

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 64/2017 IN OA 100/2017

[Shri Milind V. Sonkamble Vs. the State of Mah. & Ors.]

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

DATE :- 10.03.2017

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The learned Presenting Officer submits that the respondents have not responded to the order dated 10.2.2017 passed by this Tribunal. At her request, S.O. to 29.3.2017 with a caveat that in case no instructions are received to the learned Presenting Officer by that time, orders of calling the responsible Officer before the Tribunal and / or taking any coercive action may be passed.

3. Steno copy allowed for the use of learned Presenting Officer for the respondents.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

C.P. ST. NO. 257/2017 IN OA NO. 663/2014

[Shri Nagorao S. Bele Vs. the State of Mah. & Ors.]

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

DATE :- 10.03.2017

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 14.3.2017 to satisfy the Tribunal regarding the objection raised by the Registrar.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 100/2017 IN OA ST. 299/2017

[Shri Sk. Gafar Shaikh & Ors. Vs. the State of Mah. & Ors.]
Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

DATE :- 10.03.2017

Oral Order :-

1. Heard Shri Vivek V. Tarde, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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

4. For the reasons stated in the M.A., and since the cause and the prayers are identical and since the applicants have prayed for same cause of action, 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 with any order as to costs.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION ST. NO. 299/2017

[Shri Sk. Gafar Shaikh & Ors. Vs. the State of Mah. & Ors.]
Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

DATE :- 10.03.2017

Oral Order :-

1. Heard Shri Vivek V. Tarde, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 18.4.2017.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Original Application. 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. Applicants are directed to file affidavit of compliance and notice.
7. S.O. 18.4.2017.
8. Steno copy & hamdust allowed to both the parties.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

**ORIGINAL APPLICATION NOS. 788, 789, 790, 791 OF 2015
AND O.A. NOS. 3 & 4 OF 2016**

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

DATE :- 10.03.2017

Oral Order :-

1. Heard Shri D.K. Borkar, learned Advocate holding for Shri P.D. Suryawanshi, learned Advocate for the applicants in all these matters and S/shri I.S. Thorat, S.K. Shirse, V.R. Bhumkar, M.P. Gude, & Smt. Deepali S. Deshpande, learned Presenting Officers for the respondents in all these matters.

2. the learned Presenting Officer point out that the G.R. on which reliance is placed by the applicants in all these matters is superseded and similar matter i. e. O.A. no. 263/2015 is already dismissed by this Tribunal on 18.1.2017.

3. The learned Advocate for the applicants seeks time to study the matter and make his submissions. At his request, S.O. to 15.3.2017.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION 486 OF 2016

[Shivkanya S. Bharti Vs. the State of Mah. & Ors.]

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

DATE :- 10.03.2017

Oral Order :-

1. Heard Shri Suresh D. Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Upon hearing both the sides, it appears that, the copy of the G.R., on the basis of which the applicant has filed the present original application, is not filed or even its date is also not referred anywhere.

3. In the circumstances, at the request of learned Advocate for the applicant, S.O. to 22.3.2017 to file the copies of relevant G.Rs.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 593/2016

[Nemichand T. Chavan & Ors. Vs. the State of Mah. & Ors.]
Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

DATE :- 10.03.2017

Oral Order :-

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

2. The learned Presenting Officer filed reply on behalf res. nos. 1 to 5. It is taken on record. He undertakes to serve copy thereof upon the learned Advocate for the applicants.

3. In view of absence of learned Advocate for the applicants, S.O. to 6.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION 764 OF 2016

[Shri Baswaraj M. Swami & Ors. Vs. State of Mah. & Ors.]

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

DATE :- 10.03.2017

Oral Order :-

1. Shri Kiran M. Nagarkar, learned Advocate for the applicants has filed leave note. Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

2. The learned P.O. submits that para-wise remarks received to him. At his request, S.O. to 30.3.2017 for filing affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION 789 OF 2016

[Shri Rahul R. Jadhav Vs. the State of Mah. & Ors.]

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

DATE :- 10.03.2017

Oral Order :-

1. Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 31.3.2017 for filing affidavit in reply.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION 840 OF 2016

[Shri Hiralal L. Bhatewale Vs. the State of Mah. & Ors.]

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

DATE :- 10.03.2017

Oral Order :-

1. Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The learned P.O. states that he has received para-wise remarks from the respondents. At his request, S.O. to 22.3.2017 for filing affidavit in reply.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION 848 OF 2016

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

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

DATE :- 10.03.2017

Oral Order :-

1. Heard Shri Quadri Taher Ali, learned Advocate holding for Shri Zia Uli Mustafa, learned Advocate for the applicant, Smt. Sanjivani Deshkukh Ghate, learned Presenting Officer for the respondent nos. 1 to 3, Shri N.S. Kadam, learned Advocate for respondent nos. 4 & 5 and Shri V.B. Wagh, learned Advocate for respondent no. 6.

2. Shri Wagh, learned Advocate has filed reply on behalf of res. no. 6. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. At the request of learned P.O., S.O. to 27.3.2017 for filing reply of res. nos. 1 to 3.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION 879 OF 2016

[Shaikh Mujib Shaikh Fafar Vs. the State of Mah. & Ors.]

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

DATE :- 10.03.2017

Oral Order :-

1. Heard Shri Ashish Rajkar, learned Advocate holding for Shri A.D. Gadekar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply. At his request, S.O. to 12.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 10.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 17 OF 2017

[Shri Naresh B. Suryawanshi Vs. the State of Mah. & Ors.]

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

DATE :- 10.03.2017

Oral Order :-

1. Heard Shri J.B. Choudhary, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. The learned Presenting Officer files affidavit in reply on behalf of res. nos. 3 & 4 and the same is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. Today, the learned Advocate for the applicant, on instructions, submits that now the applicant is not seeking any relief as regards the transfer order dated 9.12.2016, however, he is requesting for issuance of suitable direction to the res. nos. 2 & 3 to consider his representation dated 26.6.2014 (Annex. A.3, paper book pages 21 & 22 of the O.A.), whereby the applicant has requested the authorities for accommodating him at Dhule or nearby Dhule at the time of general transfers in the month of April / May, 2017.

4. In the circumstances, the original application is disposed of with a direction to the concerned respondents to consider the representation of the applicant dated 26.6.2014 (Annex. A.3, paper book pages 21 & 33 of the O.A.) at the time of annual general transfers to be issued in the month of April / May, 2017. There shall be no order as to costs.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 108/2017 IN O.A.NO. 01/2017

**(The State of Maharashtra thorough its Secretary, Water
Resource Department, Mantralaya, Mumbai & Ors. Vs. Shri
Dattatray Balkrishna Pande & Ors.)**

**CORAM : HON'BLE JUSTICE SHRI M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.03. 2017.

ORAL ORDER:

1. Heard Shri S.B. Talekar – learned Special Counsel for the present applicants/ respondent Nos. 1 & 2 in O.A. and Shri S.D. Joshi, learned Advocate holding for Shri Ajay Deshpande – learned advocate for the original applicant.

2. Advocate Shri S.D. Joshi, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the original applicant submitted that in fact, the Writ Petition concerning the order passed by this Tribunal was heard today by the Hon'ble High Bombay High Court Bench at Aurangabad and order of status quo is passed.

3. Shri S.B. Talekar, learned Special Counsel for Miscellaneous Applicants/ respondent Nos. 1 & 2 in O.A. seeks time to take instructions in this regard. At his request, S.O. to 14th March, 2014.

VICE CHAIRMAN

ORAL ORDERS 10.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 99 OF 2017

**(Shri Rajendra Piraji Bagade Vs. the State of Maharashtra &
Others)**

**CORAM : HON'BLE JUSTICE SHRI M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.03. 2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh – learned advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. On instructions, the learned Advocate for the applicant seeks permission of this Tribunal to withdraw the present Original Application. He has filed withdrawal pursis signed by the applicant in this regard and the same is taken on record and marked as document 'X' for identification purpose.
3. Permission granted. Withdrawal is allowed. Accordingly, the present Original Application stands disposed of as withdrawn with no order as to costs.

VICE CHAIRMAN

ORAL ORDERS 10.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 162 OF 2017

**(Shri Shaikh Anis Ayub Vs. the State of Maharashtra &
Others)**

**CORAM : HON'BLE JUSTICE SHRI M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.03. 2017.

ORAL ORDER:

1. Heard Shri M.R. Kulkarni – learned advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. On instructions, the learned Advocate for the applicant seeks permission of this Tribunal to withdraw the present Original Application. He has filed withdrawal pursis signed by the applicant in this regard and the same is taken on record and marked as document 'X' for identification purpose. He further submitted that the subsequent Original Application, which has already been filed by the applicant for direction to revoke the suspension order be heard in due course of time.

3. Permission granted. Withdrawal is allowed. Accordingly, the present Original Application stands disposed of as withdrawn

4. The subsequent Original Application filed by the present applicant for direction to revoke the suspension order be heard in due course of time.

5. There shall be no order as to costs.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 419 OF 2012

**(Shri ANilkumar Yashwantaro Baste Vs. the State of
Maharashtra & Others)**

**CORAM : HON'BLE JUSTICE SHRI M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.03. 2017.

ORAL ORDER:

1. Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande – learned advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 30th March, 2017.

VICE CHAIRMAN

ORAL ORDERS 10.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 557 OF 2016

**(Smt. Varsha Bhagwat Patil Vs. the State of Maharashtra &
Others)**

**CORAM : HON'BLE JUSTICE SHRI M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.03. 2017.

ORAL ORDER:

1. Shri S.S. Kulkarni – learned advocate for the applicant (**absent**). Shri S.K. Shirase – learned Presenting Officer for the respondent Nos. 2 to 5, present. Shri Ajay Talhar – learned Advocate for respondent No. 1 (**absent**).

2. It transpires from the record that nobody has appeared for the applicant on the last date. However, today also none appeared for the applicant.

3. In view thereof, S.O. to 5th April, 2017 for passing necessary orders.

VICE CHAIRMAN

ORAL ORDERS 10.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 495 OF 2016

**(Shri Rajenna Lachmanna Nagarthwar Vs. the State of
Maharashtra & Others)**

**CORAM : HON'BLE JUSTICE SHRI M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.03. 2017.

ORAL ORDER:

1. Shri P.R. Rakhunde – learned advocate for the applicant (**absent**). Shri D.R. Patil – learned Presenting Officer for the respondents, present.

2. It transpires from the record that nobody is appearing for the applicant for last five dates. However, today also none appeared for the applicant.

3. The issue of transfer is agitated in the present Original Application. The present Original Application has been filed by the applicant in this Tribunal on 21.06.2010. No interim relief was granted.

4. The learned Presenting Officer submitted that the transfer order of the present applicant is already effected.

5. The present Original Application is, therefore, dismissed in default. There shall be no order as to costs.

VICE CHAIRMAN

ORAL ORDERS 10.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 759 OF 2015

**(Shri Yogesh Dilip Netkar Vs. the State of Maharashtra &
Others)**

**CORAM : HON'BLE JUSTICE SHRI M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.03. 2017.

ORAL ORDER:

1. Heard Shri Yogesh B. Bolkar – learned advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 30th March, 2017.

VICE CHAIRMAN

ORAL ORDERS 10.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 623 OF 2015

**(Shri Premsing Poma Rathod Vs. the State of Maharashtra &
Others)**

**CORAM : HON'BLE JUSTICE SHRI M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.03. 2017.

ORAL ORDER:

1. Heard Shri Kakasaheb B. Jadhav – learned advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 30th March, 2017.

VICE CHAIRMAN

ORAL ORDERS 10.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A. 103/17 WITH M.A.94/17 IN O.A. 473/16

**(Dr. Deelip S/o Dnyanoba Gurme Vs. the State of Maharashtra
& Others)**

**CORAM : HON'BLE JUSTICE SHRI M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.03. 2017.

ORAL ORDER:

1. Heard Shri S.D. Joshi – learned advocate for the applicant, Shri V.B. Wagh – learned advocate for respondent No. 1 and Shri D.R. Patil – learned Presenting Officer for respondent Nos. 2 to 4. None appears for respondent No. 5.

2. This Miscellaneous Application No. 103/2017 has been filed by the applicant viz. Dr. Deelip Dnyanoba Gurme, for intervention in O.A.

3. Perused the application. Considered the contentions. For the reasons stated in the Present Miscellaneous, the same is allowed in terms of prayer clause 'A'. The applicant shall add the present applicant in the O.A. as respondent No. 5.

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

VICE CHAIRMAN

ORAL ORDERS 10.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.94/17 IN O.A. 473/16

**(Dr. Govind Kishanrao Reddy Vs. the State of Maharashtra &
Others)**

**CORAM : HON'BLE JUSTICE SHRI M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.03. 2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh – learned advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for respondent Nos. 1 to 3. None appears for respondent No. 4.

2. This Miscellaneous Application No. 94/2017 has been filed by the applicant viz. Dr. Govind Kishanrao Reddy, seeking permission of this Tribunal to amend the Original Application No. 473/2016.

3. Perused the application. Considered the contentions. For the reasons stated in the Present Miscellaneous, the same is allowed. The applicant shall carry out the necessary amendment forthwith.

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

VICE CHAIRMAN

ORAL ORDERS 10.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 473 OF 2016

**(Dr. Govind Kishanrao Reddy Vs. the State of Maharashtra &
Others)**

**CORAM : HON'BLE JUSTICE SHRI M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.03. 2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh – learned advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for respondent Nos. 1 to 3 and Shri S.D. Joshi – learned Advocate for proposed respondent No. 5. None appears for respondent No. 4.

2. S.O. to 23.03.2017. Interim relief, if any to continue till then.

VICE CHAIRMAN

ORAL ORDERS 10.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 187/2016 IN O.A.NO. 306/2016

**(Smt. Godawaribai B. Gajbhare Vs. the State of Maharashtra &
Others)**

**CORAM : HON'BLE JUSTICE SHRI M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.03. 2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh – learned advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.

2. Affidavit in reply filed by respondent Nos. 1 to 3 dated 7th September, 2016 would show that the respondents were considering the demand of the applicant's deceased husband for deem date. However for that purpose the documents sought by the respondents from Directorate of Skill Development, Employment and Entrepreneurship are still awaited.

3. In the circumstances, the learned Presenting Officer is directed to take instructions regarding progress in the matter from the concerned respondents.

4. S.O. to 12th April, 2017.

5. The learned Presenting Officer to act upon the steno copy of this order.

VICE CHAIRMAN

ORAL ORDERS 10.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 142/2016 IN O.A.ST.NO. 473/2016

**(Mohammad Rahimullha Khan Vs. the State of Maharashtra &
Others)**

**CORAM : HON'BLE JUSTICE SHRI M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.03. 2017.

ORAL ORDER:

1. Heard Shri Kakasaheb B. Jadhav – learned advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 6th April, 2017.

VICE CHAIRMAN

ORAL ORDERS 10.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A. 114/15 WITH M.A.ST.376/15 IN O.A.ST. 377/2015

**(Shri Sheikh Jeelani Mahaboob Vs. the State of Maharashtra
& Others)**

**CORAM : HON'BLE JUSTICE SHRI M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.03. 2017.

ORAL ORDER:

1. Heard Shri Sandeep G. Kulkarni, learned Advocate holding for Shri S.D. Dhongde – learned advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 5th April, 2017 for hearing.

VICE CHAIRMAN

ORAL ORDERS 10.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 35 OF 2017

**(Shri Rajendra Shankar Raising Vs. the State of Maharashtra
& Others)**

**CORAM : HON'BLE JUSTICE SHRI M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.03. 2017.

ORAL ORDER:

1. Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande – learned advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

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

3. At the request and by consent of both the parties, S.O. to 23rd March, 2017 for hearing.

VICE CHAIRMAN

ORAL ORDERS 10.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 154 OF 2016

**(Shri Abhijeet Tulshiram Shinde Rajendra Shankar Raising
Vs. the State of Maharashtra & Others)**

**CORAM : HON'BLE JUSTICE SHRI M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.03. 2017.

ORAL ORDER:

1. Heard Shri Shamsundar B. 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. Upon hearing of both the parties, it appears that order of the Joint Secretary dated 30th December, 2015, a copy of which is filed on record at Annexure 'A-4' page-24 of the paper book, is passed under mistaken belief that certain transfer from one post to another post is required. It is to be noted that the Government Resolution dated 11th October, 1994 (Annexure 'A-6' page-26 of the paper book), would show that upon fulfilling of certain conditions the post of Statistical Assistant and Senior Clerk would stand amalgamated w.e.f. 26th July, 1987.

3. The issue, therefore, would be as to whether the condition of Government Resolution is fulfilled or not? The said Government Resolution is referred by the applicant in his representation including representation dated 25th November, 2015 (page-19 of the paper book).

4. The respondents are, therefore, directed to consider all these facts and take a decision afresh.

5. The necessary decision in this regard may be taken within a period of six weeks and the copy of the same be filed in this Tribunal.

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O.A. NO. 154 OF 2016

6. S.O. to 26th April, 2017.
7. The learned Presenting Officer to act upon the steno copy of this order.

VICE CHAIRMAN

ORAL ORDERS 10.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 699 OF 2016

**(Shri Jagdish Deoram Patil Vs. the State of Maharashtra &
Others)**

**CORAM : HON'BLE JUSTICE SHRI M.T. JOSHI,
VICE CHAIRMAN**

DATE : 10.03. 2017.

ORAL ORDER:

1. Heard Shri S.D. Joshi – learned advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. The applicant has challenged the order of his suspension from the post of Police Patil dated 20th August, 2016. During the pendency of the present O.A., a copy of charge-sheet was served upon the present applicant. However, till today even Enquiry Officer is not appointed.

3. Learned Presenting Officer submits that in view of the direction given by this Tribunal by its order dated 14.2.2014, now the steps are being taken. Enquiry Officer would be appointed within a period of 10 days and the enquiry officer would be requested to conclude the enquiry expeditiously. Considering the fact that the present applicant was suspended on 20th August, 2016 (Annexure 'A-1' page-10 of the paper book), the following order would meet the ends of justice.

ORDER

(i) The applicant is directed to cooperate in the enquiry that would be held against him. The respondents are directed to expedite the hearing in the departmental enquiry.

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O.A. NO. 699 OF 2016

(ii) In case, the departmental enquiry would not be completed / concluded within a period of four months from the date of this order, without any attempt to delay the same on the part of the present applicant, the suspension order of the present applicant shall stand revoked.

(iii) With these directions the present Original Application is disposed of with no order as to costs.

(iv) Learned Presenting Officer act upon the steno copy of this order.

VICE CHAIRMAN

ORAL ORDERS 10.03.2017- HDD(SB)

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

MA NO.104/2017 IN OA ST.NO.233/2017

(Shri G. B. Shelke & Ors. Vs. State of Mah.& Ors.)

CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI, VICE CHAIRMAN.

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

DATE : 10.03.2017.

ORAL ORDER:-

Heard Miss Vanita Panpatil learned Advocate holding for Shri S. B. Talekar, learned Advocate for the applicants and Shri M. S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. There cannot be any common issue between the applicants and the respondents regarding the promotion, in the circumstances, the case will have been screen differently. The application is therefore, dismissed.

3. Liberty to file separate original applications is hereby granted.

VICE CHAIRMAN.

ORAL ORDERS1 0-03-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,

BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO. 576/2015.

(Shri C. M. Mahajan Vs. State of Mah.& Ors.)

CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI, VICE CHAIRMAN.

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

DATE : 10.03.2017.

ORAL ORDER:-

None present for the applicant. Shri I. S. Thorat, learned Presenting Officer for the Respondents no.1 & 2 and Shri Vivek Bhavthankar, learned Special Counsel for the Respondent no.3.

2. Learned P.O. seeks time to file affidavit in reply. Time granted. At his request, S.O. to 12.4.2017.

VICE CHAIRMAN.

ORAL ORDERS1 0-03-2017-ATP

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

ORIGINAL APPLICATION NO. 811/2016.

(Shri S. S. Vighe Vs. State of Mah.& Ors.)

CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI, VICE CHAIRMAN.

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

DATE : 10.03.2017.

ORAL ORDER:-

Heard Shri R. V. Gore, learned Advocate for the applicant and Smt P. R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned P.O. files affidavit in reply on behalf of Respondents no.1 & 2. The same is taken on record. Its copy is supplied to the learned Advocate for the applicant.

3. Place for hearing on 5.4.2017.

VICE CHAIRMAN.

ORAL ORDERS1 0-03-2017-ATP

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

ORIGINAL APPLICATION NO. 831/2016.

(Shri Pathan Hares Khan Vs. State of Mah.& Ors.)

CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI, VICE CHAIRMAN.

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

DATE : 10.03.2017.

ORAL ORDER:-

Heard Miss Vanita Panpatil, learned Advocate holding for Shri S. B. Talekar, learned Advocate for the applicant and Shri D. R. Patil, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time. Time granted as a last chance.

3. S.O. to 17.3.2017.

VICE CHAIRMAN.

ORAL ORDERS1 0-03-2017-ATP

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

ORIGINAL APPLICATION NO. 18/2017.

(Smt Ranjana S. Kamble Vs. State of Mah.& Ors.)

CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI, VICE CHAIRMAN.

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

DATE : 10.03.2017.

ORAL ORDER:-

Heard Shri S. B. Gastgar, learned Advocate for the applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. At the request of the learned C.P.O. , S.O. to 25.3.2017.

VICE CHAIRMAN.

ORAL ORDERS1 0-03-2017-ATP

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

ORIGINAL APPLICATION NO.64/2017.

(Dr. Shehal I. Nagre Vs. State of Mah.& Ors.)

CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI, VICE CHAIRMAN.

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

DATE : 10.03.2017.

ORAL ORDER:-

Heard Shri J. G. Toshniwal, learned Advocate for the applicant, Shri M. S. Mahajan, learned Chief Presenting Officer for the Respondents no.1 to 4 and Shri D. M. Shinde, learned Advocate for the Respondent no.5.

2. Learned Advocate for the Respondent no.5 files affidavit in reply. The same is taken on record. Its copy is served on the other side.

3. At the request of the learned C.P.O., S.O. to 23.3.2017.

VICE CHAIRMAN.

ORAL ORDERS1 0-03-2017-ATP

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

ORIGINAL APPLICATION NO. 836/2016.

(Dr. Vithal S. Karad Vs. State of Mah.& Ors.)

CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI, VICE CHAIRMAN.

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

DATE : 10.03.2017.

ORAL ORDER:-

Heard Shri Ashish Rajkar, learned Advocate for the applicant and Smt P. R. Bharaswadkar, learned Presenting Officer for the Respondents. None present for the Respondent no.3.

2. Learned P.O. files the copy of communication received to her from the Respondent no.4, as directed earlier by order dated 7.2.2017. The same is accepted on record.

3. Learned Advocate for the applicant submits that, in view of the communication that the Departmental Enquiry would be concluded within a period of six months. The said undertaking be accepted and the application may be disposed. Accordingly, subject to the condition that, the applicant to cooperate the conclusion of the Departmental Enquiry, the undertaking is accepted.

4. The Original Application is therefore, disposed of, without any order as to the costs.

VICE CHAIRMAN.

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

MA NO.259/14 IN OA ST.NO.734/14.

(Dr. V. S. Karad Vs. State of Mah.& Ors.)

CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI, VICE CHAIRMAN.

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

DATE : 10.03.2017.

ORAL ORDER:-

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

2. Delay of 147 days is sought to be condoned by the applicant. The issue is regarding the promotion. For the reasons stated in the application the delay is condoned. The Misc. Application is allowed and disposed of, without any order as to costs.

VICE CHAIRMAN.

ORAL ORDERS1 0-03-2017-ATP

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

ORIGINAL APPLICATION ST.NO.734/14.

(Dr. V. S. Karad Vs. State of Mah.& Ors.)

CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI, VICE CHAIRMAN.

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

DATE : 10.03.2017.

ORAL ORDER:-

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

2. Issue notice to the respondents, returnable on 27.4.2017.

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.

-2- **ORIGINAL APPLICATION S. NO.734/2014.**

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 27.4.2017.

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

VICE CHAIRMAN.

ORAL ORDERS1 0-03-2017-ATP

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

MA NO.369/16 IN OA NO.225/12.

(Shri E. M. Kongalwar Vs. State of Mah.& Ors.)

CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI, VICE CHAIRMAN.

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

DATE : 10.03.2017.

ORAL ORDER:-

None present for the applicant. Smt R. S. Deshmukh, learned Presenting Officer for the Respondents is present.

2. The earlier orders after order show that, none appeared for the applicant. In the circumstances, S.O. to 16.3.2017 either for hearing or for passing necessary orders of dismissing the application in default.

VICE CHAIRMAN.

ORAL ORDERS1 0-03-2017-ATP

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

MA NO.446/2016 IN CP ST.1979/16 IN OA 227/15.
(Shri K. B. Pawar Vs. State of Mah.& Ors.)

CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI, VICE CHAIRMAN.
(This matter is placed before Single Bench due
to non-availability of Division Bench)

DATE : 10.03.2017.

ORAL ORDER:-

Heard Shri V. B. Wagh, learned Advocate for the
applicant and Smt P. R. Bharaswadkar, learned Presenting
Officer for the Respondents is present.

2. At the request of the learned P.O., S.O. to 31.3.2017.

VICE CHAIRMAN.

ORAL ORDERS1 0-03-2017-ATP

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

MA NO.238/26 IN OA ST.NO.993/2016.

(Shri P. A. Kathar Vs. State of Mah.& Ors.)

CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI, VICE CHAIRMAN.

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

DATE : 10.03.2017.

ORAL ORDER:-

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

2. During hearing it was pointed out that, though in the application the applicant at para no.2 pleaded about the representations, the learned P.O. countered that, no such representations were received. In the circumstances, learned Advocate for the applicant seeks time to file copies and / or acknowledgment of those representations. At his request, S.O. to 30.3.2017. Copies of acknowledgment, if any, be supplied to the respondents.

VICE CHAIRMAN.

ORAL ORDERS1 0-03-2017-ATP

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

M.A. NO. 323/15 IN CP ST.1048/15 IN OA 581/14.

(Shri S. T. Satpute Vs. State of Mah.& Ors.)

CORAM : HON'BLE SHRI JUSTICE M.T. JOSHI, VICE CHAIRMAN.

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

DATE : 10.03.2017.

ORAL ORDER:-

Heard Shri A. D. Sugdare, learned Advocate for the applicant and Shri N. U. Yadav, learned Presenting Officer for the Respondents is present.

2. The applicant is seeking permission to file contempt proceeding against the Respondents no.1 to 4 on the ground that, the direction of this Tribunal in O.A.No.581/2014 dated 26.2.2015 to take decision on the representation of the applicant dated 25.9.2014 as regard the grant of interest on the delayed payment, if any, and also to take consequent action, decide who is at fault in making delayed payment is not complied with.

3. It appears that, during the pendency of the present application a Committee was appointed by the Respondents and the interest on delayed payment of pensionary benefit except D.C.R.G. , Gratuity was taken. Accordingly, interest of Rs.1,56,176/- was paid by the cheque.

4. So far as the interest on the delayed payment of D.C.R.G. is concerned, the Committee has rejected the said claim. It is pleaded by the Respondents that, as per the due procedure the sanction to pay the amount was received from A.G. Nagpur on 2.8.2011 the bill of Rs.3,97,800/- was even passed by the Treasury. However, the dispute remained regarding the payment of license fee of the Govt. Quarter which was occupied by the applicant while he was earlier posted at I.T.I. Palam He retired while serving with I.T.I. Latur. As the said amount of license fee was not paid and the no dues certificate of the concerned Department was not placed, the payment was withheld. Thereafter, the applicant submitted no dues certificate on 10.1.2012 and therefore, the cheque towards the gratuity was issued to him on 16.2.2012. As the applicant himself was responsible for the delay, the Committee held that, no interest is payable.

5. Number of submissions were advanced before me. The learned P.O. submit that, he is not advancing the argument that the representation is decided and therefore, there is no need to grant permission to file contempt proceeding. He points towards the documents at Exh.R-2 (page nos.43 & 44).

This document would show that, while the applicant was posted at I.T.I. Palam he had occupied a Quarter of Jaikwadi Irrigation Colony at Palam. The letter dated 1.10.2010 would show that, the due amount of Rs.28,588 was not deposited by the applicant. As the present controlling authority at Latur was aware only of the dispute and not of the exact amount, no decision could have been taken regarding the deduction from the payment of gratuity. It was for the applicant to place no dues certificate. As the applicant failed for the same the Committee has rightly decided that no interest on delayed payment is due.

6. Shri A. G. Sugdare, learned Advocate for the applicant submits that, Rules 132 & 133 of the M.C.S.R. (extract at Exh.R-1) would show that, head of the office has to calculate the amount and has to deduct the same from the payment. He therefore, submit that the decision of the Committee is wrong and therefore, the permission to file contempt proceeding may be granted.

7. Upon hearing both the sides in my view the case of the respondents cannot be faulted with. The applicant was earlier working with I.T.I. Palam. Thereafter, lastly he was posted at Latur. The head of the office at Latur therefore,

had no occasion to calculate the amount. The letter at Exh.R-2 would show that, Principal of I.T.I. Palam had sent a letter to the Principal of I.T.I. Mukhed, Dist. Nanded on 1.10.2010 regarding the amount to be recovered. In the circumstances, Principal I.T.I. Latur i.e. Respondent no.4 could not be said to be aware of the said letter. Even otherwise the letter would show that, besides the license fee of Rs.28,588/- the dispute about the payment of electricity bill was also to be resolved by the applicant (page no.44). In that view of the matter, I do not find it expediate to grant permission to file contempt petition. Application is therefore, dismissed, without any order as to costs.

VICE CHAIRMAN.

