

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 326/2016 IN CP ST. 1528/2016 IN OA 568/2015
(Shri Md. Hussain T. Inamdar Vs. The State of Maharashtra &
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 : 25.07.2017

ORAL ORDER:-

Heard Shri Vishwas Solanke, learned Advocate holding for Shri R.D. Khadap, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The learned P.O. submits that further instructions from the concerned respondent are awaited in the matter. It is to be noted that, only because of departmental appeal of the applicant was pending before the Hon'ble State Minister of the Agriculture Department, this Tribunal has granted more than sufficient time to the respondents for taking decision on the said appeal.

3. In the circumstances, again four weeks time is hereby granted, however, with a caution that, in case no decision is taken by that time, this Tribunal would be constrained to impose heavy costs on the concerned respondent. In the circumstances, S.O. to 28.8.2017 for taking instructions by the learned P.O.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 145/2017 IN CP ST. 476/2017 IN OA 126/2017
(Shri (Dr.) Sudhakar D. Biradar & Ors. Vs. The State of
Maharashtra & 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 : 25.07.2017

ORAL ORDER:-

Heard Shri M.R. Kulkarni, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 1 to 3. Shri Kailas U. More, learned Advocate for respondent nos. 4 & 5 (**absent**).

2. At the request of learned P.O. for the res. nos. 1 to 3, S.O. to 8.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 146/2017 IN CP ST. 478/2017 IN OA 175/2014

(Shri (Dr.) Deepak M. Mendhekar Vs. The State of
Maharashtra & 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 : 25.07.2017

ORAL ORDER:-

Heard Shri M.R. Kulkarni, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 to 3. Shri Kailas U. More, learned Advocate for respondent nos. 4 & 5 (**absent**).

2. At the request of learned P.O. for the res. nos. 1 to 3, S.O. to 8.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 231/2017 IN OA 297/2017

(Shri Ramesh S. Ghorpade Vs. The State of Maharashtra &
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 : 25.07.2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant has filed on record affidavit in rejoinder of the applicant. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The learned P.O. seeks time to go through the rejoinder of the applicant and make her submissions. At her request, S.O. to 8.8.2017, for making submissions. The interim relief granted earlier to continue till then.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 271/2017 IN OA 697/2016

(Shri (Dr.) Santosh Hindole & Ors. Vs. The State of
Maharashtra & 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 : 25.07.2017

ORAL ORDER:-

Heard Shri J.S. Deshmukh, learned Advocate for the applicants and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. The present misc. application has been filed by the applicant for restoration of O.A. to its original position, which was dismissed in default by the Tribunal vide order dated 19.6.2017.

3. Perused the application. Considered the contentions.

4. For the reasons stated in the misc. application, it is allowed without any order as to costs and the original application is restored to its original position.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 697/2016

(Shri (Dr.) Santosh Hindole & Ors. Vs. The State of
Maharashtra & 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 : 25.07.2017

ORAL ORDER:-

Heard Shri J.S. Deshmukh, learned Advocate for the applicants and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. Issue notices before admission to the respondents in the original application, returnable on 4.9.2017.

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

4. Applicants are 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.

Applicants are directed to file affidavit of compliance and notice.

7. In the meantime the respondents are directed to consider the representation of the applicants, which is a part and parcel of the present original application and make detailed averments in the affidavit in reply to that effect.

8. S.O. 4.9.2017.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 493/2017

(Shri (Dr.) Sanjay K. Khachane Vs. The State of Maharashtra
& 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 : 25.07.2017

ORAL ORDER:-

Heard Shri V.B. Wagh, 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. to 28.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 277/2017 IN CP ST. 994/2017 IN OA 399/2016
(Shri (Dr.) Pradip K. Rathod Vs. The State of Maharashtra &
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 : 25.07.2017

ORAL ORDER:-

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

2. The applicant has filed the present misc. application for permission to proceed against the respondents in contempt for non compliance of the order dated 20.12.2016 passed by the Tribunal in O.A. no. 399/2016.

3. Issue notices to the respondents in the misc. application, returnable on 10.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 50/2017

(Shri Balesh D. Bhendekar Vs. The State of Maharashtra &
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 : 25.07.2017

ORAL ORDER:-

Heard Miss. Preeti Wankhade, learned Advocate for the applicant and Shri M.G. Gude, learned Presenting Officer for the respondents.

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

3. The learned P.O., on instructions, submits that the Maharashtra Public Service Commission Rules of Procedure, 2005 on which reliance was placed by the learned Advocate for the applicant on the last date i.e. on 21.6.2017 and, therefore, the said order was passed by the Tribunal is in fact not in existence and now Rules of 2014 have come into existence. He files the same on record and marked as document 'X' for the purpose of identification.

4. At the request of learned Advocate for the applicant, S.O. to 27.7.2017 for going through the reply and advancing her submissions.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 395/2016 IN CP ST. 1801/2016 IN OA 536/2011
(Shri Digambar B. Jadhav Vs. The State of Maharashtra &
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 : 25.07.2017

ORAL ORDER:-

Heard Shri M.B. Kolpe, learned Advocate holding for Shri P.D. Suryawanshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The learned P.O. submits that he is in receipt of the affidavit in reply today, but it is very vague and date of sending of the proposal is even not mentioned therein. He, therefore, seeks time to file reply in pursuance of the earlier order of the Tribunal. At his request, S.O. to 23.8.2017 for filing reply.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 95/2017 IN CP ST. 240/2017 IN OA 716/2015
(Shri (Dr.) Vijayprakash N. Tambhale Vs. The State of
Maharashtra & 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 : 25.07.2017

ORAL ORDER:-

Heard Shri Shamsundar Patil, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. The learned P.O. files on record the communication dated 24.7.2017 received to her from the respondents. It is taken on record and marked as document 'X' and copy thereof has been served upon the learned Advocate for the applicant. Shri Akash Kulkarni, Civil Surgeon, Dist. Hingoli, who is present in the court hall, submits that the bill regarding commutation of pension is sent to the Treasury and according to rule it is necessary for the applicant to appear in the Treasury Officer. He further submits that issue regarding grant of transfer allowance to the applicant for journey to home town upon retirement would be sorted out very shortly. In the circumstances, S.O. to 23.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 789/2007

(Shri Sunil R. Shirsat Vs. The State of Maharashtra & 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 : 25.07.2017

ORAL ORDER:-

None appears for the applicant. Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.

2. It appears from the record of the original applicant that a decision on merit is required by the Division Bench. At present the Division Bench is not available at Aurangabad Bench and, therefore, the present matter is removed from the board.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 889/2011

(Sunita d/o Pandharinath Ganvir @ Sunita w/o Shantaram
Raypure Vs. The State of Maharashtra & 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 : 25.07.2017

ORAL ORDER:-

None appears for the applicant. Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.

2. The applicant is challenging minor punishment and not reversion imposed upon her by the respondents and, therefore, the present matter pertains to Single Bench. In the circumstances, the present matter be placed before the Single Bench on 22.8.2017.

3. The office is directed to issue notice to Shri Santosh B. Gastgar, learned Advocate for the applicant for appearing in the matter on 22.8.2017 before the Single Bench.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 483/2013

(Shri Nandkishor A. Chavan Vs. The State of Maharashtra &
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 : 25.07.2017

ORAL ORDER:-

None appears for the applicant. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, is present.

2. It appears that the decision on merit in the matter is required by the Division Bench. As the Division Bench is not available and, therefore, the matter is removed from the board.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 484/2013

(Shri Nagnath S. Jadhav Vs. The State of Maharashtra & 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 : 25.07.2017

ORAL ORDER:-

None appears for the applicant. Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.

2. The office to issue notice to Shri S.D. Hiwrekar, learned Advocate for the applicant for putting his appearance in the present matter on 23.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 548/2013

(Smt. Pratibha J. Ghodke Vs. The State of Maharashtra &
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 : 25.07.2017

ORAL ORDER:-

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that the present matter has become infructuous. In the circumstances, the original application is disposed of as has become infructuous without any order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 51/2016 IN OA ST. 183/2016

(Shri Vijay A. Salve Vs. The State of Maharashtra & Ors.)

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

Date : 25.07.2017

ORAL ORDER:-

Heard Shri V.S. Borkar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Upon hearing both the sides, the learned Advocate for the applicant submits that in view of document at Exh. R.1 paper book page 31 filed by the respondents, he would require to go through the said G.R. and more particularly through clause no. 4 thereof to find out as to whether there is any provision to condone the delay in filing application for compassionate appointment by a minor within a period of one year upon attaining the majority.

3. In the circumstances, S.O. to 22.8.2017 for advancing submissions by the learned Advocate for the applicant on the line of above order.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 383/2016 IN OA ST. 1756/2016

(Smt. Mangal S. Kathar Vs. The State of Maharashtra & Ors.)

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

Date : 25.07.2017

ORAL ORDER:-

Heard Shri D.T. Devane, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant has filed on record copy of order dated 15.6.2017 passed by the Tribunal in M.A. no. 353/2016 in O.A. st. no. 1548/2016. He further submits that earlier also similar matter i.e. M.A. st. no. 262/2016 with O.A. st. 263/2016 filed by the similarly situated persons was rejected by the Tribunal by its order dated 10.10.2016 (paper book pages 14 to 27). At the request of both the sides, S.O. to 2.8.2017 along with M.A. no. 353/2016 in O.A. 1548/2016.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 353/2016 IN OA ST. 1548/2016

(Shri Subhamangal S. Bhakt Vs. The State of Maharashtra &
Ors.)

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

Date : 25.07.2017

ORAL ORDER:-

Heard Shri M.B. Koolpe, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 2.8.2017 along with M.A. no. 383/2016 in O.A. st. 1756/2016.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 802/2015 WITH O.A. NO. 347/2015

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

Date : 25.07.2017

ORAL ORDER:-

Heard Shri A.S. Shelke, learned Advocate for the applicants in both the matters and Shri M.P. Gude, learned Presenting Officer for the respondents in both the matters.

2. The learned P.O. files on record the communication received to him from the respondents dated 24.7.2017. It is taken on record and marked as document 'X' for the purpose of identification. The learned P.O. submits that 4 weeks' time is required to take appropriate steps in the matter. At his request, S.O. to 28.8.2017, for compliance. Since Shri S.P. Jaybhay, Naib Tahsildar, Loha, Dist. Nanded is present personally in the Court hall, the learned P.O. submits that, Steno copy of this order is not required.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 800/2015

(Shri Dattatraya K. Kulkarni Vs. The State of Maharashtra &
Ors.)

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

Date : 25.07.2017

ORAL ORDER:-

Heard Shri M.B. Koolpe, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The learned P.O. seeks time to take instructions on the line of order dated 15.6.2017. At his request, S.O. to 21.8.2017.

3. The learned P.O. to act upon the Steno copy of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 270/2017 IN OA 601/2015

(Shri Shrimant M. Ture Vs. The State of Maharashtra & Ors.)

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

Date : 25.07.2017

ORAL ORDER:-

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 27.7.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 598/2015

(Noorunnisa Begum Abdul Rehman Vs. The State of
Maharashtra & Ors.)

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

Date : 25.07.2017

ORAL ORDER:-

Heard Smt. (Dr.) Kalpalata Patil Bharaswadkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant files on record the copy of Circular said to have been issued by the Finance Department of the Government of Maharashtra dated 15.7.1995. It is taken on record and marked as document 'X' for the purpose of identification. It appears from the said circular that, in case an employee is removed from the service prior to 15.8.1982 and has been granted compassionate pension, his family members would be eligible for grant of family pension.

3. The learned P.O. seeks time to take instructions in this regard from the concerned respondent and to file additional reply, if any, only limited to said circular. At his request, S.O. to 23.8.2017.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 758/2016

(Shri Jagdish M. Kale Vs. The State of Maharashtra & Ors.)

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

Date : 25.07.2017

ORAL ORDER:-

Heard Smt. Vidhya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The learned P.O. files on record the communication received to him dated 20.7.2017 along with copy of internal communication between the respondents dated 27.7.2016. The same are taken on record and marked as documents 'X' collectively and copies thereof have been served upon the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 27.7.2017. The interim relief to continue till then.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 308/2016 IN OA ST. 975/2016

(Shri Waman N. Bondar Vs. The State of Maharashtra & Ors.)

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

Date : 25.07.2017

ORAL ORDER:-

Heard Miss. M.G. Kasturkar, learned Advocate holding for Smt. M.A. Kulkarni, 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 she wants time to go through the affidavit in reply filed by the respondents and advance her arguments on the next date. At her request, S.O. to 22.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**MA 378/2016 WITH MA ST. 1633/2016 IN OA ST.
1634/2016**

(Shri Vyankat S. More & Ors. Vs. The State of Maharashtra &
Ors.)

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

Date : 25.07.2017

ORAL ORDER:-

Heard T.B. Bhosale, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The learned P.O. has filed on record separate affidavit in replies on behalf of res. nos. 3 & 5. The same are taken on record and copies thereof have been supplied to the learned Advocate for the applicant. S.O. to 22.8.2017, for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 25.7.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.487/2017.
(Shri B. J. Nagargoje Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri A. N. Patale learned Advocate for the applicant and Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 7th September, 2017.

3. Applicant is authorized and directed to serve on all respondents notice of O.A. authenticated by Registry, along with complete paper book of O.A. stating that this Tribunal may take the case for final disposal at this stage and a separate notice for final disposal not be issued.

4. Authorization for service of 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.

5. The service of notice may be done by the applicant by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry as far as possible before the due date.

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6. Affidavit of service be filed one week before due date.
7. Learned P.O. is directed to communicate this order.
8. Affidavit in reply be filed before due date.
9. Steno copy and Hamdast is allowed to both parties.
10. S. O. to 7th September, 2017.

VICE CHAIRMAN.

ORAL ORDERS 25.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

MA NO.280/17 IN CP ST.898/17 IN OA 814/2015.

(Shri S. M. Borole Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 25-07-2017

ORAL ORDER:-

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

2. Issue notice to the respondents, returnable on 4th Sept. 2017.

3. In the meantime the Respondent no.1 is directed to complete the steps according to law as were directed in the O.A. as well as in the M.A. and shall file the report in this Tribunal on the due date, failing which directly permission to file contempt petition would granted.

4. S. O. to 04.09.2017.

5. The learned P.O. is directed to act on the Steno copy of this order.

VICE CHAIRMAN.

ORAL ORDERS 25.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.570/2016.

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

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 25-07-2017

ORAL ORDER:-

None present for the applicant. Heard Shri I. S. Thorat learned Presenting Officer for the respondents.

2. The learned P.O. seeks time for compliance of the earlier orders dated 3.1.2017, 12.1.2017, 24.3.2017 & 28.4.2017.

3. It is to be noted that, sufficient time is already granted. In the circumstances, time granted as a last chance with a warning that, if no steps are taken on the next date the Tribunal would be constrained to take coercive action like imposing of heavy costs to be deposited by Govt. cheque.

4. S. O. to 23.8.2017.

5. The learned P.O. is directed to act on the Steno copy of this order.

VICE CHAIRMAN.

ORAL ORDERS 25.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.730/2016.
(Shri D. K. Bahir Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 25-07-2017

ORAL ORDER:-

None present for the applicant. Heard Shri N. U. Yadav learned Presenting Officer for the respondents no.1 & 2 and Shri R. E. Pathade, learned Advocate for the Respondents no.3 to 5.

2. The learned P.O. submits that, no instructions are received in compliance of the order dated 6.7.2017. Therefore, as a last chance time is granted with a caution that, in case no instructions are received to the learned P.O. regarding the compliance of the order dated 6.7.2017 the Tribunal would be constrained to take coercive action including imposing of heavy costs.

3. S. O. to 29.08.2017.

4. The learned P.O. is directed to act on the Steno copy of this order.

VICE CHAIRMAN.

ORAL ORDERS 25.07.2017-ATP

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

REV. PETITION NO.23/2017 IN OA 341/2014.
(Shri S. K. Suryawanshi Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 25-07-2017

ORAL ORDER:-

None present for the applicant. Heard Shri S. K. Shirse learned Presenting Officer for the respondents.

2. Read order dated 13.7.2017. The learned Advocate for the applicant was expected to satisfy the queries of this Tribunal as raised by order dated 13.7.2017. In the circumstances, S. O. to 10.08.2017 either for hearing from the side of the applicant or for passing necessary orders.

VICE CHAIRMAN.

ORAL ORDERS 25.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.18/2017.
(Shri R. S. Kamble Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri Kedar G.A. learned Advocate holding for Shri S. B. Gastgar learned Advocate for the applicant and Shri M. P. Gude learned Presenting Officer for the respondents.

2. Shri Kedar G.A. learned Advocate holding for Shri S. B. Gastgar learned Advocate for the applicant on instructions submits that, applicant wishes to withdraw the application with liberty to file appropriate proceeding with the appropriate Forum. Allowed to withdraw with liberty as prayed for. Accordingly the application is disposed of without any order as to costs.

VICE CHAIRMAN.

ORAL ORDERS 25.07.2017-ATP

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

ORIGINAL APPLICATION NO.37/2017.
(Shri b. n. Raut & Ors. Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri Fatale learned Advocate holding for Shri
SS Dambe learned Advocate for the applicant and Shri V.
R. Bhumkar learned Presenting Officer for the
respondents.

2. The learned P.O. files affidavit in reply on behalf of
Respondents no.1 to 4. The same is taken on record. Its
copy is served on the other side.

3. Place for admission hearing on 20.9.2017.

4. At the request of Shri Fatale learned Advocate
holding for Shri SS Dambe learned Advocate for the
applicant authenticated copy of the order dated 3.5.2017
is allowed.

VICE CHAIRMAN.

ORAL ORDERS 25.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

OA Nos.217, 218 and 219 all of 2017.

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 25-07-2017

COMMON ORAL ORDER:-

Heard Shri J. M. Murkute learned Advocate for the applicants in all the matters and Smt P. R. Bharaswadkar, Shri D. R. Patil learned Presenting Officers and Shri M. S. Mahajan, learned Chief Presenting Officer for the respondents in respective matters.

2. The learned Advocate for the applicant files on record the copy of The Bombay Home Guards Act, 1947. The same is taken on record and marked as "X" for the purpose of identification. He invites attention of the Tribunal to the provisions of Section 6 (B) of the said Act.

3. The learned Advocate for the applicant also filed on record the communication at Annexure A-8 (page 27) and submits that, the similar order passed by the Respondent no.3 were set aside by the superiors. In the

circumstances, the Respondents are directed to go through the provisions of the Act and also the communication received in other cases and to find out as to whether the corrective steps can be taken and the report regarding the same be filed on 22.8.2017.

4. S. O. to 22.08.2017.

5. The learned P.O. is directed to act on the Steno copy of this order.

VICE CHAIRMAN.

ORAL ORDERS 25.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.220/2017.
(Smt Archana N. Shendge Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 25-07-2017

ORAL ORDER:-

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

2. The learned P. O. files affidavit in reply on behalf
of Respondents no.1 & 2. The same is taken on record.
Its copy is served on the other side.

3. Place the application for hearing on 3.8.2017.
Interim relief to continue till then.

VICE CHAIRMAN.

ORAL ORDERS 25.07.2017-ATP

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

ORIGINAL APPLICATION NO.224/2017.
(Shri D. K. Taru Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri A. S. Shelke learned Advocate for the applicant, Shri M. S. Mahajan learned Chief Presenting Officer for the respondents no.1 & 2 and Shri S. G. Rudrawar, learned Advocate for the respondent no.3.

2. Upon hearing both sides in my preliminary opinion it appears that, in fact there is no merit in the present application. However, since the matter pertains to the Division Bench it may be placed for hearing on admission before the Division Bench.

3. S. O. to 2.8.2017.

VICE CHAIRMAN.

ORAL ORDERS 25.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

MA NO.183/16 IN CP ST.686/16 IN OA 352/14.
(Shri R. S. Jadhav Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri J. S. Deshmukh learned Advocate for the applicant and Smt S. K. Ghate Deshmukh learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that, the application may be disposed of as the order is complied with. In the circumstances, MA No.183/16 stands disposed of, consequently, C.P. St.No.686/16 also stands disposed of without any order as to costs.

VICE CHAIRMAN.

ORAL ORDERS 25.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.914/2016.
(Shri R. A. Jadhav Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri I. D. Maniyar learned Advocate for the applicant and Shri M. P. Gude learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant files affidavit in rejoinder. The same is taken on record. Its copy is served on the other side.

3. The arguable case is made out.

4. Admit.

5. Learned P.O. waives the notice for the respondents upon admission hearing.

6. Liberty granted to circulate the matter before the Division Bench as and when available.

VICE CHAIRMAN.

ORAL ORDERS 25.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.595/2016.
(Shri D. R. Dhumare Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 25-07-2017

ORAL ORDER:-

None present for the applicant. Smt P. R. Bharaswadkar learned Presenting Officer for the respondents no.1 to 4 and Shri A. S. Deshmukh, learned Advocate for the Respondent no.5 are present.

2. Shri A. S. Deshmukh, learned Advocate for the Respondent no.5 submits that, during course of the day rejoinder would be filed. Copy be served on the other side.

3. The pleadings are complete.

4. S.O. to 23.8.2017 for hearing on admission.

VICE CHAIRMAN.

ORAL ORDERS 25.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.70/2017.
(Shri R. S. Shendge Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 25-07-2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant seeks one weeks time to file application for amendment as sought on the earlier date. At his request, S. O. to 02.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 25.07.2017-ATP

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

ORIGINAL APPLICATION NO.77/2017.
(Shri R. B. Yawalkar Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri Rajesh B. Yawalkar the applicant, party
in person, and Shri N. U. Yadav learned Presenting
Officer for the respondents.

2. At the request of the Party in person for making
present his Advocate to satisfy on the order dated
21.6.2017.

3. S. O. to 07.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 25.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.78/2017.
(Shri S. S. Dahale Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 25-07-2017

ORAL ORDER:-

Heard Miss Ashlesha Raut learned Advocate holding
for Shri S. B. Talekar learned Advocate for the applicant
and Shri D. R. Patil learned Presenting Officer for the
respondents.

2. The learned P. O. seeks time to file affidavit in reply.
Time granted.
3. S. O. to 21.8.2017 for filing affidavit in reply.

VICE CHAIRMAN.

ORAL ORDERS 25.07.2017-ATP

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

ORIGINAL APPLICATION NO.117/2017.
(Shri C. N. Dhawale Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri S. D. Dhongde learned Advocate for the applicant and Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to file an application for amendment, if any. At his request, S. O. to 08.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 25.07.2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.262/2017 IN O.A.St.No.521/2017
(Shri Rajendra Jagdale V/s. The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

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

2. Issue notices to the respondents in the M.A., returnable on 28-08-2017.

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

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

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

7. S.O.to 28-08-2017.

8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

YUK ORAL ORDER 25-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.175/2016
(Shri Banaji Chilgar V/s. The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri K.G.Salunke learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for the respondent nos.1 to 3. Shri S.V.Mundhe learned Advocate for respondent no.4 is **absent**.

2. Learned P.O. has submitted that this Tribunal has directed respondent no.2 (it has been mistakenly mentioned in the order dated 06-07-2017 as respondent no.3.) to file affidavit on certain points. He has submitted that respondent no.2 is unable to file affidavit due to some difficulties, and therefore, he sought 2 weeks' time.

3. In view of the submissions made by the learned P.O. one week's time is granted to respondent no.2 to file affidavit as directed on 06-07-2017.

4. S.O.02-08-2017.

MEMBER (J)

YUK ORAL ORDER 25-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.191/2016

(Bhagyashree Sopne @ Bhagyashree w/o. V. Karwar V/s.
The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

Shri S.K.Chavan learned Advocate for the applicant is **absent**. Shri D.R.Patil learned Presenting Officer for the respondents is present.

2. Since none present for the applicant,
S.O. to 17-08-2017.

MEMBER (J)

YUK ORAL ORDER 25-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.262/2016
(Shri Dagdu Bansode V/s. The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

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

2. Learned Advocate for the applicant seeks time to file affidavit in rejoinder. Time granted.
3. S.O. 28-08-2017.

MEMBER (J)

YUK ORAL ORDER 25-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.596/2016
(Shri Subhash Chavan V/s. The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri S.G.Kulkarni learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant,
S.O.29-08-2017.

MEMBER (J)

YUK ORAL ORDER 25-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.625/2016

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

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

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri S.B.Solanke learned Advocate for the applicant, Shri V.R.Bhumkar learned Presenting Officer for the respondents and Shri A.S.Deshmukh learned Advocate for respondent no.3.

2. Learned Advocate for the applicant has submitted that respondent no.3 is facing criminal trial for the offences punishable u/s.365 r/w. 34 of the Indian Penal Code and trial is pending before the Judicial Magistrate First Class, Amrawati. He has further submitted that in view of the G.R. dated 26-08-2014 no person facing trial for offences of kidnapping and abduction should be considered for appointment on the post of Police Patil, and in case, appointment order is given to him, the appointing authority shall cancel his appointment and terminate his services. He has submitted that during the pendency of the O.A. respondent no.2 Sub Divisional Magistrate, Selu issued appointment order to the

respondent no.3 on the post of Police Patil of Village Pimpalgaon Kajale Tanda, Tq. Selu, Dist. Parbhani. He has submitted that the applicant wants to approach the Sub Divisional Magistrate, Selu for cancellation of his appointment in view of the provisions contained in G.R. dated 26-08-2014. Therefore, the applicant does not wish to proceed with the present O.A. He, therefore, prayed for grant of leave to withdraw the O.A. with liberty to approach the Sub Divisional Magistrate Selu afresh on the basis of G.R. dated 26-08-2014.

3. As applicant does not wish to proceed with the O.A. and wants to withdraw the same and file objection before the Sub Divisional Magistrate Selu on the basis of G.R. dated 26-08-2014, leave as prayed for is granted. O.A. is disposed of as withdrawn with liberty to the applicant to approach the Sub Divisional Magistrate Selu. There shall be no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.630/2016
(Mangal Barase V/s. The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

Shri Ashis Rajkar/M.S.Taur learned Advocate for the applicant (**absent**). Smt. Sanjivani Ghate learned Presenting Officer for the respondents is present.

2. Learned Advocate Shri S.D.Joshi states that he has instructions to appear on behalf of the applicant. He prays for time for filing Vakalatnama on record. Time granted.

3. S.O.23-08-2017.

MEMBER (J)

YUK ORAL ORDER 25-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.704/2016
WITH**

CAVEAT NO.299/2016

(Shri Pandurang Hiwale V/s. The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri S.B.Solanke learned Advocate holding for Shri R.D.Khadap learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents. Shri P.S.Dighe learned Advocate for Caveator-Respondent no.3 is **absent**.

2. Learned Advocate for the applicant prays for time for filing affidavit in rejoinder. Time granted.

3. S.O. to 28-08-2017.

MEMBER (J)

YUK ORAL ORDER 25-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.19/2017
(Shri Yogesh Patil V/s. The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

Heard Ku. Preeti Wankhade learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that the impugned order has been cancelled by the respondent no.1. Therefore, applicant wants to file review/appeal before the Governor. She has submitted that she is waiting for written instructions of the applicant to withdraw the O.A., and therefore, she sought time. Time granted.

3. S.O. to 11-08-2017.

MEMBER (J)

YUK ORAL ORDER 25-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.63/2017
(Shri Pandit Kamble V/s. The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

Shri Uddhav Momale learned Advocate for the applicant is **absent**. Smt. Deepali Deshpande learned Presenting Officer for the respondents is present.

2. None appears for the applicant. Applicant and his Advocate remained absent on previous dates also. Hence, matter be kept for passing appropriate order on 23-08-2017.

3. S.O. to 23-08-2017.

MEMBER (J)

YUK ORAL ORDER 25-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.106/2017
(Jayshree Kakde V/s. The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri S.B.Solanke learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant requested time for filing affidavit in rejoinder. Time granted.
3. S.O. to 28-08-2017.

MEMBER (J)

YUK ORAL ORDER 25-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.144/2017
(Shri Sharad Pathak V/s. The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

Heard S. B. Mene learned Advocate holding for Shri A. S. Deshpande learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 09-08-2017.

MEMBER (J)

YUK ORAL ORDER 25-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.176/2017
(Shri Jalindar Ubale V/s. The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri K.G.Salunke learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned P.O. states that she will file separate affidavits in reply on behalf of respondent nos.1 to 3 and respondent nos.5 and 6. She undertakes to serve copy of the affidavits in reply on the other side.

3. Learned P.O. seeks time to file reply on behalf of the respondent no.4. Time granted.

4. S.O. to 11-08-2017.

MEMBER (J)

YUK ORAL ORDER 25-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.310/2017
(Dr. Dilip Dange V/s. The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri Shamsundar Patil 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. 03-08-2017.

MEMBER (J)

YUK ORAL ORDER 25-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.311/2017
(Shri Raju Adhe V/s. The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri K.B.Jadhav learned Advocate holding for Shri V.B.Wagh learned Advocate for the applicant, Shri D.R.Patil learned Presenting Officer for the respondents and Shri V.G.Pingle learned Advocate for respondent no.3.

2. Shri V.G.Pingle learned Advocate has filed Vakalatnama on behalf of respondent no.3. It is taken on record.

3. Learned Advocate for the applicant has filed affidavit of service of notice on respondent no.1.

4. Learned P.O. as well as the learned Advocate for respondent no.3 requested time for filing affidavit in reply. Time granted.

3. S.O. to 11-08-2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.322/2017

(Shri Rajesh Deshmukh V/s. The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

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

2. Since pleadings are complete, O.A. is admitted. It may be kept for final hearing on 09-08-2017.
3. S.O. to 09-08-2017 for final hearing.

MEMBER (J)

YUK ORAL ORDER 25-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.371/2017
(Shri Vasant Patil V/s. The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

Heard Smt. Vidya Taksal learned Advocate holding for Shri A.S.Deshmukh 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 affidavit in reply on behalf of the respondents. Time granted.

3. S.O.16-08-2017.

MEMBER (J)

YUK ORAL ORDER 25-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.343/2017
(Mrunalini Bawiskar V/s. The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri A.S.Deshmukh 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 affidavit in reply on behalf of the respondent nos.1 to 3 during the course of the day. He undertakes to serve copy of the reply on the other side.

3. S.O. to 16-08-2017 for filing rejoinder, if any.

4. Interim relief granted earlier to continue till then.

MEMBER (J)

YUK ORAL ORDER 25-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.209/2017 IN O.A.St.No.771/2017
(Dr. Gopal Kuril V/s. The State of Mah. & Ors.)

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

DATE : 25-07-2017

ORAL ORDER:-

Heard Shri S.N.Pagare learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant prays for issuance of fresh notice in the M.A.

3. Hence, issue fresh notice in the M.A., returnable on 29-08-2017.

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

5. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

=2=

M.A.No.209/2017 IN O.A.St.No.771/2017

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

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

8. S.O.to 29-08-2017.

9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

YUK ORAL ORDER 25-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 164 OF 2017
(Shri Nilesh R. Pawar Vs. The State of Maha. and Ors.)**

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

DATE : 25.07. 2017.

ORAL ORDER:

1. Heard Shri Amol N. Patale – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. The applicant is challenging the impugned order dated 4.2.2017 issued by respondent No. 4 viz. District Treasury Officer, Treasury Office, Nanded and order dated 15.2.2016 issued by Joint Director, Accounts and Treasuries, Aurangabad i.e. respondent No. 3. The applicant has been relieved by the District Treasury Officer, Treasury Office, Nanded from his office by the impugned order dated 04.02.2017 with immediate effect and he was directed to join in the office of Joint Director, Accounts and Treasuries, Aurangabad. Thereafter, Joint Director, Treasury Office, Aurangabad has issued the impugned order dated 15.02.2017; thereby transferring the applicant from Nanded to Shirur Anantpal, District Latur.

3. On perusal of the impugned orders dated 04.02.2017 and 15.02.2017, *prima facie* it reveals that no provisions of the Maharashtra Government Servants Regulation of Transfer and Prevention of Delay In Discharge of Official Duties Act, 2005 (for short 'the Transfer Act of 2005') have not followed by both the respondents i.e. District Treasury

O.A. NO. 164 OF 2017

Officer, Treasury Office, Nanded and Joint Director, Accounts and Treasuries, Aurangabad while passing impugned orders. The orders seem to be arbitrary and in violation of the Transfer Act of 2005. Therefore, Treasury Officer, Treasury Office, Nanded and Joint Director, Accounts and Treasuries, Aurangabad are hereby directed to file their personal affidavit stating under which provision, they have issued the impugned transfer orders.

4. S.O. to 14th August, 2017 for filing affidavit in reply by the Treasury Officer, Treasury Office, Nanded and Joint Director, Accounts and Treasuries, Aurangabad.

5. Learned Chief Presenting Officer to act upon the steno copy.

MEMBER (J)

ORAL ORDERS 25.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 20 OF 2017
(Shri Kishor J. Padvi Vs. The State of Maha. and Ors.)**

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

DATE : 25.07. 2017.

ORAL ORDER:

1. Heard Shri Avinash S. Deshmukh – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed a copy of communication dated 24.07.2017 received from Superintendent of Police, Jalgaon. The copy of the said communication is taken on record and marked as document 'X' for identification purposes.

3. I have perused the aforesaid communication dated 24.07.2017. In the said communication, the Superintendent of Police, Jalgaon, has stated that the work of reconstruction of service record of the applicant is under process. The applicant had worked for 23 years, and therefore, he has to collect the information regarding service of the applicant during that period and he sought 8 months' time for reconstruction of service record of the applicant and sending the proposal of regular pension of the applicant to the Accountant General-1, Lekha & Hakdari, Mumbai i.e. respondent No. 4.

4. Learned Advocate for the applicant has submitted that 8 months' period sought by the Superintendent of Police, is not reasonable and, therefore, he prayed to grant reasonable

....2

O.A. NO. 20 OF 2017

time of 4 months' and dispose of the present Original Application with the direction to respondent No. 3 i.e. Superintendent of Police, Jalgaon to reconstruct the service record of the applicant within a stipulated time.

5. On going through the record, it reveals that the provisional pension has already been sanctioned to the applicant, but proposal for regular pension is not yet sent as the service record is not available with the respondent i.e. respondent No. 3 i.e. the office of the Superintendent of Police, Jalgaon. The Superintendent of Police, Jalgaon is seeking 8 months' time to reconstruct the record and to send proposal for regular pension to the Accountant General-1, Lekha & Hakdari, Mumbai.

6. In the circumstances, it is just and proper to direct the respondent No. 3 i.e. Superintendent of Police, Jalgaon to reconstruct the service record of the applicant within a period of 4 months' and send the proposal to the respondent No. 4 i.e. Accountant General-1, Lekha & Hakdari, Mumbai. Accountant General-1, Mumbai, is directed to take decision on the proposal within a period of 2 months thereafter on receiving the proposal from the respondent No. 3.

7. With the above observations and directions, the Original Application is disposed of with no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 273/2017 IN O.A.NO. 467/2017
(Shri Praveen R. Solanke Vs. The State of Maha. and Ors.)**

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

DATE : 25.07. 2017.

ORAL ORDER:

1. Heard Shri Avinash Deshmukh – learned Advocate for the applicant in M.A., Shri M.S. Mahajan – learned Chief Presenting Officer for respondent Nos. 2& 3 and Shri S.D. Joshi – learned Advocate for respondent No. 1 in M.A.

2. Learned Advocate Shri S.D. Joshi for the respondent No. 1 in M.A. has submitted that he is going to file rejoinder to the O.A. and he is ready to argue the present case finally.

3. In view of the aforesaid submissions made on behalf of respondent No. 1, the present applicant does not want to proceed with the M.A. and he prayed to dispose of the same accordingly.

4. In view thereof, the present Miscellaneous Application is disposed of with no order as to costs.

MEMBER (J)

ORAL ORDERS 25.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 274/2017 IN O.A.NO. 468/2017
(Shri Sharad R. Waghmare Vs. The State of Maha. and
Ors.)**

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

DATE : 25.07. 2017.

ORAL ORDER:

1. Heard Shri Avinash Deshmukh – learned Advocate for the applicant in M.A., Shri D.R. Patil – learned Presenting Officer for respondent Nos. 2 & 3 and Shri S.D. Joshi – learned Advocate for respondent No. 1 in M.A.

2. Learned Advocate Shri S.D. Joshi for the respondent No. 1 in M.A. has submitted that he is going to file rejoinder to the O.A. and he is ready to argue the present case finally.

3. In view of the aforesaid submissions made on behalf of respondent No. 1, the present applicant does not want to proceed with the M.A. and he prayed to dispose of the same accordingly.

4. In view thereof, the present Miscellaneous Application is disposed of with no order as to costs.

MEMBER (J)

ORAL ORDERS 25.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 467 OF 2017
(Smt. Sharmila R. Nikale Vs. The State of Maha. and Ors.)**

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

DATE : 25.07. 2017.

ORAL ORDER:

1. Heard Shri S.D. Joshi – learned Advocate for the applicant, Shri M.S. Mahajan – learned Chief Presenting Officer for respondent Nos. 1 & 2 and Shri Avinash Deshmukh – learned Advocate for respondent No. 3.

2. Learned Advocate for the applicant prays for time for filing affidavit in rejoinder. Learned Advocate for respondent No. 3 has submitted that he is going to adopt the affidavit in reply filed on behalf of respondent Nos. 1 & 2 and he is ready to argue the present case finally.

3. At the request and by consent of both the parties, S.O. to 28th July, 2017 for hearing at the admission stage only.

MEMBER (J)

ORAL ORDERS 25.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 468 OF 2017
(Smt. Meena M. Survey Vs. The State of Maha. and Ors.)**

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

DATE : 25.07. 2017.

ORAL ORDER:

1. Heard Shri S.D. Joshi – learned Advocate for the applicant, Shri D.R. Patil – learned Presenting Officer for respondent Nos. 1 & 2 and Shri Avinash Deshmukh – learned Advocate for respondent No. 3.

2. Learned Advocate for the applicant prays for time for filing affidavit in rejoinder. Learned Advocate for respondent No. 3 has submitted that he is going to adopt the affidavit in reply filed on behalf of respondent Nos. 1 & 2 and he is ready to argue the present case finally.

3. At the request and by consent of both the parties, S.O. to 28th July, 2017 for hearing at the admission stage only.

MEMBER (J)

ORAL ORDERS 25.07.2017-HDD

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

M.A.NO. 276/2017 IN O.A.ST.NO. 954/2017
(Public Prosecutors' Association, M.S. Vs. The State of
Maha. and Ors.)

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

DATE : 25.07. 2017.

ORAL ORDER:

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

2. This Miscellaneous Application has been filed by the applicant for the following relief: -

“A) This Misc. Application may kindly be allowed thereby permitting the Applicant Association to sue & prosecute the above referred Original Application on behalf of all such APPs who are its Members and who have worked in the Evening & Morning Courts.”

3. For the reasons stated in the misc. application and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamp, if not paid. Accompanying O.A. be registered and numbered. The present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO. 954 OF 2017
(Public Prosecutors' Association, M.S. Vs. The State of
Maha. and Ors.)**

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

DATE : 25.07. 2017.

ORAL ORDER:

1. Heard Shri Avinash Deshmukh – learned Advocate for the applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 28th August, 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 with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 28th August, 2017.
8. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 25.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 469 OF 2017
(Shri Kishan B. Pathade Vs. The State of Maha. and Ors.)**

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

DATE : 25.07. 2017.

ORAL ORDER:

1. Heard Shri S.D. Joshi – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.
2. It transpires from the proceedings that the affidavit in reply on behalf of respondent Nos. 1 & 2 has already been filed on record.
3. Learned Advocate for the applicant prays for time to file affidavit in rejoinder, if any. Time granted.
4. S.O. to 28th July, 2017.

MEMBER (J)

ORAL ORDERS 25.07.2017-HDD