

MA 325/2016 IN CP ST. 1514/2016 IN OA 956/2010
{Shri Arun R. Vyavahare & Ors. Vs. The State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE :- 23.8.2016

Oral Order :-

1. Heard Shri R.K. Temkar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. As per the order passed by this Tribunal in O.A. no. 956/2010 on 14.3.2010, the respondents were directed to give opportunity to the applicants for being absorbed as Civil Engineering Assistants (CEAs), if they are suitable and eligible and if, there are vacancies in the cadre of Civil Engineering Assistants (CEAs), irrespective of whether 50% quota of absorption is exceeded and for complying this order, 3 months' time was granted to the respondents from the date of that order. The learned Advocate for the applicants, however, submits that, till today the order of this Tribunal is not complied with by the respondents.

3. In view thereof, issue notices to the respondents in the misc. application, returnable on 20.9.2016.

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

MEMBER (J)

O. A. NO. 191 OF 2015

{Smt. Surekha C. Hazari & Ors. Vs. The State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE :- 23.8.2016

Oral Order :-

1. Heard Miss. Bhavna Panpatil, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file reply of the respondents. Time granted as a last chance.
3. S.O. to 16.9.2016.

MEMBER (J)

ARJ 23.8.2016

MA 543/15 IN CP ST. 1721/2015 IN OA 717/98
MA 544/15 IN CP ST. 1723/2015 IN OA 522/2000
MA 545/15 IN CP ST. 1727/2015 IN OA 718/98
MA 546/15 IN CP ST. 1731/2015 IN OA 1203/99
MA 547/15 IN CP ST. 1725/2015 IN OA 492/02
MA 548/15 IN CP ST. 1719/2015 IN OA 493/02
MA 549/15 IN CP ST. 1729/2015 IN OA 525/02
MA ST. 1328/15 IN CP ST. 1329/2015 IN OA 705/96
MA ST. 1330/15 IN CP ST. 1331/2015 IN OA 682/96
MA ST. 1332/15 IN CP ST. 1333/2015 IN OA 718/96

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE :- 23.8.2016

Oral Order :-

1. Heard S/shri M.H. Patil & Avinash Deshmukh, learned Advocate for the applicants in all these matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these matters.

2. The learned C.P.O. filed on record copy of the communication dated 22.8.2016 issued by res. No. 3 and the same is taken on record and marked as document 'X' for the purpose of identification, and submits that almost all the employees have been paid with the amount as per the order of this Tribunal dated 28.2.2002 passed in O.A. no. 717/1998.

3. The learned Advocate for the applicants, however, submits that the order passed by this Tribunal specifically states as to under what heads the amounts shall be paid to

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MA 543/15 IN CP ST. 1721/15
IN OA 717/98

all the applicants. The learned Advocate for the applicants seek permission to go through the order and file short affidavit mentioning therein the heads under which the amounts are remained to be paid. Permission as sought for is granted.

4. The learned Advocate for the applicants further states that the applicants have orally requested to the respondents that the copy of the regularization order be supplied, on which the learned C.P.O. submits that the said copies are already supplied to the applicants and if required the respondents are ready to give another copy of the regularization order.

5. S.O. to 26.9.2016.

MEMBER (J)

ARJ 23.8.2016

O. A. NO. 603 OF 2016

{Dr. Sunita K. Shere Vs. The State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE :- 23.8.2016

Oral Order :-

1. Heard Shri Sham Patil, learned Advocate for the applicant and Shri I. S. Thorat, learned Presenting Officer for the respondent nos. 1 to 3.

2. S/shri A.S. Deshmukh, Swapnil A. Deshmukh, H.A. Joshi & V.C. Suradkar, learned Advocates have filed their V.Ps. on behalf of res. Nos. 4, 5, 6 & 7 respectively and the same are taken on record.

3. The learned P.O. as well as learned Advocates for res. Nos. 4 to 7 seek time to file reply of the respective respondents. Time granted.

4. S.O. to 12.9.2016.

MEMBER (J)

ARJ 23.8.2016

O. A. NO. 624 OF 2016

{Dr. Aparna R. Dikondawar Vs. The State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE :- 23.8.2016

Oral Order :-

1. Heard Shri Sham Patil learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3. None appears for respondent no. 5.

2. S/shri A.S. Deshmukh, Swapnil A. Deshmukh, H.A. Joshi & V.C. Suradkar, learned Advocates have filed their V.Ps. on behalf of res. Nos. 4, 6 & 7 respectively and the same are taken on record.

3. The learned P.O. as well as learned Advocates for res. Nos. 4, 6 & 7 seek time to file reply of the respective respondents. Time granted.

4. S.O. to 12.9.2016.

MEMBER (J)

ARJ 23.8.2016

**ORIGINAL APPLICATION NO. 532/2016
(Gopal Supdu Mali Vs. State of Maharashtra & Ors.)**

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

DATE : 23.08.2016.

ORAL ORDER

Shri A.S. Deshmukh, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the Respondent Nos. 1 & 2 and Shri V.G. Pingle, learned Advocate holding for Shri V.B. Wagh, learned Advocate for respondent no. 3.

2. The learned Advocate for respondent no. 3 has filed affidavit in reply. It is taken on record and copy thereof has been served upon the other side.

3. S.O. to 26.9.2016.

MEMBER (J)

23.08.2016-KPB(SB)

ORIGINAL APPLICATION NO. 58/2016
(Manyabai Laxman Munfale & Ors. Vs. State of Mah. & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Heard Shri P.V. Suryawanshi, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondent No. 1 and Shri N.S. Kadam, learned Advocate for respondent nos. 2 to 4.

2. The learned Advocate for respondent nos. 2 to 4 and learned Presenting Officer for respondent no. 1 seek time to file affidavit in reply. Time granted as a last chance.

3. S.O. to 19.9.2016.

MEMBER (J)

23.08.2016-KPB(SB)

ORIGINAL APPLICATION NO. 797/2015 (A)

(Mohnish Kishor Khamitkar Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

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

2. The learned Advocate for the applicant submits that he has not received the copy of the affidavit in reply of respondent nos. 2 to 4.

3. The learned Presenting Officer is therefore, directed to supply the copy of the affidavit in reply of respondent nos. 2 to 4 to the applicant.

4. S.O. to 28.9.2016.

MEMBER (J)

23.08.2016-KPB(SB)

**ORIGINAL APPLICATION NO. 796/2015
(Waman Ramchandra Bhoigand Vs. State of Mah. & Ors.)**

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

DATE : 23.08.2016.

ORAL ORDER

Shri K.B. Jadhav, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the applicant, S.O. to 29.9.2016.

MEMBER (J)

23.08.2016-KPB(SB)

ORIGINAL APPLICATION NO. 538/2015

(Vandana Shantaram Mahajan Vs. State of Mah. & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Shri B.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 produce original record. Time granted.

3. S.O. to 21.9.2016.

MEMBER (J)

23.08.2016-KPB(SB)

ORIGINAL APPLICATION NO. 134/2015

(Malu Durgadas Pawar Vs. State of Mah. & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Shri S.K. Mathpati, learned Advocate holding for Shri D.M. Shinde, learned Advocate has filed VAKALATNAMA on behalf of the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. The learned Advocate for the applicant seeks time to argue the matter. Time granted.

3. S.O. to 19.09.2016.

MEMBER (J)

23.08.2016-KPB(SB)

ORIGINAL APPLICATION NO. 59/2014

(Mangala Dattatray Lasurkar Vs. State of Mah. & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Shri P.K. Palve, learned Advocate holding for Shri D.K. Dagadkhair, 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, S.O. to 27.9.2016.

MEMBER (J)

23.08.2016-KPB(SB)

ORIGINAL APPLICATION NO. 435/2014

(Mangala Dattatray Lasurkar Vs. State of Mah. & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Shri P.K. Palve, learned Advocate holding for Shri D.K. Dagadkhair, 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, S.O. to 27.9.2016.

MEMBER (J)

23.08.2016-KPB(SB)

**ORIGINAL APPLICATION NO. 845/2011
(Usha Rajendrakumar Nagare Vs. State of Mah. & Ors.)**

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

DATE : 23.08.2016.

ORAL ORDER

Heard Shri R.J. Godbole, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. The learned Advocate for the applicant seeks time to file rejoinder affidavit, since his client is suffering from viral fever. Time granted.

3. S.O. to 22.9.2016.

MEMBER (J)

23.08.2016-KPB(SB)

**ORIGINAL APPLICATION NO. 542/2014
(Santosh Kantrao Kulkarni Vs. State of Mah. & Ors.)**

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

DATE : 23.08.2016.

ORAL ORDER

Heard Ms Preeti R. Wankhede, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant pointed out to Exhibit-X placed on record by the learned Presenting Officer on last date. The said document however, shows that as per the provisions of Rule 8 of Sub-Rule (5), one Shri S. Y. Karnik, was appointed as Enquiry Officer and noting more. It seems that as many as 12 delinquents were being prosecuted in common enquiry along with the applicant. Rule 12 of the Maharashtra Civil Services (Discipline and Appeal), Rules 1982 makes it crystal clear that where two or more Government servants are concerned in any case, the Governor or any other authority competent to impose the penalty of dismissal from service on all such Government servants may make an order directing that disciplinary action against all of them may be taken in a common

proceedings. In case, the delinquents are of different grades and their appointing authorities are different then, the permission of the highest authority is to be obtained for initiation of said enquiry.

3. The learned Presenting Officer submits that he will make a specific statement or will file additional affidavit of concerned officer mentioning therein as to how many persons were prosecuted, what were their ranks and who is highest authority as sanction was necessary and whether the permission as per Rule 12 as aforesaid was obtained.

4. The learned Presenting Officer is therefore, directed to file short affidavit accordingly within three weeks.

5. This matter is to be treated as part heard.

6. Steno copy allowed to the learned Presenting Officer at his request.

7. S.O. to 16.09.2016.

MEMBER (J)

ORIGINAL APPLICATION NO.657/2016

(Sk Shabana Murtuza Ali Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Heard Shri MP Tripathi, learned Advocate for the applicant and Shri SK Shirse, learned Presenting Officer for the Respondents.

2. The applicant has challenged the order of suspension. He has also filed appeal against the said order and the appellate authority has confirmed the suspension. In view thereof, issue notices to the respondents returnable on 26.9.2016.

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

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

-2- **ORIGINAL APPLICATION NO.657/2016**

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. 26.09.2016.

8. Steno Copy and Hamdust allowed to both parties.

MEMBER (J)

23.08.2016-ATP(SB)

ORIGINAL APPLICATION St.NO.883/2016

(Dwarkabai W/o Prabhakar Ramteke Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Heard Mrs. Dr.KP Bharaswadkar, learned Advocate for the applicant and Mrs.PR Bharaswadkar, learned Presenting Officer for the Respondents.

2. The applicant is claiming family pension being second wife of the deceased employee Prabhakar Ramteke. He died in 1985. It seems that earlier her claim has been rejected by this Tribunal in OA No.1154/2005 on the ground that the deceased employee's brother brought succession certificate and on the basis of said succession certificate the amount due was paid to his brother. Thereafter, the learned Applicant has obtained succession certificate and he is claiming family pension. However, from the earlier order in the OA it seems that her claim for family pension was already rejected. The learned Advocate for the applicant submits that she will file application for condonation of delay and will also join the deceased employee's brother as party to the O.A. and therefore, she seeks time to make necessary amendment.

3. The question of tenability of the application will also have to be considered. In view of this, S.O. 14.09.2016.

MEMBER (J)

23.08.2016-ATP(SB)

ORIGINAL APPLICATION St.NO.1493/2016

(Smt. Vandana M. Kharmale Ali Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Heard Shri Vivek Pingle learned Advocate h/f Shri VB Wagh, learned Advocate for the applicant and Shri IS Thorat, learned Presenting Officer for the Respondents.

2. Issue notices to the respondents returnable on 27.9.2016.

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of

-2- ORIGINAL APPLICATION St.NO.1493/2016

compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. 27.9.2016.

8. Steno Copy and Hamdust allowed to both parties.

MEMBER (J)

23.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.130/2016

(V. B. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Heard Shri MC Ghode, learned Advocate for the applicant and Shri DR Patil, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time for filing reply affidavit. Time granted as most last chance.

3. S.O. 14.09.2016.

MEMBER (J)

23.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.137/2016

(P.B. Parlikar Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Heard Shri AS Deshmukh, learned Advocate for the applicant and Mrs. PR Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned P.O. submits that the reply affidavit has been sent to the competent authority for approval. From the order dated 29.7.2016 it seems that the Tribunal has already observed that four chances were given and therefore, most last chance was granted. Thereafter, also the learned P.O. is claiming time to file reply affidavit. The matter shall be heard without reply affidavit, if the same is not filed before next date. The copy shall be served in advance to the learned Advocate for the applicant.

3. S.O. 22.09.2016.

4. Steno copy allowed to the learned P.O.

MEMBER (J)

23.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.181/2016

(G.K. Chathe Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Heard Shri KB Jadhav, learned Advocate for the applicant and Shri MP Gude, learned Presenting Officer for the Respondents.

2. The only prayer in the O.A. is that the Respondent no.2 be directed to allow the applicant to appear for written examination for the post of Police Patil of village Wadala, Tq. Sillod, Dist. Aurangabad. Learned Advocate for the applicant submits that the written examination is already over and even the appointment order has been issued in favour of the selected candidates. In view thereof he submits that nothing survives in the O.A. Hence, the O.A. stands disposed of with no order as to costs.

MEMBER (J)

23.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.208/2016

(SP Sable Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Heard Shri KB Jadhav, learned Advocate for the applicant and Shri VR Bhumkar, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time for filing reply affidavit. Time granted.

3. S.O. 16.09.2016. Interim Relief to continue till then.

MEMBER (J)

23.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.250/2016

(Smt. Ashabai K. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Heard Shri SK Mathpati, learned Advocate for the applicant, Shri Dr Patil, learned Presenting Officer for the Respondents nos. 1 to 3 and Miss Bhavna Panpatil, learned Advocate holding for Shri ST Talekar, learned Advocate for the Respondent no.4.

2. Learned P.O. seeks time for filing reply affidavit. Time granted.

3. S.O. 22.09.2016.

MEMBER (J)

23.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.262/2016

(D.W. Bansode Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Heard Shri AD Gadekar, learned Advocate for the applicant and Shri VR Bhumkar, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time for filing reply affidavit. Time granted.

3. S.O. 22.09.2016.

MEMBER (J)

23.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.304/2016

(Smt.CR Shirsat Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

None present for the Applicant. Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. submits that he will file reply affidavit on Monday i.e. on 29.8.2016. Time granted.

3. S.O. 29.08.2016.

MEMBER (J)

23.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.305/2016

(S. A. Ban Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

None present for the Applicant. Shri DR Patil, learned Presenting Officer for the Respondents.

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

3. S.O. 23.09.2016.

MEMBER (J)

23.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.348/2016

(S. G. Gungane Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

None present for the Applicant. Mrs. PR Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of respondent no.2. The same is taken on record. She further submits that, there is no need to file reply affidavit on behalf of other respondents.

3. S.O. 28.08.2016.

MEMBER (J)

23.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.377/2016

(NB Bhiosale Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Heard Shri KG Salunke, learned Advocate for the Applicant and Shri MP Gude, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of respondent no. 1 to 3. The same is taken on record. Its copy is served on the applicant.

3. At the request of the learned Advocate for the Applicant, S.O. 26.08.2016.

MEMBER (J)

23.08.2016-ATP(SB)

***ORIGINAL APPLICATION NO.504/2016**

(GH Rajput Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

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

2. Learned Advocate for the applicant seeks permission to file on record copy of the order dated 18.08.2016, whereby the impugned order of transfer has been cancelled and the applicant has been continued at Nanded. The same is taken on record and marked as Exh.X for the purposes of identification. In view thereof the learned Advocate for the applicant seeks permission to withdraw the O.A. Hence, the O.A. stands disposed of, as withdrawn with no order as to costs.

MEMBER (J)

23.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.508/2016

(Dr. SR Phadnis Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Heard Shri RP Bhumkar, learned Advocate for the Applicant, Shri DR Patil, learned Presenting Officer for the Respondents no.1 to 3 and Shri KG Salunke, learned Advocate for the Respondent no.4.

2. Learned P.O. seeks time to file reply affidavit on behalf of respondent no. 1 to 3. The learned Advocate for the Respondent no.4 submits that he wants to file affidavit and with a prayer that his name shall be deleted. He also seeks time for filing such application. Time granted.

3. At the request of the learned Advocate for the Applicant, S.O. 16.09.2016.

MEMBER (J)

23.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.549/2016.

(GR ChavanVs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Heard Shri HA Joshi, learned Advocate for the Applicant and Shri SK Shirse, learned Presenting Officer for the Respondents.

2. Learned P.O. submits that he has received parawise remarks and he will file reply within two weeks.

3. S.O. 08.09.2016.

MEMBER (J)

23.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.585/2015.

(Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Heard Shri DT Devane, learned Advocate for the Applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. Issue notices to the newly added Respondent no.5, returnable on 16.9.2016.

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of

compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. Learned CPO seeks time to file reply affidavit.
8. S.O. 16.09.2016.
9. Steno Copy and Hamdust allowed to both parties.

23.08.2016-ATP(SB)

MEMBER (J)

MISC. APPLICATION NO.332/2016.

(P.M. Raner Vs. State of Maharashtra & Ors.)

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

DATE : 23.08.2016.

ORAL ORDER

Heard Shri DT Devane, learned Advocate for the Applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. This amendment application is filed in view of the facts that had arisen during the pendency of the O.A. The learned Advocate for the applicant submits that even though there was interim order of stay to the appointment of the post of Police Patil of village Sarangpur Tq. & Dist. Parbhani, the Respondent no.3 has issued order dated 26.07.2016. It is stated that the said order was served on 29.7.2016. The applicant therefore, wants to join as Respondent no.5 in the application and also was to challenge the impugned order dated 26.7.2016 upon the Respondent no.5 in view of the fact that the proposed amendment is due to facts arising during pendency of the application, the application for amendment is allowed in the interest of justice. Applicant to make amendment within one week and copy of the amended OA shall be served on the Respondents. Accordingly, M.A. stands disposed of with no order as to costs.

MEMBER (J)

23.08.2016-ATP(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO.304/15 IN O.A.ST.NO.838/15,
M.A.NO.305/15 IN O.A.ST.NO.839/15,
M.A.NO.306/15 IN O.A.ST.NO.846/15,
M.A.NO.307/15 IN O.A.ST.NO.928/15,
M.A.NO.550/15 IN O.A.ST.NO.1876/15,
M.A.NO.551/15 IN O.A.ST.NO.1878/15,
M.A.NO.552/15 IN O.A.ST.NO.1877/15,
M.A.NO.553/15 IN O.A.ST.NO.1880/15,
M.A.NO.554/15 IN O.A.ST.NO.1881/15,
M.A.NO.555/15 IN O.A.ST.NO.1882/15,
M.A.NO.556/15 IN O.A.ST.NO.1883/15,
M.A.NO.20/16 IN O.A.ST.NO.1659/15,
M.A.NO.38/16 IN O.A.ST.NO.14/16,
M.A.NO.68/16 IN O.A.ST.NO.250/16,
M.A.NO.202/16 IN O.A.ST.NO.783/16,
M.A.NO.203/16 IN O.A.ST.NO.763/16,
M.A.NO.235/16 IN O.A.ST.NO.863/16,
M.A.NO.286/16 IN O.A.ST.NO.1332/16**

(Shankar Mahajan & Ors. V/s. State of Mah. & Ors.)

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

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

DATE :- 23-08-2016

COMMON ORDER :-

1. Heard S/shri S.G.Kulkarni learned Advocate holding for Smt. Suchita Dhongde learned Advocate for the applicants in M.A.No.304, 305, 306 and 307 all of 2015, S.K. Mathpati learned Advocate for applicants in M.A.No.550, 551, 552, 553, 554, 555 and 556 of 2015, Shri S.S. Panale learned Advocate for applicant in M.A.No.20/2016, Smt. S. L. Puri holding for Smt. Sangmitra Wadmare in

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M.A.304/15 IN O.A.ST.NO.838/15 & Ors

M.A.No.38/2016 & Sandip Kulkarni, learned Advocate holding for Shri S.D.Dhongde learned Advocate for the applicant in M.A.No.68/2016, and Mr. A.S.Deshmukh learned Advocate for applicants in M.A.No.202/2016 and 203/2016 and Shri S.G.Kulkarni learned Advocate for applicant in M.A.No.235/2016 and Shri Vivek Pingle learned Advocate for the applicant in M.A.No.286/2016, and S/shri M.S. Mahajan, learned Chief Presenting Officer & S/shri I.S. Thorat, S.K. Shirse, D.R. Patil, M.P. Gude, N.U. Yadav, V.R. Bhumkar, Smt. P.R. Bharaswadkar, Smt. Resha S. Deshmukh, Smt. Deepali S. Deshpande and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officers for the respondents in all these matters and Shri S.G.Sangle learned Advocate for respondent no.3 in M.A.No.202/2016 in O.A.St.No.783/2016.

2. In all these M.As. applicants are claiming condonation of delay caused in filing the O.As. In the O.As. applicants are claiming benefit of second Assured Career Progress Scheme as per G.R. dated 01-04-2010. All the applicants have retired on superannuation in between 01-10-2006

till 31-03-2010. The benefit to these employees was denied in view of the G.R. dated 01-07-2011, however, said condition of denial of benefit of second Assured Career Progress Scheme has been quashed and set aside by various pronouncements of the Tribunal as well as of the Hon'ble High Court.

3. Applicants, therefore, have made out a strong case, and their substantial claim cannot be denied merely on technical grounds. In that view of the matter and also in view of the fact that parties have agreed for considering the respective cases on merits, and for the reasons stated in the respective applications for condonation of delay, those are allowed in the interest of justice and equity. Delay caused in filing the O.As. is condoned. M.As. are accordingly disposed of.

4. O.As. be registered and numbered.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.333/16 IN O.A.NO.520/2016
(Padmanabh Kulkarni V/s. State of Mah. & Ors.)**

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)
**(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE :- 23-08-2016

ORDER :-

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

2. In the O.A. applicant has claimed that the communication dated 22-02-2016 (Annexure A-8) issued by respondent no.2 be quashed and set aside. Vide Annexure A-8, it has been informed that applicant is not entitled to the benefit of second Assured Career Progress Scheme in view of the fact that he has retired in between the period 01-10-2006 to 31-03-2010.

3. During the pendency of the O.A. applicant was served with communication dated 14-06-2016 and office order bearing no.219/2016 dated 15-06-2016 issued by respondent no.2. Same communication is being challenged in this O.A. by way of amendment application. The applicant is claiming that communication dated 14-06-2016 and impugned order dated 15-06-2016 be quashed and set aside. Since the events took

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M.A.No.333/16 IN O.A.NO.520/2016

place during the pendency of the O.A., applicant wants to challenge the same by amending the O.A.

4. In view of the facts and circumstances of the case, I am satisfied that the proposed amendment will not change the nature of the O.A. Therefore, in the interest of justice and equity M.A. for amendment is allowed. Amendment be incorporated in the O.A. M.A. for amendment stands disposed of accordingly.

MEMBER (J)

2016/DB/YUK DB oa 810.2015 and others group

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.ST.NO.248/16 IN O.A.ST.NO.250/16 AND
M.A.ST.NO.1157/16 IN O.A.ST.NO.863/16**

(L.B.Dhoke & Ors V/s. State of Mah. & Ors)

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

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

DATE :- 23-08-2016

COMMON ORDER :-

1. Heard Shri S.G.Kulkarni learned Advocate for the applicants in M.A.ST.NO.1157/16, Shri S.G.Kulkarni learned Advocate holding for Shri S.D.Dhongde learned Advocate for the applicants in M.A.ST.NO.248/16, and Shri N.U.Yadav and Shri I.S.Thorat learned Presenting Officers for the respondents.

2. For the reasons stated in the applications, M.As. for sue jointly are allowed. Applicants are permitted to sue jointly. Accordingly, M.A.ST.NO.248/16 IN O.A.ST.NO.250/16 AND M.A.ST.NO.1157/16 IN O.A.ST.NO.863/16 are disposed of.

MEMBER (J)

2016/DB/YUK DB oa 810.2015 and others group