

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**O.A. NO. 183/2017  
(Ajit Vs. The State of Mah.&Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 19.09.2017.**

**ORAL ORDER :**

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

2. The learned P.O. files on record affidavit in reply of the respondent. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The learned P.O. points out that the present applicant was not qualified for seeking parallel reservation as he has not completed 3 years' in the Home Guard Services, which was one of the prerequisite for considering the case of the applicant for selection from this parallel reserved category.

4. The learned Advocate for the applicant seeks time to explain the facts. At his request, S.O. to 5.10.2017 for satisfying this Tribunal the above query.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 19.9.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**O.A. NOS. 217, 218 & 219/2017**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri J.M. Murkute, learned Advocate for the applicants in these three matters and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondents in these three matters.

2. The learned P.O. points towards the sec. 2 of the of the Bombay Home Guards Act, 1947 (paper book page 25), which would show that the Home Guards are not the employees of the State Government, but the Home Guards will be the Members of the Volunteer Body, called as Home Guards. In the circumstances, she submits that, the functions rendered by them cannot be called as service matters and, therefore, the Administrative Tribunal has no jurisdiction to entertain the present O.As.

3. The learned Advocate for the applicants seeks time to make submissions and / or withdrawal of the O.As., if any. At his request, S.O. to 27.9.2017 for making submissions or for instructions regarding withdrawal.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 19.9.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**O.A. NO. 226/2017  
(Baliram Vs. The State of Mah.&Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri D.P. Sathe, learned Advocate holding for Shri K.M. Nagarkar, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the Respondents.

2. The learned P.O. files on record 2 separate affidavit in replies of res. nos. 1 & 3 and respondent no. 2. The same are taken on record and copies thereof are supplied to the learned Advocate for the applicant. She seeks time to file affidavit in reply of res. nos. 4 & 5. Time granted.

3. S.O. to 11.10.2017 for hearing on admission.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 19.9.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**O.A. NO. 262/2017  
(Trimbak Vs. The State of Mah.&Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Issue notices to the respondents in the present O.A., returnable on 12.10.2017.
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 O.A. Respondent is 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 question 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 12.10.2017.
8. Steno copy & hamdast allowed to both the sides.

**VICE CHAIRMAN.**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**O.A. NO. 431/2017  
(Vyankatesh Vs. The State of Mah.&Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri J.B. Choudhary, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. The learned Advocate for the applicant seeks time to satisfy the query as to whether some rule is in existence regarding withholding of the pensionary benefits when departmental enquiry is initiated after retirement. At his request, S.O. to 4.10.2017 for satisfying the query.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 19.9.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**O.A. NO. 570/2017  
(Anita Vs. The State of Mah.&Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

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

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri D.D. Deshmukh, learned Advocate holding for Shri (Dr.) Swapnil Tawshikar, 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, today he is not prepared to answer the query regarding the case. In the circumstances, at his request, S.O. to 20.10.2017 for hearing before issuing the notices by the Tribunal.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 19.9.2017



**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**MA 148/2016 IN OA 167/2016  
(Kamel Kashif Inamdar Vs. The State of Mah. & Ors.)**

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OFFICE ORDER

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TRIBUNAL'S ORDERS  
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**CORAM : JUSTICE M.T. JOSHI, V.C.**

**DATE : 19.09.2017.**

**ORAL ORDER :**

None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the Respondent no. 1 and Shri G.N. Patil, learned Advocate for respondent nos. 2 to 4 are present.

2. The learned Advocate for res. nos. 2 to 4 submits that the applicant or his learned Advocate are irregular in attending the present matter and it causes unnecessary harassment to the respondents. On the last date also none appeared for the applicant. In the circumstances, as a last chance, S.O. to 4.10.2017 for hearing or for passing necessary order in default.

**VICE CHAIRMAN.**

ARJ ORAL ORDERS 19.9.2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.566/2017.  
(Shri R. G. Mane V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

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

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri M. R. Khutwad, learned Advocate for the applicant and Smt P. R. Bharaswadkar, learned Presenting Officer for respondents.

2. Upon hearing the learned Advocate for the applicant it appears that, the applicant is seeking seniority from the date of his initial appointment in Class IV category on compassionate ground though later on he was appointed in Class III category as the vacancies were found thereafter and the applicant was eligible for the same.

3. The learned Advocate for the applicant seeks time to go through Rules, G.R. etc. under which he can claim seniority in Class III category

from the date of his initial appointment in Class IV category.

4. At the request of the learned Advocate for the applicant, S.O. to 27.9.2017 for satisfying the above query.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 19-09-2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.668/2017.  
(Shri A. M. Thorat V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

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

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri V. B. Wagh learned Advocate holding for Shri G. S. Patil, learned Advocate for the applicant and S , learned Presenting Officer for respondents.

2. Issue notice to the respondents, returnable on 05.10.2017.

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

4. Applicants are 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. Respondent is 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 question 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. Without filing any detail affidavit the Respondent no.3 is directed to go through Exh."E" (page 18), which would show that the Govt. Resolution dated 13.07.2010 (Exh. B, page 10) is also stayed by the Govt. and therefore, to take corrective steps, if any, according to Law on the representation of the applicant (Exh.D, page 15) and file the report about the same on the next date.**

8. If the respondent no.3 comes to the conclusion that no corrective steps can be taken for any reasons a brief affidavit explaining the reasons be filed on the next date.

9. S.O. to 05.10.2017 for report.

10. Steno copy & hamdast allowed to both the sides.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 19-09-2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**MA NO.380/17 IN CP ST.1300/07 IN OA 207/15.  
(Smt Balika Tawshikar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

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

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri P. D. Deshmukh learned Advocate holding for Shri Shaikh Mazhar A. Jahagirdar, learned Advocate for the applicant and Shri I. S. Thorat, learned Presenting Officer for respondents.

2. Issue notice to the respondents, returnable on 04.10.2017.

3. S.O. to 04.10.2017.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 19-09-2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**REV. NO.08/2017 IN OA NO.498/2013.  
(Shri S. D. Hawanna V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

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

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri K. B. Jadhav, learned Advocate for the applicant and Shri V. R. Bhumkar, learned Presenting Officer for respondents.

2. Upon hearing the learned Advocate for the applicant, the applicant himself has not pleaded certain facts which according to him has resulted in the passing of the order of dismissal of the O.A. of the applicant. This cannot be a ground of review. However, since the decision was rendered by the Division Bench remove from Board. Be placed before the Division Bench as and when it would be available.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 19-09-2017



**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**MA NO.375/2017 IN OA ST. NO.1363/2017.  
(Dr. B. R. Pandve & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

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

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri J. S. Deshmukh, learned Advocate for the applicants and Shri M. S. Mahajan, learned Chief Presenting Officer for respondents.

2. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 19-09-2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**OA ST. NO.1363/2017.**

**(Dr. B. R. Pandve & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

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

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri J. S. Deshmukh, learned Advocate for the applicants and Shri M. S. Mahajan, learned Chief Presenting Officer for respondents.

2. Issue notice to the respondents, returnable on 10.10.2017.

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

4. Applicants are 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. Respondent is 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

question 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 10.10.2017.

8. Steno copy & hamdast allowed to both the sides.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 19-09-2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.677/2017.  
(Shri V. P. Saygunde V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

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

**DATE : 19.09.2017.**

**ORAL ORDER :**

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

2. Upon hearing it appears that, though the Respondent no.3 was not able to pass the departmental examination as per Rule 4 of the Maharashtra Sub Service Departmental Examination Rules, 1988 within the prescribed period and within the prescribed attempt in the very same year when he became due for losing his seniority, as per the learned counsel the Respondent no.3 attained the age of 45 years and as such was exempted from passing of such departmental examination.

3. In that view of the matter it appears that, the challenge to the promotion given to respondent no.3 who was senior to the applicant would not survive. The learned counsel therefore, seeks time to take instructions from the applicant for withdrawal, if any, of the present application. At his request, S.O. to 5.10.2017 for taking instructions from the applicant.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 19-09-2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.664/2016.  
(Shri S. W. Asole V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

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

**DATE : 19.09.2017.**

**ORAL ORDER :**

None present for the applicant. Shri D. R. Patil, learned Presenting Officer for respondents is present.

2. The learned P.O. seeks time to file reply. The record would show that, on 8.6.2017 last chance was granted. In the circumstances, reply be filed on 28.9.2017, failing which the concerned Respondent shall be liable to deposit a cost of Rs.5000/- (Rs. Five thousand only).

3. S.O. to 28.09.2017 for filing reply.

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

**VICE CHAIRMAN.**

ATP ORAL ORDERS 19-09-2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**O. A. NO. 636/15 with MA NO.404/15 .  
(Dr. Mukarram Ahmed Khan V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

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

**DATE : 19.09.2017.**

**ORAL ORDER :**

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

2. Learned P.O. seeks time to file affidavit in reply to the amended O.A. At his request, S.O. to 04.10.2017.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 19-09-2017

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

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

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE M. T. JOSHI, V. C.**

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

**DATE : 19.09.2017.**

**ORAL ORDER :**

None present for the applicant. Heard Smt S. K. Ghate Deshmukh, learned Presenting Officer for respondents no.1 to 4 and Smt. Vidya Taksal learned Advocate holding for Shri A. S. Deshmukh learned Advocate for the Respondent no.5.

2. S. O. to 03.10.2017 either for filing rejoinder or for proceeding with the O.A. without any rejoinder.

**VICE CHAIRMAN.**

ATP ORAL ORDERS 19-09-2017



**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.203/2017  
(Shri Shamrao Wagatkar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

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

2. Issue fresh notice to the respondents, returnable on 31-10-2017.
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 31-10-2017.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.226/2016  
(Shri Shivram Dhapate V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri P.B.Jadhav learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 31-10-2017.

YUK ORAL ORDER 19-09-2017 F

**MEMBER (J)**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.322/2016  
(Swati Kulkarni & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

Shri B.S.Kudale learned Advocate for the applicant has filed **leave note** on record. Shri S.K.Shirse learned Presenting Officer for respondents is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 09-10-2017.

YUK ORAL ORDER 19-09-2017 F

**MEMBER (J)**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.652/2016  
(Shri Bhimraj Thorat V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri H.U.Dhage learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for respondents.

2. Since none is present for the applicant, S.O. to 04-10-2017.

YUK ORAL ORDER 19-09-2017 F

**MEMBER (J)**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.657/2016  
(Shaikh Shabana Murtuza Ali V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

Shri M.P.Tripathi learned Advocate for the applicant is **absent**. Shri I.S.Thorat learned Presenting Officer for respondents is present.

2. Since none is present for the applicant, S.O. to 04-10-2017 for passing appropriate order.

YUK ORAL ORDER 19-09-2017 F

**MEMBER (J)**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.767/2016  
(Shri Lalasaheb Pawar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

Shri M.M.Kadtu learned Advocate for the applicant has filed **leave note** on record. Smt. Sanjivani Ghate learned Presenting Officer for respondents is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 10-10-2017.

YUK ORAL ORDER 19-09-2017 F

**MEMBER (J)**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.863/2016  
(Shri Baburao Tathe V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri J.B.Choudhary learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for respondents.

2. At the request of both sides, S.O. to 21-09-2017.

YUK ORAL ORDER 19-09-2017 F

**MEMBER (J)**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.258/2017  
(Dr. Deepashri Choudhary V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

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

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

3. S.O. to 09-10-2017.

**MEMBER (J)**

YUK ORAL ORDER 19-09-2017 F



**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.304/2017  
(Shri Arun Naik V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

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

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

3. S.O. to 31-10-2017.

4. Interim relief granted earlier to continue till then.

**MEMBER (J)**

YUK ORAL ORDER 19-09-2017 F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.344/2017  
(Farida Aatar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri S.P.Dhoble learned Advocate holding for Shri N.L.Choudhary learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents.

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

3. S.O. to 28-09-2017.

4. Interim relief granted earlier to continue till then.

**MEMBER (J)**

YUK ORAL ORDER 19-09-2017 F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.475/2017  
(Shri Chandrakant Jadhav V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri P.P.More learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents is present.

2. Learned P.O. files affidavit in reply on behalf of respondent no.2. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 28-09-2017 for filing reply on behalf of other respondents.

**MEMBER (J)**

YUK ORAL ORDER 19-09-2017 F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.528/2017  
(Shri Prakash Vaichal V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

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

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

3. S.O. to 22-09-2017.

**MEMBER (J)**

YUK ORAL ORDER 19-09-2017 F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**M.A.No.40/2017 WITH M.A.St.No.103/2017 IN O.A.No.199/2016  
(Jayshree Landge V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

Shri S.S.Ambore learned Advocate for the applicant is **absent**. Shri D.M.Shinde learned Advocate for respondent no.2 is **absent**.

Smt. Sanjivani Ghate learned Presenting Officer for respondents is present.

2. Since none is present for the applicant, S.O. to 06-10-2017 for passing appropriate order.

**MEMBER (J)**

YUK ORAL ORDER 19-09-2017 F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.463/2016**  
(Shri Ishwar Pawar V/s. State of Maharashtra & Ors.)

**ORIGINAL APPLICATION NO.464/2016**  
(Shri Milind Kulkarni V/s. State of Maharashtra & Ors.)

**ORIGINAL APPLICATION NO.465/2016**  
(Shri Vinayak Jadhav V/s. State of Maharashtra & Ors.)

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Ku. Preeti Wankhade learned Advocate for the applicants and Shri V.R.Bhumkar, Smt. Deepali Deshpande and Shri N.U.Yadav learned Presenting Officers for the respondents in respective cases.

2. Arguments of both sides are heard at length. Cases are reserved for order.

**MEMBER (J)**

YUK ORAL ORDER 19-09-2017 F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.554/2016  
(Shri Ramdas Sangle V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri V.B.Wagh learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. Arguments of both sides are heard at length. Case is reserved for order.

YUK ORAL ORDER 19-09-2017 F

**MEMBER (J)**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**M.A.No.381/2017 IN O.A.St.No.1169/2017  
(Shri Sharad Kulkarni & Ors. V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Smt. Juee Palekar-Parlikar learned Advocate holding for Shri S.D.Joshi learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 28-09-2017.

YUK ORAL ORDER 19-09-2017 F

**MEMBER (J)**



**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.658/2017  
(Shri Shivaji Phalegavkar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

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

2. At the request of learned P.O., S.O. to 29-09-2017.

YUK ORAL ORDER 19-09-2017 F

**MEMBER (J)**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.366/2017  
(Shri Kumar Patil V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri A.S.Deshmukh learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondent and Shri D.T.Devane learned Advocate for respondent nos.2 and 3.

2. Learned Advocate for the applicant has submitted that applicant is ready to join new posting which will be given to him in view of the communication dated 07-09-2017.

3. Learned CPO seeks time to issue necessary order giving posting to the applicant in Pune region. Time granted.

4. S.O. to 06-10-2017.

5. Interim relief granted earlier to continue till then.

**MEMBER (J)**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.144/2017  
(Shri Sharad Pathak V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

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**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri S.B.Mene learned Advocate holding for Shri A.S.Deshpande learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.

2. Learned P.O. has produced communications dated 08-09-2017, 12-09-2017, 16-09-2017 and 18-09-2017 on record. Same are taken on record and marked as document "X" collectively. By the said communications respondents have informed that the amount due and payable to the applicant has been paid and proposal to grant pension to the applicant has been sent to the A.G. Nagpur.

3. Learned P.O. has submitted that in view of the said submissions relief claimed by the applicant has been satisfied. Therefore, he prayed to dispose of the O.A. accordingly.

4. Learned Advocate for the applicant has submitted that he has no instructions from the applicant and he will take instructions from the applicant and make submission in the matter. He, therefore, sought short time. Time granted.

5. S.O. to 21-09-2017.

YUK ORAL ORDER 19-09-2017 F

**MEMBER (J)**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**M.A.No.365/2017 IN O.A.No.140/2017  
(Shri Dattatray Jadhav V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri V.R.Bhumkar learned Presenting Officer for the applicants (original respondents). Shri R.B.Ade learned Advocate for respondent (original applicant) is **absent**.

2. Application has been moved by one Shri Kantrao s/o. Pagoji Dhumale who happens to be Assistant Conservator of Forests, Social Forestry Division, Nanded, District Nanded. He sought extension of time to pass order on the appeal filed by the original applicant in view of the directions given by this Tribunal in O.A.No.140/2017 on the ground that respondent no.2 could not pass the order within stipulated time as directed by the Tribunal as recommendation from the respondent no.2 has been received to the office of respondent no.1 on 06-09-2017. The applicant has sought extension of 2 months' time for deciding the appeal.

3. I have gone through the order passed by the Tribunal in O.A.No.140/2017 dated 07-07-2017. By the said order, Tribunal had directed respondent no.1 to decide the appeal preferred by the respondent no.1 within 2 months from the date of that order.

4. In view of the said order Secretary had to decide the representation filed by the applicant within 2 months from the date of order dated 07-07-2017. But it is evident from the record that he failed to decide the representation within time. In fact, respondent no.1 should have approached this Tribunal seeking extension of time to decide representation mentioning grounds for not taking decision on the appeal within the prescribed period but the respondent no.1 has not approached the Tribunal and he directed the Assistant Conservator of Forests, Social Forestry Division, Nanded, District Nanded to file present Misc. Application before the Tribunal. While filing the present application, respondent no.1 has not authorized the present

applicant to file this M.A. Present applicant was also not party to the Original Application. Therefore, in view of this situation, it is evident that the present misc. application is not maintainable.

5. O.A. had already been disposed of with certain directions. There is no just ground to extend the time as prayed for. Hence, the Miscellaneous Application No.365/2017 is dismissed with no order as to costs.

**MEMBER (J)**

YUK ORAL ORDER 19-09-2017 F

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

O.A.No.539/2017 WITH CAVEAT NO.27/2017 & 39/2017  
(Dr. Sarita Patil V/s. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO.540/2017  
(Dr. Sakahari Sonawane V/s. State of Maharashtra & Ors.)

O.A.No.541/2017 WITH Caveat No.29/2017  
(Dr. Manik Sangle V/s. State of Maharashtra & Ors.)

O.A.No.542/17 WITH Caveat No.26/17, 28/17 & 43/17  
(Dr. Sunil Bhamre V/s. State of Maharashtra & Ors.)

O.A.NO.559/2017 WITH Caveat No.38/2017  
(Dr. Rajkumar Jarhad V/s. State of Maharashtra & Ors.)

O.A.No.564/2017 WITH Caveat No.48/2017  
(Dr. Yashwant Chavan V/s. State of Maharashtra & Ors.)

O.A.No.571/2017 WITH Caveat No.49/2017  
(Dr. Shrinivas Jadhav V/s. State of Maharashtra & Ors.)

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : B. P. PATIL, MEMBER (J)**

**DATE : 19.09.2017.**

**ORAL ORDER :**

Heard Shri V.B.Wagh learned Advocate for the applicants in O.A.No.539/17, 540/17, 541/17, 542/17 and 559/17, Shri A.S.Deshmukh learned Advocate for the applicant in O.A.No.564/17 and Shri Shamsundar B. Patil learned Advocate for the applicant in O.A.No.571/17. Shri M.S.Mahajan learned Chief Presenting Officer for respondents in O.A.No.539/17, 540/17, 541/17 and 542/17 Shri N.U.Yadav learned Presenting Officer for respondents in O.A.No.559/17, 564/17 and 571/17. Shri N.P.Dube learned Advocate for respondent no.4 in O.A.No.539/17. Shri S.B.Pawar learned Advocate holding for Shri Shamsundar B. Patil learned Advocate for respondent no.4 in



O.A.No.542/17 and Shri Mandar Dabholkar learned Advocate for the respondent no.5 in O.A.No.571/17.

2. Shri Mandar Dabholkar learned Advocate has filed affidavit in reply on behalf of respondent no.5 in O.A.No.571/2017. It is taken on record. Copy thereof has been served on the other side.

3. On previous date learned CPO sought time to produce original file pertaining to transfers of the applicants as it is material for deciding the O.As. He had also assured to keep responsible officer in Mantralaya present before the Tribunal on today. The learned P.O. has submitted that responsible officer from Health Department has not approached him today and also not brought original record. He has submitted that presence of the responsible officer from Health Department is necessary to explain the manner in which transfers of the Civil Surgeon have been made by the respondents. He has submitted that the original record is also material to decide the O.As. Therefore, he seeks one week's time to

keep the responsible officer of Health Department present with the relevant record.

4. Learned Advocates for the applicants objected for granting time on the ground that on the last date respondents were directed to keep responsible officer present before the Tribunal and to provide the record as the matter has to be heard finally today. Therefore, they prayed to reject the request of the learned CPO.

5. On perusal of documents on record it reveals that meeting of the Civil Services Board No.1 had been alleged to be held on 16-06-2017 under the Chairmanship of one Shri Rajesh Kumar, then Principal Secretary of Health Department. One Shri Pradeep Vyas, then Commissioner and one Dr. Satish Pawar, Director of Health Services were members of the committee. Proposal regarding transfer of the Civil Surgeons might have been considered by the said committee on 16-06-2017 and they recommended transfers of the Civil Surgeons

working in the State of Maharashtra. Copy of the minutes of the meeting held by Civil Services Board No.1 had been produced on record which shows that 2 members, viz. Shri Satish Pawar and Shri Pradeep Vyas have put their signature on 16-06-2017. Shri Rajesh Kumar, Chairman had not signed the minutes but it reveals that the minutes had been signed by Dr. Pradeep Vyas again in the capacity of Chairman of the Board and also Principal Secretary of Health Department on 15-07-2017. No explanation has been given as to how Shri Pradeep Vyas put his signature on the minutes of the meeting of the Civil Services Board No.1 as a Member as well as Chairman of the committee and why the signature of Shri Rajesh Kumar had not been obtained on it. No date of meeting was mentioned in the minutes of meeting.

6. It is, therefore, just to direct Dr. Pradeep Vyas who is conversant to the facts has to explain all these irregularities noted in the minutes of the meeting by appearing personally before the

Tribunal. He is also directed to produce original file regarding transfer of the Civil Surgeons. Respondent no.1 is also directed to produce entire file of standing orders as regards transfers issued by the Chief Secretary from time to time, on the next dated.

7. S.O. to 26-09-2017.

YUK ORAL ORDER 19-09-2017 F

**MEMBER (J)**