

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 882/2016  
(Shri Pradeep M. Koushike V/s. State of Maharashtra & Ors.)**

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

**DATE : 12.07.2017.**

**ORAL ORDER:-**

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

2. Learned Presenting Officer has submitted that the respondents intends to file affidavit in reply in view of the amendment made by the applicant in the O.A. and therefore, he seeks time. Time granted.

3. S.O. to 03.08.2017.

**MEMBER (J)**

**KPB ORAL ORDER 12-07-2017**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 427/2017**

(Shri Kiran S. Tudke 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 : 12.07.2017**

**ORAL ORDER:-**

Heard Shri P.G. Tambole, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to take instructions from the applicant regarding withdrawal, if any, of the present original application. At his request, S.O. to 13.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 550/2014**

(Shri Jagannath K. Kagle 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 : 12.07.2017**

**ORAL ORDER:-**

Heard Shri H.A. Joshi, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant undertakes to file rejoinder of the applicant during the course of the day. He also submits that he will supply copy thereof to the learned P.O. for the respondents.

3. S.O. to 27.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 574/2015**

(Shri Ajay V. Kolhe 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 : 12.07.2017**

**ORAL ORDER:-**

Heard Shri H.A. Joshi, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The learned P.O. submits that the present applicant has also filed O.A. no. 575/2017 before the Tribunal for continuation and it is fixed for hearing on 31.8.2017. Therefore, place this matter along with O.A. no. 575/2017 on 31.8.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 797/2016**

(Shri Gaurav A. Chavan 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 : 12.07.2017**

**ORAL ORDER:-**

Heard Smt. S.C. Thombre, learned Advocate holding for Shri C.V. Thombre, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Upon hearing both the sides, it appears that the respondents are relying over the rule 9 of the Maharashtra Recruitment to Posts in the Offices of Services Preparatory Institute Rules, 1979 (paper book page 46) and also over the G.R. dated 31.3.2008 (paper book page 58) to show that in the services preparatory institutes only Ex-serviceman can be appointed. On the other hand, the learned Advocate for the applicant relies on the said G.R. dated 31.3.2008 and the Lad Committee recommendations.

3. The learned Advocate for the applicant seeks time to make submissions regarding effect of said rule. At her request, S.O. to 3.8.2017 for hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA ST. 502/2017 IN CP ST. 503/2017 IN OA 918/2012**  
(Shri Subhash K. Paralikar 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 : 12.07.2017**

**ORAL ORDER:-**

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Upon hearing both the sides, the learned Advocate for the applicant seeks permission to withdraw the present misc. application, which is filed for permission to file contempt petition against the respondents for non compliance of the order of the Tribunal dated 9.12.2016 passed in O.A. no. 918/2012, and also the accompanying contempt petition itself. He also seeks liberty to file fresh original application before the Tribunal, if cause of action arose.

3. Accordingly, misc. application and contempt petition are disposed of as withdrawn without any order as to costs, with liberty to file fresh original application, if any, subject to limitation etc.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 553/2013**

(Shri Rashid Sk. Noor Patel 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 : 12.07.2017**

**ORAL ORDER:-**

None appears for the applicant. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, is present.

2. The learned P.O. seeks time to make submissions in the matter. At her request, S.O. to 27.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 562/2013**

(Shri Ashok D. Thorat 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 : 12.07.2017**

**ORAL ORDER:-**

None appears for the applicant. Smt. Sanjivaji Deshmukh Ghate, learned Presenting Officer for the respondents, is present.

2. From reading of the papers of the present original application, it appears that, no interim relief was granted in favour of the applicant regarding relaxation in the age for appearance in the selection process of res. no. 2. Thereafter, none appeared for the applicant. In view of absence of the applicant and his learned Advocate, the present original application was admitted by the Tribunal by the order dated 9.5.2014. Today also nobody is present for the applicant.

3. The order passed by the Tribunal on 3.9.2013 would show that, as the applicant has not made out prima-facie case for grant of interim relief and, therefore, the prayer of the applicant for interim relief was rejected. However, in view of the fact that the present original application is already admitted, the present matter be placed before the Division Bench for final hearing on 31.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 570/2013**

(Shri Nitin K. Salunkhe 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 : 12.07.2017**

**ORAL ORDER:-**

Heard Miss. Ashlesha Raut, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 2.8.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 572/2013**

(Smt. Vijaya B. Malave 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 : 12.07.2017**

**ORAL ORDER:-**

None appears for the applicant. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.

2. In view of the fact that the present original application is contested and it should be heard by the Hon'ble Division Bench, on merit, it is hereby removed from the board with a direction to the Office to place the same before the Division Bench as and when it is available.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 749/2016**

(Shri Sachin A. Palkhe 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 : 12.07.2017**

**ORAL ORDER:-**

Heard Miss. Ashlesha Raut, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Both the Counsel submit that, issue of reservation to Maratha caste is still pending before the Hon'ble High Court. In the circumstances, S.O. to 13.12.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 255/2015**

(Shri Rajaram A. Sande Vs. The State of Mah. & Ors.)

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

**Date : 12.07.2017**

**ORAL ORDER:-**

Heard Shri A.R. Devkate, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to argue the matter on the issue as to what would be the effect of pendency of the departmental enquiry / departmental enquiries on grant of pension. At his request, S.O. to 9.8.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 314/2016 IN OA 535/2013**

(Smt. Shubhangi A. Shejul & Ors. Vs. The State of Mah. &  
Ors.)

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

**Date : 12.07.2017**

**ORAL ORDER:-**

Heard Shri P.G. Tamboli, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicants, S.O. to 27.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 315/2016 IN OA 575/2013**

(Shri Sharad E. Madne & Ors. Vs. The State of Mah. & Ors.)

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

**Date : 12.07.2017**

**ORAL ORDER:-**

Heard Shri P.G. Tamboli, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicants, S.O. to 27.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 460/2016 IN OA ST. 1999/2016**

(Shri Hanuman S. Sarode Vs. The State of Mah. & Ors.)

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

**Date : 12.07.2017**

**ORAL ORDER:-**

Heard Shri K.B. Jadhav, learned Advocate holding for S/shri M.B. Ubale / B.V. Thombre, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned P.O. for the respondents, S.O. to 18.8.2017 for filing affidavit in reply in the misc. application.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 703/2011**

(Shri (Dr.) Ravindra M. Lahurikar Vs. The State of Mah. &  
Ors.)

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

**Date : 12.07.2017**

**ORAL ORDER:-**

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned P.O., as a last chance, S.O. to 9.8.2017 to take instructions from the respondents. Upon failure to give instructions to the learned P.O. on the line as directed by the Tribunal earlier, the Tribunal may be constrained to call the responsible respondents before the Tribunal or to impose heavy costs on them. With this caveat S.O. to 9.8.2017.

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

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 285/2016 WITH MA 144/2016 IN OA ST. 1950/2016**  
(Shri Nagnath G. Jadhav & Ors. Vs. The State of Mah. & Ors.)

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

**Date : 12.07.2017**

**ORAL ORDER:-**

Heard Shri S.D. Dhongde, learned Advocate for the applicants and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 26.7.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 311/2015**

(Smt. Kalpana M. Patil Vs. The State of Mah. & Ors.)

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

**Date : 12.07.2017**

**ORAL ORDER:-**

Heard Shri H.P. Jadhavar, learned Advocate for the applicant, Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent nos. 1 to 4 and Shri S.S. Shinde, learned Advocate holding for Shri K.M. Nagarkar, learned Advocate for respondent no. 5. None appears for respondent no. 6.

2. The learned P.O. files on record the copy of the minutes of the meeting as directed by the Tribunal earlier. It is taken on record and marked as document 'X' for the purpose of identification.

3. The learned Advocate for the applicant seeks time to make his submissions and to file copy of the advertisement. At his request, S.O. to 2.8.2017. This matter be treated as a part heard.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 186/2015**

(Shri (Dr.) Avinash R. Magre Vs. The State of Mah. & Ors.)

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

**Date : 12.07.2017**

**ORAL ORDER:-**

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

2. The present applicant, who is serving as a Curator with the respondents, is seeking parity with the Teaching staff for extension of benefits of increased age of superannuation from 58 years to 64 years as per G.Rs. dated 30.4.2010, 28.7.2014 and 5.3.2015.

3. The issue involved in the present original application is as to whether those G.Rs. which are applicable to the Teaching staff like Professor, Associate Professor, Assistant Professor etc. would be applicable to Curator.

4. We have the copy of duty list of the Curator at paper book page 18 of the original application. The duties of the Curator are as under :-

“Duties :-

To look after the museum.

To prepare and count new specimens for the teaching purpose.

To prepare slides of mounted specimen for study of undergraduate and post-graduate students.

To prepare descriptive catalogues of the museum specimen for teaching.

To maintain already mounted specimens.

To conduct tutorials and demonstrations.

To arrange and supervise the practicals in the Department.

To be responsible for the stores and museum under his charge.

To do any other duties assigned by the Professor or Dean of the College from time to time.”

5. From reading of the duty list, it would be clear that the principal duty of the Curator is to manage the Museum and to maintain it up to date. Only duty no. 6 is ‘to conduct tutorials and demonstrations’. Duty no. 9 specifies that, Curator has to perform the duties assigned by the Professor or Dean of the College from time to time.

6. Thus, principal duty of the Curator is concerning the Museum and only allied duty is to conduct tutorials and demonstrations. The G.Rs. relied by the applicant are regarding extension of age of superannuation specifically to

the post of Dean, Professor, Associate Professor, Assistant Professor etc. In the said G.Rs. the post of Curator is not included and, therefore, by interpretation no inclusion of the said post is possible.

7. In view of above position, the present original application is dismissed without any order as to costs.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 12.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.486/2016**  
(Shivkanya Bharti V/s. The State of Mah. & Ors.)

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

DATE : 12-07-2017

**ORAL ORDER:-**

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

2. Applicant had filed application for her appointment on compassionate ground on account of death of her husband Santosh Bharti, who was serving as a Clerk. It is her contention that late Santosh was appointed on compassionate ground but he had not passed the required typing examination of Marathi and English. Therefore, his services were terminated on 30-10-2010. Thereafter, Santosh Bharti died on 21-11-2014. It is her contention that in view of the G.R. of 1996, if an employee appointed on compassionate ground on Class-III post fails to fulfill condition of passing typing examination within stipulated time, he should be reverted

to Class-IV post. It is contention of the applicant that instead of reverting deceased Santosh, respondents illegally terminated services of the deceased Santosh Bharti. It is contention of the applicant that after death of her husband Santosh, she is entitled to be appointed on compassionate ground. She has, therefore, filed application for appointment on compassionate ground dated 10-05-2016 but the respondents had not decided the same, and therefore, she has approached this Tribunal.

3. Learned P.O. has accepted the fact of filing the application dated 10-05-2016 by the applicant. Learned P.O. submits that said representation is still pending and no decision is taken on the same.

4. In these circumstances, it is just to direct the respondents to take decision on the application filed by the applicant on 10-05-2016 for appointing her on compassionate ground on merit and as per rules.

=3=

O.A.No.486/16

Therefore, O.A. is disposed of with direction to the respondents to decide the application dated 10-05-2016 filed by the applicant, on merit, within 3 months from the date of this order. O.A. stands disposed of accordingly with no order as to costs.

**MEMBER (J)**

YUK ORAL ORDER 12-07-2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.514/2016**

(Shri Pramod Kachare V/s. The State of Mah. & Ors.)

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

DATE : 12-07-2017

**ORAL ORDER:-**

Heard Shri A.D.Sugdare learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file reply on behalf of the respondent no.1. Time granted as a last chance.

3. S.O.02-08-2017.

**MEMBER (J)**

YUK ORAL ORDER 12-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.561/2016**

(Shri Sukhdev Chitte V/s. The State of Mah. & Ors.)

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

DATE : 12-07-2017

**ORAL ORDER:-**

Heard Shri S.D.Dhongde learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. Learned P.O. submits that respondent no.3 adopts the reply filed by respondent nos.1 and 2.

3. Since pleadings are complete, matter is admitted. It may be kept for final hearing on 28-07-2017.

**MEMBER (J)**

YUK ORAL ORDER 12-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.755/2016**

(Shri Kakasaheb Chate V/s. The State of Mah. & Ors.)

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

DATE : 12-07-2017

**ORAL ORDER:-**

Shri S.S.Phatale learned Advocate for the applicant is **absent**. Smt. Resha Deshmukh learned Presenting Officer for the respondents is present.

2. Applicant as well as his Advocate both are absent. They remained absent on previous dates i.e. on 22-03-2017, 25-04-2017 and 09-06-2017. In view thereof, it seems that the applicant is not interested in prosecuting the O.A. Hence, O.A. stands dismissed in default.

**MEMBER (J)**

YUK ORAL ORDER 12-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.134/2017**

(Shri Babhishan Surwase V/s. The State of Mah. & Ors.)

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

DATE : 12-07-2017

**ORAL ORDER:-**

Shri R.B.Deshmukh/B.B.Kulkarni learned Advocate for the applicant (**absent**). Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file reply on behalf of the respondents. Time granted.

3. S.O. 11-08-2017.

**MEMBER (J)**

YUK ORAL ORDER 12-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.280/2017**

(Shri Subhash Reddy & Ors. V/s.  
The State of Maharashtra & Ors.)

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

DATE : 12-07-2017

**ORAL ORDER:-**

Heard Shri V.G.Pingle learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted.

3. S.O.11-08-2017.

**MEMBER (J)**

YUK ORAL ORDER 12-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.312/2017**

(Shri Rajshree G. More V/s. The State of Mah. & Ors.)

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

DATE : 12-07-2017

**ORAL ORDER:-**

Heard Shri S.S.Shinde learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondent nos.1 to 3. None present for respondent no.4.

2. Learned CPO files order dated 10-07-2017 issued by the Divisional Commissioner, Aurangabad cancelling the impugned transfer order of the applicant.

3. Learned Advocate for the applicant submitted that purpose of filing O.A. is served in view of the order dated 10-02-2017, therefore, he prayed to dispose of the O.A. accordingly.

4. In view of the above situation, as the purpose of filing O.A. is served, the O.A. stands disposed of with no order as to costs.

**MEMBER (J)**

YUK ORAL ORDER 12-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.348/2017**

(Dr. Prashant Ghodke Patil V/s. The State of Mah. &  
Ors.)

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

DATE : 12-07-2017

**ORAL ORDER:-**

Heard Shri R.R.Bangar learned Advocate holding for Shri I.D.Maniyar learned Advocate for the applicant, Shri I.S.Thorat learned Presenting Officer for the respondent nos.1 to 4 and Shri S.R.Dheple learned Advocate for respondent no.5.

2. Learned P.O. as well as the learned Advocate for respondent no.5 sought time to file affidavit in reply. Time granted.

3. S.O. 11-08-2017.

**MEMBER (J)**

YUK ORAL ORDER 12-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.401/2017**

(Shri Rizwan Pathan V/s. The State of Mah. & Ors.)

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

DATE : 12-07-2017

**ORAL ORDER:-**

Heard Shri S.D.Dhongde learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. 20-07-2017.

**MEMBER (J)**

YUK ORAL ORDER 12-07-2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A.No.04/2017 WITH M.A.St.No.3014/2016 IN  
O.A.St.No.3015/2016**

(Shri Ganesh Chopwad & Ors. V/s.  
The State of Maharashtra & Ors.)

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

DATE : 12-07-2017

**ORAL ORDER:-**

Shri N.S.Kadam learned Advocate for the applicant is **absent**. Shri V.R.Bhumkar learned Presenting Officer for the respondents is present.

2. Learned P.O. submitted that respondent nos.4 and 5 have filed affidavit in reply, therefore, there is no need of filing reply of respondent nos.1 to 3. It is prayed that the case may be kept for final hearing.

3. S.O. 03-08-2017 for final hearing.

**MEMBER (J)**

YUK ORAL ORDER 12-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A.No.25/2017 IN O.A.St.No.312/2017**

(Shri Rajaram Kannewar V/s. The State of Mah. & Ors.)

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

DATE : 12-07-2017

**ORAL ORDER:-**

Heard Shri A.S.Deshmukh learned Advocate holding for Ku. Preeti Wankhade learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O.27-07-2017.

**MEMBER (J)**

YUK ORAL ORDER 12-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A.No.50/2017 IN O.A.St.No.107/2017**  
(Shri Niwruttee K. Suradkar V/s. The State of Mah. &  
Ors.)

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

DATE : 12-07-2017

**ORAL ORDER:-**

Shri V.G.Salgare learned Advocate for the applicant is **absent**. Shri M.P.Gude learned Presenting Officer for the respondents is present.

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

3. S.O.07-08-2017.

**MEMBER (J)**

YUK ORAL ORDER 12-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A.No.160/2017 WITH M.A.NO.87/2017 IN  
O.A.St.No.280/2017**

(Shri Punamchand Bainade V/s. The State of Mah. &  
Ors.)

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

DATE : 12-07-2017

**ORAL ORDER:-**

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

2. M.A.No.160/2017 is filed seeking interim relief/stay. Learned Advocate for the applicant on instructions states that applicant does not wish to prosecute this M.A., and therefore, he prays that this M.A.No.160/2017 may be disposed of.

3. In view of the above submissions of learned Advocate for the applicant, M.A.No.160/2017 stands disposed of with no order as to costs.

**MEMBER (J)**

YUK ORAL ORDER 12-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A.No.87/2017 IN O.A.St.No.280/2017**  
(Shri Punamchand Bainade V/s. The State of Mah. &  
Ors.)

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

DATE : 12-07-2017

**ORAL ORDER:-**

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

2. M.A.No.87/2017 is filed for condonation of delay caused in filing the O.A. Learned Advocate for the applicant seeks time to make amendment in the M.A. as well as the O.A. Time granted.

3. S.O.24-07-2017.

**MEMBER (J)**

YUK ORAL ORDER 12-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.265/2016**

(Shri Shivaji Rathod V/s. The State of Mah. & Ors.)

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

DATE : 12-07-2017

**ORAL ORDER:-**

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

2. Learned Advocate for the applicant and the learned P.O. submitted that similar issue involved in other O.A. has been decided by the Principal Seat of the Tribunal at Mumbai. Therefore, learned P.O. wants to produce copy of the said decision.

3. Learned P.O. has sought time to produce that judgment before the Tribunal. Time granted.

3. S.O.16-08-2017.

**MEMBER (J)**

YUK ORAL ORDER 12-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.496/2016**

(Shri Rangnath Mete V/s. The State of Mah. & Ors.)

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

DATE : 12-07-2017

**ORAL ORDER:-**

Heard Smt. Anita Deshmukh learned Advocate holding for Shri B.N.Magar learned Advocate for the applicant, Shri S.K.Shirse learned Presenting Officer for the respondent nos.1 and 2 and Shri S.B.Mene learned Advocate for respondent no.3.

2. Learned P.O. sought time to place some documents on record. Time granted.

3. S.O. 16-08-2017.

**MEMBER (J)**

YUK ORAL ORDER 12-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.522/2016**

(Shri Atul Waghmare V/s. The State of Mah. & Ors.)

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

DATE : 12-07-2017

**ORAL ORDER:-**

Shri D.M.Mane learned Advocate for the applicant is **absent**. Smt. Priya Bharaswadkar learned Presenting Officer for the respondents is present.

2. It seems that the applicant is not interested in prosecuting the O.A. Hence, O.A. be fixed for passing dismissal order on 08-08-2017.

**MEMBER (J)**

YUK

ORAL

ORDER

12-07-2017



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

**MA NO.240/17 IN OA ST.903/17.**

(Meera Tukaram Musane & Ors. Vs. State of Mah. & Ors.)

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**

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

**DATE : 12-07-2017**

**ORAL ORDER:-**

Heard Shri R. J. Nirmal learned Advocate for the applicants and Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

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

3. 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 relief, and to avoid multiplicity, leave to sue jointly is granted, subject to payment of court fee stamps, unless it is paid already.

4. M.A. stands disposed of accordingly. There shall be no order as to costs.

**VICE CHAIRMAN.**

**ORAL ORDERS 12-07-2017-ATP**

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

**OA ST.903/17.**

(Meera Tukaram Musane & Ors. Vs. State of Mah. & Ors.)

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**

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

**DATE : 12-07-2017**

**ORAL ORDER:-**

Heard Shri R. J. Nirmal learned Advocate for the  
applicants and Smt P. R. Bharaswadkar learned  
Presenting Officer for the respondents.

2. Place the application for preliminary hearing on  
26.07.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 12-07-2017-ATP**

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

**ORIGINAL APPLICATION NO.202/2016.**

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

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**

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

**DATE** : 12-07-2017

**ORAL ORDER:-**

None present for the applicants. Shri N. U. Yadav learned Presenting Officer for the respondents is present.

2. The record would show that, since last 4 dates nobody is appearing in the matter on behalf of the applicants. In the circumstances, S. O. to 02.08.2017 as a last chance either for hearing or for passing necessary orders.

**VICE CHAIRMAN.**

**ORAL ORDERS 12-07-2017-ATP**

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

**ORIGINAL APPLICATION NO.602/2016.**  
**(Shri H. S. Gawali Vs. State of Mah. & Ors.)**

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE : 12-07-2017**

**ORAL ORDER:-**

Heard Shri A. D. Gadekar learned Advocate for the applicant and Shri S. K. Shirse learned Presenting Officer for the respondents.

2. The learned P.O. submit that, due to administrative exigency the decision could not be taken, reference of which is made in the order dated 13.06.2017. In the circumstances, at the request of the learned P.O., S. O. to 28.7.2017 for taking decision on the line of the order dated 13.06.2017.

3. The learned P.O. is directed to act on the Steno copy of this order.

**VICE CHAIRMAN.**

**ORAL ORDERS 12-07-2017-ATP**

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

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

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE** : 12-07-2017

**ORAL ORDER:-**

Heard Miss Ashlesha Raut 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 V. B. Wagh learned Advocate holding for Shri Sham Patil learned Advocate for the Respondents no.2 & 3. None present for the Respondent no.4. None appears for the Respondent no.5 though duly served.

2. The affidavit in replies on behalf of Respondent no.1 and Respondents no.2 & 3 are already filed on record. However, the affidavit in reply on behalf of Respondent no.4 is not filed. The Respondent no.4 or his counsel remained absent since last 2 dates. In the circumstances, application to proceed without reply of Respondent no.4.

3. S. O. to 03.08.2017 for hearing on admission.

**VICE CHAIRMAN.**

**ORAL ORDERS 12-07-2017-ATP**

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

**MA NO.95/2017 IN CP ST.240/17 IN OA 716/2015.**  
**(Dr. V. N. Tambhale Vs. State of Mah. & Ors.)**

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE : 12-07-2017**

**ORAL ORDER:-**

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

2. The Respondent is again seeking time now on the ground that, medical examination of the present applicant was a hitch. The copy of the letter marked "X" is already filed by the learned P.O., which would show that, the examination has taken place on 24.04.2017.

3. The reading of the order in O.A. itself would show that, without having any reason the pensionary benefits of the applicant were withheld since 2013 for which the O.A. is filed in the year 2015 and ultimately the order was passed by this Tribunal on 26.07.2016 and still one

after another reasons are being made for granting full benefits to the applicant.

4. In the circumstances, The Respondent no.4 i.e. Civil Surgeon, Hingoli is directed either to appear before this Tribunal personally or to send responsible Officer with full instructions regarding present status of the remaining benefits of the applicant i.e. commutation of pension, else the Respondent no.4 would have to suffer heavy personal costs.

5. S. O. to 25.07.2017.

6. The learned P.O. is directed to act on the Steno copy of this order.

7. Steno copy allowed to the both the sides.

**VICE CHAIRMAN.**

**ORAL ORDERS 12-07-2017-ATP**

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

**MA NO.192/2016 IN OA ST.1940/2016.**  
**(Shri B. H. Rampure & Ors. Vs. State of Mah. & Ors.)**

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE** : 12-07-2017

**ORAL ORDER:-**

None present for the applicants. Heard Smt D. S. Deshpande learned Presenting Officer for the respondents.

2. The learned P.O. points that, the Respondents no.4 and 5 in the present M.A. for condonation of delay and in the O.A., which is filed along with the present application are totally different, and this confusion has caused difficulty in filing of the reply. In view of this fact the reply could not be filed.

3. Nobody is appearing for the applicants since 23.03.2017.

4. In the circumstances, the applicant may rectify the mistake, if any, on the next date.

5. S. O. to 27.07.2017 for taking steps by the applicant.

**VICE CHAIRMAN.**

**ORAL ORDERS 12-07-2017-ATP**



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

**ORIGINAL APPLICATION NO.832/2016.**  
**(Shri V. P. Gangawane Vs. State of Mah. & Ors.)**

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE : 12-07-2017**

**ORAL ORDER:-**

Heard Shri S. B. Mene learned Advocate holding for  
Shri Ajay Deshpande learned Advocate for the applicant,  
Shri S. K. Shirse learned Presenting Officer for the  
respondents no.1 & 3 and Shri Ashish Rajkar, learned  
Advocate for the Respondent no.2.

2. The learned P.O. seeks time to file reply of  
Respondent no.3 The Principal Secretary. Time to file  
reply of Respondent no.3 is granted with a caveat that in  
case if further time for reply is asked for the same may be  
granted subject to heavy costs.

3. S. O. to 09.08.2017 for filing reply of Respondent  
no.3 Principal Secretary.

4. The learned P.O. is directed to act on the Steno  
copy of this order.

**VICE CHAIRMAN.**

**ORAL ORDERS 12-07-2017-ATP**

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

**ORIGINAL APPLICATION NO.34/2017.**  
**(Shri C. B. Tayade Vs. State of Mah. & Ors.)**

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE** : 12-07-2017

**ORAL ORDER:-**

Heard Shri A. B. Rajkar learned Advocate holding  
for Shri S. K. Mathpati learned Advocate for the applicant  
and Shri N. U. Yadav learned Presenting Officer for the  
respondents.

2. The learned P.O. submit that, parawise reply from  
Respondent no.3 is received and therefore, some time  
may be granted for filing reply. At his request, S. O. to  
03.08.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 12-07-2017-ATP**

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

**ORIGINAL APPLICATION NO.95/2017.**  
**(Shri B. J. Gaikwad Vs. State of Mah. & Ors.)**

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE** : 12-07-2017

**ORAL ORDER:-**

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

2. The learned P.O. files affidavit in reply on behalf of Respondents no.1 & 2. The same is taken on record. Its copy is served on the other side.
3. S. O. to 09.08.2017 for hearing on admission.

**VICE CHAIRMAN.**

**ORAL ORDERS 12-07-2017-ATP**

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

**ORIGINAL APPLICATION NO.79/2017.**  
**(Shri Md. Kamran Vs. State of Mah. & Ors.)**

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE** : 12-07-2017

**ORAL ORDER:-**

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

2. Shri S. D. Dhongde learned Advocate for the applicant submits that he has received the reply today and seeks time. At his request, S. O. to 3.8.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 12-07-2017-ATP**

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

**ORIGINAL APPLICATION NO.101/2017.**  
**(Shri Shivaji Bansi Katkar Vs. State of Mah. & Ors.)**

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE** : 12-07-2017

**ORAL ORDER:-**

None present for the applicant. Heard Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. Read order dated 08.06.2017, which would show that, since January 2017 nobody is appearing in the matter even to collect the notices or to serve them. Therefore, on 27.06.2017 it was directed that, in case nobody would appear on the next date i.e. today necessary orders would be passed.

3. In view of absence of the applicant or his counsel dismissed in default.

**VICE CHAIRMAN.**

**ORAL ORDERS 12-07-2017-ATP**

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

**ORIGINAL APPLICATION NO.152/2017.**  
**(Shri H. J. Chatre Vs. State of Mah. & Ors.)**

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE** : 12-07-2017

**ORAL ORDER:-**

Heard Shri V. V. Deshmukh learned Advocate for  
the applicant and Shri D. R. Patil learned Presenting  
Officer for the respondents.

2. Shri V. V. Deshmukh learned Advocate for the  
applicant seeks time. At his request, S. O. to 09.08.2017  
for hearing on admission.

**VICE CHAIRMAN.**

**ORAL ORDERS 12-07-2017-ATP**

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

**MA NO.283/2016 IN OA ST.NO.1167/2016.**  
**(Shri S. M. Davkare Vs. State of Mah. & Ors.)**

**CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.**  
(This matter is placed before the Single Bench  
due to non-availability of Division Bench.)

**DATE : 12-07-2017**

**ORAL ORDER:-**

Heard Shri N. S. Choudhary learned Advocate for the applicant, Shri M. S. Mahajan learned Chief Presenting Officer for the respondents and Shri D. P. Bakshi learned Advocate for the Respondent no.7.

2. The learned C.P.O. files affidavit in reply on behalf of Respondent no.2. The same is taken on record. Its copy is served on the other side. The learned Advocate for the applicant files the affidavit in rejoinder. The same is taken on record. Its copy is served on the other side.

3. At the request of the learned Advocate for the applicant S. O. to 27.07.2017 for hearing on admission.

**VICE CHAIRMAN.**

**ORAL ORDERS 12-07-2017-ATP**