

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A. 153/2017 with M.A. St. 513/2017 in O.A. St. 514/2017
(Smt. Nirmala P. Walke & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 17.07.2017.

ORAL ORDER:-

Shri R.B. Temak, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 21.08.2017.

MEMBER (J)

KPB ORAL ORDER 17-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 386/2017
(Shri Prabhakar D. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 17.07.2017.

ORAL ORDER:-

Heard Shri Praful Bodade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Today, the learned Advocate for the applicant has filed withdrawal pursis, signed by the applicant stating that the applicant does not want to proceed with the present O.A., therefore, he wants to withdraw the same.

3. Since the applicant does not want to proceed with the O.A. and wants to withdraw the same, the O.A. stands disposed of as withdrawn with no order as to costs. There shall be no order as to costs.

MEMBER (J)

KPB ORAL ORDER 17-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 461/2017
(Shri Shaikh Ahmed Imamsab Vs. State of Maharashtra & Ors.)

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

DATE : 17.07.2017.

ORAL ORDER:-

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

2. Issue notices to the respondents, returnable on 21.08.2017.

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 21.08.2017.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 494/2016
(Shri Laxmikant G. Ratnaparkhi Vs. State of Maharashtra & Ors.)

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

DATE : 17.07.2017.

ORAL ORDER:-

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

2. Pleadings are complete. The O.A. is admitted and it be kept for final hearing.

3. S.O. to 22.08.2017.

MEMBER (J)

KPB ORAL ORDER 17-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 807/2016
(Shri Madhukar N. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 17.07.2017.

ORAL ORDER:-

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondent nos. 1 & 3.

2. Today, the learned Advocate Shri Shamsundar B. Patil, appeared on behalf of respondent no. 2 and will file Vakalatnama.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent no. 1. Time granted.

4. S.O. to 16.08.2017. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 17-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 808/2016
(Shri Gangadhar A. Kakade Vs. State of Maharashtra & Ors.)

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

DATE : 17.07.2017.

ORAL ORDER:-

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

2. It transpires from the proceedings that the affidavit in reply was already been filed by the respondent nos. 1 to 3.

3. S.O. to 16.08.2017. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 17-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 810/2016
(Shri Babu D. Ghute Vs. State of Maharashtra & Ors.)

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

DATE : 17.07.2017.

ORAL ORDER:-

Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for respondent nos. 1 & 3 and Shri A.D. Gadekar, learned Advocate for respondent no. 2.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent nos. 1 & 3. Time granted.

3. S.O. to 16.08.2017. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 17-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 791/2016
(Shri Mohd F. Ansari Vs. State of Maharashtra & Ors.)

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

DATE : 17.07.2017.

ORAL ORDER:-

Heard Shri Asif Ali, learned Advocate holding for Ms. A.N. Ansari, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the applicant does not want to proceed with the present O.A., since the pension paper of the applicant has been forwarded to the Accountant General-II, Nagpur. Therefore, he prayed to dispose of the O.A. accordingly.

3. In view of the submissions made by the learned Advocate for the applicant, the O.A. stands disposed of for want of prosecution. There shall be no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 05/2017
(Shri Bhanudas R. Pund Vs. State of Maharashtra & Ors.)

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

DATE : 17.07.2017.

ORAL ORDER:-

Heard Shri A.D. Gadekar, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for respondent nos. 1, 2 & 4 and Shri Kiran Salunke, learned Advocate holding for Smt. Yogita Kshirsagar (Thorat), learned Advocate for respondent no. 3.

2. Learned Presenting Officer has submitted that he will file affidavit in reply of respondent nos. 1 & 2 during the course of the day.

3. S.O. to 14.08.2017.

MEMBER (J)

KPB ORAL ORDER 17-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 06/2017
(Shri Zagar Abdul Saim Ahmed Abdul Vs. State of Maharashtra & Ors.)

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

DATE : 17.07.2017.

ORAL ORDER:-

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

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent nos. 1 & 2. Time granted.

3. S.O. to 14.08.2017.

MEMBER (J)

KPB ORAL ORDER 17-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 72/2017
(Shri Sitaram T. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 17.07.2017.

ORAL ORDER:-

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 4. Same is taken on record and the copy thereof, has been served upon the learned Advocate for the applicant.

3. S.O. to 14.08.2017.

MEMBER (J)

KPB ORAL ORDER 17-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 73/2017
(Shri Gorakh P. Tikone Vs. State of Maharashtra & Ors.)

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

DATE : 17.07.2017.

ORAL ORDER:-

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

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent no. 4. Time granted.

3. S.O. to 14.08.2017.

MEMBER (J)

KPB ORAL ORDER 17-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 234/2017 with O.A. No. 419/2017
(Smt. Ashwini V. Kanhadkar Vs. State of Maharashtra & Ors.)**

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

DATE : 17.07.2017.

ORAL ORDER:-

1. Heard Shri A.S. Deshmukh, learned Advocate for the Misc. applicant (Intervenor), Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondent nos. 2 to 6 and Shri V.B. Wagh, learned Advocate for respondent no. 1/applicant in O.A.

2. The applicant is working as a Cannel Inspector in the office of Irrigation Sub-Division No. 2, Aurangabad. The respondent no. 1 was working as Sectional Engineer and she was working under him. She has filed application for request transfer, which was forwarded by the respondent no. 1 to the higher authority but there was delay on his part. The respondent no. 1 used to harass mentally by creating obstacle in her service and therefore, tremendous mental harassment has been caused to her. She has filed the complaint application dated 10.08.2016 to the Superintending Engineer,

Administrator, KADA, Aurangabad i.e. respondent no. 5. Her application was referred to the Vishakha Committee on 24.08.2016. Thereafter, an enquiry has been conducted against the respondent no. 1. During the course of enquiry, the other female employees working in the office filed an application on 26.12.2016 regarding harassment caused to them at the hands of respondent no. 1. It is her contention that, Vishakha Committee on conclusion of the enquiry, recommended for the transfer of respondent no. 1 out of Aurangabad Region. She herself and other employees approached to the State Women Commission and their complaint is pending before the Women Commission. On the basis of report of Vishakha Committee on their complaints, the respondent no.1 has been transferred by order dated 17.06.2017. The said action has been taken against the respondent no. 1 on the basis of initial complaint filed by her and therefore, she has every right to intervene in the O.A. Therefore, the learned Advocate for the applicant has prayed to allow the Misc. Application and allow her to

address her arguments in the O.A. filed by the respondent no. 1.

3. Respondent no. 1 has filed affidavit in reply and resisted the contention of the Applicant on the ground that the applicant has no locus-standi to intervene in the O.A. It is his contention that the applicant is not an aggrieved person and therefore, she has no right to intervene in the O.A. filed by him. It is his contention that he is an aggrieved person by the transfer order dated 17.06.2017 and he has challenged the said transfer order by filing O.A. No. 417/2017 on the ground that the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short the Transfer Act 2005) have not been followed. It is his contention that his transfer order has been issued on administrative ground and not on the basis of report of Vishakha Committee and therefore the applicant has no locus-standi to intervene in the O.A. Therefore, he prayed to reject the present Misc. application.

4. Learned Advocate for the applicant has submitted that the enquiry has been initiated against the applicant on the basis of complaint filed by the present applicant on 10.08.2016. He has submitted that the applicant made allegations against the respondent no. 1 for causing mental harassment at the workplace. Due to tremendous mental harassment caused by the respondent no. 1, it was not possible to the applicant to discharge her duties and therefore, she filed the complaint application. On the basis of her application dated 10.08.2016, enquiry has been directed before the Vishakha Committee. The Vishakha Committee conducted enquiry and submitted its report to the proper authorities. He has submitted that the applicant and other female employee staff, who were working in the same office had filed one more application on 26.12.2016 making similar allegations. On that complaint also enquiry had been conducted by the Vishakha Committee. He has submitted that the Vishakha Committee submitted its report to the concerned authorities and

recommended the transfer of the respondent no. 1. On that basis; the respondent no. 1 has been transferred out of Aurangabad Region. He has submitted that these facts have not been brought on record in the O.A. and therefore, in order to bring the said facts on record, it is just to allow the applicant to intervene in the O.A.

5. He has submitted that the applicant is not a stranger to the matter in dispute. The process regarding transfer of the respondent no. 1 has been started on her complaint and therefore, he has every right to intervene in the O.A. In support of his submission, he has placed reliance on the judgment in case of *Saraswati Industrial Syndicate Limited Vs. Commissioner of Income Tax, Haryana, Rohtak* reported in *1999 DGLS (SC) 266 (SUPREME COURT) : 1999(3) SCC 141*, when it is observed that:-

“12.....The only purpose of granting an Intervention application is to entitle the intervenor to address arguments in support of one or other side”

6. He has also placed reliance on the judgment in case of *Ravi Rao Gaikwad & Ors. Vs. Rajajinagar Youth Social Welfare Asson & Ors.* reported in 2006 DGLS(SC) 388 (SUPREME COURT), wherein above cited case of *Saraswati Industrial Syndicate Limited Vs. Commissioner of Income Tax, Haryana, Rohtak,* has been considered.

7. Learned Advocate for the respondent no. 1 has submitted that the applicant has no locus-standi to intervene in the O.A. filed by the respondent no. 1. He has submitted that the transfer of respondent no. 1 has been effected on administrative ground and not on the basis of recommendation of Vishakha Committee. He has submitted that the applicant is not entitled to intervene in the O.A., as she is not aggrieved by any order. In support of his contention, he has placed reliance on the judgment in case of *Duryodhan Sahu Vs. Jitendra Kumar Mishra* reported in 1998 (7) SCC 273, when it is observed as follows:-

“The basic idea as evident from the various provisions of the Act is that the Tribunal

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should quickly redress the grievances in relation to service matters. The definition of service matters found in Section; 3(1) shows that in relation to a person the expression means all service matters relating to the condition of this service. The significance of the word 'his' cannot be ignored. Section 3(b) defines the word 'application' as an application made under Section 19. The letter Section refers to person aggrieved. In order to bring a matter before the Tribunal, an application has to be made and same can be made only by a person aggrieved by any other pertaining to any matter within the jurisdiction of the Tribunal. If in that context, Sections 14 and 15 are read, there is no doubt that a total stranger to the concerned service cannot make an application before the Tribunal. If public interest litigation at the instance of strangers are allowed to be entertained by the Tribunal the very object of speedy disposal of service matter would get defeated."

8. He has also placed reliance on the judgment in the case of *Chandra Kumar Vs. Union of India and Others* reported in *AIR 1997 Supreme Court 1125.*

9. Learned Advocate for respondent no. 1 has further submitted that the respondent Government and other authorities will care of right of the applicant in the O.A. The applicant is not aggrieved by any order passed by the authorities and hence, she cannot be allowed to intervene in the O.A. filed by the respondent no. 1. Therefore, he prayed to reject the present Misc. Application.

10. I have gone through the decisions referred by both the parties. I have no dispute about legal proposition laid down therein. Keeping in mind, the principles laid down in the decisions I have to consider, whether the applicant is entitled to intervene in the O.A. filed by the respondent no. 1.

11. On going through the impugned order challenged by the respondent no. 1 in O.A., it reveals that the respondent no. 1 has been transferred on the administrative ground in view of the provisions of section

**M.A. No. 234/2017 with
O.A. No. 419/2017**

4(4) and 4(5) of the Transfer Act, 2005. On perusing the impugned order dated 17.06.2017, it reveals that there is no reference to the recommendation of the Vishakha Committee, which enquired into the complaint filed by the applicant and other female employees. The respondent no. 1 is challenging the impugned order, which has been passed on administrative ground. Therefore, in my opinion, the present applicant has no right to intervene in the O.A., as the State Government and other authorities can take care of her right if the impugned order has been passed on the basis of complaint filed by the applicant and others.

12. In these circumstances, in my opinion there is no merit in the Misc. Application and therefore, it deserves to be dismissed. The Misc. Application for intervention is rejected. There shall be no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**Original Application No. 419/2017
(Shri Bhaskar V. Waghmare Vs. State of Maharashtra & Ors.)**

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

DATE : 17.07.2017.

ORAL ORDER:-

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

2. Learned Advocate for the applicant has submitted that the applicant is working as a Sectional Engineer in the office of Executive Engineer, Aurangabad Irrigation Division, Irrigation Section No. 1, Aurangabad since 3.9.2015. He is not due for transfer, but he has been transferred by impugned order dated 17.06.2017 on the administrative ground in view of the provisions of Section 4(4) and 4(5) of the Transfer Act, 2005. He has submitted that it is a mid-term and mid-tenure transfer. His two children are taking education and due to mid-term transfer their educational career has been affected. He has submitted that the impugned order has been passed in violation of the Transfer Act, 2005. He has submitted

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O.A. No. 419/2017

that on the basis of recommendation of Vishakha Committee report dated 9.2.2017, the Government of Maharashtra directed the Managing Director, Godavari Marathawada Irrigation Development Corporation, Aurangabad and Chief Engineer and Chief Administrator CADA, Water Resources Department, Aurangabad to send proposal for the transfer of the applicant. He has submitted that on the basis of said letter, proposal has been sent on 28.06.2017, copy of the said letter is produced by the respondents. He has submitted that the impugned order shows that before sending the proposal, the said transfer order has been issued. He has submitted that there is no recommendation of Civil Services Board or approval of the higher authority for the impugned transfer order of the applicant. Therefore, he prayed to stay the execution of impugned order.

3. Learned Presenting Officer has submitted that some female employees working under the applicant filed a complaint with the higher authority, alleging mental harassment to them at the work place by the applicant and therefore, enquiry has been directed before the

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Vishakha Committee. The said Committee submitted their report to the respondents. In the report, the committee recommended transfer of the applicant out of Aurangabad Region and on the basis of recommendation, as well as, on the basis of proposal sent by the respondents, the impugned order has been passed. She has submitted that there is no illegality in the impugned transfer order and therefore, she has prayed to reject the interim relief claimed by the applicant.

4. On perusal of the impugned order, it reveals that it was issued on 17.06.2017 in view of the provisions of Section 4(4) and 4 (5) of the Transfer Act, 2005. But letter dated 28.06.2017 produced by the respondents, shows that the proposal for the transfer of the applicant has been sent by the Superintending Engineer on that day. It means that the impugned transfer order has been passed before receiving proposal for transfer. It means that there is violation of provisions of Transfer Act. Therefore, it is just and proper to stay the execution of impugned order till filing of the affidavit in reply by the respondents.

5. Therefore, the impugned order dated 17.06.2017 is stayed till filing of the affidavit in reply by the respondents.

6. Issue notices to the respondents, returnable on 14.08.2017.

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

8. 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.

9. 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.

10. 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.

11. S.O.to 14.08.2017.

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

MEMBER (J)

KPB ORAL ORDER 17-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**Original Application No. 472/2017
(Shri Sanjay B. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 17.07.2017.

ORAL ORDER:-

Heard Shri Tukaram V. Venjane, learned Advocate for the applicant and Shri M.S. Mhajan, learned Chief Presenting Officer for respondents.

2. Learned Advocate for the applicant has submitted that the applicant has been posted as Circle Officer at Jalkot, Taluka Jalkot Dist. Latur on 4.4.2015. Thereafter, on his request, he has been transferred and posted as Circle Officer, Shirur Anantpal, Taluka Nilanga, Dist. Latur in Tahsil office by the order dated 21.05.2016. He has submitted that by the impugned order dated 27.06.2017, the applicant has been deputed in the office of Sub Divisional Office, Ahmedpur, Dist. Latur and it has been issued within one year from the date of his earlier transfer and therefore, the said order is illegal.

3. Learned Chief Presenting Officer has submitted that the applicant has not been transferred, but he has been

deputed in the office of Sub Divisional, Ahmedpur, on certain purpose by impugned order. Therefore, the applicant cannot challenge the said deputation order. He has also prayed to grant time to file detailed affidavit in reply.

4. On perusal of the record, it reveals from the impugned order that the applicant has not been transferred, but he has been sent on deputation. Therefore, in my opinion, it is not a fit case to grant interim relief.

5. Issue notices to the respondents, returnable on 21.08.2017.

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

7. 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.

8. 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.

9. 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.

10. S.O.to 21.08.2017.

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

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 241 OF 2017
(Shri Sudhakar D. Mangalkar & Ors. Vs. The State of
Maha. and Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Heard Ms. Ashlesha Raut, learned Advocate holding for Shri K.M. Nagarkar – learned Advocate for the applicants and Shri N.U. Yadav – learned Presenting Officer for the respondents.

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

3. At the request of learned Advocate for the applicant, S.O. to 14th August, 2017.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 121 OF 2017
(Shri Shamkant B. Dusane Vs. The State of Maha. and
Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Heard Shri Shamsundar Patil – learned Advocate for the applicant, Shri D.R. Patil – learned Presenting Officer for the respondent Nos. 1 to 4 and Shri Kalyan V. Patil, learned Advocate holding for Shri S.R. Barlinge – learned Advocate for respondent Nos. 5 & 6.

2. At the request of learned Presenting Officer for respondent Nos. 1 to 4, S.O. to 16th August, 2017.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 49 OF 2017
(Shri Uttamrao S. Joshi Vs. The State of Maha. and Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Heard Shri Shamsundar B. Patil – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

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

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 20 OF 2017
(Shri Kishor J. Padvi Vs. The State of Maha. and Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Heard Shri Avinash S. Deshmukh – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.

2. Learned Presenting Officer prays for time for filing affidavit in reply on behalf of respondent No. 3 i.e. the Superintendent of Police, Jalgaon, on the ground that respondent No. 3 is on leave till today. Time granted till Friday i.e. 21st July, 2017.

3. S.O. to 21st July, 2017 for filing affidavit in reply on behalf of respondent No. 3.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 156/2017 IN O.A.NO. 175/2017
(Shri Madhukar M. Khamkar Vs. The State of Maha. and
Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Heard Shri D.A. Bide – learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed affidavit in rejoinder to the reply filed by respondent No. 4 and the same is taken on record and the copy of the same has been served on the learned Presenting Officer for the respondents.

3. At the request of learned Advocate for the applicant, S.O. to 10th August, 2017.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 944 OF 2016
(Shri Sunil V. Jagtap Vs. The State of Maha. and Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Heard Shri C.P. Patil, learned Advocate holding for Shri P.B. Patil – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.
2. Learned Presenting Officer has submitted that he has forwarded para-wise remarks to the respondents for approval and seeks time. Time granted.
3. S.O. to 11th August, 2017.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 305 OF 2017
(Smt. Rajmudra M. Khillare Vs. The State of Maha. and
Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Heard Ms. Pradnya Talekar, learned Advocate holding for Shri S.B. Talekar – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. At the request of learned Chief Presenting Officer for the respondents, S.O. to 24th July, 2017. Status quo granted earlier to continue till then.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 425 OF 2017
(Shri Prasad F. Pawar & Anr. Vs. The State of Maha. and
Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Heard Shri P.D. Deshmukh, learned Advocate holding for Dr. Swapnil Tawshikar – learned Advocate for the applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer prays for time for filing affidavit in reply on behalf of the respondents. Time granted.
3. S.O. to 11th August, 2017 for filing affidavit in reply on behalf of the respondents. Interim relief granted earlier to continue till then.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 505 OF 2016
(Smt. Manjula A. Suralkar Vs. The State of Maha. and
Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Smt. Manjula A. Suralkar – applicant in person present, Smt. Resha S. Deshmukh – learned Presenting Officer for the respondent Nos. 1 to 3 and Shri K.N. Farooqui – learned Advocate for respondent No. 4.
2. At the request of party in person, S.O. to 31st July, 2017.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 192/2017 WITH O.A.NO. 792/2015
(Dr. Chetan K. Shingane & Ors. Vs. The State of Maha.
and Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Heard Shri A.S. Deshmukh – learned Advocate for the applicants in M.A. No. 192/2017, Shri N.U. Yadav – learned Advocate for respondent Nos. 8 & 9 and Shri Vishnu Dhoble – learned Advocate for the applicants in O.A.
2. At the request of learned Advocate for the applicants in O.A. No. 792/2015, S.O. to 24th July, 2017.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 316 OF 2017
(Shri Shamsundar S. Mhetre Vs. The State of Maha. and
Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Heard Shri K.G. Salunke – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. Learned Presenting Officer for the respondents prays for time for filing affidavit in reply. Time granted.
3. S.O. to 14th August, 2017.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 417 OF 2017
(Smt. Ranjana A. Surkar Vs. The State of Maha. and Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Heard Shri D.T. Devane – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.
2. Learned Presenting Officer for the respondents prays for time for filing affidavit in reply. Time granted.
3. S.O. to 22nd August, 2017. Interim relief granted earlier to continue till then.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 399 OF 2017
(Dr. Pritam T. Raut Vs. The State of Maha. and Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Heard Shri P.P. Dama – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant has filed short affidavit and the same is taken on record and the copy thereof has been served on the learned Presenting Officer.
3. Learned Presenting Officer for the respondents prays for time for filing affidavit in reply. Time granted.
3. S.O. to 21st July, 2017 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 96/2017 IN O.A.ST.NO. 310/2017
(Lata Balasaheb Darade Vs. The State of Maha. and Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Heard Smt. Vidya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. This is an application filed by the applicant for condonation of delay of about 63 days caused in filing the accompanying Original Application.
3. Learned Chief Presenting Officer for the respondents prays for time for filing affidavit in reply in the present M.A.. Time granted as a last chance.
4. S.O. to 22nd August, 2017 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 228/2017 IN O.A.ST.NO. 842/2017
(Dr. Preeti Singh Vs. The State of Maha. and Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Heard Ms. 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. This is an application filed by the applicant for condonation of delay of about 1019 in filing the accompanying Original Application.
3. Learned Advocate for the applicant seeks leave of this Tribunal to amend the array of the M.A. and O.A.
4. Leave to amend the array of M.A. and O.A. granted. The applicant shall carry out the necessary amendment forthwith.
5. S.O. to 10th August, 2017.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 285 OF 2016
(Shri Devidas V. Salgarkar Vs. The State of Maha. and
Ors.)

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Shri Ajay Deshpande – learned Advocate for the applicant (**absent**). Shri I.S. Thorat – learned Presenting Officer for the respondent Nos. 1 & 2, present. Shri S.D. Dhongde – learned Advocate for respondent No. 3 (**absent**).

2. Since nobody appears for the applicant, S.O. to 11th August, 2017.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 81 OF 2016
(Sakhubai S. Kukade Vs. The State of Maha. and Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Heard Shri K.G. Salunke – learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has submitted that the proposal regarding grant of Second Assured Career Progression Scheme of the applicant is under consideration and the Deputy Director, Latur sought guidance from his higher authority. She has further submitted that the decision will be taken within a short period and seeks short adjournment in the matter.

3. The request of applicant to grant second time bound promotion is pending since the year 2012 (Page-21 of the paper book of O.A.). Therefore, the respondents are directed to take decision on the proposal of the applicant regarding second time bound promotion within a period of one month.

4. S.O. to 22nd August, 2017.

5. Learned Presenting Officer to act upon steno copy.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 344 OF 2017
(Farida Usman Aattar Vs. The State of Maha. and Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Heard Shri S.P. Dhoble, learned Advocate holding for Shri N.L. Choudhari – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.
2. Learned Presenting Officer for the respondents prays for time for filing affidavit in reply. Time granted.
3. S.O. to 22nd August, 2017.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 780 OF 2016
(Dr. Wasim M. Siddiqui Vs. The State of Maha. and Ors.)**

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

DATE : 17.07. 2017.

ORAL ORDER:

1. Shri J.M. Murkute – learned Advocate for the applicant (**absent**). Shri D.R. Patil – learned Presenting Officer for the respondents, present.

2. It transpires from the proceedings that on 05.04.2017, nobody appeared on behalf of the applicant, and hence, the present case was adjourned to 05.05.2017. However, on that date also nobody appeared on behalf of the applicant. Thereafter, this case was adjourned to today's date i.e. on 17.07.2017 with a clear understanding that if nobody appears on behalf of the applicant in the present case, the same will be dismissed. In spite of this fact, today also none appears on behalf of the applicant.

3. In view of the above, it reveals that the applicant is not interested in prosecuting the present Original Application. Hence, the present Original Application stands dismissed in default. No order as to costs.

MEMBER (J)

ORAL ORDERS 17.07.2017-HDD

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.427/2017.
(Shri Kiran S. Tidke 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 : 17-07-2017

ORAL ORDER:-

Heard Shri S. R. Shirsat learned Advocate holding
for Shri S. S. Jadhavar learned Advocate for the applicant
and Smt P. R. Bharaswadkar learned Presenting Officer
for the respondents.

2. Read the earlier orders. The learned Advocate for
the applicant submits that, necessary amendments
would be required to be made in the present application.
At his request, S. O. to 03.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 17-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.624/2013.
(Shri Y. P. Ghuge & 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 : 17-07-2017

ORAL ORDER:-

None present for the applicants. Heard Smt R. S. Deshmukh learned Presenting Officer for the respondents.

2. The learned P.O. submits that, presently she is having a case status from the website of Hon'ble the Supreme Court, which would show that, SLP regarding the same issue was pending before Hon'ble the Supreme Court, in the month of October, 2016.

3. The learned P.O. further submits that, she would find out the present status of the said SLP and would communicate about the same. At her request, S. O. to 08.08.2017 for taking instructions.

VICE CHAIRMAN.

ORAL ORDERS 17-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.652/2013.
(Shri R. N. Kshirsagar 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 : 17-07-2017

ORAL ORDER:-

None present for the applicant. Heard Smt S. K. Ghate Deshmukh learned Presenting Officer for the respondents.

2. It appears that, certain proceeding is pending in the Hon'ble High Court as can be seen from the application dated 21.1.2014 filed by the applicant. As the matter will have to be decided by the Division Bench remove from the Board and be placed before the Division Bench as and when available.

VICE CHAIRMAN.

ORAL ORDERS 17-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.403/2015.

(Shri Vasant Madhavrao Khare Vs. State of Mah. & Ors.)

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

DATE : 17-07-2017

ORAL ORDER:-

Heard Shri S. G. Shinde learned Advocate for the applicant and Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time. It is to be noted that, nobody has appeared for last two dates. However, at his S. O. to 24.7.2017 for hearing.

VICE CHAIRMAN.

ORAL ORDERS 17-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.710/2015.
(Shri D. V. Kulkarni & Ors. Vs. State of Mah. & Ors.)

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

DATE : 17-07-2017

ORAL ORDER:-

Shri R. P. Bhumkar learned Advocate for the applicants has filed leave note. Heard Shri I. S. Thorat learned Presenting Officer for the respondents. None appears for the Respondents no.3 & 4.

2. The learned P.O. files affidavit in reply on behalf of Respondents no.2 & 5. The same is taken on record. He submits that, the affidavit in reply on behalf of Respondent no.1 Secretary is already filed on record.

3. The learned P.O. further submits that, there may be some another pannelled Advocate on behalf of Respondents no.3 & 4, since he has instructions for filing affidavit in reply on behalf of Respondents no.2 & 5 only.

4. On the next date, if reply on behalf of Respondents no.3 & 4 is not filed, as there is already due service of notice the present application will be heard without reply

at the cost and consequences of Respondents no.3 & 4.
Learned P.O. submits that, he would try to take instructions from the Respondents no.3 & 4 also.

5. S. O. to 04.08.2017 for keeping with other similar matters on the same date either for filing reply or for hearing.

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

VICE CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION St.No.814/2015.
(Shri P. K. Joshi & Ors. Vs. State of Mah. & Ors.)

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

DATE : 17-07-2017

ORAL ORDER:-

Heard Shri M. C. Ghode learned Advocate for the applicant and Shri M. P. Gude learned Presenting Officer for the respondents.

2. When it was pointed out that the application would be beyond limitation the learned Advocate for the applicant submitted that, since Hon'ble High court passed the order in the year 2014 in the Writ Petitions of 2001, there is no delay in filing the present application. Ultimately, after much more arguments he submitted that, if necessary the application for condonation of delay would be filed. At his request, S. O. to 27.7.2017.

VICE CHAIRMAN.

ORAL ORDERS 17-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

MA 439/16 WITH MA ST.1937/16 IN OA ST.1938/16.
(Smt. Ranjana R. Pagare & Ors. Vs. State of Mah. & Ors.)

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

DATE : 17-07-2017

ORAL ORDER:-

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

2. The learned C.P.O. submits that, he will have to take instructions regarding category of the deceased to find out as to whether he was serving in "B" group at the time of his death on 20.3.2012 and the pay scale applicable at this time. At his request, S. O. to 10.8.2017.

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

VICE CHAIRMAN.

ORAL ORDERS 17-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.421/2012.
(Shri A. M. Thakur Vs. State of Mah. & Ors.)

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

DATE : 17-07-2017

ORAL ORDER:-

None appears for the applicant. Heard Smt D. S. Deshpande learned Presenting Officer for the respondents.

2. The learned P. O. seeks time to file copy of the proposal as has been referred vide order dated 8.6.2017. At her request last chance to file the copy is granted with a caveat that, in case the copy of the proposal which in fact should have been filed with reply is not filed on the next date the Tribunal would be constrained to take coercive action imposing personal heavy costs to the concerned official.

3. S. O. to 08.08.2017.

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

VICE CHAIRMAN.

ORAL ORDERS 17-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

MA ST. NO.1338/2015 IN OA ST.NO.811/2015.
(Shri C. B. Kadam Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
DATE : 17-07-2017

ORAL ORDER:-

Heard Shri A. R. Tapse learned Advocate holding for Shri P. D. Suryawanshi learned Advocate for the applicant and Shri D. R. Patil learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that, in fact in the order at Exh. I (page no.35) of the O.A. it seems that, there would be no delay in filing the application.

3. The reading of this order of regularization of the absence of is 20.6.2014 and taking into consideration this fact the present application challenging the said order would not be beyond limitation filed on 8.9.2015 would not be beyond limitation. In the circumstances, the M.A. is allowed without any order as to costs.

5. The Office to register the O.A. after due scrutiny.

VICE CHAIRMAN.

ORAL ORDERS 17-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

OA ST.NO.811/2015.

(Shri C. B. Kadam Vs. State of Mah. & Ors.)

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

DATE : 17-07-2017

ORAL ORDER:-

Heard Shri A. R. Tapse learned Advocate holding for Shri P. D. Suryawanshi learned Advocate for the applicant and Shri D. R. Patil learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 21.8.2017.

3. Applicant is authorized and directed to serve on all respondents notice of O.A. authenticated by Registry, along with complete paper book of O.A. stating that this Tribunal may take the case for final disposal at this stage and a separate notice for final disposal not be issued.

4. Authorization for service of notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.

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

6. Affidavit of service be filed one week before due date.
7. Learned P.O. is directed to communicate this order.
8. Affidavit in reply be filed before due date.
9. Steno copy and Hamdast is allowed to both parties.
10. S.O. to 21.08.2017

VICE CHAIRMAN.

ORAL ORDERS 17-07-2017-ATP

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

ORIGINAL APPLICATION NO.619/2013.
(Shri C. G. Walimbe 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 : 17-07-2017

ORAL ORDER:-

None present for the applicant. Shri I. S. Thorat
learned Presenting Officer for the respondents is present.

2. In view of the absence of the learned Advocate for
the applicant and finding that, the case is to be heard by
the the Division Bench remove from the Board and be
placed as and when the Division Bench would be
available.

VICE CHAIRMAN.

ORAL ORDERS 17-07-2017-ATP

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

ORIGINAL APPLICATION NO.620/2013.
(Sou. Chitra R. Sontakke 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 : 17-07-2017

ORAL ORDER:-

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

2. In view of the absence of the learned Advocate for
the applicant and finding that, the case is to be heard by
the the Division Bench remove from the Board and be
placed as and when the Division Bench would be
available.

VICE CHAIRMAN.

ORAL ORDERS 17-07-2017-ATP

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

ORIGINAL APPLICATION NO.255/2017.
(Shri P. B. Deshmukh & 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 : 17-07-2017

ORAL ORDER:-

Heard Miss. Preeti Wankhade learned Advocate for
the applicants and Smt P. R. Bharaswadkar learned
Presenting Officer for the respondents.

2. The learned P.O. seeks time for taking instructions
and filing affidavit in reply. At her request, S. O. to
10.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 17-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

MA NO.21/2016 IN OA NO.421/15.
(Shri Sd. Gaus Sd. Pasha Vs. State of Mah. & Ors.)

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

DATE : 17-07-2017

ORAL ORDER:-

Heard Shri S. G. Kulkarni learned Advocate holding
for Advocate S. A. Dhongde for the applicant and Shri M.
P. Gude learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time.
At his request, S. O. to 24.7.2017.

VICE CHAIRMAN.

ORAL ORDERS 17-07-2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.363/2016
(Shri Shriram Bansilal Jadhav & Ors. V/s.
The 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 : 17-07-2017

ORAL ORDER:

Heard Shri P.K.Palve learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. Limited prayer of applicant in present O.A. reads as follows:

"A. The respondents may be directed to take decision for amalgamating the post of Industries Inspector (Class-III) and Industries Inspector (selection grade) in Industries Energy and Labour Department within a specific period within three months."

(Quoted from paper book page no.26 of O.A.)

3. This O.A. was earlier heard by this Tribunal from time to time. Respondents' stance has been that applicants' prayer for consideration and decision by the Government as to merger of cadres is a closed issue and cannot be reopened because similar prayers contained earlier in the O.As. are already decided against the applicants and those orders were confirmed by Hon'ble High Court.

4. During the hearing, it had transpired that the matter referred to in prayer "A" as amended and as quoted in foregoing para 2 was pending before the Government.

5. Therefore, this tribunal had found it necessary to give certain direction to the respondents. Therefore by order dated 23-09-2016 this Tribunal gave certain directions in paragraph nos.5, 6 and 7 as follows:

"5. The respondent no. 1 – the Secretary, Industries, Energy & Labour Department, Mantralaya, Mumbai - and the respondent no.4 – The Secretary, Finance Department, Mantralaya, Mumbai – are directed to file affidavit on following limited question, within a period of next 3 months from today:-

whether there exists any legal impediment in deciding the prayer clause – A of the present O.A.?

6. If there is no legal impediment, the decision be taken by the respondents within a period of one month.

7. If decision as mentioned above is taken within the prescribed timeframe, it is not necessary for them to file affidavit as directed above."

(Quoted from order dated 23-09-2016 passed by the Tribunal in this O.A.)

6. On the next date of hearing learned P.O. states that he has received letter dated 07-11-2016 sent to learned CPO containing a specific stand *inter alia* as follows:

"3- m | ks vf/kdkjh ¼rkf=d½ xV&c ; k l 0xlk 135 ins eatij vl w R; ki Sdh 101 insvkrferhl fjDr vkgs- l njph ins Hkj.kk vko'; d vl Y; kus o v | ks fujh{kd @ foLrkj vf/kdkjh ¼m | ks½ l 2kVuk egkjk"Vª jkT; ; kauh 'kkl ukl fuonu l knj dsys vl Y; kus R; kP; k fuonukud kj xV&d l 0xlkhy m | ks fujh{kd ¼dfu" B Jskh½ m | ks fujh{kd ¼fuom Jskh½ ; k l 0xlkhy eatij i nks, df=dj.k dY; kuarj xV&c ; k ofj" B l 0xlkhy fjDr ins Hkjyh tk.kkj vl Y; kus , df=dj.kkP; k vkns kP; k fnukadki kl w ¼i wzy{kh i Hkkokusdkskrgh Qk; nsvukS jkg.kkj ukghr-½ ; k vVhl v/khu jkqu mDr xV&d l 0xkps , df=dj.k dj.; kph dk; bkgh vktferhl 'kkl uLrjkoj iLrkfor vkgs eG vtldz142 o 143@2007 e/; s fnukad 17-02-2014 jksth fnyY; k U; k; fu.kz kud kj ek- U; k; kf/kdj.k] epbz ; kauh vtzhjkph ekx.kh Qs/kGyh vkgs r l p vtzhjkus ; kp ekx.kh k Bh ek- mPp U; k; ky;] epbz [kMi hB vksxkckn ; Fks fjV fi Vh'ku 6161@2015 nk[ky dsk vl rk fnukad 23-06-2015 vkns kkuo; s Qs/kGyk vkgs R; keGsrhp ekx.kh i l gk ekU; djrk ; skkj ukgh] v' kh Hkfedk foRr foHkxkP; k ekU; rsi froknh dz 1 o 4 P; k orhus ek- egkjk"Vª iz kkl dh; U; k; kf/kdj.k] epbz [kMi hB] vksxkckn ; kP; ki q s l knj dj.; kr ; koh] gh ofuarh-

"A"

"B"

(Quoted from letter sent by Deputy Secretary of Industries Department to CPO on 07-11-2016)"

7. Seeing the stand of Government as depicted from the portion marked "B", and the fate of letter quoted in foregoing para this Tribunal thought that respondent no.4 be directed to file appropriate affidavit. Therefore, this Tribunal passed an order on 13-01-2017 as below:

"3. Text of the language contained in the letter is quoted below for ready reference :-

"eG vtldz 142 o 143 @2007 e/; sfnukad 17-02-2014 jksth fnyY; k U; k; fu.kz kud kj ek- U; k; kf/kdj.k] epbz ; kauh vtzhjkph ekx.kh Qs/kGyh vkgs r l p vtzhjkus ; kp ekx.kh k Bh ek- mPp U; k; ky;] epbz [kMi hB vksxkckn ; Fks fjV fi Vh'ku 6161@2015 nk[ky dsk vl rk fnukad 23-06-2015 vkns kkuo; s Qs/kGyk vkgs"

4. Respondent no.4 is directed to read the present O.A. and the prayers contained therein and compare those with the prayer contained in O. A. No.142/2007 of Bombay (which is already decided) thereafter file an affidavit on what grounds the Finance Department considers that the prayers (A) in present O.A. are either one and same / or and similar to the prayer contained in aforesaid decided OA No.142/2007."

(Quoted from order dated 13-01-2017
passed by the Tribunal in this O.A.)

8. An affidavit is filed for the respondent no.4 in response/compliance of order passed on 13-01-2017. It is signed and affirmed by Smt. Swapna Nilesh Deshpande, Desk Officer of Finance Department. However, from the text of this affidavit it is evident that it is filed without undertaking the exercise which was ordered by this Tribunal in para no.4 of order dated 13-01-2017 which is quoted in the foregoing para.

9. It is evident from the text quoted in foregoing paragraph no.6 that the part marked "A" of quotation is non-congruent with part "B" thereof. Yet stance disclosed in said part "B" is reiterated with pride. Therefore, it prima facie appears that affiant of said affidavit namely Smt. Swapna Nilesh Deshpande or the officers who have approved the affidavit

have brought their sincerity and commitment towards truth, under grave shadow of doubt.

10. It prima facie appears that, the Government cannot have an escape from answering the question put by this Tribunal as contained in para no.5 of order passed on 23-09-2016 and doing the exercise ordered therein so also comply with the direction contained in para no.4 of this Tribunal's order passed on 13-01-2017.

11. Though the exercise which was mandatory on the part of respondents in view of the order passed by this Tribunal, was not undertaken. Said exercise has to be undertaken by the Secretary of Industries, Energy and Labour Department, as well as by Secretary, Finance Department, after studying the case, holding a joint meeting and if necessary, after taking legal advice. Therefore, learned P.O. was directed to furnish the names of the Secretaries of both those departments. Learned P.O. has furnished those names as follows:

- (a) Shri Sunil Porwal, I.A.S., Additional Chief Secretary (Energy), Mantralaya, Mumbai.
- (b) Shri Dineshkumar Jain, I.A.S., Additional Chief Secretary, Finance Department, Mantralaya, Mumbai.

12. Both these officers, named in foregoing paragraphs are directed as follows:

- (a) Call for papers of present O.A.
- (b) Call for papers and final order passed in O.A.Nos.142 and 143 of 2007 (of Mumbai)."
- (c) Arrange prayers in O.A.No.142 & 143 of 2017, and final order passed by this Tribunal therein, and prayers in present O.A., in juxtaposition.
- (d) Find out whether proposal referred to in the quotation contained in foregoing paragraph no.6 that the matter of merger of two cadres is pending before the Government, and reasons of said pendency.
- (e) After fully studying the cause subject matter, these two Secretaries should discuss the matter.
- (f) After discussion, they should draw minutes of their discussion and conclusions.
- (g) Thereafter, both these Secretaries shall file **their own affidavits** on the query and question put in paragraph nos.5 to 8 of order of this Tribunal passed on 23-09-2016 and of paragraph no.4 of order passed on 13-01-2017.
- (h) Affidavit of any subordinate or officer lower in rank should not be filed.

(i) Affidavits as directed be filed on or before next date.

13. Today Shri Balwant Suryakant Joshi, Joint Director of Industries, Aurangabad was present he was called to consult the Secretary, Industries, Energy and Labour Department and give time frame for completing the exercise as directed and to file affidavit.

14. Shri B.S.Joshi, Joint Director of Industries has come back after taking instructions and he states that he has consulted the Secretary, Industries, Energy Labour Department and Mr. B.S.Joshi has reported that he has instructions to pray for four weeks' time for completing the exercise in view of ensuing Assembly Session.

15. Though four weeks' time is prayed, for the present, three weeks' time is granted.

16. S.O. 18-08-2017.

17. Steno copy may be provided to the learned P.O. on his request for communication.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.368/2017
(Shri Babu Ramrao Lad V/s.
The State of Maharashtra & Ors.)**

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

DATE : 17-07-2017

ORAL ORDER:

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

2. It is seen that in this case order of notice was passed on 03-05-2017. The notice was returnable on 23-06-2017.

3. Learned Advocate for the applicant has furnished notices on 14-06-2017. It is seen that applicant has delivered notice in the post on 20-06-2017.

4. Registry has certified the service to be proper.

5. In fact when notice was tendered for authentication, concerned Shirestedar, who has authenticated the notice should have visualized that hardly nine days' time was left for service. He ought to have listed the case before the Tribunal for enlargement of returnable date. Instead, he absent mindedly signed the notices as brought by learned Advocate.

6. Registrar is directed to make enquiry and issue suitable caution and also conduct training, and make report in view of failure of learned Advocate to take punctual steps to serve the

respondents, and authentication of notice by the Shirestedar.

7. Learned Advocate for the applicant tenders apology for delay and lapse on his part.

8. In view of the foregoing let usual fresh notice be served on respondents.

9. Issue notice to the respondents, returnable on 11-08-2017.

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

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

12. 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.

13. 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.

14. Respondents shall file affidavit countering each para and each averment contained in the O.A., as filed/as amended.

15. Steno copy and Hamdust allowed to both parties. Learned C.P.O. is directed to communicate this order.

16. S.O.11-08-2017.

CHAIRMAN

YUK ORAL ORDER 17-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.369/2017
(Shri Rajeshwar Gangadharrao Jukte V/s.
The State of Maharashtra & Ors.)**

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

DATE : 17-07-2017

ORAL ORDER:

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

2. It is seen that in this case order of notice was passed on 03-05-2017. The notice was returnable on 23-06-2017.

3. Learned Advocate for the applicant has furnished notices on 14-06-2017. It is seen that applicant has delivered notice in the post on 20-06-2017.

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15. Steno copy and Hamdust allowed to both parties. Learned C.P.O. is directed to communicate this order.

16. S.O.11-08-2017.

CHAIRMAN

YUK ORAL ORDER 17-07-2017