

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**O.A. NOS. 86, 88, 89, 90, 92, 93 148, 149, 150 ALL OF
2016 AND O.A. NO. 226/2015**

**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 : 04-05-2017

ORAL ORDER:-

Heard Shri A.D. Gadekar, learned Advocate for the applicants in all these matters, S/shri I.S. Thorat, V.R. Bhumkar, S.K. Shirse, M.P. Gude, D.R. Patil, Smt. Resha S. Deshmukh, Smt. Sanjivani Deshmukh Ghate and Smt. Deepali S. Deshpande, learned Presenting Officers for the respondent no. 1 in all these matters and Shri V.B. Wagh, learned Advocate holding for Shri Shamsundar B. Patil, learned Advocate for respondent nos. 2 to 4 in O.A. nos. 86, 88, 89, 90, 92, 93/2016 and for res. no. 2 only in O.A. nos. 148, 149, 150/2016 and Shri G.N. Patil, learned Advocate for respondent nos. 2 to 4 in O.A. no. 226/2015.

2. The learned P.O. has filed affidavit in reply of res. no. 1. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The learned P.Os. as well as learned Advocate for res. nos. 2 to 4 seek time to file affidavit in replies in the original applications in which respective replies are awaited. At their request, S.O. to 19.6.2017.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 261/2016
[Shri Baban M. Darade Vs. The State of Mah. & Ors.]**

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

DATE : 04.05.2017.

ORAL ORDER:

Shri V.L. Dhoble, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for respondent nos. 1 to 3. Shri H.U. Dhage, learned Advocate for respondent no. 4 (**Absent**).

2. At the request of learned Advocate for the applicant, S.O. to 06.07.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 32/2017
[Smt. Subhadrabai N. Sonawane Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Shri S.K. Mathpati, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 1 to 4. Same is taken on record.

3. S.O. to 11.07.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 172/2017
[Shri Taher Ali Shah Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Shri S.K. Mathpati, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

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

3. S.O. to 11.07.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 199/2017
[Smt. Rajubai S. Patil Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Shri S.K. Mathpati, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

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

3. S.O. to 11.07.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 175/2016
[Shri Banaji B. Chilgar Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Shri V.G. Pingle, learned Advocate holding for Shri Kiran G. Salunke, learned Advocate for the Applicant, Shri N.U. Yadav, learned Presenting Officer for respondent nos. 1 to 3 and Shri Ashish Rajkar, learned Advocate holding for Shri S.V. Mundhe, learned Advocated for respondent no. 4.

2. Learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted.

3. S.O. to 06.07.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 582/2016
[Smt. Shobha L. Ballayya (Kutare) Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Shri H.A. Joshi, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 06.07.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 228/2017

[Shri Maroti S. Nilewad Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Shri E.M. Shinde, learned Advocate holding for Shri V.U. Jadhav, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Issue notice to the respondents, returnable on 06-07-2017.

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

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

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

7. S.O.to 06-07-2017.

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

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 423/2017
[Shri Tushar P. Mahajan Vs. The State of Mah. & Ors.]**

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

DATE : 04.05.2017.

ORAL ORDER:

Shri R.N. Bharaswadkar,
learned Advocate for the Applicant (**Leave Note**). Smt.
Resha S. Deshmukh, learned Presenting Officer for
respondents, present.

2. In view of the leave note filed
by the learned Advocate for the applicant, S.O. to
30.06.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 656/2016
[Shri Gangaram D. Maske Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Shri S.P. Chate, learned Advocate for the Applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 01.07.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 709/2015
[Shri Bhagwantraya C. Hangargekar Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Shri R.N. Kolekar, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondent nos. 1 to 3. Shri S.D. Dhongde, learned Advocate for respondent no. 4 (**Leave Note**).

2. At the request of learned Advocate for the applicant, S.O. to 13.07.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 710/2015
[Shri Dattatrya V. Kulkarni & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Shri R.N. Kolekar, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the Applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

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

3. S.O. to 13.07.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 711/2015
[Shri Uttam B. Rajmane & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Shri R.N. Kolekar, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

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

3. S.O. to 13.07.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 364/2016
[Shri Rudrappa L. Lungare & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Shri R.N. Kolekar, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the Applicant, Smt. Resha S. Deshmukh, learned Presenting Officer for respondent nos. 1 to 3 & 6 and Shri G. N. Patil, learned Advocate for respondent no. 5.

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

S.O. to 13.07.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 768/2016
[Shri Seetaram D. Kambale & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Shri R.N. Kolekar, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondent nos. 1, 3 & 4. Shri S.D. Dhongde, learned Advocate for respondent nos. 2 & 5 (**Leave Note**).

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent nos. 1, 3 & 4. Time granted.

3. S.O. to 13.07.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 895/2016
[Shri Manik Umaji Galphade Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Shri R.N. Kolekar, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the Applicant and Smt. Deepali D. Deshpande, learned Presenting Officer for respondents.

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

3. S.O. to 13.07.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 904/2016
[Shri Digambar N. Mule & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Shri R.N. Kolekar, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for respondent nos. 1 to 3. Shri S.D. Dhongde, learned Advocate for respondent no. 4 (**Leave Note**).

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent nos. 1 to 3. Time granted.

3. S.O. to 13.07.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 908/2016
[Shri Tulisharam B. Jagtap & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Shri R.N. Kolekar, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the Applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondent nos. 1 & 2 and Shri D.T. Devane, learned Advocate for respondent no. 3.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent nos. 1 & 2. Time granted.

3. S.O. to 13.07.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 155/2017
[Shri Govind M. Kulkarni & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Shri R.N. Kolekar, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Presenting Officer for respondent nos. 1 & 2 and Shri Shamsundar B. Patil, learned Advocate for respondent no. 3.

2. Learned Chief Presenting Officer seeks time to file affidavit in reply on behalf of respondent nos. 1 & 2. Time granted.

3. S.O. to 13.07.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A. No. 18/2016 in O.A. St. No. 1364/2015
[Shri Balaji G. Jadhav Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Shri R.N. Kolekar, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the Applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondent nos. 1, 4 & 5 and Shri G.N.Patil, learned Advocate for respondent nos. 2 & 3.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent nos. 1, 4 & 5. Time granted.

3. S.O. to 13.07.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 727/2016
[Shri Sadashiv M. Sawai Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Heard Shri A.D. Gadekar,
learned Advocate for the Applicant and Shri D.R. Patil,
learned Presenting Officer for respondents.

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

3. S.O. to 5.6.2017

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO. 520/2017
[Shri Idris Khan Mushtaq Khan Pathan Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Heard Shri O.D. Mane,
learned Advocate for the Applicant and Shri M.S.
Mahajan, learned Chief Presenting Officer for
respondents.

2. Learned Advocate for the applicant has submitted that the respondent no. 1 has withdrawn the impugned order dated 1.4.2017 and thereby revoked the suspension of the applicant by order dated 21.04.2017. He has placed on record the said copy of the order dated 21.4.2017. He has submitted the since the impugned order has been cancelled by the respondent no. 1, the applicant does not want to proceed with the present O.A. and therefore, he has prayed to dispose of the same.

3. Since, the respondent no. 1 i.e. the Collector, Beed had cancelled the impugned order dated 1.4.2017 by his order dated 21.04.2017, the purpose of filing of the O.A. is served. The applicant does not want to proceed further with the present O.A. Hence, the present Original Application stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 549/2016
[Shri Gopal Ramesh Chavan Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Heard Shri H.A. Joshi,
learned Advocate for the Applicant and Shri S.K. Shirse,
learned Presenting Officer for respondents.

2. Today, the learned Advocate for the applicant has filed withdrawal pursis and stated that the applicant does not want to proceed further with the present O.A. and therefore, he seeks permission of this Tribunal to withdraw the same.

3. Since, the applicant does not want to proceed with the present O.A. and wants to withdraw the same, the O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 657/2016
[Smt Shaikh Shabana Murtuza Ali Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Heard Shri M.P. Tripathi,
learned Advocate for the Applicant and Shri S.K. Shirse,
learned Presenting Officer for respondents.

2. Learned Presenting Officer has submitted that in the Departmental Enquiry the Enquiry Officer, as well as, Presenting Officer had been appointed and the enquiry is in progress. He has also submitted that the Enquiry Officer will expedite hearing, if the applicant co-operates the Enquiry Officer in the Departmental Enquiry.

3. Learned Advocate for the applicant has submitted that he has no instructions from the applicant as regards stage of the enquiry and he will take instructions from the applicant and therefore, he seeks time. Time granted.

4. S.O. to 7.7.2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 732/2016
[Dr. Surekha S. Totale Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 1. Same is taken on record.

3. Learned Presenting Officer is directed to take instructions from the respondents as regards decision on the proposal sent by respondent no. 2 regarding the regularization of waiting period and sanction of salary of the said period on the next date.

4. S.O. to 5.6.2017

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 716/2016
[Mrs. Pradnya P. Jehurkar Vs. The State of Mah. & Ors.]

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

DATE : 04.05.2017.

ORAL ORDER:

Heard Shri D.T. Devane,
learned Advocate for the Applicant and Shri M.P. Gude,
learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the applicant has prayed to issue directions to the respondents to grant revised pensionary benefits to the applicant in view of grant of second time bound promotion by the respondent no. 3 vide order dated 23.12.2010 on the basis of Government Resolution dated 1.4.2010. He has also submitted that during pendency of the present O.A., the respondent no. 5 i.e. the Accountant General-II, Nagpur, issued letter dated 5.1.2017 addressed to the respondent no. 4 i.e. the Director, Government Institute of Science, Aurangabad and directed him to send proposal of the applicant for revised pensionary benefits on the basis of grant of

second time bound promotion, as the Government had taken decision accordingly on 9.12.2016 in view of the directions given by the Hon'ble High Court in W.P. No. 7062/2014 dated 24.06.2016. He has submitted that thereafter respondent no. 4 had sent the proposal to the Accountant General-II, Nagpur, but the Accountant General-II, Nagpur had not taken decision till today.

3. Learned Presenting Officer has submitted that the respondent no. 4 has sent the proposal for grant of revised pension to the applicant on 18.01.2017, but thereafter the Accountant General-II, Nagpur has informed respondent no. 4 by its letter dated 1.3.2017 that some clarification and explanation sought by it from the Government is not received till that day and after receiving clarification from the Government, the necessary decision will be taken on the proposal sent by the respondent no. 4. Thereafter, again respondent no. 4 by his letter dated 10.3.2017 has insisted to grant proposal of the applicant sent by earlier.

4. On going through the said correspondence placed on record by the learned Advocate for the applicant as well as learned Presenting Officer it reveals that by letter dated 5.1.2017 the Accountant General-II, Nagpur directed respondent no. 4 to send proposal of the applicant for revised pensionary benefits on the basis of grant of second time bound promotion and accordingly, respondent no. 4 had sent proposal on 18.01.2017. The Accountant General-II, Nagpur has not taken decision on the said proposal. Instead of that it had sent letter dated 1.3.2017 to the respondent no. 4 and informed that it had sought clarifications from the Government of Maharashtra as regards gratuity amount. The respondent no. 4 again replied on 10.3.2017 and requested to sanction the proposal to revise the pension of the applicant. In spite of that, the Accountant General-II, Nagpur had not taken decision on the proposal till today. The proposal is still pending with the Accountant General-II, Nagpur. Therefore, it would be just and proper to direct the respondent no. 5 i.e. the Accountant

//4//

O.A. No. 716/2016

General-II, Nagpur to take decision on the proposal sent by respondent no. 4 for grant of pensionary benefits to the applicant within a period of one month from the date of this order.

5. S.O. to 4.7.2017.

6. Steno copy allowed to the learned Presenting Officer at his request.

MEMBER (J)

ORAL ORDERS 04.05.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.305/2016
(Shri Sandip Ban V/s. The State of Mah. & Ors.)

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

DATE : 04-05-2017

ORAL ORDER:-

Heard Shri N.P.Bangar learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

2. Heard both sides at length. Case is reserved for order.

MEMBER (J)

YUK ORAL ORDER 04-05-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.759/2015
(Shri Yogesh Netkar V/s. The State of Mah. & Ors.)

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

DATE : 04-05-2017

ORAL ORDER:-

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

2. Heard both sides at length. Case is reserved for order.

MEMBER (J)

YUK ORAL ORDER 04-05-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.154/2016

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

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

DATE : 04-05-2017

ORAL ORDER:-

Heard Shamsundar Patil 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. Arguments of both sides are heard at some length.

Case be treated as **part heard**.

3. At the request of both sides, S.O.29-06-2017 for final hearing.

MEMBER (J)

YUK ORAL ORDER 04-05-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD
ORIGINAL APPLICATION NO.698/2016
(Shri Shriram Patil V/s. The State of Mah. & Ors.)**

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

DATE : 04-05-2017

ORAL ORDER:-

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

MEMBER (J)

YUK ORAL ORDER 04-05-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.557/2016
(Shri Varsha Patil V/s. The State of Mah. & Ors.)

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

DATE : 04-05-2017

ORAL ORDER:-

Shri S.S.Kulkarni learned Advocate for the applicant is **absent** and Shri A.G.Talhar learned Advocate for respondent no.1 is also **absent**.

Shri S.K.Shirse learned Presenting Officer for the respondent nos.2 to 5 is present.

2. Applicant as well as his learned Advocate remained absent on 22-09-2016, 20-01-2017, 10-03-2017 and 05-04-2017. Today also none is present for the applicant.

3. In view of above, it seems that the applicant is not interested in prosecuting the O.A. Hence, O.A. stands dismissed in default.

MEMBER (J)

YUK ORAL ORDER 04-05-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.278/2015 IN O.A.St.No.1137/2014
(Smt. Kalpana Jagdish Shinde V/s.
The State of Maharashtra & Ors.)**

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

DATE : 04-05-2017

ORAL ORDER:

1. Heard Shri Vinod P. Patil learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for the respondents.
2. Learned P.O. Shri Bhumkar is called upon to explain as to how the respondent no.2 justifies the action impugned, in the background of judgment of this Tribunal in O.A.No.344/2012 (copy of which is at paper book page 32).
3. Learned P.O. is directed to call the respondent no.2 and make a statement tomorrow.
4. S.O. to 05-05-2017.

CHAIRMAN

YUK ORAL ORDER 04-05-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.162/2017 WITH M.A.No.139/2017 IN
O.A.No.136/2017**

**(Smt. Madhuri Bhagwan Banait
V/s. The State of Maharashtra & Ors.)**

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

DATE : 04-05-2017

ORAL ORDER:

1. Heard Shri A.S.Deshmukh learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.
2. Learned P.O. has tendered affidavit in reply to O.A. It is taken on record.
3. Learned Advocate for applicant prays for a day's time to reconsider stance and policy of litigation.
4. In view of request of learned Advocate for the applicant, S.O.05-05-2017.

CHAIRMAN

YUK ORAL ORDER 04-05-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.393/2016 IN C.P.St.No.1798/2016 IN
O.A.No.122/2015**

(Dr. Ashok B. Havelikar V/s. State of Maharashtra & Ors.)

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

DATE : 04-05-2017

ORAL ORDER:

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

2. At the request of learned P.O., S.O. to 05-05-2017.

CHAIRMAN

YUK ORAL ORDER 04-05-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.317/2016 IN C.P.St.No.1491/2016 IN
O.A.No.554/2013
(Dr. Ashok Biradar V/s. State of Maharashtra & Ors.)**

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

DATE : 04-05-2017

ORAL ORDER:

1. Heard Shri J.S.Deshmukh learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.
2. At the request of learned CPO, S.O. to 05-05-2017.

CHAIRMAN

YUK ORAL ORDER 04-05-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 31/2017 IN CP ST. 77/2017 IN OA 500/2014

(Shri Dattatraya D. Parte 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 : 04-05-2017

ORAL ORDER:-

This matter is not on today's board.

2. Shri P.V. Suryawanshi, learned Advocates for the applicant appeared and submitted that the order passed yesterday i. e. on 3.5.2017 came to be passed mistakenly and under the belief that the res. no. 3- Dr. Sourabh Tripathi, Superintendent of Police, Ahmednagar is holding the post of res. no. 3 presently. He, however, came to know that the res. no. 3 - Dr. Saurabh Tripathi, Superintendent of Police, Ahmednagar - is now not holding the said post and in his place Shri Ranjan Kumar Sharma is holding the said post presently.

3. In that view of the matter, the order passed in M.A. No. 31/2017 in C.P. St. No. 77/2017 in O.A. no. 500/2014 and C.P. St. no. 77/2017 in O.A. no. 500/2014 are hereby put in abeyance. The learned Advocate for the applicant as well as the learned Presenting Officer be heard on the issue on 8.6.2017.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 307 OF 2016

(Shri (Dr.) Namdeo R. Pawar 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 : 04-05-2017

ORAL ORDER:-

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The learned P.O. seeks time to file affidavit in reply in the matter. The record would show that previously many chances were granted to the respondents therefor but till today they have not filed affidavit in reply in the matter. Hence, as a last chance, S.O. to 21.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 4.5.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 740 OF 2016

(Shri Shankar H. Jadhav 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 : 04-05-2017

ORAL ORDER:-

None appears for the applicant. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent nos. 1 to 3, is present. None appears for respondent nos. 4 & 5.

2. The record would show that previously many chances were granted to the res. nos. 4 & 5 to file affidavit in reply in the matter but till today they have not filed their affidavit in reply.

3. In the circumstances, in the interest of justice, S.O. to 20.6.2017. If no affidavit in reply is filed by the res. nos. 4 & 5 on the next date, the matter shall proceed without their affidavit in reply.

VICE CHAIRMAN

ARJ ORAL ORDERS 4.5.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 897 OF 2016

(Smt. Shalini R. Raut 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 : 04-05-2017

ORAL ORDER:-

Heard Shri H.A. Joshi, learned Advocate holding for Shri S.P. Salgar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The learned Presenting Officer files on record affidavit in reply of res. no. 2. In view of the directions issued by the Tribunal vide order dated 5.4.2017, the res. no. 2 has also clarified the legal position on the issue as to whether the candidate from the reserved category can apply in Open category and seek horizontal reservation (para no. 13 of the said affidavit in reply). The said affidavit in reply of res. no. 2 is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. In the circumstances, place the matter for admission hearing on 20.6.2017.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 128 OF 2017

(Shri Gopinath B. Nalwade 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 : 04-05-2017

ORAL ORDER:-

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. It appears that inadvertently the direction regarding providing Steno copy of the order dated 5.4.2017 was not given by the Tribunal in the said order. In the circumstances, Steno copy of the order dated 5.4.2017 be provided to the learned Presenting Officer for onward transmission to the respondents as directed by the Tribunal therein.

VICE CHAIRMAN

ARJ ORAL ORDERS 4.5.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 152 OF 2017

(Shri Hitendra J. Chatre 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 : 04-05-2017

ORAL ORDER:-

Heard Shri Y.B. Bolkar, learned Advocate holding for Shri Vijay V. Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The learned P.O. seeks time to file affidavit in reply in the matter. At his request, S.O. to 22.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 4.5.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 153 OF 2017

(Shri (Dr.) Ramnath B. Hemke 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 : 04-05-2017

ORAL ORDER:-

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Presenting Officer for the respondent nos. 1 to 3. None appears for respondent nos. 4 & 5.

2. The learned C.P.O. seeks time to file affidavit in reply of res. nos. 1 to 3. At his request, S.O. to 22.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 4.5.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 156 OF 2017

(Shri Raufkhan H. Pathan 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 : 04-05-2017

ORAL ORDER:-

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

2. The learned P.O. files on record the affidavit in reply of res. nos. 2 & 4. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The matter be placed for admission hearing on 19.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 4.5.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 170 OF 2017

(Shri Keshav D. Wanole & Ors. 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 : 04-05-2017

ORAL ORDER:-

Heard Shri Manish P. Tripathi, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicants files on record the copy of the Notification dated 6.4.2017 and submits that in view of the said Notification the present matter has become infructuous. He further submits that in view of issuance of Notification now the applicants do not wish to proceed further with the O.A. and, therefore, he seeks permission to withdraw the same.

3. In view of the aforesaid submissions of the learned Advocate for the applicants, the present O.A. is disposed of as withdrawn without any order as to costs.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 224 OF 2017
(Shri Devidas K. Taru 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 : 04-05-2017

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 and Shri Sachin B. Munde, learned Advocate holding for Shri S.G. Ruindrawar, learned Advocate for respondent no. 3.

2. Reading as well as hearing of the matter would show that the applicant may be age barred at the time of filing application for his selection. The learned Advocate for the applicant seeks time to take necessary instructions from the applicant in this regard. At his request, S.O. to 14.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 4.5.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 466 OF 2016

(Shri Sandeep B. Kakandikar & Ors. 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 : 04-05-2017

ORAL ORDER:-

Shri S.D. Dhongde, learned Advocate for the applicant has filed leave note. Shri D.R. Patil, learned Presenting Officer for the respondents, is present.

2. The learned P.O. seeks time to file affidavit in reply in the matter. At his request, S.O. to 22.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 4.5.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 272 OF 2017

(Smt. (Dr.) Vaishali P. 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 : 04-05-2017

ORAL ORDER:-

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

2. Issue notices to the respondents in the original application, returnable on 22.6.2017.

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. If any adverse actions are taken by the res. no. 1, those shall be subject to the decision in the present O.A.

8. S.O. 22.6.2017.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 4.5.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**O.A. NOS. 86, 88, 89, 90, 92, 93 148, 149, 150 ALL OF
2016 AND O.A. NO. 226/2015**

**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 : 04-05-2017

ORAL ORDER:-

Heard Shri A.D. Gadekar, learned Advocate for the applicants in all these matters, S/shri I.S. Thorat, V.R. Bhumkar, S.K. Shirse, M.P. Gude, D.R. Patil, Smt. Resha S. Deshmukh, Smt. Sanjivani Deshmukh Ghate and Smt. Deepali S. Deshpande, learned Presenting Officers for the respondent no. 1 in all these matters and Shri V.B. Wagh, learned Advocate holding for Shri Shamsundar B. Patil, learned Advocate for respondent nos. 2 to 4 in O.A. nos. 86, 88, 89, 90, 92, 93/2016 and for res. no. 2 only in O.A. nos. 148, 149, 150/2016 and Shri G.N. Patil, learned Advocate for respondent nos. 2 to 4 in O.A. no. 226/2015.

2. The learned P.O. has filed affidavit in reply of res. no. 1. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The learned P.Os. as well as learned Advocate for res. nos. 2 to 4 seek time to file affidavit in replies in the original applications in which respective replies are awaited. At their request, S.O. to 19.6.2017.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 167 OF 2017

**(Shri Fakirrao S/o. Arjun Wadhve Vs. The State of
Maharashtra and Others.)**

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

DATE : 04.05. 2017.

ORAL ORDER:

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

2. Learned Presenting Officer has submitted that in view of the directions given by this Tribunal by its order dated 12.04.2017, the Collector, Parbhani, has sent the proposal on 25.04.2017 to the Accountant General, Nagpur to grant regular pension to the applicant and the said proposal is pending before the Accountant General, Nagpur. The copy of the said letter dated 25.04.2017 has been taken on record and marked as document 'X' for the purpose of identification.

3. Learned Advocate for the applicant sought time to take instructions from his client i.e. the applicant. Time granted.

4. S.O. to 21st June, 2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 147 OF 2017

**(Shri Ajitkumar Rajabhau Saswade Vs. The State of
Maharashtra and Others.)**

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

DATE : 04.05. 2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has submitted that he has received para-wise remarks from the respondents for filing affidavit in reply and, therefore, he sought time. Time granted.

3. S.O. to 29th June, 2017.

4. Learned Presenting Officer shall serve the copy of the affidavit in reply upon the learned Advocate for the applicant well in advance.

MEMBER (J)

ORAL ORDERS 04.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 896 OF 2016

**(Shri Sheshrao S/o. Tukaram Anchule Vs. The State of
Maharashtra and Others.)**

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

DATE : 04.05. 2017.

ORAL ORDER:

1. Shri S.B. Talekar – learned Advocate for the applicant (**absent**). Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents, present.
2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted as a last chance.
3. S.O. to 1st July, 2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 853 OF 2016

**(Shri Sunil S/o. Poslya Gavit Vs. The State of
Maharashtra and Others.)**

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

DATE : 04.05. 2017.

ORAL ORDER:

1. Heard Shri Y.B. Bolkar – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks time to file affidavit in rejoined. Time granted as a last chance.
3. S.O. to 10th July, 2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 20 OF 2017

**(Shri Kishor S/o. Jaising Padvi Vs. The State of
Maharashtra and Others.)**

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

DATE : 04.05. 2017.

ORAL ORDER:

1. Heard Shri A.S. Deshmukh – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has submitted that as per the instructions received to her from the respondent No. 3 i.e. the Superintendent of Police, Jalgaon, the proposal to grant provisional pension to the applicant has been sent to the Government for approval and sanction as per the Rules and the same is pending before the Government. She has further submitted that the proposal to grant regular pension to the applicant has also been sent to the Accountant General by respondent No. 3 recently and same is pending with the Accountant General. Therefore, she sought time to produce documents in this regard.

3. Learned Advocate for the applicant has submitted that during the pendency of the present Original Application the respondents issued order on 5.4.2017 thereby regularizing suspension period of the applicant from 18.3.2002 to 12.1.2014 and treated suspension period as duty period and, therefore, the prayer made by the applicant in prayer clause 'A' has been satisfied. He has further submitted that the applicant has not received any information from the applicant

O.A. NO. 20 OF 2017

as regards proposal sent by the respondent No. 3 regarding his provisional pension and, therefore, he sought time to take instruction from his client i.e. the applicant.

4. In view of this fact short time is granted to furnish information regarding proposal of provisional pension and regular pension sent by respondent No. 2 and decision taken thereon by the respondent No. 4. Time granted.

5. S.O. to 6th July, 2017.

MEMBER (J)

ORAL ORDERS 04.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 205 OF 2017

**(Shri Sanjaykumar A. Rathod Vs. The State of
Maharashtra and Others.)**

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

DATE : 04.05. 2017.

ORAL ORDER:

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

2. Applicant has applied for house building advance in view of the Government Memorandum No. HBA-1058/8530/8, dated 28.7.1962. He has made application on 16.9.2013 (Annexure 'A-1' page-9), but the same has not been forwarded by respondent No. 3 to respondent No. 2. He has further submitted that the application of the employees, who made application for house building advance thereafter has been considered by the respondent No. 1 and their names have been included in the waiting list, but name of the applicant has not been included in the waiting list for the reasons best known to the respondent No. 1. He has further submitted that respondent No. 2 has forwarded the proposal of the applicant to the respondent No. 1 and the same is pending with the respondent No. 1. In these circumstances, he prayed to issue direction to the respondent No. 1 to consider application of the applicant within a stipulated time and to take proper decision on it.

3. Learned Presenting Officer has submitted that the proposal for the house building advance of the applicant has been forwarded to the respondent No. 2 by the respondent No. 3 and the respondent No. 2 had forwarded it to respondent No. 1 in due course. The respondent No. 1 will take decision

O.A. NO. 205 OF 2017

on it in accordance with the rules within a stipulated time.

4. Considering the submissions advanced by both the parties and documents placed on record, it is crystal clear that the applicant has applied for house building advance in the year 2013. His name has been included in the waiting list prepared by the respondent No. 2 and his proposal has been forwarded to the respondent No. 1, but respondent No. 4 has not taken decision on it till today. The documents on record shows that the names of the employees, who filed application for house building advance were also included in the waiting list. It appears that the respondents are ready to consider the application of the applicant on merit and, therefore, it is just and proper to direct the respondents to consider application and proposal of the applicant as per the rules on merit and to take decision on it within a period of two months.

5. Accordingly, the Original Application is disposed of with a direction to the respondent No. 1 to take decision on the application of the applicant as per rules and on merit within a period of two months from the date of this order.

There shall be no order as to costs.

MEMBER (J)

ORAL ORDERS 04.05.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 206 OF 2017

**(Shri Santosh V. Hange Vs. The State of Maharashtra and
Others.)**

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

DATE : 04.05. 2017.

ORAL ORDER:

1. Heard Shri S.D. Joshi – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. Applicant has applied for house building advance in view of the Government Memorandum No. HBA-1058/8530/8, dated 28.7.1962. He has made application on 08.10.2014 (Annexure 'A-1' page-9). Learned Advocate for the applicant has submitted that during pendency of the present Original Application the name of the applicant has been included in the waiting list prepared by respondent No. 2 and finalized by respondent No. 1, but payment of house building advance has not been disbursed to him till today. He has submitted that application of the applicant is of the year 2014 and, therefore, considering the old age of the application, the respondent No. 1 may be directed to disburse the amount towards house building advance to the applicant.

3. Learned Presenting Officer has submitted that the name of the applicant is included in the waiting list prepared by respondent No. 2 and finalized by respondent No. 1. He has submitted that large number of applications are pending and kept on waiting list, therefore, the application of the applicant will be decided as per his turn and merit by the respondent No. 1.

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4. On perusal of the documents it reveals that the proposal of the applicant for house building advance has been sent by the respondent No. 2 to respondent No. 1 and his name has been included in the waiting list prepared by the respondent No. 2 and it is waiting for disbursement of house building advance by respondent No. 1.

5. In these circumstances and considering the fact that the applicant has moved application for advance of loan granting house building advance in the year 2014, it is just and proper to direct the respondent No. 1 to take proper decision regarding disbursement of loan amount of house building advance to the applicant as per the rules and on merit.

5. Accordingly, the Original Application is disposed of with a direction to the respondent No. 1 to take decision regarding disbursement of the house building advance to the applicant as per rules and on merit within a period of two months from the date of this order.

There shall be no order as to costs.

MEMBER (J)

ORAL ORDERS 04.05.2017-HDD

