

**ORIGINAL APPLICATION NO. 279 OF 2011**

{The Association of Sub-ordinate Service of Engineers (M.S.) through its President Shri R.M. Jakatdar Vs. The State of Mah. & Ors.}

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

**DATE :- 19.10.2016**

**Oral Order :-**

1. Shri K.G. Salunke, learned Advocate for the applicant (leave note). Smt. Resha Deshmukh, learned Presenting Officer for the respondents, is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 21.10.2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS ARJ 19.10.2016 (D.B.)

**O.A. NOS. 292, 293, 294, 296, 321 AND 720 ALL OF 2012**

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

**DATE :- 19.10.2016**

**Oral Order :-**

1. Heard Shri Milind Patil, learned Advocate for the Applicants in all these matters and S/shri S.K. Shirse, I.S. Thorat & Smt. Sanjavani Deshmukh Ghate, learned Presenting Officers for the Respondents in all these matters.

2. We are really disappointed by the affidavit in reply filed on behalf of the respondents, which is filed by some Assistant Professor, Swami Ramanand Tirth Rural Government Medical College, Ambajogai, Dist. Beed.

3. The issue involved in all these matters is regarding the date from which the recommendations of VIth Pay Commission shall be made applicable to the Teachers in Medical Colleges appointed on ad-hoc basis.

4. The Respondents are coming with a case that the Government has taken a policy decision in respect of the date from which it should be made applicable. If that is position, it was expected that the affidavit in reply should be filed by the res. no. 1 after taking necessary inputs, if necessary, from the Finance Department of the State Government. We are unable to accept the affidavit in reply filed by the Assistant Professor of S.R.T.R. Medical College, Ambajogai.

**O.A. NOS. 292, 293, 294, 296, 321 AND 720 ALL OF 2012**

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5. The learned P.O. seeks time to file affidavit in reply of the proper authority. The said affidavit in reply should be filed by some responsible Officer working in Mantralaya.

6. The matters be placed when the next Division Bench is available.

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

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS ARJ 19.10.2016 (D.B.)

**ORIGINAL APPLICATION NO. 295 OF 2012**

{Dr. A.N. Bagate & Ors. Vs. The State of Mah. & Ors.}

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

**DATE :- 19.10.2016**

**Oral Order :-**

1. Heard Shri Milind Patil, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicants states that affidavit in reply filed on behalf of the Government dated 25.3.2013 is regarding the date on which the recommendations of 6<sup>th</sup> Pay Commission will be made applicable to the Ad-hoc Teachers. However, issue involved in the present matter is regarding advance increments for possessing higher qualifications e.g. post graduate degree / diploma on the basis of G.R. dated 10.11.2009.

3. The learned P.O. is directed to file affidavit in reply covering the issues involved in the present matter. The said reply should be filed by some responsible Officer i. e. Officer at least at the level of Deputy Secretary working in the concerned Department in Mantralaya.

4. S.O. after 6 weeks.

**MEMBER (J)** **VICE CHAIRMAN (A)**  
ORAL ORDERS ARJ 19.10.2016 (D.B.)

**ORIGINAL APPLICATION NO. 885 OF 2012**

{Shri V.K. Pawar Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D**

**Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 19.10.2016**

**Oral Order :-**

1. None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

2. The learned P.O. states that at Exh. J. In M.A. no. 111/2014 in this O.A., the applicant has placed on record the copy of his representation dated 15.2.2014. In this representation, the applicant has admitted that he is promoted as Awal Karkoon in the year 2013, but he is seeking deemed date of promotion as 15.10.2012 from V.J.N.T. category. By the said representation the applicant is also claiming consequent seniority in the promoted post from 15.10.2012.

3. We have perused the material placed on record. We are of the opinion that, on the basis of the aforesaid representation submitted by the applicant, this O.A. can be disposed of with a direction to res. no. 1 to consider the representation dated 15.2.2014 submitted by the applicant for deemed date of promotion in the post of Awal Karkoon and consequent seniority. This exercise shall be completed by the respondents within a period of 3 months from the date of this order.

4. Accordingly, the O.A. stands disposed of. There shall be no order as to costs.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**ORIGINAL APPLICATION NO. 898 OF 2012**

{Shri Manik D. Kharatmal Vs. The State of Mah. & Ors.}

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

**DATE :- 19.10.2016**

**Oral Order :-**

1. None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondent no. 1 and Shri S.D. Dhongde, learned Advocate for respondent no. 1, are present.
2. It seems that this O.A. can be disposed of at this stage. The learned P.O. brings to the notice of this Tribunal the contents of para 7 of the reply filed by res. nos. 1 to 3 dated 18.6.2013.
3. In this context, it is necessary to see the reliefs claimed by the applicant in this O.A. In clause 10 (B), the applicant has claimed that the impugned order dated 19.11.2012 issued by res. no. 4 may kindly be quashed and set aside and the res. no. 3 be directed to correct the details of the applicant mentioned in the list of candidates to be promoted and also directions be issued to consider the claim of the applicant for giving promotion.
4. In para 7 of the reply the respondents have stated that, applicant's promotion order has been suitably corrected and corrected order mentioning correct place of working of the applicant has been issued.
5. In view of the aforesaid development, nothing survives in the O.A. and the same stands disposed of accordingly. There shall be no order as to costs.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**ORIGINAL APPLICATION NO. 892 OF 2012**

{K.B. Gethe Vs. The State of Mah. & Ors.}

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

**DATE :- 19.10.2016**

**Oral Order :-**

1. Shri A.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 20.10.2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS ARJ 19.10.2016 (D.B.)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.913/2012**

(B.D.Mane V/s. The State of Mah. & Ors.)

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

DATE : 19-10-2016

**ORAL ORDER:-**

Shri L.M.Kulkarni learned Advocate for the Applicant is **absent**. Smt. Deepali Deshpande learned Presenting Officer for respondents is present.

2. Applicant as well as his learned Advocate, both are absent. Hence, matter be kept for dismissal on 21-10-2016.
3. S.O.21-10-2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

YUK DB ORAL ORDER 19-10-2016



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.915/2012**

(M.D.Jadhav V/s. The State of Mah. & Ors.)

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

DATE : 19-10-2016

**ORAL ORDER:-**

Shri S.W.Munde learned Advocate for the Applicant is **absent**. Shri N.U.Yadav learned Presenting Officer for respondents is present.

2. Applicant as well as his learned Advocate, both are absent. Hence, matter be kept for dismissal on 21-10-2016.
3. S.O.21-10-2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

YUK DB ORAL ORDER 19-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.917/2012**

(B.N.Tagad V/s. The State of Mah. & Ors.)

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

DATE : 19-10-2016

**ORAL ORDER:-**

Heard Shri A.D.Gadekar learned Advocate holding  
for Shri V.R.Autade learned Advocate for the Applicant  
and Shri S.K.Shirse learned Presenting Officer for  
respondents.

2. Learned Advocate for the applicant requested for  
adjournment till tomorrow. Adjournment granted.

3. S.O.20-10-2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

YUK DB ORAL ORDER 19-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.922/2012**

(S.D.Kuchekar V/s. The State of Mah. & Ors.)

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

DATE : 19-10-2016

**ORAL ORDER:-**

Heard Shri A.S.Deshmukh learned Advocate for the Applicant and Smt. Resha Deshmukh learned Presenting Officer for respondents.

2. Learned Advocate for the applicant requested for adjournment. Adjournment granted.
3. This matter be placed before the Division Bench whenever it is available.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

YUK DB ORAL ORDER 19-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.03/2013**

(P.C.Sisode V/s. The State of Mah. & Ors.)

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

DATE : 19-10-2016

**ORAL ORDER:-**

Shri S.D.Hiwrekar learned Advocate for the Applicant is **absent**. Smt. Priya Bharaswadkar learned Presenting Officer for respondents is present.

2. Applicant as well as his learned Advocate, both are absent. Hence, matter be kept for dismissal on 21-10-2016.
3. S.O.21-10-2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

YUK DB ORAL ORDER 19-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.09/2013**

(Dr. P.R.Rathod V/s. The State of Mah. & Ors.)

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

DATE : 19-10-2016

**ORAL ORDER:-**

Shri K.G.Salunke learned Advocate for the Applicant has filed leave note on record. Shri I.S.Thorat learned Presenting Officer for respondents is present.

2. In view of leave note of learned Advocate for the Applicant this matter is adjourned and be placed before the Division Bench whenever it is available.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

YUK DB ORAL ORDER 19-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.15/2013**

(B.N.Gawade & Ors. V/s. The State of Mah. & Ors.)

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

DATE : 19-10-2016

**ORAL ORDER:-**

Shri M.U.Shelke learned Advocate for the Applicant is **absent**. Shri V.R.Bhumkar learned Presenting Officer for respondents is present.

2. Applicant as well as his learned Advocate, both are absent. Hence, matter be kept for dismissal on 21-10-2016.
3. S.O.21-10-2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

YUK DB ORAL ORDER 19-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.19/2013**  
(S.N.Ghante V/s. The State of Mah. & Ors.)

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

DATE : 19-10-2016

**ORAL ORDER:-**

Heard Shri R.P.Bhumkar learned Advocate for the Applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. Learned P.O. Shri V.R.Bhumkar was earlier representing the Applicant. He has given an application that on his appointment as Presenting Officer, he cannot continue to represent the applicant, and therefore, he seeks discharge from this O.A. Discharge granted.

3. Learned Advocate Shri R.P.Bhumkar has filed Vakalatnama representing the Applicant.

4. Arguments of Shri R.P.Bhumkar learned Advocate for the Applicant and Shri M.P.Gude learned P.O. for the respondents, are heard at length.

5. Matter is reserved for order.

**MEMBER (J)**  
YUK DB ORAL ORDER 19-10-2016

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.635/2013**

(Dr. P.K.Chavan & Ors. V/s. The State of Mah. & Ors.)

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

DATE : 19-10-2016

**ORAL ORDER:-**

Heard Shri A.S.Deshmukh learned Advocate for the Applicant and Smt. Sanjivani Ghate learned Presenting Officer for respondents.

2. After hearing the matter for considerable time, learned P.O. requested for adjournment till tomorrow for taking some instruction from the respondents. Time granted.
3. This matter be treated as part heard.
4. S.O.20-10-2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

YUK DB ORAL ORDER 19-10-2016



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**O.A.No.401/2016 with M.A.No.224/2016  
with Caveat No.46/2016**

(J.D.Valvi V/s. The State of Mah. & Ors.)

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

DATE : 19-10-2016

**ORAL ORDER:-**

Heard Shri S.D.Dhongde learned Advocate for the Applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents. Shri C.D.Biradar learned Advocate for the Intervenor is **absent**.

2. After circulation taken by the Applicant, the matter has come up on board today for hearing. It seems that the Intervenor has not been informed the date of hearing.

3. Applicant should inform date of hearing to the other side so that the matter is heard finally.

4. Matter is, therefore, adjourned till 21-10-2016. It may be kept high on board.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

YUK DB ORAL ORDER 19-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.589/2016**

(B.R.Dudhmal V/s. The State of Mah. & Ors.)

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

DATE : 19-10-2016

**ORAL ORDER:-**

Heard Shri M.R.Wagh learned Advocate holding for Shri R.B.Narwade Patil learned Advocate for the Applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. On instruction, learned Advocate for the Applicant seeks leave of the Tribunal to withdraw the O.A. as the Applicant is no longer desirous to pursue the same.

3. Leave as prayed for is granted. O.A. stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

YUK DB ORAL ORDER 19-10-2016

ORIGINAL APPLICATION NO.813/2016.

( AV Gangode Vs. State of Mah. & Ors.)

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

DATE :--19.10.2016.

ORAL ORDER:-

Shri AS Deshmukh, learned Advocate for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. By impugned order dated 16.10.16 the applicant has been transferred from the post of Chief Officer, Dondaicha Nagar Parishad, Dhule to the post of Chief Officer, Deolali Prawara, Nagar Parishad, Ahmednagar on the vacant post. Learned counsel for the applicant invited my attention to the fact that, the said order has been issued on Sunday i.e. on 16.10.16. In the very order it is mentioned that applicant is relieved on 17.10.16 before office hours. In view thereof, the Collector, Dhule seems to have passed the order dated 17.10.2016 relieving the applicant from Dhondaicha and the additional charge of the said post is kept with one Rohidas Upper Tahsildar, Dhondaicha.

3. Learned counsel for the applicant submits that, he was transferred to Dhondaicha vide order dated 29.7.2015 and has not completed more than 15 months and still he has been transferred. The aforesaid order, according to the applicant is mid term as well as mid tenure.

4. Learned Advocate for the applicant also invited my attention to the order dated 14.10.2016 wherein it has been observed that, the Officers can not be transferred once the election is declared and during the code of conduct without permission of the Election Commissioner.

5. Learned CPO however, submits that, the election are not declared. He submits that, the respondents are ready to file affidavit on 27.10.2016.

6. Thus, from the aforesaid circumstances, it is clear that, prima facie applicant has been transferred before completion of his tenure with Dhondaicha and transfer seems to be prima facie mid term. However, it is also fact that, the applicant has been relieved. However, what happened with the charge of the applicant in respect of his election matter is not clear.

7. Learned counsel for the applicant invited my attention to the order dated 28.9.2016 whereby the applicant has been assigned duty as regards election of the Nagar Parishad of 2016. However, it seems that this order has been passed by Collector and therefore, the applicant need not bother for that as the Collector will take proper steps to appoint somebody else in the

applicant's place. In view thereof no interim relief can be granted as prayed for by the learned counsel for the applicant at this juncture.

8. Learned Advocate for the applicant apprehends that, the Election Commissioner may take action against the applicant for not complying with the order issued by the Collector, as regards assignment of work of election. The said issue will be dealt with after the election commissioner is heard on this point, since he is also party to this O.A. and I hope that Election Commissioner will not take any action.

9. Issue notices to the respondents, returnable on 27.10.2016.

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 of Original application. Respondent is put to notice that the case would be

-4- ORIGINAL APPLICATION NO.813/2016.

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 question such as limitation and alternate remedy are kept open.

13. The service may be done by hand delivery, speed post, courier and acknowledgement 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 The respondents are free to file reply affidavit before due date, if they wish to do so.

15. S.O. to 27.10.2016.

16. Steno Copy and Hamdust allowed to both parties.

MEMBER (J)

19.10.2016-ATP (SB)

MA NO.359/16 IN OA NO.647/2016.

(Mah. Raja Nagar Parishad Karmachari Sanghatana, Br. Beed Vs. State and others)

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

DATE :--19.10.2016.

ORAL ORDER:-

Shri MS Indani, learned Advocate for the applicant, Shri MS Mahajan, learned Chief Presenting Officer for the Respondents and Shri S.P. Urgunde, learned Advocate for the Intervenor.

2. Learned C.P.O. submits that he is filing affidavit in reply to the O.A. It is taken on record. Its copy is served on the applicant.

3. Learned Advocate for the original applicant has filed reply to the intervention application, copy has been served on the counsel for the intervenor. The same is taken on record.

4. S.O. to 20.10.2016.

MEMBER (J)

19.10.2016-ATP (SB)

ORIGINAL APPLICATION NO. 892 OF 2012

(K.B. Gethe Vs. The State of Mah. & Ors.)

CORAM:- Hon<sup>ble</sup> Shri Rajiv Agarwal, Vice Chairman (A)

AND

Hon<sup>ble</sup> Shri J.D. Kulkarni, Member (J)

DATE :- 19.10.2016.

Oral Order :-

1. Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. At the request of learned Presenting Officer for the applicant respondents, S.O.20.10.2016.

MEMBER (J)

VICE CHAIRMAN (A)

19.10.2016-ATP (DB)(ak)

LATERON:-

1 The learned P. O. placed on record a copy of letter dated 19.10.2016 issued by Incharge Dy. Controller of legal metrology, Aurangabad informing the Presenting Officer that the applicant in this case was earlier transferred from the post of Registrar District consumer Forum, Osmanabad to Assistant Controller of legal metrology, Mumbai and thereafter he has been transferred as Assistant Controller of legal Metrology in the Division office, Aurangabad. The applicant has joined the said post on 24.8.2016. As the grievance of the applicant has since been redressed by the respondents nothing survives in this O.A., which is disposed of accordingly, with no order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

19.10.2016-ATP (DB)(ak)