

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 264 OF 2016

**(Shri Vedprakashsingh Arun CHaudhari Vs. the State of
Maharashtra & Others)**

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

DATE : 14.03. 2017.

ORAL ORDER:

1. Shri M.M. Bhokarikar – learned Advocate for the applicant (**absent**). Shri S.K. Shirase – learned Presenting Officer for the respondents, present.

2. It transpires from the record that on 22.08.2016 nobody appeared on behalf of the applicant. Thereafter, this case was adjourned to 29.09.2016, when none was present for the applicant. Thereafter, this case was adjourned to 9.11.2016 and on that date also none was present for the applicant and, therefore, this case was adjourned to 30.1.2017 and on that date also none was present for the applicant. Thereafter this case was adjourned to today's date i.e. 14.03.2017. However, today also nobody appeared for the applicant.

3. In view of the above position, it appears that the applicant is not interested in prosecuting the present case and hence, the same is dismissed in default. There shall be no order as to costs.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 31 OF 2016

**(Shri Sandip Gajanan Gaikwad Vs. the State of
Maharashtra & Others)**

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

DATE : 14.03. 2017.

ORAL ORDER:

1. Heard Shri S.D. Joshi – 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, S.O. to 23rd March, 2017 to file affidavit in rejoinder, if any.

VICE CHAIRMAN

ORAL ORDERS 14.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 161 OF 2016

**(Shri Maroti N. Jadhav Vs. the State of Maharashtra &
Others)**

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

DATE : 14.03. 2017.

ORAL ORDER:

1. Heard Shri S.D. Joshi – 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, S.O. to 23rd March, 2017 to file affidavit in rejoinder, if any.

VICE CHAIRMAN

ORAL ORDERS 14.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 204 OF 2015

**(Shri Sanjay D. Deshpande Vs. the State of Maharashtra &
Others)**

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

DATE : 14.03. 2017.

ORAL ORDER:

1. Heard Shri G.G. Suryawanshi – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for respondent Nos. 1 to 3.
2. Learned Advocate Shri G.N. Patil appeared and he has filed **VAKALATNAMA** on behalf of respondent No. 4 and the same is taken on record.
3. Learned Advocate for the respondent No. 4 submits that now as the issue would come before the Corporation and not State Government, respondent No. 4 proposed to file separate affidavit in reply and seeks time for that purpose. Time granted as a last chance.
4. S.O. to 5th April, 2017.

VICE CHAIRMAN

ORAL ORDERS 14.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD
ORIGINAL APPLICATION NO. 134 OF 2015
(Shri Malu Durgadas Pawar Vs. the State of Maharashtra
& Others)**

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

DATE : 14.03. 2017.

ORAL ORDER:

1. Heard Shri Bhavna Panpatil, learned Advocate holding for Shri D.M. Shinde – learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 22nd March, 2017.

VICE CHAIRMAN

ORAL ORDERS 14.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 219 OF 2012

**(Shri Vasamt Nanirap Haral Vs. the State of Maharashtra
& Others)**

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

DATE : 14.03. 2017.

ORAL ORDER:

1. Heard Shri Kakasaheb B. Jadhav – 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, S.O. to 30th March, 2017.

VICE CHAIRMAN

ORAL ORDERS 14.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 299/2016 IN O.A.ST.NO. 1464/2016

**(Shri Sarang Kerba Gorge Vs. the State of Maharashtra &
Others)**

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

DATE : 14.03. 2017.

ORAL ORDER:

1. Shri Girish N. Kulkarni – learned Advocate for the applicant (**absent**). Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents, present.
2. Since nobody appears for the applicant, S.O. to 25th April, 2017.

VICE CHAIRMAN

ORAL ORDERS 14.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 61 OF 2017

**(Smt. Vandana M. Kharmale Vs. the State of Maharashtra
& Others)**

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

DATE : 14.03. 2017.

ORAL ORDER:

1. Heard Shri Shamsundar B. Patil – learned Advocate for the applicant, Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondent Nos. 1 to 3 and Shri V.B. Wagh – learned Advocate for respondent No. 4.
2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted as a last chance.
3. S.O. to 27th March, 2017 for filing affidavit in reply.

VICE CHAIRMAN

ORAL ORDERS 14.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 62 OF 2017

**(Shri Dadasaheb R. Gite Vs. the State of Maharashtra &
Others)**

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

DATE : 14.03. 2017.

ORAL ORDER:

1. Heard Shri Shamsundar B. Patil – learned Advocate for the applicant, Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondent Nos. 1 to 3 and Shri V.B. Wagh – learned Advocate for respondent No. 4.
2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted as a last chance.
3. S.O. to 27th March, 2017 for filing affidavit in reply.

VICE CHAIRMAN

ORAL ORDERS 14.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

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

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

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

DATE : 14.03. 2017.

ORAL ORDER:

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

2. This Miscellaneous Application has been filed by the applicants seeking relief that to stay the direction contained in clause (ii) i.e. “respondents are directed to repost the applicant as Executive Engineer, Majalgaon Canal No. 10 at Parbhani i.e. at his previous post, within a period of two weeks” of the judgment and order dated 08.03.2017 passed by this Tribunal in O.A. No. 01 of 2017, for the period of 5 weeks from today.”

3. Learned Advocate Shri S.B. Talekar for the applicant in the present miscellaneous applicants/respondent Nos. 1 & 2 in O.A. No. 01/2017 himself has filed a copy of order dated 10.03.2017 in Writ Petition No. 3318/2017 and the same is taken on record and marked as document 'X' for identification purpose. Perusal of the said order would show that the Hon'ble High Court has passed the order to maintain status quo. The Tribunal, therefore, became '*Functous Officio*' and, therefore, this Miscellaneous Application is disposed of without any order as to costs.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 703 OF 2011

**(Dr. Ravindra Madhavrao Lahurikar Vs. the State of
Maharashtra & Others)**

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

DATE : 14.03. 2017.

ORAL ORDER:

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

2. Upon hearing of both the parties, it appears that the respondents are denying the benefit of regularization to the present applicant since 16.8.1983 i.e. the date of his initial appointment as ad hoc employee because he was selected later on by the Maharashtra Public Service Commission (for short “the Commission”) on 30.9.1997.

3. His services were regularized not from his original appointment as an ad hoc employee, but since the date of his posting on 30.9.1997 upon selection by the Commission.

In view of the Government Resolution dated 20th April, 2002 (Exhibit ‘A’ page-12 of the paper book) the service of other candidates later on regularized since the date of their initial appointment as ad hoc employee though they did never get selected through the Commission.

4. The stand of the respondents appear that since the benefit of G.R. dated 20th April, 2002 was given to the employees, who have not been selected by the Commission,

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O.A. NO. 703 OF 2011

the benefit of the same cannot be granted to the present applicant. This stand appears to be prima facie illogical. It, prima facie, appears that the present applicant is punished for his merit i.e. being selected by the Commission, on merits.

5. In the circumstances, the respondents are directed to consider the case of the applicant afresh and take appropriate decision afresh regarding regularization of the service of the present applicant, within a period of three months from the date of this order.

6. S.O. to 12th July, 2017.

7. Learned Presenting Officer to act upon the steno copy of this order.

VICE CHAIRMAN

ORAL ORDERS 14.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.109/2017 IN O.A.St.No.337/2017
(Shri Keshav D. Wanole & Ors. V/s. State of Mah. &
Ors.)

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

DATE : 14-03-2017

ORAL ORDER:-

Heard Shri M.P.Tripathi learned Advocate for the applicant and Smt. Deepali Deshpande 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 misc. application and since the cause and the prayers are identical and since the applicants have prayed for same relief, leave to sue jointly is granted, subject to payment of court fee stamp, if not paid.

4. Accompanying O.A. be registered and numbered. Present M.A. stands disposed of accordingly with no order as to costs.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

Original Application St. No.337/2017

(Shri Keshav D. Wanole & Ors V/s. State of Mah. & Ors.)

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

DATE : 14-03-2017

ORAL ORDER:-

Heard Shri M.P.Tripathi learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 5th April 2017.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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O.A.St. No.337/2017

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. In the meantime, respondents shall allow the present applicants to participate in the next round of selection, in case, they have successfully passed initial rounds.

8. Liberty to file documents, if any, with a copy to other side, is granted.

9. S.O.to 5th April 2017.

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

VICE CHAIRMAN

YUK ORAL ORDER 14-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.110/2017 IN O.A.St.No.233/2017

(Dr. Archana K. Teltumbde V/s. State of Mah. & Ors.)
CORAM: Hon'ble Shri Justice M.T.Joshi, Vice Chairman
(This case is placed before the Single Bench due to
non-availability of Division Bench)

DATE : 14-03-2017

ORAL ORDER:-

Heard Shri Gajanan Kadam learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 27th April 2017.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O.to 27th April 2017.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

C. P. St. No.257/2017 in O.A.No.663/2014
(Shri Nagarao S. Bele V/s. State of Mah. & Ors.)

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

DATE : 14-03-2017

ORAL ORDER:-

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

2. Applicant has challenged objection raised by the office. Office has raised objection that applicant has not filed M.A. for permission to file contempt petition.

3. Mr. Wagh learned Advocate for the applicant prays for leave to file M.A. for permission to file contempt petition. Leave as prayed for is granted.

4. S.O.21-03-2017.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.132/2016
(Smt. Mandabai Thakur V/s. State of Mah. & Ors.)

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

DATE : 14-03-2017

ORAL ORDER:-

Shri A.S.Golegaonkar learned Advocate for the
applicant is **absent**. Shri D.R.Patil learned Presenting
Officer for the respondents is present.

2. None is present for the applicant. Nobody has
appeared for the applicant on the last date also.

3. In the circumstances, **S.O. 6th April 2017** either for
hearing or for passing necessary order.

VICE CHAIRMAN

YUK ORAL ORDER 14-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.133/2016
(Smt. Laxmibai Atkulwar V/s. State of Mah. & Ors.)

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

DATE : 14-03-2017

ORAL ORDER:-

Shri A.S.Golegaonkar learned Advocate for the
applicant is **absent**. Shri M.S.Mahajan learned Chief
Presenting Officer for the respondents is present.

2. None is present for the applicant. Nobody has
appeared for the applicant on the last date also.

3. In the circumstances, **S.O. 6th April 2017** either for
hearing or for passing necessary order.

VICE CHAIRMAN

YUK ORAL ORDER 14-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.595/2016
(Shri Dhanraj Dhumare V/s. State of Mah. & Ors.)

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

DATE : 14-03-2017

ORAL ORDER:-

Heard Smt. Ujjwal Agarwal learned Advocate holding for Shri Bharat R. Waramaa learned Advocate for the applicant, Smt. Priya Bharaswadkar learned Presenting Officer for the respondent nos.1 to 4 and Shri D.T.Devane learned Advocate for respondent no.5.

2. Learned Advocate for the applicant submits that she has received reply today.

3. At the request of learned Advocate for the applicant, S.O.11th April 2017 for filing affidavit in rejoinder.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.599/2016
(Smt. Sunita Bahiram V/s. State of Mah. & Ors.)

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

DATE : 14-03-2017

ORAL ORDER:-

Shri D.J.Patil learned Advocate for the applicant is
absent. Shri N.U.Yadav learned Presenting Officer for
the respondent nos.1 and 2 and Shri Vivek Bhavthankar
learned Special Counsel for respondent no.3.

2. Since none present for the applicant,
S.O.12th April 2017.

VICE CHAIRMAN

YUK ORAL ORDER 14-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.103/2017
(Shri Navnath A. Matsagar V/s. State of Mah. & Ors.)

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

DATE : 14-03-2017

ORAL ORDER:-

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

2. At the request of learned C.P.O., S.O. **18th April
2017** for filing reply on behalf of the respondents.

VICE CHAIRMAN

YUK ORAL ORDER 14-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.104/2017
(Shri Vitthal Pawal V/s. State of Mah. & Ors.)

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

DATE : 14-03-2017

ORAL ORDER:-

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

2. At the request of learned P.O., S.O. **18th April 2017**
for filing reply on behalf of the respondents.

VICE CHAIRMAN

YUK ORAL ORDER 14-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.146/2017

(Shri Narendra Chukalwar V/s. State of Mah. & Ors.)

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

DATE : 14-03-2017

ORAL ORDER:-

Heard Shri V.M.Vibhute learned Advocate for the applicant, Shri S.K.Shirse learned Presenting Officer for the respondent nos.1, 3, 4 & 5, and Vivek Bhavthankar learned Special Counsel for respondent no.2.

2. Learned P.O. for respondents as well as the learned Special Counsel for Forest Department prays for time for filing affidavit in reply.

3. This case be tagged with the case at Sr.No.2 on today's board i.e. M.A.No.109/2017 in O.A.St.No.337/2017.

4. Respondents are directed to go through the averments made in all these O.As. and if required to take corrective measures and report accordingly on the next date.

5. Learned P.O. is directed to act upon steno copy of this order.

6. Time granted to file reply till 5th April 2017.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A.No.251/2016 IN C.P.St.No.1196/2016 IN
O.A.NO.164/2015**

(Shri Md. Khurshid Ali V/s. State of Mah. & Ors.)

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

DATE : 14-03-2017

ORAL ORDER:-

Heard Shri S.D.Joshi learned Advocate for the
applicant and Smt. Sanjivani Ghate learned Presenting
Officer for the respondents.

2. By consent of both parties, S.O.21-03-2017.

VICE CHAIRMAN

YUK ORAL ORDER 14-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A.No.252/2016 IN C.P.St.No.1198/2016 IN
O.A.NO.131/2014**

(Shri Gangaram Bakle V/s. State of Mah. & Ors.)

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

DATE : 14-03-2017

ORAL ORDER:-

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

2. By consent of both parties, S.O.21-03-2017.

VICE CHAIRMAN

YUK ORAL ORDER 14-03-2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 92/2017 IN OA 37/2017

[Shri Balasaheb N. Raut & Ors. 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 :- 14.03.2017

Oral Order :-

1. Heard Shri S.S. Dambe, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. The learned Chief Presenting Officer seeks time to file affidavit in reply of the respondents. Time granted.
3. S.O. to 27.3.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 14.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 631 OF 2016

[Vaidya Ujwala A. Jadhao Vs. the State of Mah. & Ors.]

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

Date :- 14.03.2017

Oral Order :-

1. Heard Shri T.M. Venjane, 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. to 19.4.2017 for final hearing. The interim relief granted already to continue till then.

VICE CHAIRMAN

ARJ ORAL ORDERS 14.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 105/2017 IN OA ST. 325/2017

[Shri Babasaheb E. Jakate Vs. the State of Mah. & Ors.]

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

DATE :- 14.03.2017

Oral Order :-

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

2. The learned Advocate for the applicant submits that in many of the similar cases, the relief is granted to the various applicants by this Tribunal as well as the rules would support the case of the present applicant. He seeks time to produce the copies of the orders of this Tribunal passed in similar cases and to show the relevant rules. At his request, S.O. to 6.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 14.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION ST. NO. 346 OF 2017

[Shri Udhav B. Pavale Vs. the State of Mah. & Ors.]

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

DATE :- 14.03.2017

Oral Order :-

1. Heard Shri Jeevan R. Patil, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to file misc. application for condonation of delay caused in filing the present original application. At his request, S.O. to 30.3.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 14.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 514 OF 2016

[Dr. Balaji B. Bahure Vs. the State of Mah. & Ors.]

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

DATE :- 14.03.2017

Oral Order :-

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

2. The res. nos. 1 to 4 have already filed affidavit in reply in the present original application.

3. With consent of both the sides, S.O. to 6.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 14.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 662 OF 2016

[Dr. Pandurang Bharmal & Two Ors. Vs. the State of Mah. &
Ors.]

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

DATE :- 14.03.2017

Oral Order :-

1. Heard Shri J.S. Deshmukh, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent nos. 1 to 4. None appears for respondent no. 5.
2. The learned Presenting Officer seeks time to file affidavit in reply. Time granted as a last chance.
3. S.O. to 6.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 14.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 634 OF 2016

[Dr. S. Shailaja Kuppaswamy Vs. the State of Mah. & Ors.]

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

DATE :- 14.03.2017

Oral Order :-

1. Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. The learned Presenting Officer seeks time to file affidavit in reply of the respondents. Time granted as a last chance.
3. S.O. to 6.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 14.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 642 OF 2016

[Dr. Sanjay Ghogre & 2 Ors. Vs. the State of Mah. & Ors.]
Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

DATE :- 14.03.2017

Oral Order :-

1. Heard Shri J.S. Deshmukh, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. The learned Presenting Officer seeks time to file affidavit in reply of the respondents. Time granted as a last chance.
3. S.O. to 6.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 14.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 741 OF 2016

[Dr. Varsha V. Rote @ Dr. Varsha J. Kaginalkar Vs. the State
of Mah. & Ors.]

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

DATE :- 14.03.2017

Oral Order :-

1. Heard Smt. Vidhya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. It appears from the record that the respondents have already filed affidavit in reply in the present O.A.
3. With consent of both the sides, S.O. to 6.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 14.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 382 OF 2016

[Shri Raju R. Dagadghate Vs. the State of Mah. & Ors.]

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

DATE :- 14.03.2017

Oral Order :-

1. Heard Shri K.B. Jadhav, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 & 2 and Shri Ashish Rajkar, learned Advocate for respondent no. 3.

2. It is an admitted fact that in the entire selection process the res. no. 3 – Shri Manik Narayan Lute – stood first in the merit list whereas the present applicant – Shri Raju R. Dagadghate – stood second therein. The affidavit in reply of res. no. 3 as well as the facts on record would show that the res. no. 3 is not of village Jivrag Takli, Tq. Sillod, Dist. Aurangabad i. e. where the Police Patil is to be appointed. The applicant – Shri Raju R. Dagadghate, however, is of the same village Jivrag Takli.

3. Considering all these facts on record, the present original application is admitted.

4. From the above facts, it appears that, since res. no. 3 stood first in the merit list, he was appointed on the post of Police Patil of village Jivrag Takli irrespective of the fact that he was not resident of that village. The present applicant, though resident of village Jivrag Takli, but as he stood second in the merit list, he was not appointed on the said post.

5. In the circumstances, the present original application is allowed without any order as to costs. The order of appointment of res. no. 3 is hereby quashed and set aside. The respondents are hereby directed to issue appointment order in favour of the applicant (except in case of other disqualifications) to the post of Police Patil of village Jivrag Takli as early as possible. There shall be no order as to costs.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 944 OF 2016

[Shri Sunil V. Jagtap Vs. the State of Mah. & Ors.]

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

DATE :- 14.03.2017

Oral Order :-

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

2. The learned Chief Presenting Officer seeks time to file affidavit in reply of the respondents. Time granted as a last chance.

3. S.O. to 24.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 14.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 880 OF 2016

[Dr. Sushlikumar B. Kendre Vs. the State of Mah. & Ors.]

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

DATE :- 14.03.2017

Oral Order :-

1. Heard Shri S.D. Joshi, learned Advocate holding for Shri S.V. Mundhe / Shri A.B. Rajkar, learned Advocate for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent no. 1 and Shri Pradeep Shahane, learned Advocate for respondent nos. 2 & 3.

2. Shri Shahane, learned Advocate submits that amount of salary of the applicant of the disputed period has been credited by the res. nos. 2 & 3 in the account of the applicant through cheque.

3. At the request of learned Advocate for the applicant, S.O. to 22.3.2017.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 616 OF 2016

[Sonali A. Chaudhari Vs. the State of Mah. & Ors.]

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

DATE :- 14.03.2017

Oral Order :-

1. None appears for the applicant. Shri M.P. Gude, learned Presenting Officer for the respondent nos. 1 to 3 and Shri Vaibhav R. Patil, learned Advocate for respondent no. 4, are present.

2. As none appears for the applicant, S.O. to 22.3.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 14.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 625 OF 2016

[Shri Bhaskar D. Rathod Vs. the State of Mah. & Ors.]

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

DATE :- 14.03.2017

Oral Order :-

1. None appears for the applicant. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 & 2 and Smt. Vidhya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for respondent no. 3, are present.

2. The learned Presenting Officer files affidavit in reply of res. no. 2 and the same is taken on record. She undertakes to serve copy thereof upon the learned Advocate for the applicant.

3. At the request of learned Advocate for res. no. 3, S.O. to 29.3.2017 for filing affidavit in reply.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 551 OF 2016

[Shri Ashok B. Markad Vs. the State of Mah. & Ors.]

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

DATE :- 14.03.2017

Oral Order :-

1. Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The learned Advocate, on instructions from the applicant, submits that, the applicant would be satisfied in case the directions are issued to the concerned respondents to decide the application of the applicant for grant of leave as described in prayer clause (B) of the present original application.

3. Considering the fact that the application of the applicant for grant of leave is pending since long, the respondents are directed to decide the said application within a period of 2 months from the date of passing of this order. Accordingly, the original application is disposed of without any order as to costs.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 515 OF 2016

[Anandidas B. Pande Vs. the State of Mah. & Ors.]

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

DATE :- 14.03.2017

Oral Order :-

1. Heard Shri S.B. Ghute, learned Advocate for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent nos. 1 & 2 and Shri Vivek Bhavthankar, learned special Counsel for respondent nos. 3 to 5.

2. The learned Advocate for the applicant submits that, instead of deciding the present original application on merit, the applicant would be satisfied in case the directions are issued to the respondents in terms of interim prayer clause A & B of the original application, which runs as under :-

“A. Pending the hearing and final disposal of this original application be pleased to direct the respondents / authorities to decide the appeal preferred by the applicant on dtd. 5.1.2012 against order dtd. 23.12.2011 without any further delay i. e. within stipulated period of 15 days and for that purpose issue necessary orders.

B. Pending the hearing and final disposal of this Original Application, be pleased to direct the respondents / authorities to take decision on leave proposal of 490 days and the said period be considered as service period of the applicant and accordingly calculate the said period for the pensionary benefits in accordance with the provisions of law without any further delay i.e. within stipulated period of 15 days of the order of this Hon'ble Tribunal and for that purpose issue necessary orders.”

3. Considering the fact that though the applicant is retired from the service on attaining the age of superannuation, no provisional pension is continued to him till today as the appeal dated 6.1.2012 preferred by the applicant against the punishment order dated 23.12.2011 is pending and, therefore, the reliefs sought by the applicant appear to be very reasonable.

4. In the circumstances, the original application is partly allowed without any order as to costs in the following terms :-

::-3-::
O.A. NO. 515 OF 2016

(i) The appeal dated 6.1.2012 preferred by the applicant against the punishment order dated 23.12.2011 be decided by the concerned respondents, within a period of 2 months from the date of this order.

(ii) The respondents are also directed to take a decision on the proposal for sanction of 490 days leave to the applicant, within a period of 2 months from the date of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 14.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 748 OF 2016

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

DATE :- 14.03.2017

Oral Order :-

1. Heard Shri Vinod Patil, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. The original application is hereby admitted.
3. By filing the present original application the applicant is seeking following reliefs :-

“A. This Original Application may kindly be allowed.

B. This Hon'ble Court be pleased to quash and set aside impugned communication dt. 14.3.2016 issued by respondent no. 2 District Collector (Revenue) Ahmednagar and further the respondent no. 2 may be directed to consider the representation dt. 18.1.2016 forwarded by the applicant and further it may be hold and declare that the applicant is entitled to get first time bound promotion w.e.f. 1.10.1994 and second time bound promotion w.e.f. 1.10.2006 and the respondent no. 2 may be directed to take appropriate steps for correction in the record.”

4. The documents on record as well as arguments would show that as the first time bound was granted to the applicant 4 years after completion of 12 years. Therefore, the grant of second time bound promotion was also delayed by 4 years. The applicant retired from the Government service on attaining the age of superannuation on 31.3.2013 as could be seen from the document placed on record by the applicant at paper book page 11 of the original application. By filing the present original application in the year 2016, the applicant is now agitating the issue of granting first time bound promotion belatedly by 4 years after completion of 12 years.

5. The representations were made by the applicant to the authorities in that regard and the reply to the same would show that the confidential reports of the applicant for the relevant years were adverse and, therefore, the grant of first time bound promotion was delayed.

6. Considering the fact that the present applicant had not agitated the said issue of granting first time bound promotion at the proper time i. e. in the year 1994, i. e. when

the first time bound promotion was due, the stale claim now being made cannot be granted.

7. In the circumstances, the original application is dismissed, without any order as to costs.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 833 OF 2016

[Dr. Sanjay K. Muley Vs. the State of Mah. & Ors.]

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

DATE :- 14.03.2017

Oral Order :-

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

2. Perused the paper book pages 13, 22 & 30 of the present original application. All these documents would show that to the earlier candidate/s the respondents have granted the study leave. The said documents would further show that the res. no. 2 – the Director of Health Services, Mumbai – himself has selected the present applicant as well as others for the course of Master in Public Health (M.P.H.) in National Institute of Epidemiology, Chennai, Tamilnadu, however, instead of granting study leave the extra ordinary leave is granted to the applicant. The learned Advocate, on instructions from the applicant, submits that, even in the case of other 2 candidates similar treatment is given.

3. It appears that vide order dated 24.6.2016 (Annex. A) extra ordinary leave was granted to the applicant for

completing the course of Master in Public Health (M.P.H.) in National Institute of Epidemiology, Chennai, Tamilnadu. It is difficult to appreciate that, instead of study leave, as to why extra ordinary leave was granted to the applicant and 2 others, when in the opinion of the respondents the study would definitely help in the duties of the present applicant.

4. In the circumstances, the respondents are, therefore, directed to reconsider the decision of granting extra ordinary leave to the applicant and find out whether study leave can be granted to the applicant as well as to other similarly situated candidates and to communicate the said decision upon reconsideration to this Tribunal on or before 28.4.2017.

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

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 20 OF 2017

[Shri Kishor J. Padvi Vs. the State of Mah. & Ors.]

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

DATE :- 14.03.2017

Oral Order :-

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

2. The learned Presenting Officer seeks 3 two weeks time to consider the fact that the applicant is prevented for provisional pension, besides file affidavit in reply.

3. The respondents are directed to take a decision regarding grant of provisional pension to the applicant, within a period of 3 weeks from the date of this order. In the circumstances, S.O. to 5.4.2017.

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

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

**ORIGINAL APPLICATION NOS. 820, 821 & 822 ALL OF
2016**

[Shri Kishor J. Padvi Vs. the State of Mah. & Ors.]

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

DATE :- 14.03.2017

Oral Order :-

1. Heard Shri J. S. Deshmukh, learned Advocate for the applicants in all these matters and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1,2,3 & 6 in all these matters, Shri A.D. Aghav, learned Advocate for respondent nos. 4 & 5 in O.A. nos. 821 & 822/2016 and holding for Smt. Rekha Ladda, learned Advocate for respondent nos. 4 & 5 in O.A. no. 820/2016.

2. The learned P.O. has filed affidavit in reply for res. no. 6 in O.A. no. 821/2016. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. At the request of learned Advocate for res. nos. 4 & 5, S.O. to 12.4.2017 for filing affidavit in reply in the these three matters.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 346/2016
[Shri Shailesh A. Meghle Vs. The State of Mah. & Ors.]**

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

DATE : 14.03.2017.

ORAL ORDER:

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the Applicant, Shri N.U. Yadav, learned Presenting Officer for respondent nos. 1 & 2 and Shri B.G. Sagade Patil, learned Advocate for respondent no. 3.

2. This Original Application is filed by the present applicant seeking following reliefs:-

“A) This original application may kindly be allowed.

B) To quash and set aside the merit list/result sheet published by the respondent no. 2 for the post of police patil to the extent of village Devgaon Shani, Tq. Vaijapur, Dist. Aurangabad.

C) To hold and declare that, the applicant is selected for the post of police patil of village Devgaon Shani, Tq. Vaijapur, Dist. Aurangabad and to direct the respondent no. 2 to issue appointment order in favour of the applicant for the post of police patil of village Devgaon Shani, Tq. Vaijapur, Dist. Aurangabad.

//2//

O.A. No. 346/2016

D) To direct the respondent no. 2 to conduct the oral interview afresh in accordance with law to the extent of village Devgaon Shani, Tq. Vaijapur, Dist. Aurangabad.”

3. Only objection raised by the present applicant is to the selection of the respondent no. 3 on the ground that he does not possess any property in the village.

4. The affidavit in reply filed by the respondent no. 3, as well as, public documents show that the respondent no. 3 possesses agricultural land, as well as, house property in the village.

5. There is no merit in the present O.A. and therefore, the same is dismissed with no order as to costs.

VICE CHAIRMAN

ORAL ORDERS 14.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 563/2016
[Shri Devidas K. Kardule Vs. The State of Mah. & Ors.]**

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

DATE : 14.03.2017.

ORAL ORDER:

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

2. At the request of learned Advocate for the applicant, S.O. to 12.04.2017.

VICE CHAIRMAN

ORAL ORDERS 14.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 693/2016
[Shri Dattatraya M. Borude Vs. The State of Mah. & Ors.]**

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

DATE : 14.03.2017.

ORAL ORDER:

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

2. The learned Advocate for the applicant submitted that the officer who is transferred in his place, has also not joined the post.

3. The learned Presenting Officer seeks time to take instruction in this regard.

4. S.O. to 21.03.2017.

5. Learned Presenting Officer is directed to act upon the steno copy of this order.

6. The matter is to be treated as part heard.

VICE CHAIRMAN

ORAL ORDERS 14.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 721/2016
[Shri Pradeep V. Marwale Vs. The State of Mah. & Ors.]**

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

DATE : 14.03.2017.

ORAL ORDER:

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

2. The learned Advocate for the applicant submitted that the officer who is transferred in his place, has also not joined the post.

3. The learned Presenting Officer seeks time to take instruction in this regard.

4. S.O. to 21.03.2017.

5. Learned Presenting Officer is directed to act upon the steno copy of this order.

6. The matter is to be treated as part heard.

VICE CHAIRMAN

ORAL ORDERS 14.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 779/2016
[Shri Md Munawar Dastgir Vs. The State of Mah. & Ors.]**

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

DATE : 14.03.2017.

ORAL ORDER:

Shri S.D. Dhongde, learned Advocate for the Applicant (**Leave Note**). Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents, present.

2. Since the learned Advocate for the applicant is on leave, S.O. to 05.04.2017.

VICE CHAIRMAN

ORAL ORDERS 14.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 158/2017
[Dr. Surekha V. More Vs. The State of Mah. & Ors.]**

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

DATE : 14.03.2017.

ORAL ORDER:

Heard Shri A.S. Deshmukh, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. It appears that the respondent no. 1 is not taking any decision to relieve the applicant from the present post to enable her to join her post under respondent no.2.

3. Decision rendered in O.A. No. 30 of 2016 dated 18.02.2016 by the Maharashtra Administrative Tribunal at Nagpur (Annexure A-19(ii) page no. 70) in similar case would show that in paragraph no. 5 of the said judgment (page no. 72) various earlier decisions are quoted. Both the respondents are the organs of the State of Maharashtra. In the circumstances, the respondent no. 1 is directed to take decision on the issue of relieving the present applicant from the present posting in view of the law laid down in the above referred judgment. The said decision be taken within a period of two weeks from the date of this order.

Till the decision is taken, the respondent no. 2 shall not cancel the selection of the present applicant.

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O.A. No. 158/2017

4. In the meantime, issue notices to the respondents, returnable on 5th April, 2017.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

6. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. 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.

8. 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.

//3//

O.A. No. 158/2017

9. S.O.to 5th April, 2017.
10. Learned Presenting Officer is directed to act upon the steno copy of this order.

VICE CHAIRMAN

ORAL ORDERS 14.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 389/2014 in O.A. St. No. 1385/2014
[Shri Sanjay Pundlik Jagtap Vs. The State of Mah. & Ors.]**

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

DATE : 14.03.2017.

ORAL ORDER:

Shri D.A. Bide, learned Advocate for the Applicant
(**Absent**). Shri D.R. Patil, learned Presenting Officer for
respondents, present.

2. As none present for the applicant, S.O. to
6.4.2017.

VICE CHAIRMAN

ORAL ORDERS 14.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 07/2016
[Shri Arun D. Ingole Vs. The State of Mah. & Ors.]**

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

DATE : 14.03.2017.

ORAL ORDER:

Heard Shri H.P. Jadhav, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. The learned advocate for the applicant submits that the amendment is carried out.

3. The learned Presenting Officer seeks time to file affidavit in reply to the amended O.A. Time granted.

4. S.O. to. 11.04.2017.

VICE CHAIRMAN

ORAL ORDERS 14.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 65/2016
[Shri Arvind P. Awad & Ors. Vs. The State of Mah. & Ors.]**

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

DATE : 14.03.2017.

ORAL ORDER:

Heard Shri H.P. Jadhav, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. The learned advocate for the applicant submits that the amendment is carried out.

3. The learned Presenting Officer seeks time to file affidavit in reply to the amended O.A. Time granted.

4. S.O. to. 11.04.2017.

VICE CHAIRMAN

ORAL ORDERS 14.3.2017-KPB(SB)BPP