

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**O.A. NO. 685/2015
(Rahul Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

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

2. On the last date also none was present for the applicant. The learned Advocate for the applicant had earlier took time for taking instructions on the issue that was highlighted on 24.7.2017.

3. In view of absence of learned Advocate for the applicant, as a last chance S.O. to 1.11.2017 for making submissions on the line of the order dtd. 24.7.2017.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**MA 389/2017 IN CP ST. 1274/2017 IN OA 25/2016
(Dagdu Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The present M.A. has been filed by the applicant for permission to file accompanying C.P. against the respondents for non compliance of the order of the Tribunal passed in O.A. dtd. 2.9.2016.

3. Issue notices to the respondents in the M.A., returnable on 30.10.2017.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**MA 390/2017 IN CP ST. 1276/2017 IN OA 26/2016
(Sudhakar Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The present M.A. has been filed by the applicant for permission to file accompanying C.P. against the respondents for non compliance of the order of the Tribunal passed in O.A. dtd. 2.9.2016.

3. Issue notices to the respondents in the M.A., returnable on 30.10.2017.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**MA 391/2017 IN CP ST. 1278/2017 IN OA 23/2016
(Amru Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The present M.A. has been filed by the applicant for permission to file accompanying C.P. against the respondents for non compliance of the order of the Tribunal passed in O.A. dtd. 2.9.2016.

3. Issue notices to the respondents in the M.A., returnable on 30.10.2017.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**OA 187/2016
(Vilas Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Shri P.M. Shinde, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The learned Advocate, on instructions from the applicant, submits that the D.E. now is completed and even the final order is also passed. In the circumstances, he submits that the applicant may be allowed to withdraw the present O.A., with liberty to file fresh O.A. by keeping all the points open.

3. In the circumstances, the present O.A. stands disposed of as withdrawn with no order as to costs, with liberty to the applicant to file fresh O.A. All the points are kept open.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**O.A. NO. 599/2016 WITH
MA 317/2017 IN OA ST. 985/2017
WITH MA 318/2017 IN OA ST. 986/2017**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard S/shri D.J. Patil & S.N. Suryawanshi, learned Advocates for the applicants in all these matters and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. The learned P.O. has filed separate affidavits in reply in MA 317/2017 IN OA ST. 985/2017 and MA 318/2017 IN OA ST. 986/2017. The same are taken on record and copies thereof are served upon the learned Advocate for the applicants.

3. The learned P.O. on the basis of the instructions received from Smt. Revati Anil Kulkarni, Assistant Conservator of Forest, Dhule, who is present in the Court hall, submits that while this is a selection process of the year 2014, there was another process of 2015 and presently no posts are vacant on which the present applicants can be accommodated.

4. In the circumstances, the concerned respondent is directed to give all the details on affidavit regarding number of posts those were advertised in the year 2014, number of posts filled in as per the said process, number of posts advertised for the selection process of the year 2015, number of posts filled in as per that process, presently how many posts are vacant and number of vacancies that would occur within a period of next 2 years from today.

5. S.O. to 13.10.2017 for filing short affidavit on above points.

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

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**OA 869/2016
(Dhanraj Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The learned P.O. files on record copy of the communication received to him as per the information sought vide order dtd. 28.6.2017.

3. The submissions from the side of the learned P.O. as well as hearing of the O.A. would show that, only one post of Assistant Professor Philosophy was available for blindness or low vision (category A) (page 22). The submissions and communication further would show that the res. no. 3 – Smt. Vrushali Onkar Ambatkar - was selected for the post and was recommended accordingly. In view of filing of the present O.A., the concerned respondents did not issue any appointment letter in favour of res. no. 3. The res. no. 3 also did not appear in the matter despite the service of notice long back.

4. At the request of learned Advocate for the applicant, S.O. to 30.10.2017 for submissions on the line of the above facts.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

OA 64/2017

(Dr. Snehal Vs. The State of Mah.&Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

None appears for the applicant. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 4 and Shri D.M. Shinde, learned Advocate for respondent no. 5, are present.

2. Read the previous orders, those would show that on many occasions the applicant and his learned Advocate did not appear for admission hearing of the present O.A.

3. In the circumstances, the O.A. stands dismissed in default with no order as to costs.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**OA 168/2017
(Annarao Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Arguable case is made out. Hence, the O.A. is hereby admitted. It be placed for final hearing before the Division Bench as and when it is available. Liberty to file affidavit in rejoinder is granted.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**OA 198/2017
(Yousufuddin Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Smt. A.N. Ansari, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks permission to withdraw the present O.A. with liberty to file departmental appeal along with application for condonation of delay.

3. Considering the material on record that the present applicant has already retired, the applicant is allowed to withdraw the present O.A., with liberty to file departmental appeal along with application for condonation of delay, which shall be considered by the concerned respondents sympathetically by taking into

consideration the above facts as well as the pendency of the present O.A. in the meantime.

4. In the circumstances, the present O.A. stands disposed of as withdrawn with no order as to costs, with liberty to the applicant as prayed for. The interim relief, if any, granted earlier is hereby vacated.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**OA 562/2017
(Sanjay Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Smt. A.N. Ansari, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks permission to withdraw the present O.A. with liberty to file departmental appeal along with application for condonation of delay.

3. Considering the material on record that the present O.A. was pending in the Tribunal, the applicant is allowed to withdraw the present O.A., with liberty to file departmental appeal along with application for condonation of delay, which shall be considered by the concerned respondents sympathetically by taking into

consideration the above facts as well as the pendency of the present O.A. in the meantime.

4. In the circumstances, the present O.A. stands disposed of as withdrawn with no order as to costs, with liberty to the applicant as prayed for. The interim relief, if any, granted earlier is hereby vacated.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

OA 230/2017

(Dr. Kole Nagnath Vs. The State of Mah.&Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Shri R.V. Jain, learned Advocate holding for Shri (Dr.) R.J. Godbole, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The learned P.O. has filed affidavit in reply of res. no. 2. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The learned P.O. submits that in the present affidavit in reply there is no pleadings regarding subsequent developments i. e. as to whether the selection process is completed and / or whether somebody is appointed to the post.

4. In the circumstances, the concerned respondent is hereby directed to file additional short affidavit giving all the facts as detailed above.

5. S.O. to 1.11.2017 for filing additional short affidavit as directed above.

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

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**OA 429/2017
(Krushna Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

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

2. The learned Advocate for the applicant submits that today the M.A. for amendment in the O.A. would be filed. It be filed in the Office.

3. S.O. to 30.10.2017, with liberty to the applicant to circulate the M.A. for amendment. The interim relief granted earlier to continue till then.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**OA 512/2017
(Namdeo Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

None appears for the applicant. Shri D.R. Patil, learned Presenting Officer for the respondents, is present.

2. The record would show that for last four dates none is appearing for the applicant. The steps of collecting the notices and serving the same on the respondents are not taken. Hence, the present O.A. is dismissed in default, with no order as to costs.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**MA 358/2014 IN OA ST. 1184/2014
(Dr. Gangadhar Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Shri S.V. Mundhe, learned Advocate for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent nos. 1 to 3 and Shri P.M. Shinde, learned Advocate holding for Shri P.D. Suryawanshi, learned Advocate for respondent no. 4.

2. The learned P.O. seeks time to take decision on the proposal dtd. 14.9.2004 as referred by the Tribunal in the order dtd. 22.3.2017. It is to be noted that vide order dtd. 22.3.2017, warning was issued to the concerned respondents and more particularly to the res. no. 2 that in case said order is not complied by the next date, coercive action would be taken. Further even the order regarding payment of

cost of Rs. 10,000/- was also passed. The cost as imposed by the Tribunal is not deposited till today, though the said order was passed on 12.6.2017.

3. It, therefore, appears that the Tribunal is being compelled by the respondent to initiate contempt proceeding personally against the concerned respondent, who failed to comply the orders passed by the Tribunal during the pendency of the matter.

4. In the circumstances, as a last chance, a decision should be taken by the concerned respondent on or before 3.10.2017 and copy of the said decision be filed on record along with cost of Rs. 10,000/- as directed earlier. In default necessary process for issuing notices for contempt of the order of the Tribunal would be taken positively on that day.

5. S.O. to 3.10.2017

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

VICE CHAIRMAN.

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

OA 872/2016

(Salim Shagir & Ors. Vs. The State of Mah.&Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicants, Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 & 2 and Shri S.D. Dhongde, learned Advocate for the respondent nos. 3 to 5.

2. On 22.6.2016 Shri N.U. Yadav, learned P.O. made a statement that the post of Daptar Karkun and Civil Engineering Assistant is interchangeable. On that date, nobody was appearing for res. nos. 2 & 3 while today Shri S.D. Dhongde, has appeared. In view of the said statement, the matter was listed to 29.6.2017. On that date, Shri Dhongde, learned Advocate was on leave. The learned Advocate for the applicants pointed out towards the M.C.S. (Revised Pay) Rules, 2009 to show that these 2

posts are different. Therefore, the learned P.O. was given time for getting corrective steps taken and the O.A. was adjourned to 5.7.2017. Reading of O.A., however, would show that there is no issue of interchangeability between the posts. The applicants are seeking appointment to the post of Civil Engineering Assistant as presently they are appointed as Daptar Karkun on compassionate ground. It is their allegations that the posts of Civil Engineering Assistant are vacant and the concerned respondents had in some of the similarly situated cases has taken steps of reappointment of the employees to the post of Civil Engineering Assistants. It was further pleaded that even the superiors of the concerned respondents have advised for taking steps in that regard.

4. Today, Shri Dhongde, learned Advocate for res. nos. 3 to 5 files on record copy of the communication, which is taken on record. Vide the said communication the concerned respondent has sought 4 weeks time as certain

decisions on Government's level are expected. Upon perusal of the papers, it appears that the concerned respondents i.e. res. nos. 4 & 5 can take the decision in this regard. Even the present O.A. would show that the res. no. 4 had issued letter to the res. no. 3 regarding the said appointment, copy of which is at Annex. A.15.

5. It, therefore, prima-facie appears that the concerned respondents only with a view to unnecessary prolong the matter have referred the issue at the Government level.

6. In the circumstances, time till 30.10.2017 for taking corrective steps is granted. It is hereby warned that, in case delay tactics are played in taking the corrective steps, though the directions in that regard are old one, this Tribunal would be constrained to impose heavy costs as well as take coercive action against the res. no. 4 himself / herself. In case according to res. no. 4 in view of any rules the res. no. 4 is unable to take corrective steps then he shall file short affidavit

explaining the said rules or G.R. by the next date.

7. S.O. to 30.10.2017.

8. Steno copy allowed for the use of learned P.O. & learned Adv. for res. nos. 3 to 5.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**MA 254/2016 IN OA ST. 558/2016
(Ramesh Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Shri R.S. Sadaphule, learned Advocate for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent nos. 1 & 2 and Shri G.N. Patil, learned Advocate for respondent no. 3.

2. The learned Advocate for the applicant in reference to the order dtd. 28.8.2017 submits that the candidates who are already selected and appointed are not necessary parties. He submits that the applicant is not willing to join those persons as party respondents in the present O.A. The learned P.O., however, already made a statement that the persons who are already appointed are the necessary party respondents.

3. In the circumstances, place the present matter for hearing on this issue and also on the tenability of the present O.A. in absence of those parties. S.O. to 3.10.2017.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**MA 64/2017 IN OA ST. 100/2017
(Milind Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Shri V.B. Wagh, 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 a statement is made before the Division Bench of Hon'ble High Court that the present contempt petition would not be pressed in view of filing of the writ petition, reference of which is made in the order dtd. 28.8.2017. In the circumstances, S.O. to 8.11.2017.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**MA 394/2017 IN OA ST. 874/2016
(Milind Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Party in person and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. This M.A. is filed by the applicant for permission add res. no. 5 in the O.A.

3. Upon going through the M.A., it appears that the proposed party is necessary.

4. In the circumstances, the present M.A. is allowed with no order as to costs. The Secretary of Maharashtra Public Service Commission, Mumbai, and not the Chairman, be added as res. no. 5 in the O.A. within a period of one week.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**OA ST. 874/2016
(Milind Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Party in person and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Today by passing separate order in the M.A., the applicant is permitted to add the Secretary of Maharashtra Public Service Commission, Mumbai as added res. no. 5 in the O.A.

3. Upon addition of the Secretary of Maharashtra Public Service Commission, Mumbai as party res. no. 5 in the O.A., issue notice to the added res. no. 5, returnable on 31.10.2017.

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

5. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along

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

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

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

8. S.O. to 31.10.2017.

9. Steno copy & hamdast allowed to both the sides.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**OA 453/2011
(Sopan Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Shri Jain, learned Advocate holding for Shri (Dr.) R.J. Godbole, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 to 3 and Shri V.B. Wagh, learned Advocate holding for Shri U.B. Bondar, learned Advocate for respondent no. 4.

2. Upon hearing both the sides, it appears that the decision on merit is required in the matter. Hence, it be placed before the Division Bench as and when it is available.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**O.A. NOS. 319, 321, 322, 323, 324, 330, 332, 744 ALL OF 2013 WITH
O.A. NOS. 634, 682 BOTH OF 2014 WITH O.A. NOS. 721, 722 BOTH OF
2015 AND O.A. NO. 340/2016**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Shri Anant Devkate, learned Advocate for the applicants in all these matters and Shri M.S. Mahajan, Smt. R.S. Deshmukh, Shri S.K. Shirse, Shri N.U. Yadav, Shri M.P. Gude, Smt. Sanjivani Deshmukh Ghate, Smt. D.S. Deshpande, Shri D.R. Patil, Shri I.S. Thorat, Shri V.R. Bhumkar, learned Chief Presenting Officer & Presenting Officers for the respective respondents in respective matters.

2. The learned Advocate for the applicants submits that he would take instructions as to whether the decision of the D.B. of the M.A.T. in group of matters has been challenged in the Hon'ble High Court and the decision, if any, from the Hon'ble High Court in that regard. He also seeks time to take instructions from the applicants in all these cases. At his request, S.O. to 2.11.2017.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

FARAD CONTINUATION SHEET

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

OA 332/2014

(Milind Vs. The State of Mah.&Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

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

2. The learned Advocate, on instructions, submits that the applicant does not want to proceed with the present O.A. and, therefore, the present O.A. be disposed of.

3. Accordingly, the O.A. is disposed of as the applicant does not wish to proceed with the same. There shall be no order as to costs.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**-FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
OA 743/2016
(Rakesh Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Shri D.K. Rajput, 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 rejoinder affidavit. It is taken on record and copy thereof has been served upon the learned P.O. for the respondents. S.O. to 11.10.2017 for hearing on admission.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

-FARAD CONTINUATION SHEET

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

OA 137/2017

(Namdeo Vs. The State of Mah.&Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Shri S.D. Joshi, learned Advocate for the applicant (leave note). Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 2.11.2017 for hearing on admission.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

OA NOS. 268, 269, 270 & 271 ALL OF 2017

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Miss. Ashlesha Raut, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants in all these matters and Shri M.P. Gude, learned Presenting Officer for the respondents in all these matters.

2. At the request of learned P.O. S.O. to 31.10.2017 for filing affidavits in reply in all these matters.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**MA 562/2015 IN OA st. 113/2015
(Ravindra Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 26.09.2017.

ORAL ORDER :

None appears for the applicant. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. The learned P.O. files on record affidavit in reply of res. nos. 1 to 4 in the present M.A. It is taken on record. She undertook to serve copy thereof upon the learned Advocate for the applicant.

3. In view of absence of applicant and his learned Advocate, S.O. to 6.11.2017.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**MA 362/2017 IN OA ST. 814/2017
(Prabhakar Vs. The State of Mah.&Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 26.09.2017.

ORAL ORDER :

Heard Shri M.C. Ghode, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in the present M.A., returnable on 6.11.2017.

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 6.11.2017.

8. Steno copy & hamdast allowed to both the sides.

VICE CHAIRMAN.

ARJ ORAL ORDERS 26.9.2017

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION STAMP NO.1465/2017
(Dr. Vandana d/o. SitaramShinde V/s. State of Maharashtra &Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

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

DATE : 26.09.2017.

ORAL ORDER :

Heard Shri G.N.Khanzode learned Advocate for the applicant and Shri M.SMahajan learned Chief Presenting Officer for respondents.

2. Issue notice to the respondents, returnable on 06-11-2017.
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 06-11-2017.
8. Steno copy and Hamdast is allowed to both parties.
9. Liberty to move the case for interim relief as and when exigency arises is granted.

VICE CHAIRMAN

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.542/2016
(Smt. VaishaliKathar V/s. State of Maharashtra &Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 26.09.2017.

ORAL ORDER :

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

2. Learned P.O. has filed affidavit of respondent no.3 as per orders passed by the Tribunal on 01-09-2017 and 18-09-2017. It is taken on record. Copy thereof has been served on the other side.

3. Today, Dr. Shrimant s/o. ChangdevraoHarkar, Sub Divisional Officer, Kannad, Tq. Kannad, Dist. Aurangabad is present before the Tribunal and he tendered unconditional apology.

4. Put up before Hon'ble Shri B.P.Patil, Member (J) on 30-10-2017 for further orders. Presence of Sub Divisional Officer is not required unless otherwise directed.

5. S.O. to 30-10-2017.

VICE CHAIRMAN

YUK ORAL ORDER 26-09-2017 VC F

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**CHAMBER APPEAL NO. 06 OF 2017
(Shri Ajit H. AagleVs. The State of Maharashtra and Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 26.09. 2017.

ORAL ORDER:

Heard Shri N.B. Jadhav- learned counsel for the applicant.

2. Vide order dated 10.08.2017 the Registrar of this Tribunal Bench at Aurangabad was pleased to refuse the registration under Rule 5 (4) of Maharashtra Administrative Tribunal (Procedural) Rules, 1988. On 04.07.2017 the office has raised the following office objections: -

- 1) O.A. appears to be barred by limitation.
- 2) Page Nos. 16 to 22, 24, 30-A, 47, 49, 52 & 58 are not legible.

3. The learned Advocate for the applicant appeared on 26.09.2017 and today he is filing the Misc. Application for delay condonation and he undertakes to remove the office objection No. 2.

4. Technically the Registrar was right in refusing the registration since nobody appeared for the applicant in view of the objection in spite of repeated chances. The learned Advocate for the applicant submits that he could not attend

CHAMBER APPEAL NO. 06 OF 2017

the Tribunal due to his personal difficulty and, therefore, the registration was refused. The fact that the O.A. is filed directing the respondents to issue appropriate order to appoint the applicant on the post of Kotwal as a legal representative of deceased Kotwal namely Hanumant Rama Aagle forthwith from the date of 24.06.2013 and in order to give an opportunity to the applicant to prove his claim on merits, it will be in the interest of justice to allow the Chamber Appeal as the applicant shall not suffer for the negligence of his Advocate. Advocate for the applicant submits that there is a delay of 25 days in filing the Chamber Appeal, but it is not intentional.

5. In view of the above, I pass the following order:

ORDER

(i) Chamber Appeal No. 06/2017 is allowed. The delay caused in filing Chamber Appeal is condoned.

(ii) Office of the Registrar of this Tribunal Bench at Aurangabad is directed to register the O.A. after removal of office objections by Advocate for the applicant.

VICE CHAIRMAN