. nos. 1 to 3 prays for time to file affidavit in reply. He was called to state as to whether any instructions are received from the res. nos. 1 to 3. He states that instructions are still awaited.

4. The learned Presenting Officer was called to state as to whether previous orders passed by this Tribunal are communicated to the respondent Nos. 1 to 3. He states that :

(a) Order dated 7.6.2016 was communicated to respondent Nos. 1 to 3 by letter dated 14.6.2016;

(b) Order dated 2.9.2016 was communicated to respondent Nos. 1 to 3 by letter dated 7.9.2016;

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**O.A. NO. 429 OF 2016**

(c) Order dated 27.9.2016 was communicated to respondent Nos. 1 to 3 by letter dated 28.9.2016; and

(d) Order dated 30.11.2016 was communicated to the respondent Nos. 1 to 3 by letter dated 2.12.2016

5. In the order dated 30<sup>th</sup> November, 2016 this Tribunal recorded in paragraph No. 4 as under: -

“4. It is made clear that if the respondent Nos. 1 to 3 fail to file affidavit in reply on the next date, heavy costs shall be imposed upon them. If respondent Nos. 1 to 3 file affidavit in reply, copy of the same be served upon the learned Advocate for the applicant well in advance.”

6. In view that no instructions are given to the learned Presenting Officer, learned Presenting Officer was called to furnish the name of the concerned Secretary of the Public Health Department. He has furnished the name of the Secretary as follows:-

7. Upon instructions, the learned Presenting Officer submits the name of the concerned Secretary of Public Health Department as follows :-

**Shri Vijay Satbir Sing,  
Additional Chief Secretary,  
Public Health Department,  
Mantralaya, Mumbai -32.**

8. Shri Vijay Satbir Singh, Additional Chief Secretary, Public Health Department, Mantralaya, Mumbai, is called upon to file his own affidavit showing as to why the

**:: - 3 - ::**  
**O.A. NO. 429 OF 2016**

Government, as well as, the Additional Chief Secretary himself, should not be personally saddled with costs of Rs. 10,000/- (Rs. Ten thousand only) each for failure to attend the communications of learned Presenting Officer, to attend the notice of this Tribunal and failure to file reply, by the next date.

9. Shri Vijay Satbir Sing, the Additional Chief Secretary of Public Health Department is directed to place on record an affidavit as to what steps he shall take to ensure lack of advertence to the notices of Tribunal, Advocates and Presenting Officer.

10. The learned Presenting Officer was also called to state as to whether it would be possible for him to communicate this order to the Additional Chief Secretary, Public Health Department, Mantralaya, Mumbai. He stated that he would communicate the same.

11. S.O. to 23<sup>rd</sup> January, 2016.

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

**CHAIRMAN**

**ORAL ORDERS 03.01.2017-HDD(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 813 OF 2016  
[Shri Avinash Vishnu Gangode Vs.The State of Maharashtra &  
Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman**

**DATE : 03.01. 2017.**

**ORAL ORDER:**

1. Heard Shri AvinashDeshmukh - learned Advocate for the Applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for respondent Nos. 1 & 2. Shri S.T. Shelke – learned Advocate for respondent Nos. 3 & 4 (**absent**).

2. The learned Presenting Officer for respondent nos. 1 & 2 prays for time to file affidavit in reply on the ground that instructions are still awaited.

3. The record shows that notice of this Tribunal was served on the respondent Nos. 1, 2 & 4 on 10.11.2016 and on respondent No. 3 on 28.11.2016.

4. The learned presenting Officer was called to state as to whether instructions are received him from respondent No. 1. The learned Presenting Officer has answered in negative.

5. learned Presenting Officer was called to furnish the name of the concerned Secretary of Urban Development Department, M.S., Mantralaya, Mumbai.

6. Upon instructions, the learned Chief Presenting Officer submits the name of the concerned Secretary of Urban Development Department as follows :-



**Smt. ManishaPatankar/Mhaisekar,  
Principal Secretary,  
Urban Development Department,  
Mantralaya, Mumbai -32.**

7. Smt. ManishaPatankar/Mhaisekar, Principal Secretary, Urban Development Department, Mantralaya, Mumbai, is called upon to file her own affidavit, on the next date, showing cause as to why she should not be personally saddled with costs of Rs. 15,000/- (Rs. Fifteen thousand only) for failure to attend the communications of learned Chief Presenting Officer, to attend the notice of this Tribunal and failure to file reply to the O.A.

8. Show cause notice issued to the respondent No. 1 shall not preclude to the respondents for filing reply. The record relating to the transfer, such as papers containing proposal, office notes, sanction etc. be produced at the time of hearing.

9. S.O. to 23<sup>rd</sup> January, 2016.

10. Learned Presenting Officer was called to state as to whether it is possible for him to communicate this order to the concerned officer. He undertakes to do so.

11. Steno copy and hamdust is allowed to the learned Presenting Officer for enabling him to communicate this order to the officer concerned.

**CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 948 OF 2016  
[Shri Hemant S/o. JagdishraoBichkewar Vs.The State of  
Maharashtra & Others.]**

**CORAM : Hon'ble Justice Shri A.H. Joshi, Chairman**

**DATE : 03.01. 2017.**

**ORAL ORDER:**

1. Heard Ms. BhavanaPanpatil, learned Advocate holding for Shri S.B. Talekar – learned Advocate for the Applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for respondents.
2. The learned Advocate for the applicant prays for leave to amend and substitute the entire O.A. along with annexures thereto. She undertook to complete the said exercise within the period of 2 weeks.
3. Leave as prayed for is granted.
4. The applicant to serve notice upon all the respondents of the substituted O.A. along with annexures, returnable on 24.01.2017.
5. Tribunal may take the cases for final disposal at this stage and separate notice for final disposal shall not be issued.
6. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of

**O.A. NO. 948 OF 2016**

O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

9. S.O. 24.01.2017.

10. Steno copy & handust allowed to both the parties.

**CHAIRMAN**

**ORAL ORDERS 03.01.2017-HDD(SB)**

**MA 243/2016 IN CP ST. 921/2015 IN OA 619/2003**

[SirajNizamoddin&Ors.Vs. the State of Mah.& Ors.]

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman**

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

**DATE :- 03.01.2017**

**Oral Order :-**

1. Heard Shri V.B. Wagh, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. This matter shall come up on board in due course of time and the same should not be placed on board before December, 2019.
3. The respondents are granted exemption from personal appearance before this Tribunal.
4. S.O. in the month of December, 2019.

**CHAIRMAN**

**ARJ 03.01.2017 HON. CHAIRMAN**

**MA 284/2016 IN CP ST. 1406/2016 IN OA 249/2014**

[Shri B. S. Thete & one another Vs. the State of Mah. & Ors.]

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman**

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

**DATE :- 03.01.2017**

**Oral Order :-**

1. Heard Shri S.D. Dhongde, learned Advocate for the applicants, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 & 2 and Shri Vivek Bhavthankar, learned Advocate for respondent no. 3.

2. The learned Advocate for the applicants states as follows :-

(a) That the respondents have complied the order in question dated 17.7.2015 passed by this Tribunal in O.A. no. 249/2014.

(b) No useful purpose will be served by continuing with the contempt petition.

3. In view of the statement made by the learned Advocate for the applicants, this Tribunal is satisfied that the order in question has been complied with by the respondents and, therefore, it is not necessary to keep pending the misc. application and contempt petition.

4. The misc. application and contempt petition both stand disposed of. There shall be no order as to costs.

**CHAIRMAN**

**ARJ 03.01.2017 HON. CHAIRMAN**

**MA 199/2015 IN OA ST. 780/2015**

[Shri D.S. JadeVs. the State of Mah. & Ors.]

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman**

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

**DATE :- 03.01.2017**

**Oral Order :-**

1. None appears for the applicant. Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.
2. It seems from the record that the learned Advocate for the applicant is absent on last 3 occasions.
3. In view thereof, by way of last chance, S.O. to 12.1.2017.

**CHAIRMAN**

**ARJ 03.01.2017 HON. CHAIRMAN**

**ORIGINAL APPLICATION NO. 147/2016**

[Shri K.K. Pawankar Vs. the State of Mah. & Ors.]

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman**

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

**DATE :- 03.01.2017**

**Oral Order :-**

1. None appears for the applicant. Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents, is present.
2. Admit.
3. The matter to come up before the Division Bench for final hearing in due course.

**CHAIRMAN**

**ARJ 03.01.2017 HON. CHAIRMAN**

**ORIGINAL APPLICATION NO. 488 OF 2016**

[Shri S.S. Chite & Others Vs. the State of Mah. & Ors.]

**WITH**

**ORIGINAL APPLICATION NO. 489 OF 2016**

(Shri A.S. Jadhav & Others Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman**

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

**DATE :- 03.01.2017**

**Oral Order :-**

1. Heard Shri Suresh D. Dhongde, learned Advocate for the applicants in both the matters and Shri M.P. Gude and Smt. Priya R. Bharaswadkar, learned Presenting Officers for the respondents in both the matters.

2. Yesterday affidavit in reply is filed by the respondents in O.A. no. 489/2016 clarifying that the order passed in M.A. St. No. 2160/1999 is similar but does not govern present O.A. as precedent, and it appears that, it has opened the eyes of the applicants.

3. The learned Advocate for the applicants states that, he may be permitted to withdraw the statement, which was made by him on 24.6.2016 and on the basis of which affidavit in reply of the respondents was called by this Tribunal vide order dated 24.6.2016.

4. Learned Advocate for the applicants is permitted to withdraw the statement made by him on 24.6.2016.

5. At this juncture, the learned Advocate for the applicants prays for leave to amend and substitute the entire O.As. along with annexures thereto. He undertook to



complete the said exercise within the period of 2 weeks, if leave is granted.

6. Leave as prayed for is granted.

7. Affidavits in reply filed in both the O.As. are struck out in view of the leave now granted by this Tribunal.

8. The applicants are directed to serve notice of amended O.As. on all the respondents along with annexures etc. Fresh notice shall be issued to the respondents in both the matters, returnable on 1.3.2017.

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

10. 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.

11. 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.

12. 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. Applicants are directed to file affidavit of compliance and notice.

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**O.A. NO. 488& 489/2016**

13. S.O. 1.3.2017.
14. Steno copy & hamdust allowed to both the parties.

**CHAIRMAN**

**ARJ 03.01.2017 HON. CHAIRMAN**

**ORIGINAL APPLICATION NO. 570 OF 2016**

[Shri K.P. JaybhayeVs. the State of Mah. & Ors.]

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman**

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

**DATE :- 03.01.2017**

**Oral Order :-**

1. Heard Shri P.B. Rakhunde, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. The learned Presenting Officer prays for time to enable him to make a statement as to within how much period the applicant's request referred to in prayer clause C of the O.A., would be decided.
3. Time granted.
4. S.O. to 12.1.2017.
5. Steno copy allowed for the use of learned Presenting Officer.

**CHAIRMAN**

**ARJ 03.01.2017 HON. CHAIRMAN**

**ORIGINAL APPLICATION NO. 750 OF 2016**

[Shri Jaysing S. MaherVs. the State of Mah. & Ors.]

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman**

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

**DATE :- 03.01.2017**

**Oral Order :-**

1. Heard Ms. BhavnaPanpatil, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent no. 1 and Shri ShamsundarPatil, learned Advocate for respondent nos. 2 & 3. Shri S.T. Shelke, learned Advocate for respondent no. 4 **(absent)**.
2. The learned C.P.O. states that the office brief of this matter is not traced in his office. He prays time therefor.
3. Time granted.
4. S.O. to 12.1.2017.

**CHAIRMAN**

**ARJ 03.01.2017 HON. CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT  
AURANGABAD**

**ORIGINAL APPLICATION NO.113/2012  
(B.T.Kadam V/s. State of Maharashtra &Ors.)**

**CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN**

**DATE : 03-01-2017.**

**ORAL ORDER:**

1. Heard Shri K.G.Salunke learned Advocate for the applicant and Smt. ReshaDeshmukh learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant prays for adjournment till 4<sup>th</sup> December, 2017 on the ground that fate of this O.A. depends upon the Writ Petition pending before the Tribunal, with liberty to circulate before due date.
3. Adjournment is granted till 4<sup>th</sup> December, 2017 with liberty as prayed for.

**CHAIRMAN**

\2017\YUK ORAL ORDER 03-01-2017 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT  
AURANGABAD**

**ORIGINAL APPLICATION NO.242/2016  
(G.R.Sakhare V/s. State of Maharashtra &Ors.)**

**CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN**

**DATE : 03-01-2017.**

**ORAL ORDER:**

1. Heard Shri K.G.Salunke learned Advocate for the applicant, Shri M.P.Gude learned Presenting Officer for the respondent nos.1 & 2 and Shri S.K.Sawangikar learned Advocate for respondent no.3.
2. Learned P.O. prays for 4 weeks' time for filing affidavit in reply in view of the fact that the O.A. is recently amended and its copy was sent to the respondents recently.
3. Though 4 weeks' time is sought, longer time is granted to the respondents with a hope that no further adjournment will be necessary.
4. If learned P.O. fails to file affidavit in reply till adjourned date that will attract heavy costs.
5. In view thereof, S.O. till 017-02-2017

**CHAIRMAN**

\2017\YUK ORAL ORDER 03-01-2017 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT  
AURANGABAD**

**ORIGINAL APPLICATION NO.346/2016  
(S.A.Meghale V/s. State of Maharashtra &Ors.)**

**CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN**

**DATE : 03-01-2017.**

**ORAL ORDER:**

1. Heard Shri Kakasaheb B. Jadhav learned Advocate for the applicant, Shri I.S.Thorat learned Presenting Officer for the respondent nos.1 & 2, and Shri B.G.SagadePatil learned Advocate for respondent no.3.

2. Due to paucity of time, case is adjourned till 16-01-2017 for preferential hearing.

**CHAIRMAN**

\2017\YUK ORAL ORDER 03-01-2017 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT  
AURANGABAD**

**ORIGINAL APPLICATION NO.427/2016  
(Dr. D.B.Mote V/s. State of Maharashtra &Ors.)**

**CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN**

**DATE : 03-01-2017.**

**ORAL ORDER:**

1. Heard Shri M.B.Kolpe learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for the respondents.
2. Due to paucity of time, case is adjourned till 16-01-2017.

**CHAIRMAN**

\2017\YUK ORAL ORDER 03-01-2017 HON. CHAIRMAN



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT  
AURANGABAD**

**ORIGINAL APPLICATION NO.543/2016  
(P.N.Nhavi V/s. State of Maharashtra &Ors.)**

**CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN  
(This case is placed before Single Bench due  
to non-availability of Division Bench)**

**DATE : 03-01-2017.**

**ORAL ORDER:**

1. Heard Shri D.J.Patil learned Advocate for the applicant, Shri M.S.Mahajan learned Chief Presenting Officer for the respondent nos.1 & 2 and Shri VivekBhavthankar learned Special Counsel for respondent nos.3 & 4.
2. Shri VivekBhavthankar learned Special Counsel has tendered affidavit in reply on behalf of respondent nos.1 to 5. It is taken on record. Copy thereof has been served on the other side.
3. O.A. is admitted.
4. Learned Advocate for the applicant prays for interim relief.
5. Considering the peculiar facts, it shall suffice if direction is given to the respondents that enquiry be completed, however, final order shall not be passed without seeking express order of liberty in that regard from the Tribunal.

**CHAIRMAN**

\2017\YUK ORAL ORDER 03-01-2017 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT  
AURANGABAD**

**M.A.No.323/2015 IN C.P.St.No.1048/2015 IN O.A.No.581/2014  
(S.T.Satpute V/s. State of Maharashtra &Ors.)**

**CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN  
(This case is placed before Single Bench due  
to non-availability of Division Bench)**

**DATE : 03-01-2017.**

**ORAL ORDER:**

1. Shri A.D.Sugdare learned Advocate for the applicant has filed leave note on record. Shri N.U.Yadav learned Presenting Officer for the respondents is present.
2. Learned P.O. prays for time for filing affidavit of compliance of the order passed by the Tribunal. Time granted.
3. S.O.13-01-2017.

**CHAIRMAN**

\2017\YUK ORAL ORDER 03-01-2017 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT  
AURANGABAD**

**M.A.St.No.06/2016 IN C.P.St.No.07/2017 WITH O.A.No.928/2016  
(G.J.Dhole V/s. State of Maharashtra &Ors.)**

**CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN  
(This case is placed before Single Bench due  
to non-availability of Division Bench)**

**DATE : 03-01-2017.**

**ORAL ORDER:**

1. Heard Shri S.D.Dhongde learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.
2. Learned Advocate for the applicant prays for leave to withdraw M.A.St.No.06/2016 and C.P.No.07/2017 with liberty to file fresh contempt proceeding against contemnors.
3. Learned Advocate for the applicant prays for leave to serve personal notice on the persons who have committed contempt and to file proper proceedings against the contemnors.
4. Accordingly, M.A.St.No.06/2016 and C.P.No.07/2017 are disposed of as withdrawn with liberty as prayed for.

**CHAIRMAN**

\2017\YUK ORAL ORDER 03-01-2017 HON. CHAIRMAN



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

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**ORIGINAL APPLICATION NO.508/2016.**  
**(Dr. Sachin R. Phadnis Vs. State of Mah.&Ors.)**

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**CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.**

**DATE:03.01.2017.**

**ORAL ORDER**

Heard Shri B.R. Varma, learned Advocate for the applicant, ShriM. S. Mahajan, learned Chief Presenting Officer for the Respondents no.1 to 3 and Shri K. G. Salunke, learned Advocate for the Respondent no.4.

2. Learned Advocate for the Respondent No.4 states that, Respondent no.4 is not a necessary party and his name is required to be struck of from the array of the respondents.

3. Applicant has no objection for deleting Respondent no.4 from the array of Respondents and prays for deletion.

4. Applicant is permitted to delete the respondent no.4 Vijay SakharamNakhate from the array of the Respondents.

**CHAIRMAN.**

**ORAL ORDERS 03.01.2017ATP(c)**

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

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**MISC.APPLICATION NO.271/2016.**

**(Dr. Sachin R. Phadnis Vs. State of Mah.&Ors.)**

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**CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.**

**DATE:03.01.2017.**

**ORAL ORDER**

Heard Shri B.R. Varma, learned Advocate for the applicant, Shri M. S. Mahajan, learned Chief Presenting Officer for the Respondents no.1 to 3 and Shri K. G. Salunke, learned Advocate for the Respondent no.4.

2. In view of deletion of Respondent no.4 in the O.A. No.508/2016 the Respondent no.4 is deleted in M.A. also.

3. Learned Advocate for the Applicant states that, impugned order is at Exh.A-16 (page no.93) of O.A. is already subject matter of challenge in O.A. No.215/2016 which is filed at Mumbai.

4. Learned Advocate for the applicant states that, it would be proper, reasonable and fair to transfer this O.A. to Mumbai.

5. For the facts and reasons stated in the application, the M.A. is allowed as follows :-

- (a) Name of Respondent no.4 be deleted from array of respondents.
- (b) Papers be transmitted by hand delivery of the applicant, if they apply.
- (c) Fresh notice will not be issued to the applicant after transfer and they will have to appear suomotu.
- (d) Required number of sets of paper book of OA shall have to be served by the applicant on the learned C.P.O. at Principal Seat at Mumbai.
- (e) Circulation will be taken by the applicant after Advocate's notice to the learned C.P.O. at Mumbai.

6. Accordingly, the M.A. stands disposed of with no order as to costs.

**CHAIRMAN.**

**ORAL ORDERS 03.01.2017ATP(c)**

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

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**ORIGINAL APPLICATION NO.599/2016.**  
**(Sunita R. Bahiram Vs. State of Mah.&Ors.)**  
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**CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.**

**DATE:03.01.2017.**

**ORAL ORDER**

Heard Shri D.J. Patil, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the Respondents and Shri VivekBhavthankar, learned Advocate for the Respondent no.3.

2. Learned P.O. Shri N.U. Yadav has filed affidavit in reply on behalf of Respondent no.4 affirmed by PankajKrishnaraoNevse.

3. Learned Advocate Shri VivekBhavthankar appearing for Respondent no.3 states that, he has received copy of the reply today. He prays for 4 weeks time. Such request is rejected. The affidavit if any opposing the O.A. must be filed on the next date.

4. Ordinarily it may not be possible for Forest Departmentto dispute the stand taken by Revenue



Department. Therefore, unless stand of Revenue Department is untrue and false, a proper action to be taken by Forest Department, in view of the stand taken by the Revenue Department.

4. If an action permissible in law and favouring applicant, is taken, it shall not be necessary to file affidavit in reply. Else it be filed on next date.

5. S.O. to 12.01.2017.

**CHAIRMAN.**

**ORAL ORDERS 03.01.2017ATP(c)**

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

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**ORIGINAL APPLICATION NO.663/2016.**  
**(S.N. Latpate Vs. State of Mah.&Ors.)**

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**CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN.**

**DATE:03.01.2017.**

**ORAL ORDER**

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

2. Learned P.O. states as follows :-

- (i) Instructions are received.
- (ii) Those are in the form of affidavit drafted by the Department.
- (iii) The affidavit which is prepared and drafted by the Department requires to be examined.

3. Learned P.O. prays for one week time

4. S.O. 12.01.2017.

5. Ad interim order shall continue till then.

**CHAIRMAN.**

**ORAL ORDERS 03.01.2017ATP(c)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT  
AURANGABAD**

**Original Application No.928/2016**

**(G.J.Dhole V/s. State of Maharashtra &Ors.)**

**CORAM:HON'BLE SHRI JUSTICE A.H. JOSHI,CHAIRMAN**

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

**DATE : 03-01-2017.**

**ORAL ORDER:**

1. Heard Shri S.D.Dhongde learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.
2. O.A. was expected to come up as per schedule on 4<sup>th</sup> December, 2016.
3. Learned Advocate for the applicant sought permission by mentioning the case in the morning session that instead of due date, O.A. be kept on 12-01-2017.
4. S.O. 12-01-2017.

**CHAIRMAN**

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