

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 100 OF 2012
[Dr. Meena Raghunathrao Sawate Vs. The State of
Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)
AND
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

DATE : 14.12. 2016.

ORAL ORDER:

Heard Shri Gajanan Kadam, learned Advocate holding for Mrs. Sheela Kadam, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1, 2 & 4. None appears for respondent Nos. 3 & 5.

2. At the request of learned Advocate for the applicant, S.O. to 19th January, 2017 for filing affidavit in rejoinder.

MEMBER (J) VICE CHAIRMAN (A)

LATER ON

Learned Advocate Ms. Pradnya Talekar appeared and requested that this matter may be taken up on board by tomorrow i.e. on 15.12.2016. She undertakes to communicate about the date of this matter to Learned Advocate for the applicant.

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 14.12.2016 – HDD(DB-VC&M(J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 310 OF 2015
[Shri V.D. Bhapkar Vs. The State of Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)
AND
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

DATE : 14.12. 2016.

ORAL ORDER:

Shri Shrikant Patil, learned Advocate for the Applicant (**absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, present.

2. Since nobody appeared for the applicant today, place this matter on 16th December, 2016 for dismissal

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 14.12.2016 – HDD(DB-VC&M(J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 774 OF 2012
[Shri Suhas S/o. Padmakar Kulkarni Vs. The State of
Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)
AND
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

DATE : 14.12.2016.

ORAL ORDER:

Shri Suhas Padmakar Kulkarni, applicant in person present. Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The applicant in person present and seeks time. Time granted.

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

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 14.12.2016 – HDD(DB-VC&M(J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 735 OF 2012
[Shri Chandrakant S/o. Shankar Jadhav Vs. The State of
Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)
AND
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

DATE : 14.12. 2016.

ORAL ORDER:

Dr. (Smt.) Kalpalata Patil Bharaswadkar, learned Advocate for the Applicant (**absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, present.

2. Since nobody appeared for the applicant today, place this matter on 16th December, 2016 for dismissal

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 14.12.2016 – HDD(DB-VC&M(J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 738 OF 2012
[Shri Chandrakant S/o. Shankar Jadhav Vs. The State of
Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)
AND
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

DATE : 14.12. 2016.

ORAL ORDER:

Dr. (Smt.) Kalpalata Patil Bharaswadkar, learned Advocate for the Applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, present.

2. Since nobody appeared for the applicant today, place this matter on 16th December, 2016 for dismissal

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 14.12.2016 – HDD(DB-VC&M(J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 673 OF 2012
[Shri Uddhav Kisanrao Tandale Vs. The State of Maharashtra &
Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)
AND
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

DATE : 14.12. 2016.

ORAL ORDER:

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. S.O. to 16th December, 2016 for dismissal

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 14.12.2016 – HDD(DB-VC&M(J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 550 OF 2012
[Shri Shamrao S/o. Vakil Dhage Vs. Jadhav Vs. The State of
Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)
AND
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

DATE : 14.12. 2016.

ORAL ORDER:

Shri R.K. Ingole Patil, learned Advocate for the Applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 & 2 present. Shri P.S. Agrawal – learned Advocate for respondent No. 3 (**absent**).

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 and the same is taken on record.

3. Since nobody appeared for the applicant today, place this matter on 16th December, 2016 for dismissal

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 14.12.2016 – HDD(DB-VC&M(J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 753 OF 2012
[Dr. Subhash Ramrao Saley & Ors. Vs. The State of
Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)
AND
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

DATE : 14.12. 2016.

ORAL ORDER:

Heard Shri Milind Patil, 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 16th December, 2016.

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 14.12.2016 – HDD(DB-VC&M(J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 754 OF 2012
[Dr. Ansari Majid & Ors. Vs. The State of Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)
AND
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

DATE : 14.12. 2016.

ORAL ORDER:

Heard Shri Milind Patil, 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 16th December, 2016.

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 14.12.2016 – HDD(DB-VC&M(J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 808 OF 2012
[Dr. Vijay Madhukar Mulay Vs. The State of Maharashtra &
Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)
AND
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

DATE : 14.12. 2016.

ORAL ORDER:

Heard Shri Milind Patil, 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 16th December, 2016.

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 14.12.2016 – HDD(DB-VC&M(J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 841 OF 2012
[Dr. Jagjeewan Bhagwanrao Deshmukh & Ors. Vs. The State of
Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)
AND
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

DATE : 14.12. 2016.

ORAL ORDER:

Heard Shri Milind Patil, learned Advocate for the Applicant and Shri Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 16th December, 2016.

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 14.12.2016 – HDD(DB-VC&M(J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 753 OF 2012
[Dr. Subhash Ramrao Saley & Ors. Vs. The State of
Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)
AND
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

DATE : 14.12. 2016.

ORAL ORDER:

Heard Shri Milind Patil, 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 16th December, 2016.

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 14.12.2016 – HDD(DB-VC&M(J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 485 OF 2015
[Dr. V.B. Sawale Vs. The State of Maharashtra & Ors.]**

**ORIGINAL APPLICATION NO. 768 OF 2015
[Dr. P.N. Pensalwar Vs. The State of Maharashtra & Ors.]**

**ORIGINAL APPLICATION NO. 769 OF 2015
[Dr. Samb S. Shivpuje Vs. The State of Maharashtra & Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)
AND
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

DATE : 14.12. 2016.

COMMON ORAL ORDER:

O.A. NO. 485/2015

Heard Shri B.K. Patil, learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.

O.A.NO. 768/2015

Shri J.S. Deshmukh, learned Advocate for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for respondent Nos. 1 to 3 and Shri P.R. Tandale – learned Advocate for respondent No. 4, were present.

O.A.NO. 769/2015

Shri J.S. Deshmukh, learned Advocate for the applicant (**absent**). Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for respondent Nos. 1 to 3 and Shri P.R. Tandale – learned Advocate for respondent No. 4, were present.

2. This is another matter, where we totally dissatisfied with the affidavit filed on behalf of the respondents. These are the matters which involve the issue of Ayurvedic Doctors earlier working on class-III post in Zilla Parishad and absorbed in

Government in Group 'B' posts. The Principal Bench of this Tribunal at Mumbai has given a detailed judgment on this issue. Unfortunately the copy of that judgment is not placed before us by the learned Presenting Officer. The issue regarding Group 'A' or Group 'B' has also not been clearly mentioned in the affidavit filed by some junior officer working in the office of Deputy Director of Health Services, Aurangabad. In fact in such a case involving this issue which involves around 1000 persons, who are absorbed from Class-III service in Zilla Parishad to Government services, we would have thought that the proper affidavit would have been filed by some responsible officer working in Mantralaya, Mumbai.

3. Considering the issue involved, we direct that the appropriate affidavit may be filed by some responsible officer working in Public Health Department, Mantralaya, Mumbai, at least at the level of Deputy Secretary.

4. The learned Presenting Officers state that such an affidavit will be filed within a period of four weeks.

5. S.O. to 19th January, 2017.

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

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 14.12.2016 – HDD(DB-VC&M(J))

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 704 OF 2013
[Shri Sukhdeo S/o Kishan Garje Vs. The State of Maharashtra
& Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)
AND
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

DATE : 14.12. 2016.

ORAL ORDER:

Heard Shri L.M. Kulkarni, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. We have perused the papis filed by the learned Advocate for the applicant. It seems that there is a typographical mistake in the operative order in clause (iii) passed by this Tribunal on 20.10.2016. The Police Constable shall be read as Police Head Constable in the said clause (iii) of the operative part of the order.

3. The order be accordingly corrected and the Registrar of this Tribunal Bench at Aurangabad is directed to issue fresh corrected certified copy, if already issued.

MEMBER (J) VICE CHAIRMAN (A)

ORAL ORDERS 14.12.2016 – HDD(DB-VC&M(J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**O.A.NOs. 292, 293, 294, 295, 296, 321 & 720 ALL OF 2012
[Dr. V.S. Deshmukh & Ors. Vs. The State of Maharashtra &
Ors.]**

**CORAM : HON'BLE SHRI RAJIV AGARWAR, V.C. (A)
AND
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

DATE : 14.12. 2016.

COMMON ORAL ORDER:

Heard Shri Milind Patil, learned Advocate for the Applicants in all these matters and S/Shri S.K. Shirase & I.S. Thorat, learned Presenting Officers for the respective respondents in respective matters.

2. Learned Presenting Officers seek time for filing affidavit in reply in all these matters on behalf of respondent No. 1.

3. It appears from the proceedings that this Tribunal has passed detailed order dated 19.10.2016 and asked respondent No. 1 i.e. the Government of Maharashtra, Secretary, Medical Education & Drugs Department, Mantralaya, Mumbai, to file detailed affidavit in the matter. Considering the fact that these cases are quite old, it was expected that the Government of Maharashtra will take prompt action for filing affidavit in reply. It is really sad to note that though the period of 2 months is elapsed the affidavit from Government of Maharashtra is not filed in the matter, which involves policy decision and the affidavit filed by the Assistant Professor of S.R.T.R. Medical College, Ambajogai was rejected categorically by this Tribunal.

4. It is made clear that if the respondent No. 1 fails to file affidavit in reply on the next date the stringent action will be taken against him.

5. At this stage, the learned Presenting Officers request that because of oversight the order passed by this Tribunal dated 19.10.2016 could not be communicated to the respondent No. 1.

6. We express our disappointment. The order dated 19.10.2016 passed by this Tribunal should have taken seriously by the learned Presenting Officers. However, as they have expressed regret, another opportunity is given to the respondent No. 1 to file reply.

7. S.O. to 10th January, 2017.

8. Steno copy is allowed to the learned Presenting Officers at their request.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.365/2016 IN C.P.St.No.1706/2016
IN
O.A.No.814/2015
(S.M.Borole V/s. State of Maharashtra & Ors.)**

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

DATE : 14-12-2016.

ORAL ORDER:

1. Heard Shri A.S.Deshmukh learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant prays for leave to withdraw this application as applicant would like to take appropriate steps including making application for speaking to minutes in relation to order passed in O.A.No.814/2015 dated 11-03-2016.
3. M.A.No.365/2016 stands disposed of as withdrawn with liberty to take recourse to suitable remedy.
4. Hence, Contempt does not survive.

CHAIRMAN

\2016\YUK ORAL ORDER 14-12-2016 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.454/2016
(D.R.Mote V/s. State of Maharashtra & Ors.)**

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

DATE : 14-12-2016.

ORAL ORDER:

1. Heard Shri V.B.Wagh learned Advocate for the applicant, Shri D.R.Patil learned Presenting Officer for the respondent nos.1 to 3 and Shri S.S.Shinde learned Advocate holding for Shri Vivek Bhavthankar learned Special Counsel for respondent no.4.

2. List this O.A. tomorrow before the Division Bench presided over by Hon'ble Vice Chairman Mr. Rajiv Agarwal for suitable order ascertaining if judgment in O.A.No.202/2015 can govern this case also.

3. S.O.15-12-2016.

CHAIRMAN

\2016\YUK ORAL ORDER 14-12-2016 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.148/2015 IN M.A.St.No.65/2015 in C.P.No.15/2001 in
O.A.No.1178/1999**

(S.B.Ohal V/s. State of Maharashtra & Ors.)

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

DATE : 14-12-2016.

ORAL ORDER:

1. Shri V.C.Dongare learned Advocate for the applicant is **absent**. Shri Ajay Deshpande learned Advocate for respondent no.3 is **absent**.

Shri N.U.Yadav learned Presenting Officer for the respondents is present.

2. Applicant as well as respondent no.4 are absent. Case is adjourned till tomorrow.

3. S.O.15-12-2016.

CHAIRMAN

\2016\YUK ORAL ORDER 14-12-2016 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.278/2015 IN O.A.St.No.1137/2014

(K.J.Shinde V/s. State of Maharashtra & Ors.)

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

DATE : 14-12-2016.

ORAL ORDER:

1. Heard Shri Vinod P. Patil learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, case is adjourned till tomorrow.
3. S.O. 15-12-2016.

CHAIRMAN

\2016\YUK ORAL ORDER 14-12-2016 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.423/2015 IN O.A.St.No.1369/2015

(N.B.Khaire V/s. State of Maharashtra & Ors.)

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

DATE : 14-12-2016.

ORAL ORDER:

1. Heard Shri H.M.Shaikh learned Advocate for the applicant, Shri I.S.Thorat learned Presenting Officer for the respondent no.1 and Shri S.S.Shinde learned Advocate holding for Shri Vivek Bhavthankar learned Special Counsel for respondent nos.2 to 5.

2. At the request of learned Advocate for applicant, S.O.15-12-2016.

CHAIRMAN

\2016\YUK ORAL ORDER 14-12-2016 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.505/2016
(M.A.Suralkar V/s. State of Maharashtra & Ors.)**

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN
DATE : 14-12-2016.**

ORAL ORDER:

1. Heard Shri N.K.Tungar learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for the respondents. Shri N.L.Jadhv/K.N.Faroqui learned Advocate/s for respondent no.4 (**absent**).
2. On consent of the parties case is adjourned till tomorrow.
3. S.O.15-12-2016.

CHAIRMAN

\2016\YUK ORAL ORDER 14-12-2016 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.547/2016

(D.U.Rathod V/s. State of Maharashtra & Ors.)

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

DATE : 14-12-2016.

ORAL ORDER:

1. Heard Shri S.G.Kulkarni learned Advocate holding for Shri S.D.Dhongde learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for the respondents.
2. At the request of learned P.O. case is adjourned till tomorrow.
3. S.O.15-12-2016.

CHAIRMAN

\2016\YUK ORAL ORDER 14-12-2016 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.465/2016 IN O.A.No.73/2015
(N.N.Gore V/s. State of Maharashtra & Ors.)**

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

DATE : 14-12-2016.

ORAL ORDER:

1. Heard Shri Gajanan Kadam learned Advocate for the applicant, Shri N.U.Yadav learned Presenting Officer for the respondent nos.1 and 2 and Shri S.G.Kulkarni learned Advocate holding for Shri S.D.Dhongde learned Advocate for respondent nos.3 to 5.
2. M.A. is tendered in open court.
3. Heard learned Advocate for the applicant.
4. For the reasons stated in the M.A., it is allowed. O.A.No.73/2015 is restored to its original position.
5. M.A. stands disposed of accordingly with no order as to costs.

CHAIRMAN

\2016\YUK ORAL ORDER 14-12-2016 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**Original Application No.73/2015
(N.N.Gore V/s. State of Maharashtra & Ors.)**

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

DATE : 14-12-2016.

ORAL ORDER:

1. Heard Shri Gajanan Kadam learned Advocate for the applicant, Shri N.U.Yadav learned Presenting Officer for the respondent nos.1 and 2 and Shri S.G.Kulkarni learned Advocate holding for Shri S.D.Dhongde learned Advocate for respondent nos.3 to 5.
2. Time for carrying out amendment is extended.
3. If amendment by way of substitution of O.A. is carried out and addition of annexures etc. is done within 3 days from today, it be permitted.
4. Liberty is granted to the learned Advocate for the applicant to circulate the case.

CHAIRMAN

\2016\YUK ORAL ORDER 14-12-2016 HON. CHAIRMAN

C.P. NO. 03/2016 IN OA NO. 239/2015

{Dr. Sonali B. Sayamber Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 14.12.2016

Oral Order :-

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

2. The contemnor i. e. res. no. 1 Mrs. Sujata Sounik, Secretary Public Health Department, Mantralaya, Mumbai – 32 and the contemnor i. e. res. no. 2 – Dr. (Shri) Mohan Jadhav, Director of Health Services, Mumbai are directed to file affidavit on the following points :-

- (i) The exact date on which their offices has receive the copy of the order dated 9.9.2015 passed by this Tribunal in O.A. no. 239/2015.
- (ii) The date on which the aforesaid order was brought to their notice.
- (iii) Who is officer / staff who is responsible towards the delay in bringing the order of this Tribunal to their notice.
- (iv) What steps they would take against the Officer / Staff who is responsible for not bringing to their notice the order of this Tribunal without loss of time, if the order was not brought to the notice ?

- (v) They are also called upon to show cause as to why they should not be saddled with costs for not complying the order of this Tribunal.
 - (vi) Is there any legal impediment in complying the order dated 9.9.2015 passed by this Tribunal in O.A. no. 239/2015, in the background of the order dated 9.9.2015 passed in O.A. no. 335/2015, (as referred to in para 7 at pages 12 & 13 of paper book of the C.P. no. 3/2016).
 - (vii) In the light of the issue being concluded as referred to in the paras of the order passed in O.A. no. 239/2015 etc., what are the reasons due to which cognizance of contempt should not be taken at once.
3. Affidavit answering to foregoing points be filed on or before 16.1.2017.
 4. The learned P.O. agrees to communicate this order to the concerned respondents.
 5. S.O. to 30.1.2017.
 6. Steno copy & hamdast is granted to the learned P.O. for communication of order to the respondent nos. 1 & 2.

CHAIRMAN

ORIGINAL APPLICATION NO. 403/2016

{Prakash A. Doiphode Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 14.12.2016

Oral Order :-

1. Heard Shri S.G. Kulkarni, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.
2. The case is admitted.
3. The O.A. be listed for final hearing before the Division Bench in due course

CHAIRMAN

ARJ 14.12.2016 HON. CHAIRMAN

ORIGINAL APPLICATION NO. 510/2016

{Vijaykumar H. Gade Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 14.12.2016

Oral Order :-

1. Heard Shri M.U. Shelke, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 & 2 and Shri M.S. Shaikh, learned Advocate for respondent no. 3.
2. The record of the O.A. does not show that the applicant has served notices upon the respondents and filed service report in furtherance to the order passed by this Tribunal on 19.10.2015.
3. The learned Advocate for the applicant prays for enlargement of returnable date and undertakes to serve the respondents as early as possible.
4. In view of the above, the returnable date is extended till 30.1.2017.
5. The learned Advocate for the applicant undertakes to collect the notices from the office of the Tribunal within a period of one week.
6. If the notices are collected by the learned Advocate for the applicant, the same shall be served upon the respondents and he shall file service report as expeditiously as possible.

6. If the learned Advocate for the applicant fails to collect the notices on or before 22.12.2016, the O.A. shall stand dismissed automatically without further reference to the Bench and the O.A. ought not be placed on board on the due date.

7. If the notices are collected by the learned Advocate for the applicant on or before 22.12.2016 and service report is filed in due course, thereafter the O.A. shall be placed on board on the next date.

8. S.O. to 30.1.2017, subject to directions contained in foregoing para no. 6.

9. Steno copy and hamdast allowed for the use of learned Advocate for the applicant.

CHAIRMAN

ARJ 14.12.2016 HON. CHAIRMAN

ORIGINAL APPLICATION NO. 550/2016

{Tukaram G. Khude Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 14.12.2016

Oral Order :-

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

2. The learned Advocate for the applicant states that he has received the instructions from the applicant to withdraw the O.A. He has also tendered the pursis signed by the applicant to that effect. It is taken on record and marked as document 'X' for the purpose of identification.

3. In view of above, the O.A. stands disposed of as withdrawn. There shall be no order as to costs.

CHAIRMAN

ARJ 14.12.2016 HON. CHAIRMAN

ORIGINAL APPLICATION NO. 640/2016

{Rahul S. Thaware Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 14.12.2016

Oral Order :-

1. Heard Shri R.L. Adhe, learned Advocate holding for Shri A.A. Nimbalkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. The learned P.O. has tendered the affidavit in reply on behalf of res. nos. 2 & 3. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.
3. The O.A. is admitted.
4. The matter to come up before the Division Bench for final in due course.

CHAIRMAN

ARJ 14.12.2016 HON. CHAIRMAN

ORIGINAL APPLICATION NO. 560/2016

{Ashok B. Kamble Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 14.12.2016

Oral Order :-

1. Heard Shri Amol Patole, learned Advocate holding for Shri H.V. Patil, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. The learned P.O. states as follows :-
 - (a) That the affidavit in reply of the contesting respondents is received, but it is not properly typed.
 - (b) A week's time may be granted for filing properly typed affidavit in reply of the respondents.
3. Time as prayed for is granted.
4. S. O. to 19.12.2016.

CHAIRMAN

ARJ 14.12.2016 HON. CHAIRMAN

MA 427/2016 IN OA 325/2012

{ State of Maharashtra & Ors. Vs. Shri Ratan.A. Suradkar }

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 14.12.2016

Oral Order :-

1. Heard Smt. Priya R. Bharaswadkar, learned Presenting Officer for the applicants in M.A. / respondents in O.A. None for the respondent in M.A. / applicant in O.A.
2. The office has not reported the failure of the applicants in the present M.A. to serve notice issued by the Tribunal vide its order dated 15.11.2016 upon the present respondent / applicant in O.A.
3. The C.P.O. is directed to ascertain as to who is responsible for the failure to secure notice, serve it and shall submit the report on the next date.
4. The learned P.O. is directed to secure instructions from the Divisional Commissioner, Nashik Division, Nashik in respect of steps taken by the respondents in respect of passing of order for regularization of the suspension period of the applicant in O.A., and get it completed forthwith.
5. S.O. to 15.12.2016.
6. Steno copy allowed for the use of learned P.O.

CHAIRMAN

ARJ 14.12.2016 HON. CHAIRMAN

MA 254/2016 IN OA 558/2016

{Shri Ramesh B. Kandke Vs. the State of Maharashtra & Ors}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 14.12.2016

Oral Order :-

1. Heard Shri S.G. Magre, learned Advocate holding for Shri R.S. Dadaphule, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent nos. 1 & 2 and Shri G.N. Patil, learned Advocate for the respondent no. 3.
2. The learned C.P.O. states that the office brief of this matter is not traced in the office of C. P. O. and he seeks 2 days time therefor. He further states that after the office brief is traced out, appropriate steps would be taken in the matter.
3. Time granted as prayed for.
4. S.O. to 16.12.2016.

CHAIRMAN

ARJ 14.12.2016 HON. CHAIRMAN

MA 183/2016 IN CP ST. 686/2016 IN OA 352/2014

{Shri Rohidas S. Jadhav Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 14.12.2016

Oral Order :-

1. None appears for the applicant. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. The learned P.O. states that the Government has accorded sanction for payment of interest on delayed payment to which the applicant was entitled and appropriate bill would be submitted to the Treasury Office and the progress would be communicated.

3. In that view of the matter, S.O. to 16.12.2016.

4. Steno copy allowed for the use of learned P.O. for the respondents.

CHAIRMAN

ARJ 14.12.2016 HON. CHAIRMAN

MA 351/16 WITH MA St. 1540/16 IN CP ST. 1541/16 OA 571/12

{Shri Jagannath N. Ghatge & Ors. Vs. State of Mah. & Ors.}

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTER)**

DATE :- 14.12.2016

Oral Order :-

1. Shri A.S. Shelke, learned Advocate for the applicants **(absent)**. Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

2. The learned P.O. states as follows :-

That the decision, which is required to be taken by the Government in compliance of the order dated 20.11.2013 passed by this Tribunal in O.A. 571/2012, is now taken by the Government on 19.11.2016.

3. In fact, the direction contained in the order dated 20.11.2013 passed in O.A. no. 571/2012 was to take decision on or before 20.1.2014. The contemnors have failed to file affidavit for tendering unconditional apology and also giving explanation as regards the delay caused in taking a decision as directed by this Tribunal.

4. By taking decision on 19.11.2016 the contempt is not purged.

5. The learned P.O. is called to show cause the reasons due to which cognizance of contempt against the contemnors should not be taken, since the act of contempt persisted for more than 34 months.

6. The learned P.O. seeks time for taking proper instructions from the respondents.

7. Time granted.

8. S.O. to 19.12.2016.

9. Steno copy allowed for the use of learned P.O. for the respondents.

CHAIRMAN

ARJ 14.12.2016 HON. CHAIRMAN

ORIGINAL APPLICATION NO. 719/2016

{Pandurang M. Chandanshiv Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman

DATE :- 14.12.2016

Oral Order :-

1. Heard Shri Laxman H. Kawade, learned Advocate holding for Shri K.J. Suryawanshi, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 to 3 and Shri S.S. Deogude, learned Advocate holding for Shri P.D. Suryawanshi, learned Advocate for respondent no. 4.
2. The learned P.O. is directed to secure instructions from the Res. nos. 1 to 3 as to under what authority of Law the Pension Pay Order has been called back.
3. S.O. to 16.12.2016.
4. Steno copy allowed for the use of learned P.O. for the respondents.

CHAIRMAN

ARJ 14.12.2016 HON. CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD.

M.A. No. 358/2016 with O.A. No. 414/2015
[Ajay I. Jarwal Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 14.12.2016.

ORAL ORDER:

Heard Shri S.V. Chandole, learned Advocate for the Applicant in O.A., Shri N.U. Yadav – learned Presenting Officer for the respondent nos. 1 to 3. Shri A.D. Gadekar, learned Advocate for respondent no. 4 in O.A./ applicant in M.A. No. 358/2016 (**Leave Note**).

2. This Tribunal by order dated 20.10.2016 has asked Respondent No. 1 to file affidavit in reply clarifying various issues regarding policy decision of the Government regarding reservation of Physically Handicapped persons. Such affidavit can be filed only by the Government and not by some subordinate officer. It appears that the order has not been communicated to the concerned Respondents. None of the Respondents is present today in the Tribunal.

3. Costs of Rs. 1000/- is imposed on each of the respondents for not co-operating with the Tribunal for disposal of this O.A.. The same will be deposited in the registry of this Tribunal by separate Government cheques before the next date.

4. Learned Presenting Officer (P.O.) states that he will communicate the order dated 20.10.2016 of this Tribunal to the Government and ensured that the affidavit in reply is filed on behalf of respondent no. 1 by some responsible officer in Mantralaya before the next date.

5. The matter may be placed before the Single Bench if the Division Bench is not available on the next date to ensure comply with this part of order of this Tribunal.

6. S.O. to 21.01.2017.

MEMBER (J)
14.12.2016-KPB(DB)

VICE CHAIRMAN (A)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD.

Review Application No. 11/2016 with O.A. No. 03/2012
[K.P. Bodkhe Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 14.12.2016.

ORAL ORDER:

Heard Shri K.B. Jadhav, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in Review Application, returnable on 20.01.2017.

MEMBER (J)
14.12.2016-KPB(DB)

VICE CHAIRMAN (A)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD.

M.A. 393/2014 in C.P. St. 1398/2014 in O.A. 610/2009
[S.V. Navthar Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 14.12.2016.

ORAL ORDER:

Heard Shri A.D. Sugdare, learned Advocate for the Applicant and Smt. P.R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Learned Advocate Shri A.D. Sugdare, stated that this Tribunal in O.A. No. 610/2009, by order dated 7.10.2013 has directed that the pay of the applicant may be fixed in a particular manner. This should be done within a period of three months. However, till now the applicant's basic pay has not been fixed.

3. Learned Presenting Officer stated that this Tribunal has ordered that the basic pay of the applicant of Rs. 940/- w.e.f 1.11.2003 may be protected. The applicant has already been given higher pay scale of Rs. 3050-75-3950-80-4590 and therefore, order of this Tribunal is complied with. We are unable to accept this argument.

//2// M.A. 393/2014 in C.P. St.
1398/2014 in O.A. 610/2009

The basic pay of Rs. 940/- have to be protected with corresponding pay in the next pay scale fixed by the pay commission and that order of this Tribunal has not been complied with in true letter & spirit.

4. Prima-facie a fit case to issue contempt notice to the persons, who are not following the order of this Tribunal, is made out. M.A. is therefore, allowed and stands disposed of.

5. Learned Advocate Shri A.D. Sugdare, stated that he will give the name and address of the alleged contemnors in C.P. St. No. 1398/2014. C.P. may be placed before the next Division Bench whenever it is available.

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

MEMBER (J)
14.12.2016-KPB(DB)

VICE CHAIRMAN (A)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD.

M.A. No. 178/2015 with O.A. No. 974/2009
[S.N. Laad Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 14.12.2016.

ORAL ORDER:

Shri A.S. Golegaonkar, learned Advocate for the Applicant (**Absent**). Smt. P.R. Bharaswadkar – learned Presenting Officer for the respondents, present.

2. This M.A. was placed before the Hon'ble Member (J) on 13.04.2016, when the applicant was absent on that date. It was ordered to be placed before Division Bench, whenever it is available. Accordingly, it was placed before Division Bench on 23.09.2016. However, the Applicant was again absent on that date and the matter was ordered to be placed before the next Division Bench, whenever it is available.

3. Accordingly, it was placed before Division Bench on 17.10.2016, on that date also the applicant was absent and therefore, it is ordered to be placed before Division Bench for dismissal on 21.10.2016. However, on that date, the matter could not be taken up and it has been placed before us today.

//2// M.A. No. 178/2015 with
O.A. No. 974/2009

4. Today also, nobody has appeared on behalf of the applicant. It appears that the applicant is no longer interested in pursuing this M.A.

5. Accordingly, M.A. No. 178/2015 for condonation of delay is dismissed in default. As the M.A. is dismissed, nothing survives in the O.A. No. 974/2009 and the same also stands dismissed with no order as to costs.

MEMBER (J)
14.12.2016-KPB(DB)

VICE CHAIRMAN (A)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD.

O.A. No. 891/2012
[A.A. Khan Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 14.12.2016.

ORAL ORDER:

Shri K.M. Nagarkar, learned Advocate for the Applicant (**Absent**). Shri N.U. Yadav – learned Presenting Officer for the respondent no. 1 and Shri S.S. Shinde, learned Advocate holding for Shri Vivek Bhavthankar, Special counsel for respondent nos. 2 & 3, are present.

2. As none appeared for the applicant, S.O. to 16.12.2016, for dismissal.

MEMBER (J)
14.12.2016-KPB(DB)

VICE CHAIRMAN (A)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD.

M.A. 318/15 with M.A. St. 267/15 in O.A. 785/1998
[B.H. Sonar Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 14.12.2016.

ORAL ORDER:

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

2. This M.A. was placed before this Tribunal on 3.2.2016 when the applicant was absent. It was placed before Division Bench on 16.3.2016. On that date also applicant remained absent. Subsequently, on 27.04.2016 also applicant remained absent. The matter come up before this Tribunal on 17.10.2016, when the applicant was absent and the M.A. was ordered to be placed before this Tribunal for dismissal on 21.10.2016 but on that date the matter could not be taken up and it is placed before us today. However, today also nobody appeared for the Applicant.

//2// M.A. 318/15 with M.A.
St. 267/15 in O.A. 785/1998

3. In view of the aforesaid position, it appears that the Applicant is no longer interested in prosecuting the matter.

4. M.A. No. 318/2015 seeking condonation of delay in filing M.A. St. No. 267/0015 for restoration of O.A. No. 785/1998 is dismissed in default.

5. Accordingly, M.A. St. No. 267/2015 also stands dismissed.

6. This application for restoration of O.A. No. 785/1998 is dismissed as now nothing survives in all these M.As./O.A. No order as to costs.

MEMBER (J)
14.12.2016-KPB(DB)

VICE CHAIRMAN (A)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD.

**M.A. 446/12 in C.P. St. 1507/12 in O.A. No. 239/98 & O.A.
11/2003**

[P.A. Landge Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 14.12.2016.

ORAL ORDER:

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

2. At the request of learned Advocate for the
Applicant, this case be placed before the next Division
Bench, as and when it is available.

MEMBER (J)
14.12.2016-KPB(DB)

VICE CHAIRMAN (A)