MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.747/2016
(Shri Vijay s/o. B Thakur 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 : 05-05-2017

ORAL ORDER:

Shri S.R.Barlinge learned Advocate for the applicant is **absent**.

Heard Shri S.K.Shirse learned Presenting Officer for the respondents.

2. None appears for the applicant.

3. Applicant had filed present O.A. praying for following relief:

> "(B) The letter dated 31st August, 2016, issued by the respondent No.2 (annexed at Exhibit-A) may kindly be quashed and set aside."

4. During pendency of present O.A. applicant was promoted by order dated 23-12-2016 (copy whereof is at page49 & 50 of paper book of O.A.). Purpose of O.A. was partly accomplished since the respondent no.2 had issued order of promotion. However, applicant appears to have grievance about condition no.5 contained in the promotion order. Said condition reads as under:

"5- lnj fu;Drh vki.kkl ,l-Vh- ioxkru ¼vkj{k.kkrxr½ feGkyh vlY;ku vki.kkl tkro/krk iek.ki= lgk efgU;kP;k vkr lknj dj.k c/kudkjd jkfgy tkro/krk iek.ki= vo/k BjY;kl vkiyh inkUurh rkRdkG lekIr dj.;kr ;by- (quoted from paper book page 50)"

5. Learned P.O. has produced modified order, which is marked as document "X" for identification. Now condition no.5 is modified and substituted, which reads as follows:

"5- lnj fu;Drh vki.kkl ,l-Vh- ioxkru ¼vkj{k.kkrxr½ feGkyh vlY;ku vki.kkl tkro/krk iek.ki= lknj dj.k c/kudkjd jkfgy tkro/krk iek.ki= vo/k BjY;kl vkiyh inkUurh rkRdkG lekIr dj.;kr ;by-
(quoted from document "X")"

6. In view of the foregoing modification purpose of filing present O.A. is fully accomplished. Hence, O.A. stands disposed of accordingly with no order as to costs.

CHAIRMAN

YUK ORAL ORDER 05-05-2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

M.A.No.283/2016 IN O.A.St.No.1167/2016
(Shri S.M.Davkare 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 : 05-05-2017

ORAL ORDER:

1. Heard Shri N.S.Choudhary learned Advocate for the applicant, Smt. Resha Deshmukh learned Presenting Officer for the respondent nos.1 to 6. Shri D.P.Bakshi learned Advocate for respondent no.7 is **absent**.

2. Learned Advocate for the applicant states that he wants time to search the decision of Government through/by which the post of Assistant Executive Engineer Grade-1 is identified as one in which reservation for Locomotors disability is prescribed, and thereafter take necessary steps.

3. Learned Advocate for the applicant prays for leave to amend and add annexures and also prays to adjourn the hearing to 06-06-2017.

4. S.O. to 06-06-2017.

CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.757/2016
(Shri Digambar Sirame 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 : 05-05-2017

ORAL ORDER:

1. Shri Ajay Deshpande learned Advocate for the applicant is **absent**. Shri M.P.Gude learned Presenting Officer for the respondents is present.

2. Since none is present for the applicant, S.O. 20-06-2017.

CHAIRMAN

YUK ORAL ORDER 05-05-2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

M.A.No.176/2017 IN O.A.No.154/2017
(Shri Naseem Banu Nazir Patel 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 : 05-05-2017

ORAL ORDER:

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

2. After hearing for some time, learned Advocate for applicant prays for adjournment till 06-06-2017.

3. M.A. and O.A. to come up for hearing on 06-06-2017.

CHAIRMAN

YUK ORAL ORDER 05-05-2017

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 : 05-05-2017

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

CHAIRMAN

YUK ORAL ORDER 05-05-2017

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 : 05-05-2017

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. This Tribunal had passed order on 28-07-2015 and directed in paragraph no.8 as follows:

> *"8. Apart from the affidavit in reply to be filed, the respondents should also state in the said affidavit in reply, whether vacancy is available and whether any legal impediment exists in considering the case of the applicant based on the principles laid down in O.A.No.344/2012."*

3. Affidavit answering query posed in foregoing paragraph is not filed .

4. To overcome ambiguity, respondent no.1 Irrigation Department (CADA), Mantralaya, Mumbai Shri I.S.Chahal, I.A.S., Principal Secretary is directed to file affidavit on or before 06-06-2017. Respondent no.1 is put to notice that if

affidavit is not filed on next date, Shri I.S.Chahal, Principal Secretary shall be called to pay costs personally.

5. Learned P.O. is directed to communicate this order.

6. In case order is complied, and applicant's case is considered, filing of affidavit by Shri I.S.Chahal is dispensed with.

7. Steno copy and Hamdast is allowed.

8. S.O. 06-06-2017.

CHAIRMAN

YUK ORAL ORDER 05-05-2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

M.A.St.No.628/2017 IN O.A.St.No.629/2017

(Maharashtra State Vaidyakiya Mahavidyalaya & Rugnalaya Karmachari Sanghatana, Aurangabad 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 : 05-05-2017

ORAL ORDER:

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

2. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, leave to sue jointly is granted, subject to payment of court fee stamps, if not paid.

3. Accompanying O.A. be registered and numbered.

4. M.A. stands disposed of accordingly with no order as to costs.

CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

Original Application St.No.629/2017

(Maharashtra State Vaidyakiya Mahavidyalaya & Rugnalaya Karmachari Sanghatana, Aurangabad 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 : 05-05-2017
ORAL ORDER:

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

2. Issue notice to respondents, returnable on 20-06-2017.

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. 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. Respondents shall file affidavit countering each para and each averment in the O.A.

8. Steno copy and Hamdust allowed to both parties.

9. Arguments are heard on the point of interim relief.

10. Learned Advocate for the applicant argued that the State is committed to implementation and adherence to Shri Paage Committee recommendations and hence those have to be adhered to. However, now the Government is acting/exerting to callously depart from commitment by allotting work to the empaneled contractors.

11. *Prima facie*, Shri Paage Committee recommendations were made in the background of recruitment in supersession of claims of the wards of Scavengers/Sweepers etc. It also prima facie appears that still it may still be open to the Government to allot work to the contractors instead of engaging wards of Scavengers/Sweepers. However, this issue will be considered after appearance of respondents and their filing of detailed reply.

12. Hence, it shall suffice to observe that in case, work is allotted to the contractors, contractors be put to notice that allotment of work is subject to outcome of present O.A.

13. S.O. 20-06-2017

CHAIRMAN

YUK ORAL ORDER 05-05-2017

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 : 05-05-2017

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. Learned P.O. prays for time for filing apology for delay in compliance of the order passed by the Tribunal.

3. S.O. to 27-06-2017.

CHAIRMAN

YUK ORAL ORDER 05-05-2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

M.A.No.98/2017 IN C.P.St.No.317/2017 IN T.A.No.01/2014 (W.P.No.2104/2013)
(Shri Raghunath Y. Khotkar 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 : 05-05-2017

ORAL ORDER:

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

2. Learned P.O. prays for time for filing apology for delay in compliance of the order passed by the Tribunal.

3. S.O. to 27-06-2017.

CHAIRMAN

YUK ORAL ORDER 05-05-2017

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 V. Biradar 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 : 05-05-2017
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. Learned C.P.O. states as follows:

> " Applicant's request for retirement may be decided in 2 months because of pendency of the departmental enquiry, for which matter is placed before the Government. "

3. In view that this Tribunal has concluded all issues, now no discretion is left with the Government, and compliance of the order needs to be done.

4. At this stage, learned C.P.O. states that he shall send necessary communication to the Government and secure clear compliance of the order. He prayed for time till afternoon for placing on record copy of letter sent by him to the Additional

Chief Secretary, Public Health Department, Mantralaya, Mumbai. Therefore hearing was adjourned and taken in afternoon session.

5. Learned C.P.O. has tendered copy of letter sent by him to the Additional Chief Secretary. It is taken on record.

6. Awaiting compliance, case is adjourned to 16-06-2017.

7. Steno copy and Hamdast is allowed.

CHAIRMAN

YUK ORAL ORDER 05-05-2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

MA 174/2017 IN OA ST. 588/2017

(Shri Aasaram S. Chormare 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 : 05-05-2017

ORAL ORDER:-

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

2. The delay of 7 years caused in filing the accompanying original application is sought to be condoned in the present misc. application vide prayer clause (B) therein.

3. It is to be noted that the applicant was terminated from the service after due enquiry seven years back. The departmental appeal against the said order was filed by the applicant on 9.11.2009. According to the applicant the appeal is not decided. The provisions of sections 20 & 21 of the Administrative Tribunals Act, 1985 read as under :-

> "**20. Application not to be admitted unless other remedies exhausted :-**
>
> (1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances,-

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances,-

(a) if a final order has been made by Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance; or

(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.

(3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be one of the remedies which are available unless the applicant had elected to submit such memorial."

"21. Limitation.-
(1) A Tribunal shall not admit an application,-

(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.

(2) Notwithstanding anything contained in sub-section (1), where-

(a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates; and

(b) no proceedings for the redressal of such grievance had been commenced before the said date before any High Court. The application shall be entertained by the Tribunal if it is made within the period referred to in clause (a), or, as the case may be, clause (b), of sub-section (1) or within a period of six months from the said date, whichever period expires later.

(3) Notwithstanding anything contained in sub-section (1) or sub- section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of sub-section (1) or, as the case may be, the period of six months specified in sub-section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period."

4. The original application, therefore, ought to have been filed by the applicant in the year 2010. No sufficient causes are shown for condonation of 7 years delay caused in filing the original application. In the present application vague statements are made that the applicant was in disturbed state of mind and had no funds.

5. The M.A. filed by the applicant for condonation of 7 years delay caused in filing the accompanying original application is, therefore, dismissed without any order as to costs.

6. In view of dismissal of the misc. application, the registration of the original application is refused.

VICE CHAIRMAN

ARJ ORAL ORDERS 5.5.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 227 OF 2014

(Shri Jijabrao D. Khairnar 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 : 05-05-2017

ORAL ORDER:-

Heard Shri N.B. Jadhav, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for respondent nos. 1 to 3 and Shri Paresh B. Patil, learned Advocate holding for Shri Prakashing B. Patil, learned Advocate holding for respondent no. 4.

2. The learned Advocate for the applicant seeks leave of the Tribunal to carry some correction in the prayer clause (C) of the O.A. Permission as sought for by the learned Advocate for the applicant is hereby granted. The learned Advocate for the applicant to carry out the said correction in the prayer clause (C) of the O.A. during the course of the day.

3. The learned P.O. files on record affidavit in reply of res. nos. 1 to 3. So also, Shri Patil, learned Advocate has filed affidavit in reply of res. no. 4. Both the affidavit in replies are taken on record and copies thereof have been served upon the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 22.6.2017.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 836 OF 2015

(Shri Dhammarakshit K. Sardar 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 : 05-05-2017

ORAL ORDER:-

None appears for the applicant. Shri S.K. Shirse, learned Presenting Officer for respondents, is present.

2. The record would show that on the last date none was present for the applicant for admission hearing. In the circumstances, as a last chance, S.O. to 27.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 5.5.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 837 OF 2015

(Shri Dayanand A. Bhagat 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 : 05-05-2017

ORAL ORDER:-

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

2. The record would show that on the last date none was present for the applicant for admission hearing. In the circumstances, as a last chance, S.O. to 27.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 5.5.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

CP 3/2016 IN OA 239/2015

(Dr. Sonali B. Sayamber 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 : 05-05-2017

ORAL ORDER:-

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondents.

2. The learned P.O. files on record a communication dated 3.5.2017 received by her from the res. no. 1 and the same is taken on record and marked as document 'X' for the purpose of identification. The said communication would show that upon dismissal of the writ petition by the Hon'ble High Court, the State Government is contemplating of filing Special Leave Petition before the Hon'ble Supreme Court and the opinion of the Law & Judiciary Department, Aurangabad is sought in that regard.

3. The learned Advocate for the applicant points out that reading of the very judgment in O.A. would show that it is based on the earlier judgment delivered by the Hon'ble High Court in the similar matter and even the Special Leave to

Appeal (Civil) CC no. 18902-18915/2010 was also dismissed by the Hon'ble Supreme Court.

4. In the circumstances, the exercise from the side of the respondents, prima-facie, appears to be frivolous, however, since opinion of the Law & Judiciary Department is sought, S.O. to 28.6.2017.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 5.5.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 835/2016

(Shri Harihar G. Shinde 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 : 05-05-2017

ORAL ORDER:-

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

2. The learned P.O. seeks time. It is unfortunate that despite the order dated 5.4.2017, till this date no instructions are given by the concerned respondents to the learned P.O.

3. In the circumstances, with a caveat that if no instructions are given to the learned P.O. by the concerned respondents on the next date, the Tribunal may be constrained to saddle exemplary costs upon the concerned respondents.

4. S.O. to 15.6.2017.

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

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 935/2016

(Shri Ananta R. Raykar 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 : 05-05-2017

ORAL ORDER:-

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

2. The learned P.O. files on record affidavit in reply of res. nos. 2 & 3. The same is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The learned Advocate for the applicant submits that, since the applicant is not approaching him, he is unable to issue notices to res. nos. 1 as well as private res. no. 4. At his request, S.O. to 22.6.2017.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 30/2017

(Shri Siddhodhan B. Bharade 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 : 05-05-2017

ORAL ORDER:-

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

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

VICE CHAIRMAN

ARJ ORAL ORDERS 5.5.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 77/2017

(Shri Rajesh B. Yawalkar 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 : 05-05-2017

ORAL ORDER:-

Shri Rajesh B. Yawalkar – the applicant in person and Shri D.R. Patil, learned Presenting Officer for respondents, are present.

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

3. At the request of applicant in person, S.O. to 21.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 5.5.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 803/2016

(Sayyed Kalim Sayyed Mehboob 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 : 05-05-2017

ORAL ORDER:-

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

2. The learned P.O. submits that, in fact, Police Inspector Mrs. Kardak from the office of the Superintendent of Police, Parbhani came to the office of C.P.O. and placed some documents and went with a message that, she has to go to Hon'ble High Court and, therefore, nobody is available to give instructions to her in the matter.

3. The learned Advocate for the applicant files on record the true copy of the judgment delivered by the Tribunal in O.A. no. 483/2016 (O.A. st. no. 798/2016) dated 8.3.2017. The affidavit in reply filed by the concerned respondents would show that only because of interim order in the said O.A., the appointment was proposed to be made, subject to outcome of the said O.A.

4. Reading of the judgment would however show that the applicant therein applied from S.C. category vide the present applicant has applied from the O.B.C. category, which is totally foreign to the issue in the present matter. Further reading for the said judgment would also show that the Division Bench has directed that the applicant therein shall be appointed from S.C. (Ex-serviceman) category.

5. Prima-facie, reading of the judgment would show that, the respondents are very negligent in reading the interim orders or final orders or scrutinizing their own record regarding appointment. In view of absence of any responsible Officer, who has not given any instructions to the learned P.O., S.O. to 28.6.2017, with a caveat that, in case in future irresponsible behavior as has been noted today is continued, this Tribunal may be constrained to impose exemplary costs upon the concerned respondents / responsible Officers, who would visit the learned P.O. for giving instructions.

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

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 249/2017

(Shri Raja V. Lokkamwad 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 : 05-05-2017

ORAL ORDER:-

Heard Miss. Preeti R. Wankhade, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. The learned Advocate for the applicant seeks time. At her request, S.O. to 7.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 5.5.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

MISCELLANEOUS APPLICATION NO. 373 OF 2016
IN
ORIGINAL APPLICATION ST. NO. 1721 OF 2016

(Smt. Hemlata Manohar Kumbhar Vs. The State of Maharashtra and Others.)

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

DATE : 05.05. 2017.

O R D E R

1. The applicant has prayed for condonation of delay of about 2437 days caused in filing the accompanying Original Application challenging the order dated 8.7.2008, 25.12.2008 and 4/10.8.2015 issued by respondent No. 3, Chief Conservator of Forest (Regional) Dhule, District Dhule and thereby rejecting her claim for appointment in Government service on compassionate ground.

2. It is the contention of the applicant that her husband viz. Manohar Maroti Kumbhar was serving as Clerk in the Forest Department at Dhule. He died on 21.12.2004 while in service. After his death, she filed application on 19.8.2005 with the respondent No. 2 for appointment in Class-IV cadre on compassionate ground. Her name had been included in the waiting list. But on 8.7.2008 the respondent No. 3 informed her that her name has been removed from the waiting list in view of Government Resolution dated 22.08.2005 as she crossed 40 years of age. On receiving the said communication she approached to the respondents on

25.8.2008 and 1.9.2008 by filing the application and requested them to consider the claim of her son for appointment on compassionate ground. The respondent No. 3 had informed her by communication dated 25.12.2008 that name of her son cannot be considered. Thereafter, she approached the higher authorities of the respondents with a request to consider claim of herself and her son, but they had not considered her request. Therefore, she approached the concerned minister in that regard. The Minister directed the respondent No. 3 to consider her claim, but the respondent No. 3 informed the office of minister by its letter dated 4.10.2015 that name of the applicant cannot be considered. Therefore, she approached this Tribunal by filing the present Original Application challenging the orders dated 8.7.2008, 25.12.2008 and communication dated 4/10.8.2015. It is her contention that there is no delay in filing the Original Application, but even if it is presumed that there is a delay, she prayed to condone the delay on the ground that she approached the respondent authorities by filing her representation for considering her claim. It is her contention that there was no intentional or deliberate delay on her part. It is her contention that her valuable rights are involved in the Original Application and, therefore, she prayed to condone the

delay of about 2437 days caused in filing the accompanying Original Application.

3. The respondent Nos. 1 to 3 have filed their affidavit in reply and resisted the contention of the applicant. It is their contention that the claim of the applicant was rejected by the respondent No. 3 by letter dated 8.7.2008, 25.12.2008 and 23.02.2014. It is their contention that as per Government Resolution, the applicant was not eligible for getting service on compassionate ground in place of her deceased husband after completion of 40 years of age. Accordingly, she was informed about the said decision by letters dated 8.7.2008 and 31.10.2013. Her son was also not eligible for the appointment on compassionate ground in view of the Government Resolution dated 22.8.2005. The said fact has been communicated to the applicant by letter dated 25.12.2008. It is their contention that they had informed the said fact to the office of Hon'ble Minister by communication dated 10.8.2015. The applicant was aware about it. The applicant had not challenged the order dated 8.7.2008, 25.12.2008, as well as, communication dated 4/10.8.2015 in time. She has not given satisfactory explanation as to why she had not filed Original Application in time. It is their contention that there was inordinate delay on the part of the applicant and the delay is

not properly explained by the applicant. Therefore, they prayed to reject the application for condonation of delay.

4. I have heard the arguments advanced by Shri Vinod Patil – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for respondent Nos. 1 & 4. None appeared for respondent Nos. 2 & 3. I have perused the application, affidavit, affidavit in reply filed by the respondents. I have also perused the documents placed on record by the respective parties.

5. Learned Advocate for the applicant has submitted that the applicant is a widow of deceased employee viz. Manohar Kumbhar, who was serving in the Forest Department as Clerk. She has submitted that Manohar Kumbhar died on 31.12.2004. After his death the applicant approached to the concerned authorities for appointing her on compassionate ground. Her name has been included in the waiting list for the post in Class-IV cadre. But respondent No. 3 informed her by communication dated 8.7.2008 that her name has been removed from the waiting list in view of Government Resolution dated 22.08.2005, as she crossed 40 years of age. She has submitted that thereafter she approached to the respondent authorities by filing application dated 19.8.2005 and prayed to consider the claim of her son, since she had

crossed the age of 40 years, but the respondent No. 3 has informed her by letter dated 25.12.2008 that her son's claim cannot be considered. He has further submitted that thereafter she again approached to the respondents, but nobody took cognizance of her claim. Therefore, she approached to the concerned minister, who directed the respondent No. 3 to consider her application. He has further argued that the respondent No. 3 by its communication dated 4/10.8.2015 informed to the office of Hon'ble Minister that name of the applicant's son also cannot be considered. He has submitted that thereafter the applicant filed the present Original Application. He has submitted that because of the various representations made by the applicant, the delay has been caused. He has submitted that valuable rights of the applicant are involved in the present Original Application and, therefore, he prayed to condone the delay. The learned Advocate for the applicant has submitted that because of the said fact the delay has been caused and there was no intentional and deliberate delay and, therefore, he urged to condone the delay.

6. Learned Presenting Officer has submitted that the applicant filed an application on 19.4.2005 for appointing her in Government service on compassionate ground on account

of her husband's death. On the basis of her application, her name was included in the waiting list. On 1.5.2006 she had completed 40 years of age. Therefore, in view of the Government Resolution dated 22.8.2005 her name has been removed/deleted from the waiting list and the said order has been communicated to the applicant by letter dated 8.7.2008. Thereafter, the applicant filed the applications dated 25.8.2008 and 01.09.2008 for including name of her son in her place in the waiting list. But her applications and claim made therein were rejected by the respondents and she was informed accordingly by letter dated 25.12.2008. Thereafter, she approached to the concerned minister. The concerned minister directed the respondents to take action in the matter. The respondent No. 3 by its communication dated 4/10.8.2015 informed the office of the Minister that the claim of the applicant cannot be considered, as there is no provision to include the name of her son in place of her in waiting list.

7. Learned Presenting Officer has further submitted that there is an inordinate delay of 2437 days in filing the accompanying Original Application. The applicant was aware of the decision of the respondent No. 3 took place in the year 2008 and it was informed to her by communication dated 8.7.2008 and 25.12.2008. The cause of action to challenge

the said order arose to the applicant on 8.7.2008 and 25.12.2008 respectively, but she has not filed the O.A. challenging the said order within stipulated time. There is delay of more than 7 years. He has further submitted that the applicant has not explained the delay satisfactorily and, therefore, prayed to reject the application.

8. I have gone through the documents on record. The name of the applicant has been included in the waiting list on the basis of her application filed on 19.4.2005. Her date of birth is 02.05.1966. She has completed the age of 40 years on 1.5.2006 and, therefore, her name has been removed from the waiting list in view of the Government Resolution dated 22.8.2005. Respondent No. 3 communicated the said fact to the applicant vide its letter dated 8.7.2008. Thereafter, the applicant approached to the respondents by filing the applications dated 25.8.2008 and 1.9.2008 with a request to include the name of her son in her place in the waiting list, but her request was rejected by the respondent No. 3 on the ground that there was no provision for substitution of name of her son in place of her name enlisted in the waiting list. The said decision was communicated to the applicant by the respondent no. 3 by letter dated 15.12.2008. The applicant

was aware about the said decision of the respondents in the year 2008. She had not challenged the said order dated 8.7.2008 and 5.12.2008 before the Tribunal within the stipulated time. Instead of it, she approached the concerned minister. As per direction of the concerned minister, respondent No. 3 informed the office of the minister as regards his earlier decision dated 8.7.2008 and 25.12.2008 and informed that name of the applicant's son cannot be considered as there is no provision to substitute the name of applicant's son in place of her in waiting list. Even after receiving the communication dated 4/10.8.2015, the applicant has not been approached the Tribunal immediately and she kept mum. Not a single and satisfactory reason has been mentioned by the applicant in the application for condoning the delay. There is an inordinate delay of 2437 caused in filing the accompanying Original Application challenging the order dated 8.7.2008, 25.12.2008. There are delay and laches on the part of the applicant. In the absence of the satisfactory explanation inordinate delay caused in filing the accompanying Original Application cannot be condoned. Therefore, the application for condonation of delay deserves to be dismissed. Hence, the Miscellaneous

Application stands dismissed. Consequently, the registration of accompanying Original Application stands rejected.

There shall be no order as to costs.

MEMBER (J)

ORAL ORDERS 05.05.2017 – HDD(SB)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

REVIEW APPLICATION NO. 06 OF 2017
IN
ORIGINAL APPLICATION NO. 110 OF 2017

(Shri Dinesh R. Kurekar Vs. The State of Maharashtra and Others.)

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

DATE : 05.05. 2017.

ORAL ORDER:

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

2. Issue notices to the respondents in Review Application No. 06/2017, returnable on 6th July, 2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-HDD

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

REVIEW APPLICATION NO. 07 OF 2017
IN
ORIGINAL APPLICATION NO. 111 OF 2017

(Shri Ramesh S/o. Ukhaji Baviskar Vs. The State of Maharashtra and Others.)

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

DATE : 05.05. 2017.

ORAL ORDER:

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

2. Issue notices to the respondents in Review Application No. 07/2017, returnable on 6th July, 2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-HDD

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 669 OF 2016

(Shri Chandrakant S/o. Sitaram Shinde Vs. The State of Maharashtra and Others.)

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

DATE : 05.05. 2017.

ORAL ORDER:

1. Heard Shri Avinash S. Deshmukh – 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 make further submissions in view of Notification filed by the learned Presenting Officer today, dated 2.12.2015. Time granted.

3. S.O. to 8th June, 2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-HDD

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 670 OF 2016

(Shri Dineshsing S/o. Lotu Patil Vs. The State of Maharashtra and Others.)

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

DATE : 05.05. 2017.

ORAL ORDER:

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

2. Learned Advocate for the applicant seeks time to make further submissions in view of Notification filed by the learned Presenting Officer today, dated 2.12.2015. Time granted.

3. S.O. to 8th June, 2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-HDD

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 161 OF 2016

(Shri Maroti S/o. Nathuram Jadhav Vs. The State of Maharashtra and Others.)

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

DATE : 05.05. 2017.

ORAL ORDER:

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

2. Learned Advocate for the applicant has submitted that the applicant is not interested in prosecuting the present Original Application and, therefore, he prayed to dispose of the same accordingly.

3. In view of the submissions made by the learned Advocate for the applicant and since the applicant is not interested in prosecuting the present Original Application, the same is disposed of for want of prosecution. There shall be no order as to costs.

MEMBER (J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 31 OF 2016

(Shri Sandip Gajanan Gaikwad Vs. The State of Maharashtra and Others.)

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

DATE : 05.05. 2017.

ORAL ORDER:

1. Heard Shri S.D. Joshi – learned Advocate for the applicant, Shri I.S. Thorat – learned Presenting Officer for the respondent Nos. 1 & 2 and Shri Rahul Awsarmal – learned Advocate for respondent No. 3.

2. At the request of learned Advocate for the applicant, S.O. to 19th June, 2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-HDD

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 623 OF 2016

(Shri Anil P. Katkar Vs. The State of Maharashtra and Others.)

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

DATE : 05.05. 2017.

ORAL ORDER:

1. Heard Shri Ajay Deshpande – learned Advocate for the applicant, Shri Shri N.U. Yadav – learned Presenting Officer for the respondent No. 1 and Shri Shamsundar Patil, learned Advocate holding for Shri G.N. Patil – learned Advocate for respondent No. 2.

2. Learned Advocate for the applicant has filed copies of communication dated 24.01.2017 & 25.01.2017 and they are taken on record and marked as document 'X' collectively.

3. Learned Advocate for the applicant has submitted that at present 12 posts are vacant in Aurangabad Region and the applicant has given option for his posting in Aurangabad Region at the time of his promotion on an ad hoc basis, but the respondent has transferred him from Aurangabad to Thane without considering his option. He has submitted that during the pendency of the application the applicant made another representation dated 24.1.2017 and requested to post him in the office of WALMI, Aurangabad. His representation has been forwarded by respondent No. 2 to respondent No. 1 and the same is pending. He has further submitted that his earlier representation dated 29.7.2016 (Annexure "A-7" page-38), addressed to the respondent No. 1 has also not been decided by the respondents.

4. Learned Presenting Officer has submitted that the representation made by the applicant on 29.7.2016 is not yet

decided by the respondents. He has submitted that he has no instructions regarding the proposal sent by respondent No. 2 to respondent No. 1 on 25.1.2017. He has further submitted that the respondents may be directed to consider the proposal, if any pending with the respondent No. 1 and to decide it on merit in view of the guidelines given in Government Resolution dated 8.1.2016.

5. Since the representation dated 29.7.2016, as well as, proposal of the respondent No. 2 sent to the respondent No. 1 dated 25.01.2017 are pending with the respondent No. 1, it would be just and proper to direct the respondent No. 1 to take proper decision on merit as per rules on the representation of the applicant and proposal sent by respondent No. 2 within a period of one month from the date of this order.

6. S.O. to 1st July, 2017.

7. Steno copy be provided to the learned Presenting Officer, at his request.

8. This case be treated as part heard.

MEMBER (J)

ORAL ORDERS 05.05.2017-HDD

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 266/2017
[Shri Sandipan A. Gavali Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Shri D.K. Rajput, learned Advocate for the Applicant (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, present.

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

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 11-07-2017.

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

MEMBER (J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 863/2016
[Shri Baburao D. Tathe Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Shri J.B. Choudhary, 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 nos. 1 to 3. Time granted.

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

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

M.A. No. 175/2017 in O.A. St. No. 606/2017
[Shri Subhash H. Reddy & Ors.Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

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

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD
O.A. St. No. 606/2017
[Shri Subhash H. Reddy & Ors.Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

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

2. Issue notices to the respondents, returnable on 12-07-2017.

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 12-07-2017.

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

MEMBER (J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION ST. NO. 517/2017
[Shri Ratanrao S. Shejwal Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Heard Shri S.K. Mathpati, learned Advocate for the Applicant and Shri V.R Bhumkar, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant seeks time to file application for condonation of delay in filing O.A. Time granted.

3. S.O.to 12-07-2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 240/2016
[Shri Ramkisan B. Khajekar Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 1 to 3. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. S.O.to 13-07-2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 634/2016
[Dr. S. Shailaja Kuppaswami Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 3. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. S.O.to 13-07-2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 642/2016
[Dr. Sanjay Ghogre and Ors. Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Shri J.S. Deshmukh, 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 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 780/2016
[Dr. Wasim M. Siddiqui Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Shri J.M. Murkute, learned Advocate for the Applicant (**Absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for respondents, present.

2. It transpires from the proceedings that on last date i.e. on 5.4.2017 none present for the applicant.

3. Hence, S.O.to 17-07-2017 for dismissal.

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 824/2016
[Dr. Asha Apparao Kadam Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Shri V.D. Solunke, learned Advocate holding for Shri R.D. Khadap, learned Advocate for the Applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent nos. 1 to 3 and Shri N.S. Ingle, learned Advocate holding for Shri P.P. More, learned Advocate for respondent nos. 4 & 5.

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

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

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 828/2016
[Shri Sunil M. Pande Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Shri Prashant Deshmukh, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for respondent nos. 1 to 3.

2. Learned Advocate Shri E.M. Shinde, has filed VAKALATNAMA on behalf of respondent nos. 4 & 6. Same is taken on record. He seeks time to file affidavit in reply on behalf of respondent nos. 4 & 6. Time granted.

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

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 849/2016
[Shri Ratnakar T. Kahat Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Shri A.G. Deshmukh, learned Advocate for the Applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for respondents, present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 3 and 4. Same is taken on record.

3. S.O.to 14-07-2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-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 : 05.05.2017.

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 has filed affidavit in reply on behalf of respondent nos. 1 and 2. Same is taken on record.

3. S.O.to 07-07-2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 940/2016
[Shri Mohd. Kutab Mohd. Husham Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Shri D.G. Kamble, 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 respondents. Time granted.

3. S.O.to 14-07-2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 57/2017
[Shri Kiran S. Mashale Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

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

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

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

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 59/2017
[Shri Vishwanath B. Baswante & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Shri V.P. Golewar, learned Advocate for the Applicant and Shri V.R. Bhumkar, 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 07-07-2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 86/2017
[Shri Badrinath Yamaji Ghongade Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Shri S.D. Joshi, 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 13-07-2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 121/2017
[Shri Shamkant B. Dusane Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Shri Shamsundar B. Patil, learned Advocate for the Applicant and Shri D.R. Patil, 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 and the copy thereof has been served on the learned Advocate for the applicant.

3. S.O.to 12-06-2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 127/2017
[Shri Trimbak Deorao Tompe Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Shri V.P. Golewar, learned Advocate for the Applicant (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, present.

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

3. S.O.to 07-07-2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 134/2017
[Shri Babhishan Baburao Surwase Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Shri R.B. Deshmukh, learned Advocate for the Applicant (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, present.

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

3. S.O.to 12-07-2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

M.A. no. 142/2016 in O.A. St. No. 473/2016
[Shri Mohammad Rahimullaha Khan s/o Ahmed Noorullh Khan Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Shri K.B. Jadhav, learned Advocate for the Applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for respondents, present.

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

3. S.O.to 29-06-2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

M.A. No. 105/2017 in O.A. St. No. 325/2017
[Shri Babasaheb E. Jakate Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Shri V.M. Mane, 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 in M.A. Time granted.

3. S.O.to 01-07-2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

M.A. St. No. 516/2017 in O.A. No. 808/2016
[Shri Gangadhar A. Kakade Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Heard Shri V.B. Wagh, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. The learned Advocate for the applicant has submitted that the applicant is not pressing M.A., since the Treasury Officer has released his pension.

3. In view of the submissions made by the learned Advocate for the applicant and since, applicant does not want to proceed further with the M.A., same stands disposed of. No order as to costs.

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION No. 808/2016
[Shri Gangadhar A. Kakade Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Heard Shri V.B. Wagh, 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.

3. S.O. to 9.6.2017.

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION No. 559/2016
[Shri Dagdu Waman Bansode Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Heard Shri A.D. Gadekar, learned Advocate for the Applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondents.

2. Learned Presenting Officer submitted that the proposal sent by the respondent no. 2 regarding payment of interest on the delayed payment of gratuity amount to the extent of Rs. 65,134/- has been sanctioned by the Accountant General-II, Nagpur by its letter dated 17.04.2017. She has placed on record a copy of communication received between respondent no. 2 & 3 along with a copy of letter of Accountant General-II, Nagpur dated 17.04.2017.

3. Learned Advocate for the applicant submitted that he has not received instructions from the applicant as regards said communication and therefore, he seeks time to take necessary instructions from the applicant. Time granted.

4. S.O. to 14.07.2017.

MEMBER (J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION No. 584/2016
[Shri Balaji Govindrao Aherkar Vs. The State of Mah. & Ors.]

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

DATE : 05.05.2017.

ORAL ORDER:

Heard Shri E.M. Shinde, learned Advocate holding for Shri P.P. Uttarwar, learned Advocate for the Applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 2 & 3. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. Learned Advocate for the applicant submitted that in view of the contention of the respondent nos. 2 & 3 in the affidavit in reply more particularly in paragraph no. 7 at page no. 62, the applicant does not want to proceed with the present O.A., as the respondents are ready to appoint him by withdrawing earlier decision by which he was disqualified. Therefore, he prayed to dispose of the O.A.

4. Learned Presenting Officer has submitted that the respondents are ready to consider the claim of the applicant by withdrawing his disqualification made by the impugned order and to appoint the applicant on the post of Kotwal.

5. Since the applicant does not want to proceed further with the O.A. in view of the contentions of the respondent nos. 2 & 3 in paragraph no. 7 of the affidavit in reply, the O.A. stands disposed of for want of prosecution. There shall be no order as to costs.

MEMBER (J)

ORAL ORDERS 05.05.2017-KPB(SB)BPP