

ORIGINAL APPLICATION NO. 47 OF 2017

[Shri Abhijeet B. Patil Vs. the State of Mah. & Ors.]

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

DATE :- 24.1.2017

Oral Order :-

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

2. The applicant has taken part in the process of selection for the post of Talathi in pursuance of the advertisement dated 8.8.2016. The learned Advocate for the applicant submits that the applicant has opted from Open category. The provisional select list was published by the respondent authorities and copy thereof is placed on record at paper book pages 22 & 23 of the original application, in which the applicant was shown at sr. no. 1 on merits having secured 182 marks. However, when the final select list was published on 4.1.2017 (paper book pages 25 & 26), to the surprise of the applicant, his name was not appeared in the said final select list.

3. The learned Advocate for the applicant also submits that the applicant has also filed objection and claimed information as per his letter dated 12.1.2017 (paper book

page 27), but nothing was informed to him and it was only stated that some complaints were received against him but the copies of the said complaints were not supplied to the applicant.

4. In view thereof, the applicant is claiming interim relief to keep one post of Talathi from Open General Category vacant till the present original application is disposed of.

5. After hearing both the sides, prima-facie, I feel that it will be in the interest of justice to keep one post Talathi from the Open General category vacant as prayed by the applicant.

6. Hence, issue notices to the respondents, returnable on 14.2.2017.

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

8. 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.

9. 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.

10. 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.

11. S.O. to 14.2.2017.

12. In the meantime the respondent no. 2 is directed to keep one post of Talathi from Open General category vacant till the decision of the present original application.

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

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO.75/2017

(Shri S.K.Mande V/s. The State of Mah. & Ors.)

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

DATE : 24-01-2017

ORAL ORDER:-

Heard Shri R.D.Khadap learned Advocate holding for Shri S.S.Thombre learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Learned Advocate for the applicant prays for leave of the Tribunal to file M.A. for condonation of delay caused in filing the O.A. Leave granted.

3. Thereafter, matter be placed before the Tribunal on 31-01-2017.

MEMBER (J)

YUK ORAL ORDER 24-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.638/2015

(Shri H.D.Patil V/s. The State of Mah. & Ors.)

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

DATE : 24-01-2017

ORAL ORDER:-

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

2. Since pleadings are complete, matter is admitted. It is kept for final hearing on 03-03-2017.

3. S.O.03-03-2017.

MEMBER (J)

YUK ORAL ORDER 24-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.800/2015

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

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

DATE : 24-01-2017

ORAL ORDER:-

Heard Shri D.T.Devane learned Advocate holding for Shri M.B.Kolpe learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.

2. Since pleadings are complete, matter is admitted. It is kept for final hearing on 06-03-2017.

3. S.O.06-03-2017.

MEMBER (J)

YUK ORAL ORDER 24-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

REVIEW APPLICATION NO.10/2016

IN

ORIGINAL APPLICATION NO.58/2016

(Shri M.L.Mundafale & Ors. V/s. State of Mah. & Ors.)

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

DATE : 24-01-2017

ORAL ORDER:-

Heard Shri P.V.Suryavanshi learned Advocate for the applicant, Smt. Resha Deshmukh learned Presenting Officer for respondent, and Shri N.S.Kadam learned Advocate for respondent nos.2 to 4.

2. In the order passed on 19-03-2012 in O.A.No.58/2016, this Tribunal in paragraph 13 thereof has made a reference to Notification dated 15-04-2011. This notification was not considered since it was not signed by any competent authority nor it bears seal name and seal of the authority.

3. In the Review Application, applicant has placed on record notification dated 15-04-2011 and submitted that the order passed by the Tribunal be reviewed in view of this notification.

=2=

R.A.NO.10/16 IN O.A.NO.58/16

4. Learned P.O. is, therefore, directed to take instruction as to whether such notification has been issued ? If such notification is there, whether the applicants' cases can be covered under such notification ?

5. Learned P.O. seeks time for the same. Time granted.

6. S.O.14-02-2017.

MEMBER (J)

YUK ORAL ORDER 24-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.154/2016

(Shri A.T.Shinde V/s. The State of Mah. & Ors.)

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

DATE : 24-01-2017

ORAL ORDER:-

Heard Shri V.B.Wagh learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.

2. Learned Advocate files affidavit in rejoinder on behalf of the applicant. It is taken on record. Copy thereof has been served on the other side.

3. Since pleadings are complete, matter is admitted and kept for final hearing on 28-02-2017.

MEMBER (J)

YUK ORAL ORDER 24-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.186/2016

(Shri N.R.Dagadghate V/s. The State of Mah. & Ors.)

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

DATE : 24-01-2017

ORAL ORDER:-

Shri Kakasaheb Jadhav learned Advocate for the applicant is **absent**.

Heard Shri M.S.Mahajan learned Chief Presenting Officer for respondent nos.1 & 2, and Shri Ashish Rajkar learned Advocate for respondent no.3.

2. Since pleadings are complete, matter is admitted and kept for final hearing on 20th March, 2017.

MEMBER (J)

YUK ORAL ORDER 24-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.215/2016

(Shri D.R.Parde V/s. The State of Mah. & Ors.)

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

DATE : 24-01-2017

ORAL ORDER:-

Shri S.B.Ghatol Patil learned Advocate for the applicant is **absent**. Shri M.P.Gude learned Presenting Officer for respondents is present.

2. Since pleadings are complete, matter is admitted and it is kept for final hearing on 21-03-2017.

YUK ORAL ORDER 24-01-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.262/2016

(Shri D.W.Bansode V/s. The State of Mah. & Ors.)

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

DATE : 24-01-2017

ORAL ORDER:-

Heard Shri A.D.Gadekar learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. Learned P.O. prays for time for filing affidavit in reply on behalf of the respondent no.1. Time granted.

3. S.O.16-03-2017.

MEMBER (J)

YUK ORAL ORDER 24-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.285/2016

(Shri D.V.Salgarkar V/s. The State of Mah. & Ors.)

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

DATE : 24-01-2017

ORAL ORDER:-

Heard Shri S.B.Mene learned Advocate holding for Shri Ajay Deshpande learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for respondent nos.1 and 2. Shri S.D.Dhongde learned Advocate for respondent no.3 has filed **leave note** on record.

2. Since pleadings are complete, matter is admitted and it is kept for final hearing on 23-03-2017.

3. S.O.23-03-2017.

MEMBER (J)

YUK ORAL ORDER 24-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.373/2016

(Shri A.K.Rankhambe V/s. The State of Mah. & Ors.)

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

DATE : 24-01-2017

ORAL ORDER:-

Heard Shri G.G.Suryavanshi learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents. Shri V.H.Solunke learned Advocate for respondent no.4 is **absent**.

2. Learned Advocate for the applicant has filed affidavit in rejoinder. It is taken on record. Copy thereof has been served on the learned P.O.

3. He undertakes to serve copy of the same on the respondent no.4.

4. S.O.24-03-2017.

MEMBER (J)

YUK ORAL ORDER 24-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.553/2016

(Shri M.N.Kamble V/s. The State of Mah. & Ors.)

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

DATE : 24-01-2017

ORAL ORDER:-

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

2. Learned P.O. files reply affidavit on behalf of respondent nos.1 and 2. It is taken on record. Copy thereof has been served on the other side.

4. Since pleadings are complete, matter is admitted and it is kept for final hearing on 16-03-2017.

MEMBER (J)

YUK ORAL ORDER 24-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.654/2016

(Shri M.H.Suryawanshi V/s. The State of Mah. & Ors.)

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

DATE : 24-01-2017

ORAL ORDER:-

Heard Shri R.P.Adgaonkar learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents.

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

3. Learned P.O. seeks time to file reply on behalf of respondent no.1. Time granted.

4. Learned Advocate for the applicant also seeks time to file affidavit in rejoinder. Time granted.

5. S.O.17-03-2017.

MEMBER (J)

YUK ORAL ORDER 24-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.799/2016

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

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

DATE : 24-01-2017

ORAL ORDER:-

Shri H.A.Joshi learned Advocate for the applicant is **absent**. Shri M.S.Mahajan learned Chief Presenting Officer for respondents is present.

2. Learned CPO prays for time for filing affidavit in reply on behalf of the respondents. Time granted.

3. S.O.24-03-2016.

MEMBER (J)

YUK ORAL ORDER 24-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.848/2016

(Dr. M.D.Gulam Subhani V/s. The State of Mah. & Ors.)

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

DATE : 24-01-2017

ORAL ORDER:-

Heard Shri Taher Quadri learned Advocate holding for Shri Zia Ull Mustafa learned Advocate for the applicant, Smt. Priya Bharaswadkar learned Presenting Officer for respondent nos.1 to 3, Shri N.S.Kadam learned Advocate for respondent nos.4 and 5, and Shri V.B.Wagh learned Advocate for respondent no.6.

2. Shri N.S.Kadam learned Advocate files affidavit in reply on behalf of respondent nos.4 and 5. It is taken on record. Copy thereof has been served on the other side.

3. Smt. Priya Bharaswadkar learned P.O. for respondent nos.1 to 3, and Shri V.B.Wagh learned Advocate for respondent no.6, sought time for filing affidavit in reply on behalf of the respective respondents. Time granted.

4. S.O. 21-02-2016.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.663/2016

(Shri S.N.Latpate V/s. The State of Mah. & Ors.)

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

DATE : 24-01-2017

ORAL ORDER:-

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

2. Learned P.O. has filed affidavit in reply on behalf of respondent nos.1 and 2. It is taken on record. Copy thereof has been served on the other side.

3. Interim relief granted earlier to continue till then.

4. S.O.21-02-2017.

MEMBER (J)

YUK ORAL ORDER 24-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A.No.395/2016 IN C.P.St.No.1801/2016 IN
O.A.No.536/2011**

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

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

DATE : 24-01-2017

ORAL ORDER:-

Shri P.D.Suryavanshi learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for respondents.

2. Learned P.O. has filed separate affidavits in reply on behalf of respondent nos.1 to 3. Those are taken on record. Copies thereof have been served on the other side.

3. S.O.27-02-2017.

MEMBER (J)

YUK ORAL ORDER 24-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 27 OF 2017

**(Dr. Ashwamedh Balasaheb Jagtap Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 24.01.2017.

ORAL ORDER:

Heard Shri V.B. Wagh – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant has circulated the present Original Application as no interim order was granted in favour of the applicant on the ground that the applicant was not relieved from the post of Medical Officer, District Training Center, Jalna. The learned Advocate for the applicant has placed on record a copy of an order dated 16.1.2017 issued by Chief Executive Officer, Zilla Parishad, Jalna, wherefrom, it seems that the applicant has been relieved after office hours on 16.1.2017 and it is stated that the said order has been served on the applicant on 19.1.2017 and the applicant has been relieved on 19.1.2017. It is material to note that in the said order specifically the applicant was directed to approach Additional Chief Secretary, Public Health Department, Mantraya, Mumbai, for further posting. Therefore, the learned Advocate for the applicant submits that interim relief be granted in favour of the applicant by way of granting stay to this order.

:: - 2 - ::

O.A. NO. 27 OF 2017

3. I do not find any reason to grant any stay to the aforesaid order dated 16.1.2017 issued by Chief Executive Officer, Zilla Parishad, Jalna.

4. The applicant may approach the Competent Authority for his further posting and if aggrieved he can approach this Tribunal.

5. Since, this case has already been posted on 27th February, 2017, it be kept on the said date.

MEMBER (J)

ORAL ORDERS 24.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 42/2014 IN O.A.NO. 695/2001

**(Shri Durgesh Bhaskar Dixit Vs. The State of Maharashtra
and Others.)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 24.01. 2017.

ORAL ORDER:

Heard Shri C.V. Bhadane – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.

2. From the circumstances on record, it seems that the present Original Application was filed on 9.7.2001, wherein the impugned order of rejection of applicant's claim for compassionate appointment dated 2.3.1998 was assailed. This case was admitted on 3.10.2001 and then it came up for final hearing on 20.11.2013. On that date this Tribunal observed that it was necessary to allow the applicant to file application for condonation of delay and, therefore, this Miscellaneous Application has been filed.

3. Considering the fact that the application is filed for compassionate appointment and that same was already admitted and kept for final hearing. It is a matter of 2001. I feel that in the interest of justice and equity to hear an application for condonation of delay along with accompanying Original Application No. 695/2001, on merits.

4. Since the present case is of 2001 and all the pleadings are already complete, the present case be kept for final hearing on 9th February, 2017.

:: - 2 - ::
M.A.NO. 42/2014 IN
O.A.NO. 695/2001

5. The registry shall place this matter **high on board in final hearing category** on the said date.

MEMBER (J)

ORAL ORDERS 24.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 772 OF 2015

**(Shri Satish Govindrao Bilapatte Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 24.01.2017.

ORAL ORDER:

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

2. The learned Presenting Officer submits that he has not received a copy of the amended Original Application. The learned Advocate for the applicant is directed to supply the copy of the amended O.A. to the learned Presenting Officer.

3. The learned Presenting Officer seeks time to file affidavit in reply to the amended O.A. Time granted.

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

MEMBER (J)

ORAL ORDERS 24.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

REV. 09/2016 IN O.A.NO. 236/2014

**(The State of Maharashtra and Others Vs. Shri Adikrao
Shamrao Mane)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 24.01. 2017.

ORAL ORDER:

Heard Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the applicants/original respondents and Shri V.B. Wagh – learned Advocate for the respondent/ original applicant.

2. The learned Advocate for the original applicant submits that he has not received copy of the Review Petition. The learned Presenting Officer shall serve the copy of the review petition on the learned Advocate for the original applicant.

3. S.O. to 16th March, 2017.

MEMBER (J)

ORAL ORDERS 24.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 594 OF 2016

**(Shri Govind Hiranman Dedwal Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 24.01.2017.

ORAL ORDER:

Heard Shri Asif Ali, learned Advocate holding for Mrs. A.N. Ansari – learned Advocate for the applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. On instructions, the learned Advocate for the applicant seeks permission of this Tribunal to withdraw the present Original Application.

3. Permission granted. Withdrawal is allowed. Accordingly, the present Original Application stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

ORAL ORDERS 24.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 781 OF 2013

**(Shri Sudarshan D. Shinde Vs. The State of Maharashtra
and Others.)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 24.01. 2017.

ORAL ORDER:

Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. On 25.11.2016 time was granted to the learned Presenting Officer as a last chance for filing affidavit in reply to the amended O.A. and the present case was kept on 15th December, 2016. Since, there was Division Bench on that date, the present case did not reach, but the respondent did not take care to file affidavit in reply as directed by this Tribunal in the order dated 25.11.2016. Today, again the learned Presenting Officer is seeking time to file affidavit in reply. The amendment has been carried out in March, 2016 i.e. on 23.3.2016 exactly before 10 months and till today reply is not filed. The present case is of the year 2013.

3. The learned Presenting Officer submits that he has communicated an order passed by this Tribunal to the Divisional Joint Commissioner, Agriculture, Nasik and Taluka Agriculture Officer, Jamner, District Jalgaon. He has placed on record the copies of four communications on record i.e.

O.A. NO. 781 OF 2013

dated 20.12.2016, 25.11.2016, 7.7.2016 & 20.8.2016 and the same are taken on record and marked as documents 'X', 'X-1', 'X-2' & 'X-3' respectively for the purpose of identification. However, he has not received any response to the aforesaid communications.

4. In view of the above position, a most last chance is granted to the respondent Nos. 2 & 3 subject to payment of costs of Rs. 5,000/- each, to file affidavit in reply to the amended Original Application. The amount of costs shall be remitted to the M.A.T. Bar Association.

5. It is made clear that if the respondent Nos. 2 & 3 fail to file affidavit in reply on the next date, and amount of costs is not paid, the Divisional Joint Director, Nasik, may be called to appear before this Tribunal personally, on the next date.

6. S.O. to 13th February, 2017.

7. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 24.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 205 OF 2013

**(Shri Babu Shetiba Londhe Vs. The State of Maharashtra
and Others.)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 24.01. 2017.

ORAL ORDER:

Heard Shri D.N. Gilche – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. Vide order dated 28.11.2016, the respondent No. 2 was directed to take decision on the recommendation submitted by the respondent No. 3 to it dated 14.9.2004, within 4 weeks from the date of that order and convey the same to this Tribunal on the adjourned date. The learned Presenting Officer submits that he has received a copy of the decision, which has already been taken on such recommendation, on 7.10.2014. He submitted that he may be allowed to file this communication along with short affidavit. In view thereof, he seeks two weeks' time for filing short affidavit.

3. The learned Presenting Officer is allowed to keep the copy of the said letter along with short affidavit. The learned Presenting Officer shall serve the copy of the short affidavit along with said letter in advance on the learned Advocate for the applicant.

4. The applicant may file rejoinder, if necessary and copy thereof shall be served on the respondents well in advance.

:: - 2 - ::

O.A. NO. 205 OF 2013

5. S.O. to 13th February, 2017.

MEMBER (J)

ORAL ORDERS 24.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 798 OF 2009

(Shri Shaikh Ashraf S/o Shaikh Sardar Vs. The State of Maharashtra and Others.)

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 24.01. 2017.

ORAL ORDER:

Heard Shri A.D. Gadekar – learned Advocate for the applicant, Shri S.K. Shirase – learned Presenting Officer for the respondent Nos. 1, 3 & 5. Shri S.D. Dhongde – learned Advocate for respondent Nos. 2 & 4 has filed leave note.

2. In the present Original Application the main relief claimed by the applicant is direction to the respondent No. 1 for considering his proposal for granting pension and pensionary benefits, as per the M.C.S. (Pension) Rules and it is stated that the impugned letter dated 7.3.2008, whereby his claim has been declined, be quashed and set aside.

3. The learned Advocate for the applicant submits that the applicant along with other employees have filed Writ Petition Nos. 281, 283 & 428 all of 2003 before the Hon'ble High Court of Judicature of Bombay Bench at Aurangabad. The applicant was petitioner in Writ Petition No. 428/2003. The said Writ Petitions have been disposed of by common order dated 2nd February, 2015, wherein the applicant was directed to approach this Tribunal and not only that interim order passed in favour of the applicant was continued for another 4 weeks. The copy of the order passed by the Hon'ble Bombay

O.A. NO. 798 OF 2009

High Court Bench at Aurangabad in the aforesaid Writ Petition is taken on record and marked as document 'X' for the identification purpose.

4. In view of the observations made by the Hon'ble Bombay High Court while disposing the aforesaid Writ Petitions, the applicant has filed O.A. No. 89/2016, in which the respondents have filed reply affidavit. The learned Advocate for the applicant submits that during the pendency of the Original Application and Writ Petition before the Hon'ble Bombay High Court, the applicant came to be retired on superannuation and he is getting provisional pension. In O.A. No. 89/2016, the applicant is also claiming similar reliefs, which are claimed in this Original Application also.

5. In view of the above position, the learned Advocate for the applicant submits that the present Original Application can be disposed of, as the applicant is pursuing his claims in O.A. No. 89/2016. The learned Presenting Officer has no objection for the same.

6. In view thereof, I pass the following order: -

ORDER

The present Original Application stands disposed of in view of the pendency of O.A. No. 89/2016 and also in view of the observations made in foregoing paragraphs. There shall be no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 483/2016 IN O.A.ST.NO. 3026/2016

**(Shri Narsing Ramsing Thakur Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 24.01. 2017.

ORAL ORDER:

Heard Shri Pradeep B. Salunke – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. This is an application preferred by the applicant for condonation of delay of 3 months and 18 days caused in filing accompanying O.A.

3. Considering the averments made in the present MA and also considering the rival submissions advanced by learned counsel for the respective parties, it appears that the applicant has made out a sufficient cause for condonation of delay. Moreover, the said delay also does not appear to be willful, intentional and deliberate and also does not appear to be inordinate, and hence, the same deserves to be condoned in the interest of justice.

4. In the result, the present miscellaneous application is allowed in terms of prayer clause 'A' thereof and delay of 3 months and 18 days caused in filing accompanying original application stands condoned, and accompanying O. A. be

:: - 2 - ::

**M.A.NO. 483/2016 IN
O.A.ST.NO. 3026/2016**

registered and numbered and present M. A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

ORAL ORDERS 24.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST.NO. 3026/2016

**(Shri Narsing Ramsing Thakur Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 24.01.2017.

ORAL ORDER:

Heard Shri Pradeep B. Salunke – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable 24th March, 2017.

3. Tribunal may take the case/s 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

:: - 2 - ::

O.A. ST.NO. 3026/2016

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

7. S.O. to 24th March, 2017.
8. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 24.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 382/2016 IN O.A.ST.NO. 1750/2016

**(Shri Bhagwant Trimbak Chaudhari Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 24.01. 2017.

ORAL ORDER:

Heard Shri A.D. Sugdare – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondent No. 1. Shri S.D. Dhongde – learned Advocate for respondent Nos. 2 & 3 has filed leave note.

2. At the request of learned Presenting Officer, S.O. to 28th February, 2017.

MEMBER (J)

ORAL ORDERS 24.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 73/2016 IN O.A.ST.NO. 215/2016

**(Shri Ashok S/o Bhanudas Wagh Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 24.01. 2017.

ORAL ORDER:

Heard Shri A.S. Shelke – learned Advocate for the applicant, Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.S. Shinde, learned Advocate holding for Shri Vivek Bhavthankar – learned Advocate for respondent Nos. 3 to 5.

2. The learned Presenting Officer submits that she does not want to file affidavit in reply on behalf of respondent Nos. 1 & 2, since these respondents are formal parties.

3. S.O. to 28th February, 2017.

MEMBER (J)

ORAL ORDERS 24.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 69/2016 IN O.A.ST.NO. 132/2015

**(Smt. Shantabai W/o Baburao Bidve Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 24.01. 2017.

ORAL ORDER:

Shri S.D. Dhongde – learned Advocate for the applicant has filed leave note. Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 21st March, 2017.

MEMBER (J)

ORAL ORDERS 24.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 46/2016 IN O.A.ST.NO. 1938/2015

**(Shri Rajendra S/o Shivaji Khodade Vs. The State of
Maharashtra and Others.)**

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 24.01. 2017.

ORAL ORDER:

Shri N.V. Gaware – learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar – learned Presenting Officer for the respondents, present.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 in O.A. St. No. 1938/2015 and it is taken on record and copy thereof could not be served on the applicant, as nobody appeared on his behalf.

3. It appears from the proceedings that nobody is appearing on behalf of the applicant since long i.e. from 22.4.2016. They were absent on 22.4.2016, 27.6.2016, 8.8.2016, 16.9.2016, 24.10.2016 and 28.11.2016.

4. In view of the above position, this case be kept for dismissal on 1st February, 2017.

MEMBER (J)

ORAL ORDERS 24.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 48/2017

**(Shri Bhagwan S/o Daulat Sonwane Vs. The State of
Maharashtra and Others.)**

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

DATE : 24.01. 2017.

ORAL ORDER:

Heard Shri E.S. Murge, learned Advocate holding for Shri A.S. Bayas – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable 27th February, 2017.

3. Tribunal may take the case/s 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 - ::

O.A. NO. 48/2017

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 27th February, 2017.
8. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 24.01.2017- HDD(DB)