

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 303/2016
[Shri Vinod A. Wagh Vs. The State of Mah. & Ors.]**

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

DATE : 24.03.2017.

ORAL ORDER:

Shri Shrikant Patil, learned Advocate for the Applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 26.04.2017.

MEMBER (J)

Later on

3. Shri Shrikant Patil, learned Advocate for the applicant appeared and submitted that the applicant does not want to proceed with the present O.A. He wants to withdraw the O.A. unconditionally.

4. In view of the submission made by the learned Advocate for the applicant, the O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

ORAL ORDERS 24.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 337/2016
[Shri Shriram Jagannath Shelk Vs. The State of Mah. & Ors.]

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

DATE : 24.03.2017.

ORAL ORDER:

Heard Shri Chetan T. Jadhav, learned Advocate for the Applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondent nos. 1 to 3 and Shri Girish Nagori, learned Advocate for respondent no. 4.

2. The learned Advocate for the applicant submitted that the respondent no. 4 selected as a Police Patil of village Manur (Bk.) Tq. Bodwad, Dist. Jalgaon and affiliated to the political party and he is active Member of the political party and, therefore, the applicant filed application/complaint dated 20.04.2016 before the S.D.O., Bhusawal for cancellation of his selection and candidature in view of the Recruitment Rules mentioned in the advertisement. But the S.D.O., Bhusawal has not decided the application/complaint filed by the applicant and, therefore, he approached this Tribunal for cancellation of selection of respondent no. 4.

3. The learned P.O. and learned Advocate for the applicant submitted that the objection raised by the applicant by filing complaint application dated 20.04.2016 has not yet been decided by the S.D.O., Bhusawal and without giving reasonable time to the S.D.O., the applicant approached this Tribunal by filing present O.A. and therefore, the same is not maintainable as it is premature.

4. On perusal of the record it shows that the process of recruitment for the post of Police Patil of village Manur (Bk.) Tq. Bodwad, Dist. Jalgaon commenced in view of the advertisement dated 2.11.2015 and after completion of process, the respondent no. 4 was declared as selected for the post of Police Patil of village Manur (Bk.) Tq. Bodwad, Dist. Jalgaon. Thereafter on 20.04.2016, the applicant filed objection, which is at paper book page no. 48 of the paper book, contending that the respondent no. 4 is affiliated to the political party and he is active Member of political party

and therefore, he is not eligible for appointment for the post of Police Patil of village Manur (Bk.) Tq. Bodwad, Dist. Jalgaon. He has further contended that the respondent no. 4 suppressed the said fact and made false statement on oath and therefore, he prayed to cancel the selection of respondent no. 4 for the post of Police Patil of village Manur (Bk.) Tq. Bodwad, Dist. Jalgaon. Immediately after filing application dated 20.04.2016, the applicant approached this Tribunal by filing present O.A. on 26.04.2016 without giving reasonable time to the respondents to decide the objection. The appointment letter of respondent no. 4 is not yet issued. The application dated 20.04.2016 is still pending before the S.D.O., Bhusawal, and it is not yet decided. In these circumstances, it is just and proper to dispose of the present O.A. by giving direction to the S.D.O., Bhusawal i.e. respondent no. 3 to decide the application dated 20.04.2016 filed by the applicant on merit by giving proper opportunity to both the parties.

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5. The respondent no. 3 i.e. S.D.O., Bhusawal is directed to decide the application dated 20.04.2016 within a period of 15 days from the date of this order.

6. With the above observation and direction, the present O.A. stands disposed of with no order as to costs.

MEMBER (J)

ORAL ORDERS 24.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 601/2015
[Shri Shrimant Maroti Ture Vs. The State of Mah. & Ors.]

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

DATE : 24.03.2017.

ORAL ORDER:

Heard Shri A.S. Deshmukh, learned Advocate for Shri Kakasaheb B. Jadhav, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. The learned Presenting Officer has placed on record a copy of letter dated 21.03.2017. He submitted that the respondents are not filed short affidavit.

3. S.O. to 12.04.2017

MEMBER (J)

ORAL ORDERS 24.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 473/2016 in O.A. St. No. 995/2015
[Shri Manohar A. Gaikwad Vs. The State of Mah. & Ors.]**

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

DATE : 24.03.2017.

ORAL ORDER:

Ms. Preeti R. Wankhade, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

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

3. S.O. to 18.04.2017.

MEMBER (J)

ORAL ORDERS 24.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 882/2016
[Shri Pradeep M Koushike Vs. The State of Mah. & Ors.]

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

DATE : 24.03.2017.

ORAL ORDER:

Shri S.D. Joshi, learned Advocate for the Applicant (**Leave Note**). Shri V.R. Bhumkar, learned Presenting Officer for respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 18.04.2017.

ORAL ORDERS 24.3.2017-KPB(SB)BPP

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 610/2016
[Smt. Jyoti Jeevan Aglave Vs. The State of Mah. & Ors.]

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

DATE : 24.03.2017.

ORAL ORDER:

Shri A.S. Deshmukh, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. The learned Presenting Officer seeks time to take instructions from the concerned department challenging order passed by this Tribunal in O.A. No. 48/2011 dated 12.09.2011.

3. S.O . to 11.04.2017.

MEMBER (J)

ORAL ORDERS 24.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 373/2016
[Shri Anant K. Rankahmbe Vs. The State of Mah. & Ors.]

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

DATE : 24.03.2017.

ORAL ORDER:

Heard G.G. Suryawanshi, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. The learned Presenting Officer seeks time to produce the minutes of the meeting of the selection committee. Hence, time granted.

3. The S.D.O. is directed to produce minutes of the meeting of the selection committee held on 25.02.2016, on the next date.

4. S.O. to 11.04.2017.

5. The learned Presenting Officer to act upon the steno copy of this order.

MEMBER (J)

ORAL ORDERS 24.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 336/2016
[Shri Gokulsing Eknath Patil Vs. The State of Mah. & Ors.]

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

DATE : 24.03.2017.

ORAL ORDER:

Heard Shri Chetan T. Jadhav, learned Advocate for the Applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for respondent nos. 1 to 3 and Shri S.S. Kulkarni, learned Advocate for respondent no. 4.

2. The learned Advocate for the applicant submitted that the respondent no. 4 selected as a Police Patil of village Shevage (Bk.) Tq. Bodwad, Dist. Jalgaon and affiliated to the political party and he is active Member of the political party and, therefore, the applicant filed application/complaint dated 21.04.2016 before the S.D.O., Bhusawal for cancellation of his selection and candidature in view of the Recruitment Rules mentioned in the advertisement. But the S.D.O., Bhusawal has not decided the application/complaint filed by the applicant and, therefore, he approached this Tribunal for cancellation of selection of respondent no. 4.

3. The learned P.O. and learned Advocate for the applicant submitted that the objection raised by the applicant by filing complaint dated 21.04.2016 has not yet been decided by the S.D.O., Bhusawal and without giving reasonable time to the S.D.O., the applicant approached this Tribunal by filing present O.A. and therefore, the same is not maintainable as it is premature.

4. On perusal of the record it shows that the process of recruitment for the post of Police Patil of village Shevage (Bk.) Tq. Bodwad, Dist. Jalgaon commenced in view of the advertisement dated 2.11.2015 and after completion of process, the respondent no. 4 was declared as selected for the post of Police Patil of village Shevage (Bk.) Tq. Bodwad, Dist. Jalgaon. Thereafter on 21.04.2016, the applicant filed objection, which is at paper book page no. 48 of the paper book, contending that the respondent no. 4 is affiliated to the political party and he is active Member of political party

and therefore, he is not eligible for appointment for the post of Police Patil of village Shevage (Bk.) Tq. Bodwad, Dist. Jalgaon. He has further contended that the respondent no. 4 suppressed the said fact and made false statement on oath and therefore, he prayed to cancel the selection of respondent no. 4 for the post of Police Patil of village Shevage (Bk.) Tq. Bodwad, Dist. Jalgaon. Immediately after filing application dated 21.04.2016, the applicant approached this Tribunal by filing present O.A. on 26.04.2016 without giving reasonable time to the respondents to decide the objection. The appointment letter of respondent no. 4 is not yet issued. The application dated 21.04.2016 is still pending before the S.D.O., Bhusawal, and it is not yet decided. In these circumstances, it is just and proper to dispose of the present O.A. by giving direction to the S.D.O., Bhusawal i.e. respondent no. 3 to decide the application dated 21.04.2016 filed by the applicant on merit by giving proper opportunity to both the parties.

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5. The respondent no. 3 i.e. S.D.O., Bhusawal is directed to decide the application dated 21.04.2016 within a period of 15 days from the date of this order.

6. With the above observation and direction, the present O.A. stands disposed of with no order as to costs.

MEMBER (J)

ORAL ORDERS 24.3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO.250/2017
(Shri Bibhishan V. Tutare V/s. The State of Mah. & Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant,
S.O.03-04-2017.

MEMBER (J)

YUK ORAL ORDER 24-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 225/2016
(Rukhmin Dudhate V/s. The State of Mah. & Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

Shri Vivek Deshmukh learned Advocate for the applicant is **absent**.

Heard Shri S.K.Shirse learned Presenting Officer for the respondent nos.1 and 2 and Shri S.D.Dhongde learned Advocate holding for Shri K.G.Salunke learned Advocate for respondent no.3.

2. Since none present for the applicant,
S.O.27-04-2017.

MEMBER (J)

YUK ORAL ORDER 24-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.240/2017
(Shri Ramkisan Khajekar V/s. The State of Mah. & Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

Heard Shri S.D.Dhongde learned Advocate holding for Shri R.P.Bhumkar learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

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

3. S.O.27-04-2017.

YUK ORAL ORDER 24-03-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.536/2016
(Shri Balram Patil V/s. The State of Mah. & Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

Shri A.D.Sugdare learned Advocate for the applicant has filed **leave note** on record.

Heard Smt. Priya Bharaswadkar learned Presenting Officer for the respondent nos.1 and 2 and Shri S.D.Dhongde learned Advocate for respondent nos.3 and 4.

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

3. S.O.27-04-2017.

MEMBER (J)

YUK ORAL ORDER 24-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.736/2016
(Dr. Sumant Wagh V/s. The State of Mah. & Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

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

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

3. S.O.26-04-2017.

MEMBER (J)

YUK ORAL ORDER 24-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.799/2016
(Shri Bhura Pawar V/s. The State of Mah. & Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

Heard Shri H.A.Joshi learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Learned C.P.O. seeks time to file reply on behalf of the respondents. Time granted.
3. S.O.25-04-2017.

YUK ORAL ORDER 24-03-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.917/2016
(Shri Suryakant Revalkar V/s. The State of Mah. & Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

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

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

3. S.O.10-04-2017.

YUK ORAL ORDER 24-03-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.943/2016
(Shri Uttan Bahirwad V/s. The State of Mah. & Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

Heard Shri H.A.Joshi learned Advocate holding for Shri Girish Kulkarni learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for the respondents.

2. Learned P.O. states that he will file reply on behalf of the respondents during the course of the day. He undertakes to serve copy on the other side.

3. S.O.24-04-2017.

MEMBER (J)

YUK ORAL ORDER 24-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.946/2016
(Shri Krushna Edke V/s. The State of Mah. & Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

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

2. Learned P.O. has filed affidavit in reply on behalf of the respondent no.5. It is taken on record. Copy thereof has been served on the other side.

3. S.O.10-04-2017.

MEMBER (J)

YUK ORAL ORDER 24-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.04/2017
(Shri Ramlal Brahmane V/s. The State of Mah. & Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

Shri V.B.Wagh learned Advocate for the applicant is **absent**. Smt. Resha Deshmukh learned Presenting Officer for the respondents is present.

2. Since none present for the applicant,
S.O.13-04-2017.

YUK ORAL ORDER 24-03-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.75/2017
(Shri Abdul Bin Abdulla V/s. The State of Mah. & Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

Shri A.D.Sugdare learned Advocate for the applicant has filed **leave note** on record.

Heard Shri M.S.Mahajan learned Chief Presenting Officer for the respondent nos.1 and 2 and Shri Shamsundar B. Patil learned Advocate for respondent nos.3.

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

3. S.O.27-04-2017.

MEMBER (J)

YUK ORAL ORDER 24-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.96/2017

(Shri Pradeep Gangarde & Ors. V/s. The State of Mah. &
Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

Heard Ku. P.B.Khanderao learned Advocate holding
for Shri Naseem Shaikh learned Advocate for the
applicant and Shri M.P.Gude learned Presenting Officer
for the respondents.

2. Learned P.O. states that he will file reply during the
course of the day. He undertakes to serve copy of the
reply on the other side.

3. S.O.13-04-2017.

MEMBER (J)

YUK ORAL ORDER 24-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.126/2017
(Shri Arjun Rakshe V/s. The State of Mah. & Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

Shri A.D.Sugdare learned Advocate for the applicant has filed **leave note** on record. Smt. Priya Bharaswadkar learned Presenting Officer for the respondents is present.

2. In view of leave note of learned Advocate for the applicant, S.O.27-04-2017.

MEMBER (J)

YUK ORAL ORDER 24-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.163/2017
(Shri Shaikh Anis Ayub V/s. The State of Mah. & Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

Heard Shri M.R.Kulkarni learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for the respondents.

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

3. S.O.20-04-2017.

MEMBER (J)

YUK ORAL ORDER 24-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.475/2016 IN O.A.St.No.2087/2016
(Shri Naresh Khardekar V/s. The State of Mah. & Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

Heard Ku. Priti Wankhade learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

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

3. S.O.18-04-2017.

MEMBER (J)

YUK ORAL ORDER 24-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.75/2017 IN O.A.St.No.124/2017
(Shri Bajirao Khade V/s. The State of Mah. & Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

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

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

3. S.O.21-04-2017.

MEMBER (J)

YUK ORAL ORDER 24-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.87/2017 IN O.A.St.No.280/2017
(Shri Punamchand Bainade V/s. The State of Mah. &
Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

Shri S.D.Joshi learned Advocate for the applicant has filed **leave note** on record.

Shri N.U.Yadav learned Presenting Officer for the respondents is present.

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

3. S.O.18-04-2017.

MEMBER (J)

YUK ORAL ORDER 24-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.St.No.1338/2015 IN O.A.St.No.811/2015
(Shri Chandrakat Kadam V/s. The State of Mah. & Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

Heard Shri A.R.Tapse learned Advocate holding for Shri P.D.Suryavanshi learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for the respondent nos.1 and 2.

Shri Vivek Bhavthankar learned Special Counsel for respondent nos.3 to 5 is **absent**.

2. It seems that, though leave to amend the application is already granted, no steps are taken in the matter.

3. Hence, S.O.25-04-2017 for taking appropriate steps.

MEMBER (J)

YUK ORAL ORDER 24-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.785/2015
(Shri Chhagan Nerkar V/s. The State of Mah. & Ors.)

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

DATE : 24-03-2017

ORAL ORDER:-

Shri L.M.Kulkarni learned Advocate for the applicant is **absent**.

Shri I.S.Thorat learned Presenting Officer for the respondents is present.

2. Applicant as well as his Advocate both remained absent on 18-01-2017, 27-02-2017. Today also they are absent.

3. S.O.26-04-2017 for dismissal/passing appropriate order.

MEMBER (J)

YUK ORAL ORDER 24-03-2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA NO.120/17 IN CP St.262/17 IN OA 173/15.

[Shri S.B. Rathod 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 :- 24.03.2017

Oral Order :-

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

2. Learned Advocate for the applicant seeks time. At his request S.O. to 28.4.2017.

VICE CHAIRMAN

ORAL ORDERS 24.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.187/2017.

[Smt. S. T. Bhange_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 :- 24.03.2017

Oral Order :-

1. Heard S/Shri R. B. Gaikwad and V. B. Dhage, learned Advocate for the applicant and Shri D. R. Patil, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 27.4.2017.

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

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,

1988, and the question such as limitation and alternate remedy are kept open.

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

7. S.O. to 27.4.2017.

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

9. Liberty to move for interim relief in case any exigency arises is hereby granted.

VICE CHAIRMAN

ORAL ORDERS 24.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO. 194/2017.

[Shri S. C. Nannaware 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 :- 24.03.2017

Oral Order :-

1. Heard Shri V. B. Wagh, learned Advocate for the applicant and Smt P. R. Bharaswadkar, learned Presenting Officer for the respondents.
2. At the request of the learned Advocate for the applicant, S.O. to 27.3.2017.

VICE CHAIRMAN

ORAL ORDERS 24.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO. 195/2017.

[Shri S. S. Rathod 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 :- 24.03.2017

Oral Order :-

1. Heard Shri V. B. Wagh, learned Advocate for the applicant and Shri N. U. Yadav, learned Presenting Officer for the respondents.
2. At the request of the learned Advocate for the applicant, S.O. to 27.3.2017.

VICE CHAIRMAN

ORAL ORDERS 24.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO. 196/2017.

[Shri S. S. Jagtap 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 :- 24.03.2017

Oral Order :-

1. Heard Shri V. B. Wagh, 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 27.3.2017.

VICE CHAIRMAN

ORAL ORDERS 24.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA NO.124/2017 IN OA ST.387/2017.

[Shri J. V. Ghasing 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 :- 24.03.2017

Oral Order :-

1. Heard Shri S. B. Patil, learned Advocate for the applicant and Shri V. R. Bhumkar, learned Presenting Officer for the respondents.
2. Issue notice to the respondents in MA, returnable on 27.4.2017.
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 O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

2- **MA NO.124/2017 IN OA ST.387/2017.**

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

-6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 27.4.2017.

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

VICE CHAIRMAN

ORAL ORDERS 24.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

C.P.NO.15/2014 IN OA NO.1128/1999.

[Shri R. R. Landge 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 :- 24.03.2017

Oral Order :-

1. Heard Shri A. S. Deshmukh, learned Advocate for the applicant and Smt D. S. Deshpande, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant files on record the true copy of the order passed by Hon'ble High Court in Writ Petition No.5988 of 2014 dated 7.2.2017, which would show that, the said Writ Petition filed by the State challenging the order of this Tribunal in O.A. is dismissed and Rule was discharged. The copy is served on the learned P.O.
3. At the request of the learned P.O., S.O. to 27.4.2017.
4. Liberty to substitute the name of Respondent no.2 is hereby granted.
5. The respondents are expected to take consequential steps on or before the date.

VICE CHAIRMAN

ORAL ORDERS 24.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.570/2016.

[Shri K. P. Jaybhaye Vs. The State of Mah. & Ors.]

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

Date :- 24.03.2017

Oral Order :-

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

2. Learned P.O. submit that, the concerned Respondent has already taken steps for finalizing the seniority list as would be seen by the copy of the letter received by him already filed on 3.1.2017. This letter would show that, the exercise was to be finalized by the month of February 2017. Learned P.O. submit that, he is yet to receive instructions as to whether the exercise is completed. Therefore, at his request S.O. to 28.4.2017.

VICE CHAIRMAN

ORAL ORDERS 24.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINLA APPLICATION NO.25/2017.

[Shri Firoj Halim Tamboli 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 :- 24.03.2017

Oral Order :-

1. Heard Shri K. N. Farooqui, learned Advocate holding for Shri N. L. Jadhav, learned Advocate for the applicant and Shri M. P. Gude, learned Presenting Officer for the respondents.
2. At the request of the learned P.O. time to file affidavit in reply is hereby granted. However, it prima faice, appears that, this is a Public Interest Litigation. The said issue would be considered at the proper stage of hearing.
3. S.O. to 28.4.2017.

VICE CHAIRMAN

ORAL ORDERS 24.3.2017.ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA NO. 350/2016 WITH MA 424/2015 IN OA 628/2015

[Shri Vijay W. Chahakar 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 :- 24.03.2017

Oral Order :-

1. Heard Shri Avinash Deshmukh, learned Advocate for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent no. 1 and Shri Vivek Bhavthankar, learned Advocate for respondent nos. 2 to 4.
2. Vide speaking order dated 2.9.2016 passed in M.A. no. 350/2016, the interim relief was already granted in favour of the present applicant for the reasons stated therein. Upon hearing both the sides, for the reasons recorded in the said order dated 2.9.2016, the interim relief granted in favour of the applicant is hereby continued till final disposal of the original application.
3. Accordingly the misc. application is disposed of without any order as to costs.
4. The original application is already admitted vide order of this Tribunal dated 3.5.2016 and it be placed before the Division Bench for final hearing whenever it is available.

VICE CHAIRMAN

ARJ ORAL ORDERS 24.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

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

[Shri Chandulal G. Seth 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 :- 24.03.2017

Oral Order :-

1. Heard Miss. P.B. Khanderao, learned Advocate holding for Shri Girish Natori, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The learned CPO seeks time to file reply affidavit as referred in the order dated 6.3.2017 passed in the present misc. application. Miss. Khanderao, learned Advocate submits that Shri Nagori, learned Advocate for the applicant will have to take instructions from the applicant as to whether compliance of the order in question has been made, which has been referred in the said order. At the request of both the sides, S.O. to 26.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 24.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA NO. 115/17 WITH M.A. ST. NO. 380/2017 IN OA 56/2007

[Shri Mohd. Mobarjuddin Siddiqui 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 :- 24.03.2017

Oral Order :-

1. Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. M.A. No. 115/2017 has been filed by the applicant for condonation of 1 year & 6 months delay caused in filing M.A. st. No. 380/2017 for restoration of the O.A. which came to be dismissed in default by this Tribunal on 18.9.2015.
3. The learned P.O. opposed the plea of the learned Advocate for the applicant.
4. For the reasons stated in M.A. no. 115/2017, the delay of 1 year & 6 months caused in filing the misc. application St. No. 380/2017 for restoration of O.A. is allowed without any order as to costs and the said delay is condoned. Accordingly the M.A. st. No. 380/2017 is also allowed without any order as to costs and the O.A. is accordingly restored to its original position.

::-2-::
MA NO. 115/17 WITH M.A.
ST. NO. 380/2017 IN OA 56/2007

5. O.A. is restored to its positional position. The office to issue notice of restoration of O.A. to the original respondents.

ARJ ORAL ORDERS 24.3.2017

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA NO. 119/17 IN OA 439/2013

[Shri Sakharam G. Choughale 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 :- 24.03.2017

Oral Order :-

1. Heard Shri R.D. Khadap, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant submits that, since the subsequent dates in the O.A. are not noticed, the O.A.,. came to be dismissed in default by this Tribunal and, therefore, within the prescribed period the applicant has filed present misc. application for restoration of O.A.
3. The learned P.O. opposed the plea and submits that the dates given in the matter were known to all.
4. Perused the misc. application. Considered the contentions.
5. For the reasons stated in the M.A. the same is allowed without any order as to costs and the O.A. is restored to its position.
6. The Office to issue notice of restoration of O.A. to the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 24.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

OA ST. 391/2017 WITH MA NO. 122/17

[Shri Pushparaj B. Deshmukh & Ors. 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 :- 24.03.2017

Oral Order :-

1. Heard Miss. Preeti Wankhade, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Upon hearing both the sides, the learned C.P.O. submits that he would take instructions from the concerned respondents regarding the progress in the recruitment process started in the year 2015 as is referred in Annex. A.7 (paper book page 63 of the O.A.) as no waiting list was prepared in the earlier recruitment process of the year 2014. At his request, S.O. to 26.4.2017.
3. The learned C.P.O. to act upon the steno copy of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 24.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 580 OF 2016

[Shri Mayuresh R. Lohar 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 :- 24.03.2017

Oral Order :-

1. Heard Shri K.B. Jadhav, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. At the request of Shri K.B. Jadhav, learned Advocate, S.O. to 30.3.3017 to enable Shri Dhongde, learned Advocate for the applicant to take instructions regarding withdrawal of the O.A.

VICE CHAIRMAN

ARJ ORAL ORDERS 24.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 609 OF 2016

[Shri Devidas R. Pawar Vs. the State of Mah. & Ors.]

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

Date :- 24.03.2017

Oral Order :-

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

2. The learned P.O. files on record the decision of the Establishment Board to transfer the present applicant. She submits that inadvertently the copy of Exh. B as referred in the affidavit in reply is remained to annex therewith and she undertake to place on record the copy of Exh. B and also serve copy thereof upon the learned Advocate for the applicant.

3. At this juncture, both the sides states that they want rely on various citations. They are permitted to file copies of those citations on record at the earliest.

4. The matter closed for order which order would be delivered on or before 3.5.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 24.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL 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 :- 24.03.2017

Oral Order :-

1. Heard Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. During the hearing it is found that though vide order dated 14.2.2017, the Tribunal had directed to place the file / documents regarding initiation of D.E. against the Officer, who appointed the applicant. However, from the documents filed on record of the present matter, it appears that, those documents are not relating to the enquiry against said Officer, who appointed the applicant, but against rest of the employees similarly appointed by the said Officer. The order dated 14.2.2017 was passed on the basis of statement made at bar by the by the learned Presenting Officer.

Further it is found that averments made in para 6 of the application that the applicant was nominated by the Collector, Jalna for appointment, is not specifically replied in the affidavit in reply by the respondents.

3. In the circumstances, as a last chance time is granted to the respondents to file additional reply making specific averments regarding plea of nomination of the applicant by the Collector, Jalna for appointment or otherwise and also to clarify the fact regarding initiation of D.E. against the Officer, who appointed the applicant and other similarly situated persons. The relevant record if any be produced

4. S.O. to 18.4.2017 as a last chance.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 24.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 454 OF 2015

[Ms. Shobha R. Choudhary Vs. the State of Mah. & Ors.]
Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date :- 24.03.2017

Oral Order :-

1. Heard Shri Arun Pandav, learned Advocate holding for Shri S.M. Avhad, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time. The record would show that on last 2 occasions the matter was adjourned at the request of the learned Advocate for the applicant. Hence, as a last chance, S.O. to 20.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 24.3.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 805 OF 2016

[Shri Firoz Kalekha Jamadar Vs. the State of Mah. & Ors.]

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

Date :- 24.03.2017

Oral Order :-

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

2. Upon hearing both the sides, it appears that, the disciplinary authority i. e. the res. no. 2 had not taken steps for initiating the Departmental Enquiry when the applicant was in service, though the charges pertain to the incidences of the year 2013. Even after applicant's superannuation, the D.E. was not initiated and merely retirement benefits to be disbursed to him were withheld. Now during the pendency of the present original application the article of charges are framed on 23.3.2017 and served upon the applicant and copy of the same is filed on record by the learned P.O. The applicant's claim for retirement benefits remained in suspense for this inordinate delay.

3. In the circumstances, taking into consideration the lapse on the part of the responsible officer, the concerned

::-2-::
O.A. NO. 805 OF 2016

respondent is directed to file a timetable regarding the further steps to be taken in the D.E. and to state within how much period the D.E. would be completed, subject to the cooperation from the present applicant in the same. It is made clear that if the reply as directed hereinabove is not filed by the concerned respondents on the next date, necessary orders like calling the responsible officer from the office of answering respondents before the Tribunal may be passed.

4. S.O. to 31.3.2017.

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