

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 778 OF 2016

**(Shri Amol Nagnath Wadekar Vs. the State of Maharashtra &
Others)**

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

DATE : 21.03. 2017.

ORAL ORDER:

1. Heard Shri Aashish T. Jadhavar – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.
2. At the request of learned Presenting Officer, S.O. to 29th March, 2017 to enable her to take instructions from the respondents as to whether Departmental Enquiry is initiated against the applicant or not and whether charge-sheet is served on the applicant?
3. The present case be treated as part heard.
4. Learned Presenting Officer is directed to act upon the steno copy of this order.

MEMBER (J)

ORAL ORDERS 21.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 226 OF 2016

**(Shri Shivram Narayan Dhapate Vs. the State of Maharashtra
& Others)**

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

DATE : 21.03. 2017.

ORAL ORDER:

1. Heard Shri P.M. Shinde – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 21.4.2017 as a last chance.

MEMBER (J)

ORAL ORDERS 21.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 215 OF 2016

**(Shri Dattatraya Ratan Parde Vs. the State of Maharashtra &
Others)**

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

DATE : 21.03. 2017.

ORAL ORDER:

1. Heard Shri S.B. Ghatol Patil – learned Advocate for the applicant, Shri M.P. Gude – learned Presenting Officer for the respondent Nos. 1 to 3 and Shri S.H. Panchal – learned Advocate for respondent No. 4.

2. Learned Advocate for respondent No. 4 has filed affidavit in reply on his behalf and the same is taken on record and the copy thereof has been served on the other side.

3. Perusal of the affidavit in reply filed for respondent No. 4 will show that he is going to withdraw his candidature for the post of Police Patil of village Dhanora-Kale, Tq. Purna, District Parbhani.

4. Learned Advocate for the applicant has submitted that the applicant does not want to proceed further in the Original Application, in view of the submissions made by respondent No. 4. He has further submitted that the applicant is going to approach to the Sub-Divisional Officer for declaring him as selected candidate in view of the withdrawal of candidature of the respondent No. 4 for the post of Village Police Patil of village Dhanora-Kale, Tq. Purna, Dist. Parbhani.

5. Learned Presenting Officer has submitted that neither Sub Divisional Officer has published the list of the selected candidates till today, nor he has issued appointment order in favour of any candidate till today.

O.A. NO. 215 OF 2016

6. In view of the aforesaid submissions made by the learned Advocates for the applicant and the respondents, it reveals that the selection process is not yet completed and it is in progress and, therefore, the applicant is at liberty to approach the concerned authority for getting appointment on the post of Police Patil.

7. Therefore, the present Original Application is disposed of with the directions to the Sub Divisional Officer to take appropriate decision in the matter within a period of two weeks for the date of receipt of copy of this order. There shall be no order as to costs.

MEMBER (J)

ORAL ORDERS 21.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 388/2016 IN O.A.ST.NO. 1682/2016

**(Smt. Shobha Ramesh Pathak Vs. the State of Maharashtra &
Others)**

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

DATE : 21.03. 2017.

ORAL ORDER:

1. Heard Shri S.D. Joshi – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. The learned Presenting Officer seeks time to file affidavit in reply in M.A. No. 388/2016. Time granted as a last chance.
3. S.O. to 7th April, 2017.

MEMBER (J)

ORAL ORDERS 21.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 787 OF 2015

**(Shri Dattu Chimaji Salve Vs. the State of Maharashtra &
Others)**

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

DATE : 21.03. 2017.

ORAL ORDER:

1. Shri A.G. Ambetkar – learned Advocate for the applicant (**absent**). Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondent Nos. 1 to 3, present. Shri A.V. Hon – learned Advocate for respondent No. 4 & SHri R.V. Naiknavare – learned Advocate for respondent No. 5, **were absent**.

2. It transpires from the office note of Registrar of this Tribunal Bench at Aurangabad dated 16.3.2017 that the applicant has not deposited the amount of costs of Rs. 1,000/- as directed by this Tribunal in its order dated 15.2.2017 passed in M.A. No. 458/2016, within a stipulated period. However, today also nobody appeared on behalf of the applicant.

3. Hence, S.O. to 7th April, 2017 for passing necessary orders.

MEMBER (J)

ORAL ORDERS 21.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 112 OF 2017

**(Shri Vasant Ramchandra Medhe Vs. the State of Maharashtra
& Others)**

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

DATE : 21.03. 2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. At the request of learned Presenting Officer, S.O. to 6th April, 2017 to enable her to take instructions from the respondents.

MEMBER (J)

ORAL ORDERS 21.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 03 OF 2017

**(Shri Ramesh Khemaji Gaikwad Vs. the State of Maharashtra
& Others)**

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

DATE : 21.03. 2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 to 5 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. In that view of the matter and considering the cause made out in the present OA, it is admitted. To be listed for final hearing on 6th April, 2017.

MEMBER (J)

ORAL ORDERS 21.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 896 OF 2016

**(Shri Sheshrao Tukaram Anchule Vs. the State of
Maharashtra & Others)**

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

DATE : 21.03. 2017.

ORAL ORDER:

1. Heard Ms. Bhavana Panpatil, learned Advocate holding for Shri S.B. Talekar – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. Learned Presenting Officer has filed common affidavit in reply on behalf of respondent Nos. 3 & 4 and separate affidavit in reply on behalf of respondent No. 5 and same are taken on record and the copies thereof have been served on the learned Advocate for the applicant.
3. At the request of learned Advocate for the applicant, S.O. to 5th April, 2017.

MEMBER (J)

ORAL ORDERS 21.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 837 OF 2016

**(Shri Sham Suresh Fulgaonkar Vs. the State of Maharashtra &
Others)**

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

DATE : 21.03. 2017.

ORAL ORDER:

1. Shri B.S. Deshmukh – learned Advocate for the applicant (**absent**). Shri D.R. Patil – learned Presenting Officer for the respondent Nos. 1 to 3 and Shri S.D. Joshi – learned Advocate for respondent No. 4, were present.

2. At the request of learned Presenting Officer, S.O. to 5th April, 2017.

MEMBER (J)

ORAL ORDERS 21.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 826 OF 2016

**(Shri Laxman Bhimrao Parandkar Vs. the State of
Maharashtra & Others)**

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

DATE : 21.03. 2017.

ORAL ORDER:

1. Heard Shri Avinash S. Deshmukh – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.
2. Learned Presenting Officer has submitted that though the applicant's case is placed before the Review Committee on 16th March, 2017, but he has not received instructions from the respondent authorities in respect of decision taken in this regard.
3. In view thereof, S.O. to 23rd March, 2017.

MEMBER (J)

ORAL ORDERS 21.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 785 OF 2016

**(Dr. Aruna Santosh Pardeshi Vs. the State of Maharashtra &
Others)**

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

DATE : 21.03. 2017.

ORAL ORDER:

1. Heard Shri Avinash S. Deshmukh – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.
2. At the request of learned Presenting Officer, S.O. to 28th April, 2017 for filing affidavit in reply, as a last chance.

MEMBER (J)

ORAL ORDERS 21.03.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 662 OF 2016

**(Dr. Laxman Pundlik Durgawad Vs. the State of Maharashtra
& Others)**

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

DATE : 21.03. 2017.

ORAL ORDER:

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

2. Learned Chief Presenting Officer seeks time to file affidavit in reply.

3. It transpires from the proceedings that on the last occasion i.e. on 16.02.2017 time was granted to the respondents as a last chance to file affidavit in reply with an understanding that in case they failed to file affidavit in reply till today, the order regarding imposing heavy costs and calling the respondents to appear before the Tribunal, will be passed.

4. In spite of above directions, today again the learned Chief Presenting Officer sought time to file affidavit in reply. This shows that the respondents are not interested in prosecuting the matter and they have no regard as regards orders passed by this Tribunal.

5. Considering these facts, time is granted as a most last chance to the respondents to file affidavit in reply, subject to payment of costs of Rs. 10,000/-, which shall be remitted to the MAT Bar Association, Aurangabad.

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

:: - 2 - ::

O.A. NO. 662 OF 2016

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

MEMBER (J)

ORAL ORDERS 21.03.2017- HDD(SB)

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

ORIGINAL APPLICATION NO.171/2017.

(Miss.Dipali D/o Manikrao Tengare Vs. State of Mah.& Ors.)

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

DATE : 21.03.2017.

ORAL ORDER:-

Heard Shri M.P. Tripathi, learned Advocate for the applicant and Shri N. U. Yadav, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant points towards Exh. "D" page no.28, which would show that the select list was published sometime after 2.11.2015. It shows that Smt. Shilpa Gosavi was the single candidate selected and the applicant was single candidate on waiting list. He further points towards the G.R. dated 27.6.2008, Exh. "H" page no.51, which relates to the general procedure for appointment in class "C" posts and more particularly page no.53, clause-7, which would show that the selection list would be in force for a period of one year. He also points towards the fact of acceptance of resignation of Smt. Gosavi. He makes a statement that, there are documents with the respondents to show that, the regularly appointed candidate was relieved on 17.10.2016. He submit that, those documents are not with the applicant.

3. In the circumstances, relying on the ratio of the decision in

W.P. No.6916 of 2011, which is filed by him and it is marked at Exh.X for the purpose of identification. He submit that, when a candidate from the regular select list resigns from the post within a period of one year from the date of issuance of the waiting list the next of the candidate i.e. the present applicant, who was at Sr.No.1 in the waiting list after exhausting of the regular select list would be entitled for appointment. The respondent no.2 the Collector (Mr. Abhijeet Bangar) however rejected the representation of the applicant on wrong ground vide Exh.A (page 111). Considering all these facts, the Respondent is directed not to start process and / or not to appoint any other candidate from the concerned category, till next date.

4. Issue notice to the respondents, returnable on 28.4.2017.

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

6. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

9. S.O. to 28.4.2017.

10. Steno copy & hamdust allowed to both the parties.

VICE CHAIRMAN.

ORAL ORDERS 21-03-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.563/2014.

(Shri Tushar B. Rajput Vs. State of Mah.& Ors.)

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

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

DATE : 21.03.2017.

ORAL ORDER:-

Heard Shri H. B. Pawar, learned Advocate holding for Shri V.P. Raje, learned Advocate for the applicant and Shri V. R. Bhumkar, learned Presenting Officer for the Respondents.

2. At the request of Shri H. B. Pawar, learned Advocate holding for Shri V.P. Raje, learned Advocate for the applicant S.O. to 27.4.2017.

VICE CHAIRMAN.

ORAL ORDERS 21-03-2017-ATP

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

ORIGINAL APPLICATION NO.743/2016.

(Shri R. D. Barela Vs. State of Mah.& Ors.)

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

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

DATE : 21.03.2017.

ORAL ORDER:-

None present for the applicant. Heard Smt R. S. Deshmukh, learned Presenting Officer for the Respondents 2 & 3 and Shri Vivek Bhavthankar, learned Special Counsel for the Respondents no.1,4 & 5.

2. Learned P.O. files short affidavit of Respondent no.3. The same is taken on record. Its copy is served on the other side.

3. S.O. to 26.4.2016.

VICE CHAIRMAN.

ORAL ORDERS 21-03-2017-ATP

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

ORIGINAL APPLICATION NO.815/2016.

(Shri T. N. Satpute & Ors. Vs. State of Mah.& Ors.)

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

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

DATE : 21.03.2017.

ORAL ORDER:-

Heard Shri S. K. Mathpati, learned Advocate for the applicants and Smt P. R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant filed on record short affidavit along with copies of judgment, which are referred in order dated 6.3.2017. Copy served on the other side.

3. Learned P.O. submits that, she will file affidavit in reply shortly.

4. S.O. to 25.4.2017.

VICE CHAIRMAN.

ORAL ORDERS 21-03-2017-ATP

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

ORIGINAL APPLICATION NO.18/2017.

(Smt Ranjana Kamble Vs. State of Mah.& Ors.)

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

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

DATE : 21.03.2017.

ORAL ORDER:-

Heard Shri S. B. Gastgar, learned Advocate for the
applicant and Smt P. R. Bharaswadkar, learned Presenting
Officer for the Respondents.

2. Learned P.O. seeks time to file affidavit in reply. Time
granted.

3. S.O. to 20.4.2017.

VICE CHAIRMAN.

ORAL ORDERS 21-03-2017-ATP

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

ORIGINAL APPLICATION NO.28/2017.

(Shri N. D. Sapkale Vs. State of Mah.& Ors.)

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

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

DATE : 21.03.2017.

ORAL ORDER:-

Heard Shri S. B. Mene, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Smt P. R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant on instructions of the applicant submit that, in view of the decision taken by the D.P.C. dated 18.2.2017 as is referred in order dated 6.3.2017 the applicant does not wish to proceed with the application. The application is therefore, disposed of, without any order as to costs.

VICE CHAIRMAN.

ORAL ORDERS 21-03-2017-ATP

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

ORIGINAL APPLICATION NO.83/2017.

(Smt. Sayyed Jarinabi Vs. State of Mah.& Ors.)

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

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

DATE : 21.03.2017.

ORAL ORDER:-

Heard Shri P. A. Kulkarni, learned Advocate for the applicant and Shri S. K. Shirse, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file affidavit in reply. Considering the time already taken for filing the reply and the issue involved in the present application, as a last chance time to file reply is hereby granted on 12.4.2017 with a caution that in case no reply is filed on that day this Tribunal will have to consider the issue of grant of Interim Relief.

3. Learned P.O. is directed to act on the Steno copy.

VICE CHAIRMAN.

ORAL ORDERS 21-03-2017-ATP

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

MA NO.199/2015 IN OA ST.780/2015.

(Shri D. S. Jade Vs. State of Mah.& Ors.)

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

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

DATE : 21.03.2017.

ORAL ORDER:-

Heard Smt. Pratibha Barad, learned Advocate for the applicant and Shri S. K. Shirse, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant files on record true copy of the complaint sent to the Bar Council of Maharashtra against the learned Advocate, whose name is mentioned in the application for condonation of delay. The same is accepted and marked at Exh.X for the purpose of identification. Copy of the same is served on the other side.

3. The Office is directed to take inspection of the concerned register regarding affidavit as argued and also files three copies of the extract of the register of the relevant dates on record.

3. S.O. to 1.4.2017.

VICE CHAIRMAN.

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

MA NO.539/15 IN OA ST.1019/15.

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

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

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

DATE : 21.03.2017.

ORAL ORDER:-

Heard Shri P. V. Balkhande, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

2. Learned Advocate is directed to produce before Court for inspection the copy of muster roll and copy of Annexure A-3, page no.22.
3. At the request of the learned Advocate for the applicant, S.O. to 5.4.2017.

VICE CHAIRMAN.

ORAL ORDERS 21-03-2017-ATP

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

MA NO.14/2016 IN OA NO.81/2013.

(Shri A. A. Hole Vs. State of Mah.& Ors.)

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

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

DATE : 21.03.2017.

ORAL ORDER:-

Heard Miss Pradnya Talekar, learned Advocate holding
for Shri S.B. Talekar, learned Advocate for the applicant
and Shri M. P. Gude, learned Presenting Officer for the
Respondents.

2. At the request of the learned Advocate for the
applicant, S.O. to 30.3.2017.

VICE CHAIRMAN.

ORAL ORDERS 21-03-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

MA NO.251/16 IN CP ST.NO.1196/16 IN OA 164/15.
(Shri M.D. Khurshid Ali Vs. State of Mah.& Ors.)

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

DATE : 21.03.2017.

ORAL ORDER:-

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

2. Learned Advocate for the applicant placed on record the death certificate of the applicant. The same is marked at Exh.X for the purpose of identification. On instructions from his L.Rs. he submit that, grievance of the present applicant is redressed and therefore, the applicant do not wish to proceed with the application. In the circumstances, the contempt proceedings is dropped and Misc. Application and Contempt petition stand disposed of, without any order as to costs.

VICE CHAIRMAN.

ORAL ORDERS 21-03-2017-ATP

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

MA NO.252/16 IN CP ST.NO.1198/16 IN OA 131/14.

(Shri G. B. Bakle Vs. State of Mah.& Ors.)

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

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

DATE : 21.03.2017.

ORAL ORDER:-

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

2. Learned Advocate for the applicant on instructions submit that, grievance of the present applicant is redressed and therefore, the applicant do not wish to proceed with the application. In the circumstances, the contempt proceedings is dropped and Misc. Application and Contempt petition stand disposed of, without any order as to costs.

VICE CHAIRMAN.

ORAL ORDERS 21-03-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 323/2016 IN REV. ST. 1366/2016 IN OA 341/2014

[Shri Shivaji K. Suryawanshi Vs. the State of Mah. & Ors.]

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

Date :- 21.03.2017

Oral Order :-

1. Heard Shri R.B. Narwade Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 & 2. None appears for respondent no. 3.

2. By filing the M.A. no. 323/2016, the applicant is seeking condonation of delay of 534 days caused in filing the Review Petition before this Tribunal for reviewing the order dated 5.12.2014 passed in O.A. no. 341/2014. The learned Advocate for the applicant submits that due to non availability of the important documents, which otherwise could not have been in the custody of the applicant, the original application no. 341/2014 was dismissed by this Tribunal on 5.12.2014. Thereafter against the aforesaid order of the Tribunal the applicant has approached Hon'ble Bombay High Court, Bench at Aurangabad by filing writ petition no. 4287/2016 and the said writ petition was

::-2-::
MA 323/2016 IN REV. ST.
1366/2016 IN OA 341/2014

however disposed of by Hon'ble High Court on 22.6.2016 with liberty to the applicant to approach this Tribunal by filing Review Petition.

3. Considering the aforesaid factual position, the delay of 534 days caused in filing Review Petition is condoned and accordingly, the Misc. Application no. 323/2016 is disposed of without any order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 360/2016 IN OA ST. 1544/2016

[Shri Ram B. Pawar Vs. the State of Mah. & Ors.]

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

Date :- 21.03.2017

Oral Order :-

1. Heard Shri A.R. Kurungal, learned Advocate holding for Shri C.R. Thorat, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant re-issue notices to the respondents in M.A. no. 360/2016, returnable on 29.4.2017.
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 M.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. 29.4.2017.
8. Steno copy & hamdust allowed to both the parties.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 88/2017 IN CP ST. 287/2017 IN OA 281/2016

[Shri Laxman V. Kadam Vs. the State of Mah. & Ors.]
Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

Date :- 21.03.2017

Oral Order :-

1. Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The learned Presenting Officer has filed on record the letter dated 15.3.2017 received to him from the respondents, which is taken on record and marked as document 'X' for the purpose of identification. From the said letter it can be seen that even the arrears of D.A. difference are not paid to the applicant till this date.

3. In the circumstances, the learned P.O. is directed to call a responsible officer from the Finance Department and seek clarification as to why the arrears of D.A. difference are being belated. At his request, S.O. to 30.3.2017.

4. The learned P.O. to act upon the steno copy of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

[Shri Bhagwat P. Patil Vs. the State of Mah. & Ors.]

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

Date :- 21.03.2017

Oral Order :-

1. Heard Shri A.D. Sonar, learned Advocate for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent nos. 1 to 3, Shri M.P. Tripathi, learned Advocate for respondent no. 4 and Shri A.D. Sugdare, learned Advocate for respondent no. 5.

2. The learned P.O., on instructions, submits that the proposal is pending before the State Government and it is under active consideration. She seeks short adjournment. At her request, S.O. to 27.4.2017.

3. Steno copy allowed for the use of learned P.O.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 237 OF 2013

[Kaveri d/o Vithalrao Chavan @ Smt. Kaveri wd/o
Santoshrao Bagal Vs. the State of Mah. & Ors.]

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

Date :- 21.03.2017

Oral Order :-

1. Heard Shri P.G. Gunale, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 1 to 4. None appears for respondent no. 5.
2. The learned Advocate, on instructions from the applicant, submits that certain developments have taken place during the pendency of the present original application and, therefore, by filing separate misc. application he wants to bring those development on record by suitably amending the original application. At his request, S.O. to 12.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 624 OF 2016

[Dr. Aparna R. Dikondwar Vs. the State of Mah. & Ors.]

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

Date :- 21.03.2017

Oral Order :-

1. Heard Shri Shamsunder B. Patil, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 1 to 3, Shri Avinash Deshmukh, learned Advocate for respondent no. 4, H.A. Joshi, learned Advocate for respondent no. 6 and Shri V.C. Suradkar, learned Advocate for respondent no. 7. None appears for respondent no. 5.

2. The learned P.O. submits that the original record is available with him and the copies of relevant documents would be filed on record by the next date. At his request, S.O. to 29.3.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 117/2017 IN CP ST. 257/2017 IN OA 663/2014

[Shri Nagorao S. Bele Vs. the State of Mah. & Ors.]

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

Date :- 21.03.2017

Oral Order :-

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

2. M.A. no. 117/2017 has been filed by the applicant for permission to file contempt petition against the respondents for non compliance of the order of this Tribunal dated 14.1.2016 passed in O.A. no. 663/2014.

3. Hence, issue notices to the respondents in M.A. no. 117/2017, returnable on 28.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 689 OF 2015

[Dr. Shrikant B. Tambe Vs. the State of Mah. & Ors.]

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

Date :- 21.03.2017

Oral Order :-

1. None appears for the applicant. Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, is present.

2. In fact, Miss. Pradnya S. Talekar, learned Advocate appeared for Shri S.B. Talekar, learned Advocate for the applicant in another matter and left the court hall. Hence, S.O. to 30.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 924 OF 2016

[Ukkardu Z. Bahure Vs. the State of Mah. & Ors.]

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

Date :- 21.03.2017

Oral Order :-

1. Heard Mrs. Sumedha Thombre, learned Advocate holding for Shri C.V. Thombre, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Chief Presenting Officer, S.O. to 24.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 367 OF 2014

[Shri Santosh U. Bramharakshas Vs. State of Mah. & Ors.]

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

Date :- 21.03.2017

Oral Order :-

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

2. The learned Advocate, on instructions from the applicant seeks permission to withdraw the present original application.

3. Accordingly, the original application is disposed of as withdrawn, without any order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 177 OF 2017

[Shri Anand V. Ganjewar Vs. the State of Mah. & Ors.]

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

Date :- 21.03.2017

Oral Order :-

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

2. Considering the fact that the applicant is working in the promotional cadre of Maharashtra Agriculture Services (M.A.S.) Group - A from 17.6.2008 and in view of the respondents' plea that inadvertently the applicant was remained to be demoted, though decision in this regard was taken in the year 2009, interim relief is hereby granted in favour of the applicant in terms of prayer clause (E) of the original application, till next date.

3. Issue notices to the respondents in the original application, returnable on 25.4.2017.

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

5. 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.

6. 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.

7. 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.

8. S.O. 29.4.2017.

9. Steno copy & hamdust allowed to both the parties.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA NO. 115/2012 IN OA 1179/2009

[Dr. Dilip B. Mote & one another Vs. The State of Mah. &
Ors.]

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

Date :- 21.03.2017

Oral Order :-

1. Heard Shri Shamsundar B. Patil, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. It appears from the office note date 16.3.2017 that vide order dated 22.11.2016 passed in M.A.no. 324/2016 this Tribunal condoned the delay of 845 days caused in filing M.A. st. no. 1348/2016 for restoration of M.A. no. 115/2012 in O.A. no. 1179/2012 to its original position, which were dismissed in default vide order dated 24.3.2014, subject to payment of costs of Rs. 1000/- by the applicant to the M.A.T. Bar Association. So also, vide order of the same day passed in in M.A. St. 1348/2016, the O.A. no. 1179/1999 & M.A. 115/2012, are restored to its original position, subject to payment of costs of Rs. 1000/- to be paid by the applicant to the M.A.T. Bar Association.

MA NO. 115/2012
IN OA 1179/2009

3. Today the learned Advocate for the applicant has placed on record the receipt no. 99 dated 10.3.2017 issued by the Secretary of MAT Bar Association, Aurangabad towards payment of total costs of Rs. 2000/- as per the aforesaid orders of this Tribunal. The same is taken on record and marked as document 'X' for the purpose of identification.

4. At the request of learned Advocate for the applicant, S.O. to 7.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION ST. NO. 1095 OF 2014

[Dattatraya J. Zombade Vs. The State of Mah. & Ors.]

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

Date :- 21.03.2017

Oral Order :-

1. Heard Shri Shamsundar B. Patil, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. It appears from the office note date 16.3.2017 that vide order passed by the Hon'ble Tribunal on 29.4.2015 in M.A. 287/2014, the delay of 859 days caused in filing the O.A. st. no. 1095/2014 is condoned, subject to payment of costs of Rs. 1000/- to be paid by the applicant to the M.A.T. Bar Association.

3. Today the learned Advocate for the applicant has placed on record the receipt no. 98 dated 10.3.2017 issued by the Secretary of MAT Bar Association, Aurangabad towards payment of total costs of Rs. 1000/- as per the aforesaid order of this Tribunal. The same is taken on

record and marked as document 'X' for the purpose of identification.

4. At the request of learned Advocate for the applicant, S.O. to 7.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 693 OF 2016

[Dattatraya M. Borude Vs. The State of Mah. & Ors.]
Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date :- 21.03.2017

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. Both the sides submit that already there is a decision of this Tribunal regarding the action to be undertaken of reposting / retransferring of an employee, once the election process is over. At their request S.O. to 29.3.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 721 OF 2016

[Pradeep V. Marwale Vs. The State of Mah. & Ors.]

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

Date :- 21.03.2017

Oral Order :-

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

2. Both the sides submit that already there is a decision of this Tribunal regarding the action to be undertaken of reposting / retransferring of an employee, once the election process is over. At their request S.O. to 29.3.2017.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 527 OF 2015

[Subhash G. Chavan Vs. The State of Mah. & Ors.]

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

Date :- 21.03.2017

Oral Order :-

1. Heard Shri Ajay Deshpande, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to file affidavit in rejoinder of the applicant. At his request, S.O. to 10.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 412/2015 IN MA NO. 158/2008 IN O.A. NO. 965/2016

[Shri Shivdas K. Mangle Vs. The State of Mah. & Ors.]

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

Date :- 21.03.2017

Oral Order :-

1. Heard Shri K.B. Jadhav, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent no. 1 and Shri Vivek Bhavthankar, learned Advocate for respondent nos. 2 to 5.

2. The misc. application no. 412/2015 has been filed by the applicant for condonation of 2 years' and 6 months' delay caused in filing misc. application No. 158/2008 for restoration of O.A. no. 965/1996, which has been dismissed in default by this Tribunal vide its order dated 4.8.2005.

3. Perused the application. Considered the contentions.

4. Considering the old age of the applicant and for the reasons stated in the misc. application, the same is allowed without any order as to costs and the delay of 2 years and 6 months caused in filing M.A. no. 158/2008 for restoration of O.A. is condoned.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA NO. 158/2008 IN O.A. NO. 965/2016

[Shri Shivdas K. Mangle Vs. The State of Mah. & Ors.]
Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date :- 21.03.2017

Oral Order :-

1. Heard Shri K.B. Jadhav, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent no. 1 and Shri Vivek Bhavthankar, learned Advocate for respondent nos. 2 to 5.
2. The misc. application no. 158/2008 has been filed by the applicant for restoration of O.A. no. 965/1996, which has been dismissed in default by this Tribunal vide its order dated 4.8.2005.
3. Perused the application. Considered the contentions.
4. For the reasons stated in the misc. application, the same is allowed without any order as to costs and the original application is restored to its original position.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO. 781 OF 2013

[Shri Sudarshan D. Shinde Vs. The State of Mah. & Ors.]

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

Date :- 21.03.2017

Oral Order :-

1. Heard Shri Ajay Deshpande, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 24.3.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA ST. NO. 1377/2015 IN O.A. ST. NO. 942/2015

[Miss. Chaya B. Dhabadge @ Mrs. Chaya w/o Vasant
Hanwate Vs. The State of Mah. & Ors.]

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

Date :- 21.03.2017

Oral Order :-

1. Heard Shri Chetan Jadhav, learned Advocate holding for Shri K.V. Pawar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Chief Presenting Officer, S.O. to 22.3.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 21.3.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 69/2016 in O.A. St. No. 132/2015
[Smt. Shantabia B. Bidve Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 21.03.2017.

ORAL ORDER:

Shri S.D. Dhongde, learned Advocate for the Applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant,
S.O to 05.04.2017.

MEMBER (J)

ORAL ORDERS 21.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 554/2016
[Shri Ramdas N. Sangle Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 21.03.2017.

ORAL ORDER:

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 Advocate for the applicant,
S.O to 12.04.2017.

MEMBER (J)

ORAL ORDERS 21.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 76/2017 in O.A. St. No. 282/2017
[Shri Subhash D. Thale Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 21.03.2017.

ORAL ORDER:

Shri V.G. Salgare, learned Advocate for the Applicant
(**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for
respondents, present.

2. As none present for the applicant, S.O to
19.04.2017.

MEMBER (J)

ORAL ORDERS 21.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 2060/2016
[Smt. Bebabai P. Koli (Sapkale) Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 21.03.2017.

ORAL ORDER:

Shri Vinod P. Patil, learned Advocate for the Applicant (**Absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O to 19.04.2017.

MEMBER (J)

ORAL ORDERS 21.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 53/2017 in O.A. St. No. 75/2017
[Shri Sambhaji K. Mande Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 21.03.2017.

ORAL ORDER:

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

2. The applicant is challenging the order dated 28.9.2016 passed by the respondents by filing present Original Application and from that date i.e. 28.09.2016 the present Original Application is within limitation and therefore, there is no question of condonation of delay. Hence, the present M.A. accordingly stands disposed of with no order as to costs.

3. Hence, the officer is directed to properly scrutinize the O.A. St. No. 75/2027 and register it.

MEMBER (J)

ORAL ORDERS 21.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 113/2017 in O.A. St. No. 339/2017
[Shri Dnyaneshwar K. Sanap & Ors. Vs. The State of Mah. &
Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 21.03.2017.

ORAL ORDER:

Heard Shri Vivek Pingle, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. The applicants are challenging the order dated 16.11.2016 wherein higher pay scale has been denied by the respondents. For the reason stated in the application and considering the fact that the relief claimed by all the applicants are similar in nature and hence, the M.A. for sue jointly is allowed and the same stands disposed of.

MEMBER (J)

ORAL ORDERS 21.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**Original Application St. No. 339/2017
[Shri Dnyaneshwar K. Sanap & Ors. Vs. The State of Mah. &
Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 21.03.2017.

ORAL ORDER:

Heard Shri Vivek Pingle, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Issue notices to the respondents, returnable on 19.04.2017.

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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

//2//

O.A. St. No. 339/2017

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 19.04.2017.

MEMBER (J)

ORAL ORDERS 21.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 207/2016
[Shri Ganpat J. Waghmare Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 21.03.2017.

ORAL ORDER:

Heard Shri H.P. Jadhav, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

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

3. S.O to 19.04.2017.

MEMBER (J)

ORAL ORDERS 21.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 235/2016
[Shri Balasaheb D. Ghodke Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 21.03.2017.

ORAL ORDER:

Shri V.G. Pingle, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. At the request of learned Chief Presenting Officer, S.O to 05.04.2017.

MEMBER (J)

ORAL ORDERS 21.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 338/2016
[Shri Krushna S. Wadhe Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 21.03.2017.

ORAL ORDER:

Shri V.G. Pingle, learned Advocate holding for Shri S.B. Bhapkar, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondent nos. 1 & 2. None present for respondent no. 3.

2. The learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted as a last chance.

3. S.O to 20.04.2017.

MEMBER (J)

ORAL ORDERS 21.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 431/2016
[Miss Archana D. Lathkar Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 21.03.2017.

ORAL ORDER:

Shri A.M. Nagarkar, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O to 20.04.2017.

MEMBER (J)

ORAL ORDERS 21.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 425/2016
[Dr. Sandeep A. Kokare Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 21.03.2017.

ORAL ORDER:

Heard Shri V.B. Wagh, learned Advocate for the Applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. The learned Advocate for the applicant submitted that the applicant has challenged the order passed by this Tribunal rejecting interim relief as claimed by the applicant and the matter has been kept after four weeks.

3. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

4. S.O to 20.04.2017.

MEMBER (J)

ORAL ORDERS 21.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 628/2016
[Smt. Suhasini S. Jawale Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 21.03.2017.

ORAL ORDER:

Shri R.D. Khadap, learned Advocate for the Applicant, Shri M.P. Gude, learned Presenting Officer for respondent nos. 1 & 2 and Shri S.V. Jaigude, learned Advocate for respondent no. 3.

2. At the request of learned Advocate for the applicant, S.O to 20.04.2017.

MEMBER (J)

ORAL ORDERS 21.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 423/2016
[Shri Harinarayan S. Morellu Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 21.03.2017.

ORAL ORDER:

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

2. The applicant has challenged the transfer order dated 31.05.2016 passed by the respondents by filing present Original Application. It is the contention of the applicant that he has serving as a Plumber. At the time of transfer, he was working in Government Polytechnic Institute, Aurangabad since 19.06.2007. It is contended by the applicant that in the general transfer he has been transferred to Government Polytechnic Institute, Jintur, Dist. Parbhani. It is his further contention that he has undergone open heart surgery on 12.01.2010 at Ruby Hall Clinic, Pune. He is undergoing regular medical checkup periodically at Aurangabad and therefore, he prayed to cancel the transfer order dated 31.05.2016 and to continue his services at Aurangabad.

3. The respondents challenged the O.A. on the ground that the applicant has completed his normal tenure at Aurangabad and he is due for transfer and therefore, the respondents transferred him to Jintur. There is no illegality in impugned order of transfer.

4. The learned Advocate for the applicant submitted that the applicant is suffering from heart decease. He had undergone heart surgery in the year 2010 at Ruby Hall Clinic, Pune and he is also advised to undergo for medical checkup periodically and he further submitted that he is going to retire on superannuation on 30.09.2017 but without considering the said aspects, the respondent no. 2 transferred him and therefore, the applicant may be allowed to serve at Aurangabad.

5. The learned Presenting Officer submitted that the applicant was due for transfer. He has completed regular tenure of posting. He was serving since more than 10 years at Aurangabad and therefore, he has been transferred to Jintur on administrative ground. The impugned transfer order dated 31.05.2016 is legal and proper.

6. Perused the documents. The applicant was posted in Government Polytechnic Institute, Aurangabad and serving there since 19.06.2007. The applicant was serving at Aurangabad since his joining i.e. since last 29 years. The applicant has completed his tenure at Government Polytechnic Institute, Aurangabad and he is serving there from 8 years and 9 months and hence, considering all these facts, the respondent no. 2 transferred the applicant on administrative ground. The transfer order under challenge is legal and proper and it is in contravention of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short the Transfer Act 2005). There is no any illegality in the impugned order of transfer. There is no merit in the O.A. and therefore, it deserves to be dismissed.

7. In view of the aforesaid facts and circumstances of the case, the O.A. stands dismissed with no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 601/2016
[Shri Tukaram R. Adbalwar Vs. The State of Mah. & Ors.]**

CORAM : Hon'ble Shri B.P. Patil, Member (J)

DATE : 21.03.2017.

ORAL ORDER:

Heard Shri S.N. Pagare, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. The applicant has challenged the order dated 21.06.2016 by which he has been posted at Government Secondary Ashram School, Mohapur.

3. It is the contention of the applicant that the Tribal Development Department, State of Maharashtra has issued Circular dated 18.06.2010 and directed the concerned officers not to depute the teachers in the project and in the office of Additional Commissioner. It is further contention of the applicant that the respondents deputed him at Government Secondary Ashram School, Mohapur without following guidelines given in the Circular dated 18.06.2010.

4. The learned Presenting Officer has contended that the respondents deputed the applicant at Government Secondary Ashram School, Mohapur as there is requirement

of teachers. It is their contention that the applicant has deputed in view of the order dated 21.06.2016 and he joined Government Secondary Ashram School, Mohapur. His deputation is ordered as per the regulation and guidelines and there is no breach of guidelines given in the Circular dated 18.06.2010 and therefore, they have prayed to reject the O.A.

5. The learned Advocate for the applicant contended that the Government Circular dated 18.06.2010 itself give guidelines that teachers cannot be deputed in the office of Additional Commissioner and Project but the respondent has not considered the said aspect and deputed the applicant at Government Secondary Ashram School, Mohapur and therefore, he prayed to cancel the order of deputation.

6. The learned Presenting Officer submitted that the applicant has misinterpreted the guidelines given in the Government Circular dated 18.06.2010. The said Circular is applicable to the deputation of the teachers and other employees in the project office or in the office of Additional Commissioner and therefore, the said circular is not useful to the applicant's case. The deputation of the applicant is made at Government Secondary Ashram School, Mohapur after

following guidelines mentioned therein and there is no contravention on the part of the respondents.

7. Perused the Circular dated 18.06.2010 issued by the Government of Maharashtra. The said circular has been issued for not utilizing the services of the Teachers and workers of Hostels anywhere. It is specifically mentioned in the said Circular that no teachers or other employees should be deputed in the office of project or in the office of Additional Commissioner. There is no mention about deputation of other posts and therefore, the said Circular is not useful to the applicant's case. Guidelines given in the Circular does not cover the cause mentioned in the O.A. The respondents have submitted that the applicant is deputed at Government Secondary Ashram School, Mohapur as Assistant Teacher, as there was requirement of teachers in the Government Secondary Ashram School, Mohapur. There is no illegality in the order under challenge. There is no merit in the present O.A. Therefore, the same deserves to be dismissed.

8. In view of the aforesaid facts and circumstances of the case the O.A. stands dismissed with no order as to costs.

MEMBER (J)