

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

ORIGINAL APPLICATION NO.60/2017.

(Shri Sushilkumar K. Jakate Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T.JOSHI, MEMBER (J).

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

DATE :02.02.2017.

ORAL ORDER:-

Heard Shri Ajay Deshpande, learned Advocate for the applicant and Shri Ajay Deshpande, learned Presenting Officer for the Respondents.

2. The learned C.P.O. is directed to take instructions from the concerned authority as to whether any process is initiated for promotion or as to whether any proposal for regional transfer of any other candidate from other region is proposed or under consideration, and to make statement as to whether there is any hitch in starting the promotion process as the seats are lying vacant since November 2016.
3. At the request of the C.P.O., S.O. to 16.2.2017. In the meantime the post in question at Latur should not be filled.
4. Steno copy allowed to both sides.

MEMBER (J).

ORAL ORDERS 2-2-2017-ATP

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

ORIGINAL APPLICATION No.267/2016.

(Shri A. L. Shejul & Ors. Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T.JOSHI,MEMBER (J).

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

DATE : 2/2/2017.

ORAL ORDER :-

Heard S/Shri I. D. Maniyar & R.R. Bangar, learned Advocates for the applicant, Smt R.S. Deshmukh, learned Presenting Officer for the Respondents no.1 to 3 and Shri G. N. Patil, learned Advocate for the remaining Respondents.

2. Learned P.O. Smt. R.S. Deshmukh and learned Advocate Shri G.N. Patil for the Respondents prays for time to take instructions on the facts as to whether the budgetary provision is required for taking action of grant of Assured Career Progression Scheme to the Applicants in view of the internal communication dated 26.5.2016 as is finding place at page no.151 and positively make a statement as to whether any process for Assured Career Progression Scheme is contemplated. On their request S. O. to 23.2.2017.

MEMBER (J).

ORAL ORDERS 2-2-2017-ATP

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

ORIGINAL APPLICATION No.327/2016.

(Shri D. B. Thite Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T.JOSHI,MEMBER (J).

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

DATE : 2/2/2017.

ORAL ORDER :-

Heard Shri M. R. Deshmukh, learned Advocate for the applicant and Smt D. S. Deshpande, learned Presenting Officer for the Respondents.

2. The learned P.O. filed G.R. dated 3.6.2011 at Exh. R-1. Learned Advocate for the Applicant submits that, the Applicant has to challenge the constitutionality of the said G.R. dated 3.6.2011 Exh. R-1. He is also directed to make the submission as to whether the authority is competent to correct the mistakes, if any, in treating the Applicant as a junior to the Respondent no.6 entailing into reversion of the present Applicant. At his request, S. O. to 23.2.2017 for filing necessary application.

MEMBER (J).

ORAL ORDERS 2-2-2017-ATP

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

MA NO.103/15 IN CP ST.333/15 IN OA 529/11.
(Shri S. L. Kulkarni & Ors. Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T.JOSHI, MEMBER (J).
(This matter is placed before Single Bench due
to non-availability of Division Bench)

DATE : 2-2-2017.

ORAL ORDER :-

Heard Shri M. R. Deshmukh, learned Advocate for the
applicants and Shri S. K. Shirse, learned Presenting Officer
for the Respondents.

2. At the request of the learned P. O. for the
Respondents, S. O. to 16.3.2017.

MEMBER (J).

ORAL ORDERS 2-2-2017-ATP

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

MA NO.104/15 IN CP ST.335/15 IN OA 197/12.

(Shri N. V. Mundhe & Ors. Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T.JOSHI,MEMBER (J).

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

DATE : 2-2-2017.

ORAL ORDER :-

Heard Shri M. R. Deshmukh, learned Advocate for the
applicants and Smt S. K. Ghate Deshmukh, learned
Presenting Officer for the Respondents.

2. At the request of the learned P. O. for the
Respondents, S. O. to 16.3.2017.

MEMBER (J).

ORAL ORDERS 2-2-2017-ATP

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

MA NO.105/15 IN CP ST.337/15 IN OA 830/11.

(Shri S. S. Deshmukh & Ors. Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T.JOSHI, MEMBER (J).

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

DATE : 2-2-2017.

ORAL ORDER :-

Heard Shri M. R. Deshmukh, learned Advocate for the
applicants and Shri D. R. Patil, learned Presenting Officer for
the Respondents.

2. At the request of the learned P. O. for the
Respondents, S. O. to 16.3.2017.

MEMBER (J).

ORAL ORDERS 2-2-2017-ATP

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

MA NO.443/2016 IN OA 453/2011.

(Shri S. B. Adkine Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T.JOSHI,MEMBER (J).

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

DATE : 2-2-2017.

ORAL ORDER :-

Heard Shri R. J. Godbole, learned Advocate for the
applicants and Smt S. K. Ghate Deshmukh, learned
Presenting Officer for the Respondents.

2. At the request of the learned P. O. for the
Respondents, S. O. to 2.3.2017 for filing reply.

MEMBER (J).

ORAL ORDERS 2-2-2017-ATP

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

ORIGINAL APPLICATION No.721/2012.

(Shri A. P. Latpate & Ors. Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T.JOSHI, MEMBER (J).

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

DATE : 2.2.2017.

ORAL ORDER :-

Heard Shri A. S. Deshmukh, learned Advocate for the applicants and Shri V. R. Bhumkar, learned Presenting Officer for the Respondents.

2. Learned P.O. submits that, the concerned Officer is present, however, the record is not traced. In the circumstances, at his request S. O. to 2.3.2017.

MEMBER (J).

ORAL ORDERS 2-2-2017-ATP

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

ORIGINAL APPLICATION No.487/2013.

(Shri P. K. Tupe & Ors. Vs. State of Mah.& Ors.)

CORAM:HON'BLE SHRI JUSTICE M.T.JOSHI,MEMBER (J).

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

DATE : 2.2.2017.

ORAL ORDER :-

Heard Shri A. S. Deshmukh, learned Advocate for the applicants and Shri V. R. Bhumkar, learned Presenting Officer for the Respondents.

2. Learned P.O. submits that, the concerned Officer is present, however, the record is not traced. In the circumstances, at his request S. O. to 2.3.2017.

MEMBER (J).

ORAL ORDERS 2-2-2017-ATP

C.P. 102/2007 IN OA 631/2003

[Shri Bhaskar V. Wable & Ors. Vs. the State of Mah. & Ors.]

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

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

DATE :- 02.02.2017

Oral Order :-

(1) Heard Shri R.R. Bangar, learned Advocate for the applicants and Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande, learned Special Counsel for respondents.

(2) With the consent of both the sides, S.O. to 27.2.2017.

CHAIRMAN

ARJ 2.2.2017 HON. CHAIRMAN

ORIGINAL APPLICATION NO. 326 OF 2016

[Shri Changdev G. Savant Vs. the State of Mah. & Ors.]

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

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

DATE :- 02.02.2017

Oral Order :-

(1) Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

(2) With the consent of learned Advocate for the applicant & learned Presenting Officer for the respondents, S.O. to 6.3.2017.

ARJ 2.2.2017 HON. CHAIRMAN

CHAIRMAN

ORIGINAL APPLICATION NO. 743 OF 2016

[Shri Rakesh D. Barela Vs. the State of Mah. & Ors.]

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

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

DATE :- 02.02.2017

Oral Order :-

(1) Heard Shri D.K. Rajput, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3 and Shri Vivek Bhavthankar, learned special Counsel for respondent nos. 4 & 5.

(2) The learned Chief Presenting Officer has filed affidavit in reply on behalf of res. nos. 1 to 3. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

(3) Shri Bhavthankar, learned Special Counsel seeks time to file affidavit in reply on behalf of res. nos. 4 & 5.

(4) Time granted.

(5) S.O. to 6.3.2017.

CHAIRMAN

ARJ 2.2.2017 HON. CHAIRMAN

ORIGINAL APPLICATION NO. 815 OF 2016

[Shri Tumaram N. Satpute & Ors. Vs. the State of Mah. & Ors.]

CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE :- 02.02.2017

Oral Order :-

(1) Heard Shri S.K. Mathpati, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

(2) The learned Presenting Officer seeks time to file affidavit in reply of the respondents.

(3) Time granted.

(4) S.O. to 6.3.2017.

CHAIRMAN

ARJ 2.2.2017 HON. CHAIRMAN

ORIGINAL APPLICATION NO. 869 OF 2016

[Shri Dhanraj T. Lazade Vs. the State of Mah. & Ors.]

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

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

DATE :- 02.02.2017

Oral Order :-

(1) S/shri A.K. Tiwari / H.P. Jadhav, learned Advocate for the applicant **(absent)**. Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

(2) The learned Presenting Officer has filed affidavit in reply on behalf of res. no. 2. It is taken on record. The learned Presenting Officer undertakes to supply copy of the affidavit in reply to the learned Advocate for the applicant.

(3) In view of above position, S.O. to 6.3.2016.

CHAIRMAN

ARJ 2.2.2017 HON. CHAIRMAN

M.A. NO. 13/2017 IN O.A. NO. 928/2016

[Shri Govind J. Dhole Vs. the State of Mah. & Ors.]

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

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

DATE :- 02.02.2017

Oral Order :-

(1) Heard Shri Suresh S. Dhongde, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 & 2 and Ms. Amruta Paranjape, learned Advocate holding for Shri P.S. Paranjape, learned Advocate for respondent no. 3.

(2) At the request of learned Advocate for the applicant, S.O. to 3.2.2017.

CHAIRMAN

ARJ 2.2.2017 HON. CHAIRMAN

MA NO. 356/2016 IN CP ST. 1518/2016 IN OA NO. 396/1998

[Shri Chandulal G. Seth Vs. the State of Mah. & Ors.]

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

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

DATE :- 02.02.2017

Oral Order :-

(1) Heard Shri D.A. Madke, learned Advocate holding for Shri Girish Nagori, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

(2) The learned Chief Presenting Officer seeks time to file affidavit in reply.

(3) Time granted.

(4) S.O. to 6.3.2017.

ARJ 2.2.2017 HON. CHAIRMAN

CHAIRMAN

MA NO. 41/2017 IN O.A. NO. 483/2016

[Shri Govind D. Phulware Vs. the State of Mah. & Ors.]

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

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

DATE :- 02.02.2017

Oral Order :-

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

(2) As none appears for the applicant, S.O. to 13.12.2017.

CHAIRMAN

ARJ 2.2.2017 HON. CHAIRMAN

MA 43/2017 WITH MA 461/2016 IN OA 641/2015

[Shri Bhagatsingh P. Patil (Pawar) Vs. the State of Mah. & Ors.]

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

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

DATE :- 02.02.2017

Oral Order :-

(1) Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

(2) S.O. to 13.12.2017.

ARJ 2.2.2017 HON. CHAIRMAN

CHAIRMAN

ORIGINAL APPLICATION NOS. 899, 900 & 901 ALL OF 2016

CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE :- 02.02.2017

Oral Order :-

(1) Heard Shri V.S. Panpatte, learned Advocate for the applicants in all these matters, Shri M.S. Mahajan, learned Chief Presenting Officer & Shri M.P. Gude & Smt. Priya R. Bharaswadkar, learned Presenting Officers for the respondents in respective matters. None appears for the caveator.

(2) Learned C.P.O. & P.Os. state on instructions from the Dean, S.R.T.R. Govt. Medical College, Ambajogai as follows :-

(a) By order dated 2.2.2017 impugned order dated 28.11.2016 is revoked.

(b) Applicants would be reinstated immediately, and applicants would be paid salary & allowances treating as if applicants had actually served.

(3) In view of the statement of learned C.P.O. & P.Os., the present original applications are disposed of. There shall be no order as to costs.

CHAIRMAN

ARJ 2.2.2017 HON. CHAIRMAN

M. A. NO. 19/ 2017 IN O.A. NO. 899/2016
M. A. NO. 20/ 2017 IN O.A. NO. 900/2016
M. A. NO. 21/ 2017 IN O.A. NO. 901/2016

CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE :- 02.02.2017

Oral Order :-

(1) Heard Shri V.S. Panpatte, learned Advocate for the applicants in all these matters, Shri M.S. Mahajan, learned Chief Presenting Officer & Shri M.P. Gude & Smt. Priya R. Bharaswadkar, learned Presenting Officers for the respondents in respective matters. None appears for the caveator.

(2) Today by passing separate order in the respective original applications, the same are disposed of.

(3) In view of disposal of original applications, nothing survive in the present misc. applications and the same are also disposed of. There shall be no order as to costs.

CHAIRMAN

ARJ 2.2.2017 HON. CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 233 OF 2011
[Dr. Hussaini S. Khudadad Vs. The State of Mah. & Ors.]**

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

DATE : 02.02.2017.

ORAL ORDER:

Shri G.C. Navandar, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting officer for the respondent Nos. 1 & 1-A and Shri S.G. Joshi, learned Advocate for respondent no. 2.

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

3. S.O. to 2.3.2017.

MEMBER (J)

ORAL ORDERS 02.02.2017-KPB(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 574 OF 2016
[Smt. Jyoti Dilip Siddhewar Vs. The State of Mah. & Ors.]**

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

DATE : 02.02.2017.

ORAL ORDER:

Shri A.S. Deshmukh, learned Advocate for the applicant and Shri S.K Shirse, learned Presenting officer for the respondents.

2. The learned Presenting Officer submits that he will file short affidavit during the course of the date.

3. S.O. to 16.2.2017.

MEMBER (J)

ORAL ORDERS 02.02.2017-KPB(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 649 OF 2015
[Shakir Kadir Shaikh Vs. The State of Mah. & Ors.]**

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

DATE : 02.02.2017.

ORAL ORDER:

Smt. Supriya Bhilegaonkar, learned Advocate for the applicant, Smt. Resha S. Deshmukh, learned Presenting officer for the respondent No. 1 and Shri Vivek Bhavthankar, learned special counsel for respondent nos. 2 & 3.

2. At the request of learned special counsel for respondent nos. 2 & 3, S.O. to 23.2.2017.

MEMBER (J)

ORAL ORDERS 02.02.2017-KPB(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 573 OF 2015
[Ajinath Kisan Kharat Vs. The State of Mah. & Ors.]**

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

DATE : 02.02.2017.

ORAL ORDER:

Ms. Madhavi Ayyapan, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 1.3.2017.

MEMBER (J)

ORAL ORDERS 02.02.2017-KPB(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 219 OF 2012
[Vasant Baburao Haral Vs. The State of Mah. & Ors.]**

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

DATE : 02.02.2017.

ORAL ORDER:

Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting officer for the respondents.

2. The learned Advocate for the applicant seeks time to argue the matter. Time granted as a last chance.

3. S.O. to 22.2.2017.

MEMBER (J)

ORAL ORDERS 02.02.2017-KPB(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 347/2016 in O.A. ST. No. 1606/2016
[Balasaheb L. Deshmukh Vs. The State of Mah. & Ors.]**

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

DATE : 02.02.2017.

ORAL ORDER:

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting officer for the respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply in M.A.. Time granted as a last chance.

3. S.O. to 27.3.2017.

MEMBER (J)

ORAL ORDERS 02.02.2017-KPB(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 28/2017 with M.A. 509/15 in O.A. ST. No. 550/2015
[Pradeep Bhanudasrao Kokate Vs. The State of Mah. & Ors.]**

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

DATE : 02.02.2017.

ORAL ORDER:

Heard Ms. Madhavi Ayyapan, learned Advocate holding for Shri S. B. Talekar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting officer for the respondents.

2. This is an application filed by the applicant seeking permission to amend the O.A.

3. The learned Advocate for the applicant submits that the applicant has challenged the order dated 7.1.2015 passed by the Collector, Aurangabad rejecting his application and refusing to grant the time bound promotion. But inadvertently relief to quash the said order remains to be added in the prayer column of the accompanying O.A. in this regard. Therefore, he seeks leave of this Tribunal to add following prayer clause.

“D) To quash the impugned communication/letter dated 7.1.2015 issued by the respondent no. 4- Collector, Aurangabad thereby refusing to grant the time bound promotion or pay scale of higher promotion after completion of twelve years.”

4. On perusal of the O.A., it is clear that the applicant has filed present O.A. challenging the order dated 7.1.2015, but in the prayer clause the relief in that regard has not been made. The applicant is seeking the said relief by way of proposed amendment. The proposed amendment will not cause prejudice to the rights of other side and it avoids multiplicity of proceeding. Hence, the application deserves to be allowed. Therefore, the M.A. is allowed and the applicant is permitted to make necessary amendment in the O.A. The applicant shall carry out the necessary amendment within a week.

MEMBER (J)

ORAL ORDERS 02.02.2017-KPB(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. Mo. 509/15 in O.A. ST. No. 550/2015
[Pradeep Bhanudasrao Kokate Vs. The State of Mah. & Ors.]**

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

DATE : 02.02.2017.

ORAL ORDER:

Heard Ms. Madhavi Ayyapan, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting officer for the respondents.

2. Issue notices to the respondents in M.A., returnable on 29.03.2016.

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 M.A. 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. Steno copy and Hamdast is allowed to both parties.

8. S.O. to 29.03.2016.

MEMBER (J)

ORAL ORDERS 02.02.2017-KPB(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 08 OF 2016
[Sunderrao K Kokate Vs. The State of Mah. & Ors.]**

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

DATE : 02.02.2017.

ORAL ORDER:

Heard Shri K.N. Farooqui, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting officer for the respondents.

2. The learned Advocate, on instructions from the applicant, seeks permission to withdraw the Original Application.

3. In view thereof, the Original Application stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

ORAL ORDERS 02.02.2017-KPB(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 885 OF 2016
[Pravin Sitaram Akaware Vs. The State of Mah. & Ors.]**

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

DATE : 02.02.2017.

ORAL ORDER:

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting officer for the respondents.

2. The learned Advocate for the applicant seeks permission to withdraw the present original application in view of the fact that the impugned transfer order has been cancelled and now by issuing modified order the applicant is kept at Dhule only. He has placed on record the pursis signed by the applicant along with relevant documents, which is taken on record and marked as Exhibit 'X collectively' for the purpose of identification.

3. In view of above situation, the Original Application stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

ORAL ORDERS 02.02.2017-KPB(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. Mo. 475/15 in O.A. ST. No. 1401/2014
[Mahesh Suryakant Mahajan Vs. The State of Mah. & Ors.]**

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

DATE : 02.02.2017.

ORAL ORDER:

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

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

3. The learned Advocate for the applicant submits that he has filed O.A. seeking direction to give appointment to the applicant on compassionate ground on the basis of letter issued by the respondent no. 2 to the respondent no. 1 dated 1.3.2013. He also submits that his mother has filed application in the month of March 2013 before the Competent Authority for seeking appointment on compassionate ground. He submits that the delay caused in filing O.A. is because of lack of legal knowledge of the applicant and therefore, it may be condoned.

4. The learned P.O. for the respondents submits that the applicant has misled the facts before the Tribunal. She submits that the applicant's mother Smt. Manda Suryakant Mahajan has filed the application dated 29.12.2012 before the concerned authority on 15.01.2013 and thereafter, concerned authority has passed the order dated 1.3.2013 and included the name of the applicant in the list. Present applicant also misled the fact that he has approached to the concerned authorities. If such is the fact, the applicant shall have filed the documents on record showing that he approached to the concerned authority. She submitted that the applicant has not exhausted the remedies available to him and therefore, the present O.A. is not tenable and hence, no question arises to condone the delay.

5. I have perused the documents. The copy of application for appointment on compassionate ground filed by the applicant's mother Smt. Manda Suryakant Mahajan is at page no. 18 (Annexure A-3) of paper book. The respondents filed the copy of it received by the concerned office at 'Exhibit R-1' of paper book. It shows that in fact, it was dated

//3//

M.A. Mo. 475/15 in O.A.
ST. No. 1401/2014

29.12.2012 and it was received by concerned authority on 15.01.2013. The competent authority has passed order dated 1.3.2013, which is at paper book page no. 17 (Annexure A-2). After issuing the said order, the applicant has neither approached the concerned authority or filed representation for his appointment on compassionate ground. The applicant has not exhausted all the remedies available to him before approaching this Tribunal as provided u/s 20 of the Administrative Tribunals Act, 1985. Therefore, the O.A. filed by the applicant is not tenable. Consequently, no question of condoning the delay if any, caused in filing the O.A. arises. Therefore, the M.A. is not maintainable. Resultantly it stands dismissed. Consequently, the O.A. also stands dismissed. There shall be no order as to costs.

MEMBER (J)

ORAL ORDERS 02.02.2017-KPB(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 124 OF 2017
(Shri Bajirao Vithoba Khade Vs. The State of Maharashtra and
Others.)**

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

DATE : 02.02. 2017.

ORAL ORDER:

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

2. At the request of learned Advocate for the applicant, S.O. to 15th February, 2017 to enable him to file an application for delay condonation.

MEMBER (J)

ORAL ORDERS 02.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 792 OF 2015

**(Dr. Prasad S/o Vithal Kulkarni & Ors. Vs. The State of
Maharashtra and Others.)**

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

DATE : 02.02. 2017.

ORAL ORDER:

Heard Shri Vishnu Dhoble – learned Advocate for the applicants and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 1 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 applicants, S.O. to 29th March, 2017. Interim relief to continue till then.

MEMBER (J)

ORAL ORDERS 02.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 194 OF 2016

**(Shri Ramesh S/o Madhukar Jakatdar & Ors. Vs. The State of
Maharashtra and Others.)**

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

DATE : 02.02. 2017.

ORAL ORDER:

Heard Shri V.G. Pingle – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply.

3. It appears from the proceedings that from 20th April, 2016 the respondents are seeking adjournments for filing affidavit in reply. It also appears that on 28th September, 2016 time was granted to the respondents therefor, as a last chance and in spite of this fact, the respondents failed to file affidavit in reply.

4. In view of the above, time is granted as a most last chance to the respondents to file affidavit in reply with an understanding that no adjournments will be granted on the next date to file affidavit in reply..

5. S.O. to 29th March, 2017.

MEMBER (J)

ORAL ORDERS 02.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 213 OF 2016
(Shri Tukaram Vyankat Chate Vs. The State of Maharashtra
and Others.)**

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

DATE : 02.02. 2017.

ORAL ORDER:

Shri S.V. Mundhe – learned Advocate for the applicant (**absent**). Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Kakasaheb B. Jadhav – learned Advocate for respondent No. 4, were present.

2. It appears from the proceedings that on 26.7.2016, 30.09.2016 & 10.11.2016 Shri Ashish Rajkar, learned Advocate holding for Shri S.V. Mundhe, learned Advocate for the applicant, was present. It also appears from the proceedings that on 24.8.2016, nobody was appeared for the applicant. However, today also nobody appeared for the applicant.

3. In view thereof, S.O. to 29th March, 2017 for dismissal / appearance of the learned Advocate for the applicant.

MEMBER (J)

ORAL ORDERS 02.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 214 OF 2016
(Gavlan Vasant Darade Vs. The State of Maharashtra and
Others.)**

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

DATE : 02.02. 2017.

ORAL ORDER:

Shri S.V. Mundhe – learned Advocate for the applicant (**absent**). Shri I.S. Thorat – learned Presenting Officer for the respondent Nos. 1 to 3, present. None appears for respondent Nos. 4 & 5.

2. It appears from the proceedings that on 26.7.2016, 30.09.2016 & 10.11.2016 Shri Ashish Rajkar, learned Advocate holding for Shri S.V. Mundhe, learned Advocate for the applicant, was present. It also appears from the proceedings that on 24.8.2016, nobody was appeared for the applicant. However, today also nobody appeared for the applicant.

3. In view thereof, S.O. to 29th March, 2017 for dismissal / appearance of the learned Advocate for the applicant.

MEMBER (J)

ORAL ORDERS 02.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 493 OF 2016

**(Dr. Amol Limbaji Kakad Vs. The State of Maharashtra and
Others.)**

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

DATE : 02.02. 2017.

ORAL ORDER:

Heard Shri J.S. Deshmukh – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondent Nos. 1 to 3. None appears for respondent Nos. 4 & 5.

2. The learned Presenting Officer for respondent Nos. 1 to 3 seeks time to file affidavit in reply. Time granted.

3. S.O. to 30th March, 2017.

MEMBER (J)

ORAL ORDERS 02.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 549 OF 2016
(Shri Gopal S/o. Ramesh Chavan Vs. The State of
Maharashtra and Others.)**

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

DATE : 02.02. 2017.

ORAL ORDER:

Heard Shri H.A. Joshi – learned Advocate for the applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant has filed affidavit in rejoinder and the same is taken on record and the copy thereof has been served on the learned Presenting Officer.

3. S.O. to 30th March, 2017.

MEMBER (J)

ORAL ORDERS 02.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 737 OF 2016

**(Shri Latif S/o. Peerkha Pathan Vs. The State of Maharashtra
and Others.)**

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

DATE : 02.02. 2017.

ORAL ORDER:

Heard Shri A.D. Gadekar – learned Advocate for the applicant, Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.D. Dhongde – learned Advocate for respondent No. 3.

2. The learned Presenting Officer seeks time to file affidavit in reply. Time granted.

3. S.O. to 30th March, 2017.

MEMBER (J)

ORAL ORDERS 02.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 763 OF 2016

**(Shri Santosh S/o. Balwantrao Ghorpade Vs. The State of
Maharashtra and Others.)**

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

DATE : 02.02. 2017.

ORAL ORDER:

Shri Arun S. Shejwal – learned Advocate for the applicant
(**absent**). Mrs. Deepali S. Deshpande – learned Presenting Officer
for the respondents, present.

2. The learned Presenting Officer seeks time to file affidavit in
reply. Time granted.

3. S.O. to 31st March, 2017.

MEMBER (J)

ORAL ORDERS 02.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 786 OF 2016

**(Shri Subhash S/o. Vaijnath Bongulwar Vs. The State of
Maharashtra and Others.)**

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

DATE : 02.02. 2017.

ORAL ORDER:

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

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1, 3 & 4. Time granted.

3. S.O. to 30th March, 2017 as a last chance.

MEMBER (J)

ORAL ORDERS 02.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 788 OF 2016
(Shri Madhav S/o. Kerbarao Patil Vs. The State of
Maharashtra and Others.)**

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

DATE : 02.02. 2017.

ORAL ORDER:

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

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1, 3 & 4. Time granted.

3. S.O. to 30th March, 2017 as a last chance.

MEMBER (J)

ORAL ORDERS 02.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 787 OF 2016

**(Shri Vishwanath S/o. Fakirji Jondhale Vs. The State of
Maharashtra and Others.)**

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

DATE : 02.02. 2017.

ORAL ORDER:

Heard Shri A.D. Gadekar – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.

2. The learned Presenting Officer has filed separate affidavit in replies on behalf of respondent Nos. 2 & 4 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. S.O. to 30th March, 2017.

MEMBER (J)

ORAL ORDERS 02.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 827 OF 2016

**(Shri Syed Asifuddin S/o. Syed Mohammed Vs. The State of
Maharashtra and Others.)**

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

DATE : 02.02. 2017.

ORAL ORDER:

Heard Ms. Preeti R. Wankhade – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to take instructions from her client i.e. the applicant. Time granted.

3. S.O. to 31st March, 2017 as a last chance.

MEMBER (J)

ORAL ORDERS 02.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 933 OF 2016

**(Dr. Pravin P. Bodewar Vs. The State of Maharashtra and
Others.)**

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

DATE : 02.02. 2017.

ORAL ORDER:

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

2. The learned Presenting Officer seeks time to file affidavit in reply. Time granted.

3. S.O. to 15th February, 2017.

MEMBER (J)

ORAL ORDERS 02.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 379/2015 IN O.A.ST.NO. 1254/2015
(Smt. Vijaya Rajanna Jetty Vs. The State of Maharashtra and
Others.)**

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

DATE : 02.02. 2017.

ORAL ORDER:

Heard Shri A.C. Deshpande – learned Advocate for the applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply. Time granted.

3. S.O. to 15th February, 2017, as a last chance.

MEMBER (J)

ORAL ORDERS 02.02.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 854 OF 2016

**(Smt. Ashalata Kacharu Dhattrak Vs. The State of Maharashtra
and Others.)**

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

DATE : 02.02. 2017.

ORAL ORDER:

Heard Shri J.B. Choudhary – learned Advocate for the applicant, Shri V.R. Bhumkar – learned Presenting Officer for the respondent Nos. 1 to 4 and Shri S.D. Joshi – learned Advocate for the respondent Nos. 5 & 6.

2. In the present Original Application, the applicant is claiming the following reliefs: -

“A. The respondent Nos. 1 to 3 may kindly be directed to consider the request of the applicant for accommodating her in Nasik district in view of her representation dated 25.5.2015 and 18.10.2016.

B. The respondent Nos. 1 to 3 may kindly be directed to consider and decide the representations dated 25.5.2015 and 18.10.2016 submitted by the applicant for transferring her in Nasik district.

C. The order dated 30.9.2016, issued by respondent No. 3, transferring the respondent Nos. 5 & 6 may kindly be quashed and set aside.

D. In the alternative, the respondent Nos. 1 to 3 may kindly be directed to consider the claim of the applicant as and when posts of Craft Instructors (COPA) become vacant in Nasik district.”

3. The learned Advocate for the applicant submits that the present Original Application may be disposed of in view of the

observations made by the respondent Nos. 3 & 4 in paragraph Nos. 19 & 20 of their affidavit in reply.

4. The learned Presenting Officer for respondent Nos. 1 to 4 and learned Advocate for respondent Nos. 5 & 6, both have in agreement with the aforesaid submission made by the learned Advocate for the applicant.

5. It would be appropriate to reproduce the observations made by the respondent Nos. 3 & 4 in paragraph Nos. 19 & 20 of their affidavit in reply and it reads as follows: -

“19. As regards to para no. VI (14) of the original application, I say and submit that, applicant is appointed in the year 2010 and she is not completed service tenure for transfer, therefore she is not due for regular transfer till 2016. Therefore, as per procedure laid down in Transfer Act, 2005, her request application for transfer has been submitted to higher authority for further action. The Respondent No. 3 has limited rights for transfer of their employees.

20. As regards to para no. VI (15) of the original application, I say and submit that, considering administrative need in future then only, applicant's request will be considered if she comply necessary norms as mentioned in Act.”

6. In view of the aforesaid submission made by the learned Advocate for the applicant and in view the observations made by the respondent Nos. 3 & 4 in paragraph Nos. 19 & 20 of their affidavit in reply, the present Original Application stands disposed of with no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 855 OF 2016

**(Smt. Prajakta Yogesh Gaikwad Vs. The State of Maharashtra
and Others.)**

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

DATE : 02.02. 2017.

ORAL ORDER:

Heard Shri J.B. Choudhary – learned Advocate for the applicant, Shri D.R. Patil – learned Presenting Officer for the respondent Nos. 1 to 4 and Shri S.D. Joshi – learned Advocate for the respondent Nos. 5 & 6.

2. In the present Original Application, the applicant is claiming the following reliefs: -

“A. The respondent Nos. 1 to 3 may kindly be directed to consider the request of the applicant for accommodating her in Nasik district in view of her representation dated 12.3.2015 and 6.11.2016.

B. The respondent Nos. 1 to 3 may kindly be directed to consider and decide the representations dated 12.3.2015 and 16.11.2016 submitted by the applicant for transferring her in Nasik district.

C. The order dated 30.9.2016, issued by respondent No. 3, transferring the respondent Nos. 5 & 6 may kindly be quashed and set aside.

D. In the alternative, the respondent Nos. 1 to 3 may kindly be directed to consider the claim of the applicant as and when posts of Craft Instructors (COPA) become vacant in Nasik district.”

3. The learned Advocate for the applicant submits that the present Original Application may be disposed of in view of the observations made by the respondent Nos. 3 & 4 in paragraph No. 29 of their affidavit in reply.

4. The learned Presenting Officer for respondent Nos. 1 to 4 and learned Advocate for respondent Nos. 5 & 6, both have in agreement with the aforesaid submission made by the learned Advocate for the applicant.

5. It would be appropriate to reproduce the observations made by the respondent Nos. 3 & 4 in paragraph No. 29 of their affidavit in reply and it reads as follows: -

“29. As regards to para no. 20 of the original application, I say and submit that as stated herein above paras, considering administrative need in future, then only applicant’s request of transfer will be considered, if she fulfills terms and conditions mentioned in Transfer Act, 2005.”

6. In view of the aforesaid submission made by the learned Advocate for the applicant and in view the observations made by the respondent Nos. 3 & 4 in paragraph Nos. 29 of their affidavit in reply, the present Original Application stands disposed of with no order as to costs.

MEMBER (J)