

MA 27/2016 IN OA ST. 80/2016

{Shri Mahadu S. Bangale Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 12.1.2017

Oral Order :-

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

2. The learned P.O. has filed affidavit in reply on behalf of res. No. 4 in the M.A. It 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 he will go through the affidavit in reply filed by res. No. 4 and if necessary he will file affidavit in rejoinder of the applicant. He seeks time therefor. Time granted.

4. S.O. to 17.2.2017.

MEMBER (J)

ARJ 12.1.2017

MA 300/2016 IN OA ST. 1259/2016

{Shri Kailas D. Patil Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 12.1.2017

Oral Order :-

1. Heard Shri A.D. Sugdare, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply. Time granted.
3. S.O. to 6.2.2017.

MEMBER (J)

ARJ 12.1.2017

MA 515/2015 IN OA 243/2015

{Shri Pandurang N. Solunke Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 12.1.2017

Oral Order :-

1. None appears for the applicant. Shri D.R. Patil, learned Presenting Officer for the respondents, is present.
2. The learned P.O. seeks time to file affidavit in reply. Time grnted.
3. S.O. to 20.2.2017.

MEMBER (J)

ARJ 12.1.2017

ORIGINAL APPLICATION NO. 601 OF 2015

{Shri Shrimant M. Ture Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 12.1.2017

Oral Order :-

1. Heard Shri Avinash Deshmukh, learned Advocate holding for Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Shri Avinash Deshmukh, learned Advocate submits that he wants to submit some documents, which are necessary for adjudication of the issue involved in this O.A. He also seeks permission of this Tribunal to amend the prayer clause of the present O.A. as the applicant wants to claim a specific pay scale. He undertakes to complete the above exercise within a period of one week. Leave as sought for by the learned Advocate for the applicant is granted.

3. The respondents are at liberty to file short affidavit in reply to the amended portion of the O.A.

4. S.O. to 19.1.2017 for production of necessary documents along with short affidavit of the applicant and for amending the prayer clause.

MEMBER (J)

ORIGINAL APPLICATION NO. 81 OF 2016

{Sakhubai S. Kukade Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 12.1.2017

Oral Order :-

1. Heard Shri K.G. Salunke, 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 15.2.2017 for final hearing.

MEMBER (J)

ARJ 12.1.2017

ORIGINAL APPLICATION NO. 645 OF 2016

{Shri Sunil R. Barse Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 12.1.2017

Oral Order :-

1. Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. In the order dated 22.12.2016 it was specifically observed by this Tribunal that the respondents may file affidavit in reply to the rejoinder filed by the applicant on or before the next date i. e. today and in case no such affidavit in reply is filed, the matter will be considered on merits.

3. Today, the learned Presenting Officer has placed on record copy of one communication received from the respondents dated 12.1.2017 from which it seems that the proposal for revocation of the applicant has been sent to the Law & Judiciary Department for its opinion and appropriate decision in the said matter will be taken within a period of one months after receipt of such a opinion from the Law & Judiciary Department.

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O.A. NO. 645 OF 2016

4. The fact is clear that the respondents have not filed reply as directed by this Tribunal vide order dated 22.12.2016. In view thereof, it is clear that matter is necessary to be heard on merits.

5. Hence, S.O. to 13.1.2017 for hearing on merits.

MEMBER (J)

ARJ 12.1.2017

MA 15/2017 IN OA 658/2016
MA 14/2017 IN OA 659/2016
MA 16/2017 IN OA 660/2016
MA 17/2017 IN OA 693/2016
MA 18/2017 IN OA 721/2016

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 12.1.2017

Oral Order :-

1. Heard Shri S.B. Talekar, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicants in all these matters and Shri M.S. Mahajan, learned Chief Presenting Officer, Smt. Priya R. Bharaswadkar & Shri I.S. Thorat, learned Presenting Officers for the respective respondents in respective matters.
2. By consent of both the sides, S.O. to 13.2.2017.

MEMBER (J)

ARJ 12.1.2017

ORIGINAL APPLICATION NO. 329 OF 2016

{Shri Zakeriya M. Khan Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 12.1.2017

Oral Order :-

1. Heard Shri Ashish B. Rajkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. In the present original application the applicant is claiming a direction to the respondents to refund the amount, which has been recovered in pursuance of the impugned communications dated 12.5.2015 & 11.6.2015.
3. Short affidavit in reply has been filed on behalf of res. no. 3 and it has been mentioned therein that the amount already recovered from the applicant has now been refunded to him. A receipt in that regard is also placed on record along with the said short affidavit, which is at paper book page 78.
4. Today, the learned Advocate for the applicant has placed on record a copy of one communication dated 10.11.2016, which is taken on record and marked as document 'X' for the purpose of identification. It seems from

the said document that the claim of the applicant has already been redressed by the respondents and nothing survives in the present O.A. for further adjudication.

5. In view thereof, the original application stands disposed of. There shall be no order as to costs.

MEMBER (J)

ARJ 12.1.2017

ORIGINAL APPLICATION NO. 19 OF 2016

{Dr. Bhausahab A. Daule Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 12.1.2017

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The learned Presenting Officer has placed on record the copy of the order dated 28.11.2016, from which it seems that the applicant's transfer to Jamthi, Dist. Jalgaon has been cancelled and now he is posted at Walavane, Tq. Parner, Dist. Ahmednagar. The copy of the said order dated 28.11.2016 is taken on record and marked as document 'X' for the purpose of identification.

3. In view thereof, the original application has been disposed of as the impugned transfer order has been cancelled. There shall be no order as to costs.

MEMBER (J)

ARJ 12.1.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 858 OF 2016

[Shri Sunil L. Jadhav&Anr. Vs. The State of Maharashtra & Others.]

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

DATE : 12.01. 2017.

ORAL ORDER:

Heard Shri S.D. Dhongde – learned Advocate for the Applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for respondents.

2. The learned Chief Presenting Officer states as follows: -

That he has received instructions from the respondents to seek two weeks' adjournment for filing affidavit in reply.

3. It is seen that the amended copy of the Original Application was delivered to the respondents on 28.11.2016. It is not known as to why further time needs to be granted.

4. At this stage, learned Chief Presenting Officer states that at least by way of last chance time may be granted for filing affidavit in reply.

5. Time granted as prayed for.

6. S.O. to 27th January, 2017.

7. Steno copy is allowed for the use of learned C.P.O.

CHAIRMAN

ORAL ORDERS 12.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 10/2017 IN C.P.ST.38/2017 IN O.A. 402/2016
[ShriJagannath S/o DeoraoPawar Vs.The State of Maharashtra &
Others.]**

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

DATE : 12.01. 2017.

ORAL ORDER:

Heard Shri M.P. Tripathi – learned Advocate for the Applicant and Smt. SanjivaniDeshmukh-Ghate – learned Presenting Officer for respondents.

2. In the midst of hearing, the learned Advocate for the applicant states that though notices were delivered to the contemnors on 19th December, 2016, the notices did not contain any time limit.

3. Moreover, this application is filed within a period of 10 days from the delivery of the said notices. Therefore, the applicant would like to give fresh notices and wait for four weeks' time and if order is not complied with he will file fresh contempt petition.

4. In view of the above, he prays leave of this Tribunal to withdraw the present M.A. No. 10/2017 & C.P. St. No. 38/2017 with liberty to file fresh application seeking permission to file contempt petition.

5. In view of the aforesaid submission made by the leaned Advocate for the applicant, permission is granted.

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**M.A.NO. 10/2017 IN C.P.ST.38/2017
IN O.A. 402/2016**

6. Accordingly, the M.A. No. 10/2017 & C.P. St. No. 38/2017 stand disposed of as withdrawn with liberty to file fresh application, in the event, in spite of service of notice, the order in question is not complied with.

CHAIRMAN

ORAL ORDERS 12.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 199/2015 IN O.A.ST.NO. 780/2015

[ShriDevendra S. Jade Vs.The State of Maharashtra & Others.]

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

DATE : 12.01. 2017.

ORAL ORDER:

Heard Shri Y.B. Bolkar – learned Advocate for the Applicant and
Shri S.K. Shirase – learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to
tomorrow i.e. 13th January, 2017.

CHAIRMAN

ORAL ORDERS 12.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 481/2016 IN O.A.ST.NO. 1995/2016
[Aruna V. Shinde Vs.The State of Maharashtra & Others.]**

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

DATE : 12.01. 2017.

ORAL ORDER:

Heard Smt. M.G. Kasturkar, learned Advocate holding for Smt. M.A. Kulkarni – learned Advocate for the Applicant and Shri D.R. Patil – learned Presenting Officer for respondents.

2. Issue common notices to the respondents in M.A. & O.A., returnable on 10th March, 2017.

3. Tribunal may take the case/s 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 M.A. & 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.

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**M.A.NO. 481/2016 IN
O.A.ST.NO. 1995/2016**

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 10th March, 2017.
8. Steno copy and hamdust is allowed to both the parties.

CHAIRMAN

ORAL ORDERS 12.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 432/2015 IN O.A.NO. 218/2015

[Kalpeshkumar M. Sharma Vs.The State of Maharashtra & Others.]

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

DATE : 12.01. 2017.

ORAL ORDER:

Heard ShriZahed Ali, learned Advocate holding for ShriGajananKadam – learned Advocate for the Applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 27th January, 2017.

CHAIRMAN

ORAL ORDERS 12.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 540/2015 IN O.A.NOS. 1143 & 842 BOTH OF 1999
[Smt. Shobhabai P. Dawane&Anr. Vs. The State of Maharashtra &
Others.]**

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

DATE : 12.01. 2017.

ORAL ORDER:

Heard Shri D.G. Kamble – learned Advocate for the Applicants
and Shri V.R. Bhumkar – learned Presenting Officer for respondents.

2. The present M.A. No. 540/2015 is allowed to the extent of
applicant No. 1 only i.e. Smt. Shobhabai P. Dawane. The amount of Rs.
5,000/- (Rs. Five thousand only) along with accruals proportionate to
amount payable to her, be paid. The payment be made by transfer of
amount to the Account of Smt. Shobhabai P. Dawane.

3. Applicant No. 3 shall be free to file separate application.

4. In view thereof, the present M.A. No. 540/2015 stands disposed
of with no order as to costs.

CHAIRMAN

ORAL ORDERS 12.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 609 OF 2012

[Dr. Arun P. Deshpande & Anr. Vs. The State of Maharashtra & Others.]

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

DATE : 12.01.2017.

ORAL ORDER:

Shri S.V. Natu – learned Advocate for the Applicants (**absent**).
Shri D.R. Patil – learned Presenting Officer for respondents, present.

2. The office is directed that this matter shall not be placed before the Bench to which Hon'ble Shri Justice A.H. Joshi, Chairman, is a Member.

CHAIRMAN

ORAL ORDERS 12.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 108 OF 2014

[Shah DilipUsman& Others Vs.The State of Maharashtra & Others.]

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

DATE : 12.01. 2017.

ORAL ORDER:

Heard Shri A.S. Deshmukh – learned Advocate for the Applicants and Smt. SanjivaniDeshmukh-Ghate – learned Presenting Officer for respondents.

2. This matter be placed before the Division Bench as and when it is available.

CHAIRMAN

ORAL ORDERS 12.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 576 OF 2015

[Chakresh M. Mahajan Vs.The State of Maharashtra & Others.]

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

DATE : 12.01. 2017.

ORAL ORDER:

Shri S.D. Kotkar – learned Advocate for the Applicant (**absent**).
Shri I.S. Thorat – learned Presenting Officer for respondent No. 1 and
ShriSharad S. Shinde, learned Advocate holding for
ShriVivekBhavthankar – learned Advocate for respondent Nos. 2 & 3,
were present.

2. Since nobody is appeared for the applicant, S.O. to 10th March,
2017.

CHAIRMAN

ORAL ORDERS 12.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 783 OF 2015

**[Minal d/o DeelipDEshmukh&Ors. Vs. The State of Maharashtra &
Others.]**

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

DATE : 12.01. 2017.

ORAL ORDER:

ShriMangesh R. Jadhav – learned Advocate for the Applicants
(**absent**). Shri S.K. Shirase – learned Presenting Officer for respondents,
present.

2. The learned Advocate for the applicant states that he had
wrongly recorded the date of hearing as '23.01.2017' instead of
'12.01.2017' and, therefore, requests that this case be listed on the
board of 23.01.2017.

3. Request granted.

4. S.O. to 23rd January, 2017.

CHAIRMAN

ORAL ORDERS 12.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 13/2017 IN O.A.NO. 928/2017

[GovindJaibaji Dhole Vs.The State of Maharashtra & Others.]

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

DATE : 12.01. 2017.

ORAL ORDER:

Heard Shri S.D. Dhongde – learned Advocate for the Applicant.
Shri M.S. Mahajan – learned Chief Presenting Officer for respondent
Nos. 1 & 2 and Shri P.S. Paranjape – learned Advocate for respondent
No. 3.

2. The learned Advocate for the applicant has requested for
circulating contempt application.

3. Circulation is granted for tomorrow.

4. Let this application and M.A. come up for tomorrow.

5. The learned Advocate for respondent No. 3 seeks two weeks' time
to file reply to the O.A. His request will be considered by tomorrow.

CHAIRMAN

ORAL ORDERS 12.01.2017-HDD(DB)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.18/2017.
(Smt. R.S. Kamble Vs. State of Mah.&Ors.)

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

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

DATE:12.01.2017.

ORAL ORDER

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

2. Issue notices to the respondents, returnable on 15.2.2017.
3. The 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 all respondents, intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.
5. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date.

8. Applicant is directed to file Affidavit of compliance and notice.

9. Affidavit in reply be filed before due date, if they wish to do so.

10. S.O. to 15.2.107.

11. Hamdast and Steno Copy allowed.

CHAIRMAN.

ORAL ORDERS 12.01.2017-ATP(c)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

OA NO.245/16 with MA Nos.11/2017 & 12/2017.
(S. P. Dhargar Vs. State of Mah.&Ors.)

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

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

DATE:12.01.2017.

ORAL ORDER

Heard Shri K. B. Jadhav, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents no.1 to 4 and Shri B. P. Thakrel holding for Shri S.R. Patil, learned Advocate for the Respondent no.5.

2. Issue common notice to the respondents in MA No.11/2017 and 12/2017, returnable on 15.2.2017.

3. The 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 all respondents, intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988,

-2- OA NO.245/16 with MA Nos.11/2017 & 12/2017.

and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date.

8. Applicant is directed to file Affidavit of compliance and notice.

9. Affidavit in reply be filed before due date, if they wish to do so.

10. S.O. to 15.2.107.

11. Hamdast and Steno Copy allowed.

CHAIRMAN.

ORAL ORDERS 12.01.2017-ATP(c)

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

ORIGINAL APPLICATION NO.25/2017.
(F. H. Tamboli Vs. State of Mah.&Ors.)

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

DATE:12.01.2017.

ORAL ORDER

Heard Shri K. N. Farooqui, learned Advocate holding for Shri N. L. Jadhav, learned Advocate for the applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the applicant adjourned to tomorrow.

3. S.O.to 13.1.2017.

CHAIRMAN.

ORAL ORDERS 12.01.2017-ATP(c)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.570/2016.
(K. P. Jaybhaye Vs. State of Mah.&Ors.)

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

DATE:12.01.2017.

ORAL ORDER

Heard ShriP. B. Rakhunde, learned Advocate for the applicantandShri I. S. Thorat, learned Presenting Officer for the Respondents.

2. Learned P.O. has received information in the form of a letter requesting for grant of time to decide applicant's representation. Learned P.O. prays for time for filing reply.

3. S.O. to 24.3.2017.

ORAL ORDERS 12.01.2017-ATP(c)

CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.599/2016.
(Sunita R. Bahiram Vs. State of Mah.&Ors.)

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

DATE:12.01.2017.

ORAL ORDER

Heard Shri D.J. Patil, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the Respondents no.1, 2 & 4 and Shri Sharad Shinde, learned Advocate holding for Shri Vivek Bhavthankar, learned Special Counsel for the Respondent no.3.

2. Learned Advocate Shri Sharad Shinde states as follows :-
 - a) Order dated 3.1.2013 was communicated to the Respondent no.3 on E-mail.
 - b) Learned Advocate for the applicant has received a telephonic message from Respondent no.3 that permission from higher authority is required for filing reply.
3. In the background of specific order by this Tribunal any delay in response is not justified. The special counsel is asked to furnish the name of the Officer holding the post of Respondent no.3. He has stated as follows :-

Shri R. S. Kadam, Chief Conservator of Forest, Dhule.

4. Officer Shri R.S. Kadam is called to show cause as to why he should not be personally saddled cost of Rs.10,000/- for

failing to file response to order passed by this Tribunal on 3.1.2017.

5. Learned Special Counsel states that let the notice be remained in abeyance till tomorrow, and he would take further instructions.

6. So to tomorrow i.e. 13.1.2017.

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

8. Steno copy and Hamdust allowed.

ORAL ORDERS 12.01.2017-ATP(c)

CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.668/2016.
(Smt. Seema S. Wani Vs. State of Mah.&Ors.)

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

DATE:12.01.2017.

ORAL ORDER

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

2. Learned Advocate for the applicant has tendered rejoinder.

It is taken on record.

3. Admit.

4. To come up for hearing in due course with liberty to mention for hearing as and when Division Bench is available.

CHAIRMAN.

ORAL ORDERS 12.01.2017-ATP(c)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.750/2016.
(J. S. Maher Vs. State of Mah.&Ors.)

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

DATE:12.01.2017.

ORAL ORDER

Heard Miss BhavnaPanpatil, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant,Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondent no.1 and Shri Sham Patil, learned Advocate for the Respondents no.2 & 3. None present for the Respondent no.4.

2. Learned C.P.O. has tendered reply. It is taken on record.
3. On perusal it is found that the reply does not deal with all points. The Officer Shri Sanjay PralhadBhargodeo is called to remain present tomorrow.
4. S.O. to 13.1.2017.
5. Learned C.P.O. is directed to communicate this order.
6. Steno copy and Hamdust allowed.

CHAIRMAN.

ORAL ORDERS 12.01.2017-ATP(c)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.811/2016.
(S. S. Vighe Vs. State of Mah.&Ors.)

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

DATE:12.01.2017.

ORAL ORDER

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

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

Para-wise remarks are received and those are not adequate for drafting of affidavit in reply and time for filing reply may be granted and prays for 4 weeks time.

3. Though 4 weeks time is prayed, 6 weeks time granted with caution that no further adjournment will be granted.

4. S.O. to 10.3.2017 for filing reply.

CHAIRMAN.

ORAL ORDERS 12.01.2017-ATP(c)

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

ORIGINAL APPLICATION NO.706/2016.
(S. A. Shejwal Vs. State of Mah.&Ors.)

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

DATE:12.01.2017.

ORAL ORDER

Heard Shri S. N. Jadhav, learned Advocate holding for Shri P. A. Kulkarni, learned Advocate for the applicant and Smt P.R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the applicant, adjourned to tomorrow i.e. 13.1.2017.

CHAIRMAN.

ORAL ORDERS 12.01.2017-ATP(c)

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

ORIGINAL APPLICATION NO.722/2016.
(K. S. Hinge Vs. State of Mah.&Ors.)

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

DATE:12.01.2017.

ORAL ORDER

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

2. At the request of the learned P.O. adjourned to tomorrow i.e. 13.1.2017.

CHAIRMAN.

ORAL ORDERS 12.01.2017-ATP©

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.769/2016.
(B.B. Wahul Vs. State of Mah.&Ors.)

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

DATE:12.01.2017.

ORAL ORDER

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

2. At the request of the learned Advocate for the applicant adjourned to tomorrow i.e. 13.1.2017.

CHAIRMAN.

ORAL ORDERS 12.01.2017-ATP(c)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.816/2016.
(Dr. Mohd. ShahirDeshmukh&Ors. Vs. State of Mah.&Ors.)

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

DATE:12.01.2017.

ORAL ORDER

Heard Shri A.V. Rakh, learned Advocate for the applicantandShri M. P. Gude, learned Presenting Officer for the Respondents.

2. At the request of the learned P.O. adjourned to tomorrow.
i.e. 13.1.2017.

CHAIRMAN.

ORAL ORDERS 12.01.2017-ATP(c)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

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

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

DATE:12.01.2017.

ORAL ORDER

Heard Smt. VidyaTaksal, learned Advocate holding for Shri A. S. Deshmukh, learned Advocate for the applicantandShri N. U. Yadav, learned Presenting Officer for the Respondents.

2. Learned P.O. states that affidavit is received from M.P.S.C. and he wants to verify whether the contents of it are satisfactory and prays for 2 weeks time.

3. Adjourned to 24.1.2017.

4. Interim relief shall continue till then.

CHAIRMAN.

ORAL ORDERS 12.01.2017-ATP(c)

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

MA NO.28/16 IN CP ST.NO.77/16 IN OA NO.71/12.
(R. H. Kulkarni&Ors. Vs. State of Mah.&Ors.)

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

DATE:12.01.2017.

ORAL ORDER

Heard Shri C.R. Thorat, learned Advocate for the applicants and Shri I. S. Thorat, learned Presenting Officer for the Respondents.

2. Learned P.O. has tendered affidavit in reply. It is taken on record.

3. At the request of the learned Advocate for the applicant adjourned to tomorrow i.e. 13.1.2017.

CHAIRMAN.

ORAL ORDERS 12.01.2017-ATP(c)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

M.A.No.259/2014 in OA St.No.734/2014.
(Dr. S. P. Bhamre Vs. State of Mah.&Ors.)

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

DATE:12.01.2017.

ORAL ORDER

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

2. Learned Advocate for the applicant prays for 4 weeks time for carrying out amendment. Granted.

3. Adjourned to 10.3.2017.

CHAIRMAN.

ORAL ORDERS 12.01.2017-ATP(c)

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

M.A.No.238/16 IN OA St.No.993/2016.
(P. A. Kathar Vs. State of Mah.&Ors.)

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

DATE:12.01.2017.

ORAL ORDER

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

2. Respondents are directed to file reply to the O.A. after considering merits of the case M.A. for condonation will be considered.

3. Adjourned to 10.3.2017.

CHAIRMAN.

ORAL ORDERS 12.01.2017-ATP(c)

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

ORIGINAL APPLICATION NO.1 OF 2017

[DattatrayaBalkrishnaPandeVs.The State of Mah.& Ors.]

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 12.01.2017

ORALORDER :

Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent no. 1, Shri V.B. Wagh, learned Advocate for respondent no. 3 and ShriShamsundarPatil, learned Advocate for respondent no. 4.

2. Today, ShriShamsundar B. Patil, learned Advocate has filed VAKILPATRA for respondent no. 2 and it is taken on record. He seeks time to file affidavit in reply on behalf of respondent no. 2. Time granted.

3. The learned Advocate for respondent no. 3 has filed affidavit in reply. It is taken on record. The copy of the same has been served upon the other side.

4. The learned Advocate for respondent no. 4 has filed affidavit in reply. It is taken on record. The copy of the same has been served upon the other side.

5. The learned C.P.O. submits that the concerned officer produced record of the transfer. However, the reply is not ready and therefore, he seeks time to file affidavit in reply on behalf of respondent no. 1. Time granted.

6. S.O. to 20.01.2017.

MEMBER (J)

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

ORIGINAL APPLICATION NO.775 OF 2013

[JagannathHanumantraoSonwane Vs.The State of Mah.& Ors.]

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 12.01.2017

ORALORDER :

Shri S.P. Brahme,learned Advocate for the applicant
(**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting
Officer for the respondents, present.

2. The learned Presenting Officer seeks time to file
affidavit in reply on behalf of respondent no. 1. The matter is of
the year 2013. However, in the interest of justice time granted as
a most last chance.

3. S.O. to 17.02.2017.

MEMBER (J)

12.01.2017 – **KPB(SB)**

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

ORIGINAL APPLICATION NO.30 OF 2016

[Dr. GangadharChiliya Hon Vs.The State of Mah.& Ors.]

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 12.01.2017

ORALORDER :

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

2. Today, the learned Presenting Officer has placed on record the order dated 28.11.2016, from which it seems that the applicant has been transferred at Kopergaon, District Ahmednagar as per his request. The said order is taken on record and marked as Exhibit 'X' for the purposes of identification.

3. In view thereof, nothing survives in the O.A. and hence, the same stands disposed of as the grievance has been satisfied. There shall be no order as to costs.

MEMBER (J)

12.01.2017 – **KPB(SB)**

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

ORIGINAL APPLICATION NO.45 OF 2016

[Dr. Dnyanesh Damodar Gund Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 12.01.2017

ORAL ORDER :

Shri V.B. Wagh, 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 06.02.2017.

MEMBER (J)

12.01.2017 – **KPB(SB)**

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

**ORIGINAL APPLICATION NO.195 OF 2016
[GiteBhaskarShejwalVs.The State of Mah.& Ors.]**

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 12.01.2017

ORALORDER :

Shri V.B. Wagh,learned Advocate for the applicant
and Shri S.K. Shirse, learned Presenting Officer for the
respondents.

2. At the request of learned Advocate for the applicant,
S.O. to 19.01.2017.

MEMBER (J)

12.01.2017 – **KPB(SB)**

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

ORIGINAL APPLICATION NO.320 OF 2016

[Meena d/o Narayanrao Bengal Vs.The State of Mah.& Ors.]

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 12.01.2017

ORALORDER :

Heard Shri A.D. Sugdar, learned Advocate holding for Shri V.P. Golewar, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri M.S. Dhapate, learned Advocate for respondent no. 5.

2. The learned Presenting Officer submits that he has intimated to the S.D.O., Parbhani so many times for filing affidavit in reply but the reply is not ready. He seeks time to file affidavit in reply. It seems from the record that the number of dates are already given for filing affidavit in reply, since the notices has been served in the month of June, 2016. Time granted as a most last chance, subject to payment of costs of Rs. 5000/- to be deposited in the Registry of this Tribunal.

3. S.O. to 21.02.2017.

4. Steno copy allowed to the learned P.O. at his request.

MEMBER (J)

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

**ORIGINAL APPLICATION NO.609 OF 2016
[DevidasRuplalPawarVs.The State of Mah.& Ors.]**

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 12.01.2017

ORALORDER :

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

2. The learned Advocate for the applicant has filed rejoinder to the affidavit in reply filed by the respondent nos. 1 to 4. It is taken on record. The copy of the same has been served upon the learned Presenting Officer.

3. Admit.

4. S.O. to 14.02.2017, for final hearing.

MEMBER (J)

12.01.2017 – **KPB(SB)**

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

**ORIGINAL APPLICATION NO.627 OF 2016
[LaxmanNavsajiLahaneVs.The State of Mah.& Ors.]**

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 12.01.2017

ORALORDER :

Shri D.G. Kamble,learned Advocate for the applicant
(**Absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for
the respondents, present.

2. The learned Presenting Officer has filed affidavit in
reply on behalf of respondent nos. 2 & 3. It is taken on record.

3. S.O. to 07.02.2017.

MEMBER (J)

12.01.2017 – **KPB(SB)**

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

ORIGINAL APPLICATION NO.637 OF 2016

**[PandurangKishanraoSarode& Ors.Vs. The State of Mah.&
Ors.]**

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 12.01.2017

ORALORDER :

Shri D.G. Kamble,learned Advocate for the applicant
(**Absent**). Shri N.U. Yadav, learned Presenting Officer for the
respondents, present.

2. At the request of learned Presenting Officer, S.O. to
07.02.2017.

MEMBER (J)

12.01.2017 – **KPB(SB)**

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

ORIGINAL APPLICATION NO.636 OF 2016

**[Bharatbai w/o Vijay Lone and others Vs.The State of Mah.&
Ors.]**

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 12.01.2017

ORALORDER :

Shri D.G. Kamble,learned Advocate for the applicant
(**Absent**). Shri S.K. Shirse, learned Presenting Officer for the
respondents, present.

2. At the request of learned Presenting Officer, S.O. to
07.02.2017.

MEMBER (J)

12.01.2017 – **KPB(SB)**

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

**ORIGINAL APPLICATION NO.702 OF 2016
[ShekharGangadharGaikwadVs.The State of Mah.& Ors.]**

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 12.01.2017

ORALORDER :

Shri D.G. Kamble,learned Advocate for the applicant
(**Absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for
the respondents, present.

2. At the request of learned Presenting Officer, S.O. to
07.02.2017.

MEMBER (J)

12.01.2017 – **KPB(SB)**

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

ORIGINAL APPLICATION NO.642 OF 2016

[Dr. Sanjay Ghogre and others Vs.The State of Mah.& Ors.]

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 12.01.2017

ORALORDER :

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

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

3. The learned Advocate for the applicant submits that the matter has been covered by the order passed by the Division Bench of this Tribunal on 17.07.2015 in O.A. Nos. 676, 677, 678, 679 all of 2014, O.A. Nos. 69, 70, 71, & 72 all of 2015.

4. The respondents are directed to file short affidavit on the next date positively.

5. S.O. to 08.02.2017.

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

MEMBER (J)

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

ORIGINAL APPLICATION NO.741 OF 2016

[Dr. Varsha d/o Vishwanath Rote Vs.The State of Mah.& Ors.]

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 12.01.2017

ORALORDER :

Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 1, 2 & 3. It is taken on record. The copy of the same has been served upon the learned Advocate for the applicant.

3. Similar matter is fixed on 08.02.2017. Hence, S.O. to 08.02.2017.

MEMBER (J)

12.01.2017 – **KPB(SB)**

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

**ORIGINAL APPLICATION NO.758 OF 2016
[JagdishMohanrao Kale Vs.The State of Mah.& Ors.]**

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 12.01.2017

ORALORDER :

Shri A.S. Deshmukh,learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 20.01.2017.

3. Interim relief granted earlier to continue till then.

MEMBER (J)

12.01.2017 – **KPB(SB)**

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

**ORIGINAL APPLICATION NO.776 OF 2016
[GirishAmbadasKedarVs.The State of Mah.& Ors.]**

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 12.01.2017

ORALORDER :

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

2. The applicant in this O.A. has challenged the order of transfer dated 29.08.2016, whereby he has been transferred from the post of Bhingar Camp Police Station to Headquarter, Ahmednagar as a Police Constable.

3. On last occasion i.e. on 10.01.2017, the respondents have placed on record a copy of the order dated 9.1.2017 from which it seems that the impugned order has been cancelled and the applicant has been retransferred to Bhingar Camp Police Station. The purpose of the O.A. has therefore been served.

4. The learned Advocate for the applicant submits that in the cancellation order dated 9.1.2017, it has been specifically stated that no substantive work shall be given to the applicant. It is a totally independent cause of action, for which the applicant may take appropriate legal recourse.

5. In view thereof, the O.A. stands disposed of with no order as to costs.

MEMBER (J)

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

ORIGINAL APPLICATION NO.739 OF 2016

[RajendraRaosahebPathadeVs.The State of Mah.& Ors.]

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 12.01.2017

ORALORDER :

Shri V.G. Pingle, 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 on behalf of respondents in O.A. Time granted.

3. S.O. to 17.02.2017.

MEMBER (J)

12.01.2017 – **KPB(SB)**

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

ORIGINAL APPLICATION NO. 880 OF 2016

[Dr. SushilkumarBalajiraoKendre Vs.The State of Mah.& Ors.]

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

DATE : 12.01.2017

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate for the Applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent no. 1 and ShriPradeepShahane, learned Advocate for respondent nos. 2 & 3.Shri N.S. Tekale, learned Advocate for respondent no. 4, **absent**.

2. On 18.11.2016, the respondent nos. 2 & 3 were specifically directed to file short affidavit in reply, as the relief is claimed against the respondent nos. 2 & 3 only.

3. The learned Presenting Officer submits that there is no need to file affidavit in reply on behalf of respondent no. 1, since the relief is claimed against the respondent nos. 2 & 3.

4. In the interest of justice, the respondent nos. 2 and 3 are given time for filing affidavit in reply with an understanding that in case no reply is filed on the next date, the matter will heard on merits.

5. S.O. to 06.02.2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO.420/2016 WITH M.A.NO. 229/2016 WITH M.A.NO.
1153/2016 IN O.A.NO. 563/2014**

**[Tushar @ Tusharsing S/o Bapusing Rajput Vs. The State of
Maharashtra & Others.]**

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

DATE : 12.01. 2017.

ORAL ORDER:

(1) Shri H.V. Tungar – learned Advocate for the Applicant and Smt. Deepali S. Deshpande – learned Presenting Officer for respondents.

(2) This is an application filed by the applicant requesting to recall order dated 14.10.2016 passed by this Tribunal and to restore the M.A. No. 229/2016.

(3) It is seen from the order dated 14.10.2016 passed by this Tribunal in M.A. No. 229/2016 that the said M.A. was dismissed for want of prosecution due to absence on two successive dates..

(4) The present M.A. No. 420/2016 is filed for restoration of M.A. No. 229/2016.

(5) In the present M.A. No. 420/2016 the notices were issued to the respondents by an order dated 08.11.2016. The office record shows that the notices were served on respondent Nos. 2 & 3 on 5.12.2016. State of Maharashtra is shown to be served through learned Presenting Officer, not only in the M.A. but in the O.A. also, and it was served by serving copy of M.A. on the C.P.O.

(6) Heard both sides.

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**M.A.420/16 WITH M.A. 229/16 WITH
M.A.1153/16 IN O.A. 563/14**

(7) The present M.A. is strongly opposed by the learned Presenting Officer.

(8) It is seen that applicant has assigned reason for failure to appear, pleading that learned Advocate has committed error in noting the date fixed upon adjournment.

(9) Considering that the contents of M.A./the affidavit has been affirmed by Mr. Vikrant Prabhakar Raje, learned Advocate, the statement contained in the affidavit can safely be accepted being personal knowledge of the Advocate.

(10) Therefore, in the interest of justice the M.A. No. 420/2016 is allowed and M.A. No. 229/2016 & M.A. St. No. 1153/2016 both stand restored to its original position.

CHAIRMAN

ORAL ORDERS 12.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.ST. NO. 1153/2016 IN O.A.NO. 563/2014
[Tushar @ Tusharsing S/o Bapusing Rajput Vs. The State of
Maharashtra & Others.]**

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

DATE : 12.01. 2017.

ORAL ORDER:

Heard Shri H.V. Tungar – learned Advocate for the Applicant and
Smt. Deepali S. Deshpande – learned Presenting Officer for
respondents.

2. The learned Advocate for the applicant prays for leave to amend
and substitute the M.A.
3. Leave as prayed for is granted.
4. List this M.A. St. No. 1153/2016 for hearing on 20th February,
2017.

CHAIRMAN

ORAL ORDERS 12.01.2017-HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. NO. 229/2016 WITH M.A.ST.NO. 1153/2016 IN O.A.NO.
563/2014**

**[Tushar @ Tusharsing S/o Bapusing Rajput Vs. The State of
Maharashtra & Others.]**

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

DATE : 12.01. 2017.

ORAL ORDER:

(1) Heard Shri H.V. Tungar – learned Advocate for the Applicant and Smt. Deepali S. Deshpande – learned Presenting Officer for respondents.

(2) This is an application filed by the applicant for condonation of delay of 162 days caused in filing M.A. for restoration of O.A. No. 563/2014.

(3) This M.A. is opposed by the State.

(4) Learned Presenting Officer has strongly and strenuously opposed this M.A.

(5) Perused the application. Applicant has narrated in paragraph No. 4 of the M.A. reason of personal ailment of learned Advocate, i.e. Kidney Stone etc.

(6) Moreover, contents of M.A./affidavit are affirmed by the Advocate himself, who has suffered said ailment.

(7) Considered the contentions, which are on facts, not disputed, and for the reasons stated in the present M.A., the

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**M.A. 229/16 WITH M.A.ST.1153/16
IN O.A.563/14**

delay of 162 days caused in filing M.A. St. No. 1153/2016 for restoration of O.A. No. 563/2014 is condoned.

(8) Accordingly, the present M.A. stands disposed of with no order as to costs.

CHAIRMAN

ORAL ORDERS 12.01.2017-HDD(DB)