

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 171 OF 2017
(SMT. Dipali M. Tengare V/s. State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 28-04-2017

ORAL ORDER:-

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

2. The learned P.O. seeks time to file affidavit in reply of
the respondents in the O.A. At his request, S.O. to 21.6.2017.
The interim relief granted earlier to continue till then.

VICE CHAIRMAN

ARJ ORAL ORDERS 28.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 503/2015 IN CP ST. 1812/2015 IN OA 142/2013

(Dr. Jeevansingh D. Taji V/s. State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 28-04-2017

ORAL ORDER:-

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

2. Upon hearing the learned Advocate for the applicant, it appears that, some reliefs are claimed in the present M.A. beyond the reliefs granted in the O.A. In the circumstances, the parties will have to be heard at length on this issue. S.O. to 7.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 28.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 117/2015 IN CP ST. 257/2017 IN OA 663/2014

(Nagorao S. Bele V/s. State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 28-04-2017

ORAL ORDER:-

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

2. The learned Presenting Officer files on record affidavit in reply of respondent in the contempt petition itself. It is taken on record and copy thereof has been taken on record.

3. The learned Advocate for the applicant submits that he will go through the said affidavit in reply and make his submissions on the next date. At his request, S.O. to 8.6.2017 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 28.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 162/2017 WITH MA 139/2017 IN OA 136/2017

(Mrs. Madhuri B. Banait V/s. State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 28-04-2017

ORAL ORDER:-

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It prima-facie appears that the res. no. 2 is inventing the way to bypass the interim relief granted by the Tribunal vide order dated 11.4.2017 in M.A. no. 139/2017. This, prima-facie, appears to be an attempt on the part of the respondents to commit contempt intentionally and breach the earlier order passed by the Tribunal.

3. The learned C.P.O., however, seeks time to take instructions from the respondents in the M.A. Time granted.

4. S.O. to 4.5.2017 for grant or refusal of interim relief in the present matter.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 28.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 120/2017 IN CP ST. 262/2017 IN OA 173/2015

(Samadhan B. Rathod V/s. State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE : 28-04-2017

ORAL ORDER:-

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

2. The learned P.O. files on record affidavit in reply in compliance of the order passed by the Tribunal dated 24.6.2016 in O.A. no. 173/2015. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. On going through the said affidavit in reply, the learned Advocate for the applicant submits that the respondents have fully complied the order passed by the Tribunal in the O.A.

4. In the circumstances, the misc. application filed by the applicant for permission to file contempt petition against the respondents is hereby disposed of. Consequently the contempt petition is also disposed of. There shall be no order as to costs.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 550 OF 2014
(Shri Jagannath K. Kagle V/s. State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 28-04-2017

ORAL ORDER:-

None appears for the applicant. Shri N.U. Yadav,
learned Presenting Officer for the respondents, is present.

2. In view of absence of learned Advocate for the
applicant, S.O. to 14.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 28.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 587 OF 2016
(Vijaysing H. Bagul V/s. State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 28-04-2017

ORAL ORDER:-

Heard Shri A.D. Gadekar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Presenting Officer for the respondent nos. 1 & 2 and Shri S.S. Shinde, learned Advocate holding for Shri Vivek Bhavthankar, learned Advocate for respondent no. 3.

2. The learned C.P.O. submits that presently affidavit in reply of res. nos. 1 & 2 is not necessary, however, if any exigency arises, he will file affidavit in reply of those respondents.

3. S.O. to 13.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 28.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 758 OF 2016
(Shri Jagdish M. Kale V/s. State of Mah. & Ors.)

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

DATE : 28-04-2017

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant, S.O. to 2.5.2017 for final hearing. The interim relief granted earlier to continue till then. This matter be treated as a part heard.

VICE CHAIRMAN

ARJ ORAL ORDERS 28.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 624 OF 2016

(Dr. Aparna R. Dikondwar V/s. State of Mah. & Ors.)

Coram : **Hon'ble Shri Justice M.T. Joshi, Vice Chairman**
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : **28-04-2017**

ORAL ORDER:-

Heard Shri Shamsundar Patil, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 to 3, Shri Avinash S. Deshmukh, learned Advocate for respondent no. 4 and Shri V.C. Suradkar, learned Advocate for respondent no. 7. None appears for respondent no. 6.

2. The learned P.O. files on record copies of application forms submitted by res. nos. 4 & 6 to the MPSC. The same are taken on record.

3. With consent of both the sides, S.O. to 13.6.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 28.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 25 OF 2017
(Firoj Halim Tamboli V/s. State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 28-04-2017

ORAL ORDER:-

Heard Shri K.N. Farooqui, learned Advocate holding for Shri N.L. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The learned P.O. files on record affidavit in reply of res. nos. 1 to 4. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. On going through the affidavit in reply, the learned Advocate for the applicant submits that, in view of the statement made by the respondents therein, nothing survives in the present original application and it be disposed of accordingly.

4. In the circumstances, the original application is disposed of without any order as to costs.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.60/2017 IN O.A.St.No.184/2017
(Shri Sheshrao Bhalerao V/s. The State of Mah. & Ors.)

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

DATE : 28-04-2017

ORAL ORDER:-

Heard Shri S.P.Dhobale learned Advocate holding for Shri P.G.Rodge learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has produced certain documents. Those are taken on record. Copies thereof have been served on the other side.

3. Learned P.O. seeks time to file reply in the M.A. Time granted.

4. S.O.14-06-2017.

MEMBER (J)

YUK ORAL ORDER 28-04-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A.No.160/2017 WITH M.A.No.87/2017
IN O.A.St.No.280/2017**

(Shri Punamchand Bainade V/s. The State of
Maharashtra & Ors.)

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

DATE : 28-04-2017

ORAL ORDER:-

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

2. Learned Advocate for the applicant has submitted that the applicant has filed O.A.St.No.280/2017 seeking declaration that the applicant be declared as retired from the services with effect from 08-06-2010 in view of the provisions of the Maharashtra Civil Services (Pension) Rules, 1982 as his application for voluntary retirement has not been decided by the respondents within stipulated time. Learned Advocate for the applicant has further submitted that after issuing notice of O.A. respondent no.2 initiated departmental enquiry against the applicant and chargesheet has been served on the applicant recently. He has submitted that since the O.A.

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M.A.No.160/2017 WITH M.A.No.87/2017
IN O.A.St.No.280/2017

is pending departmental enquiry as proposed by respondent no.2 is not maintainable, therefore, he prayed to stay the enquiry initiated against him.

3. Learned P.O. has appeared on behalf of the respondents and sought time to take instruction in the matter and sought time to file affidavit in reply.

4. Applicant is claiming declaration regarding his voluntary retirement under deeming provision of proviso to rule 66(2) of the Maharashtra Civil Services (Pension) Rules, 1982. On perusal of record, *prima facie* it seems that there is no document on record to show that the application for voluntary retirement sent by the applicant by RPAD has been duly delivered to the respondents.

5. In these circumstances, it will be just to hear the other side before passing any interim order. Hence, issue notice to the respondents in M.A.No.160/2017.

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

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

8. 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.

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

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M.A.No.160/2017 WITH M.A.No.87/2017
IN O.A.St.No.280/2017

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

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

11. S.O.05-05-2017.

MEMBER (J)

YUK ORAL ORDER 28-04-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.498/2016

(Shri Santosh Koli V/s. The State of Mah. & Ors.)

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

DATE : 28-04-2017

ORAL ORDER:-

Shri S.U.Chaudhari learned Advocate for the applicant is **absent**. Smt. Resha Deshmukh learned Presenting Officer for the respondents is present.

2. Applicant as well as his Advocate remained absent on 12-09-2016, 24-11-2016, 20-01-2017 and 07-04-2017. Today also none is present for the applicant. It seems that the applicant is not interested in prosecuting the matter.

3. Learned P.O. in her affidavit in reply has submitted that the applicant has joined his new posting at Sarbate Sajja in Amalner Taluka on 13-07-2016. Therefore, she prayed for disposal of the O.A.

4. As the applicant is absent since issuance of notice in the matter and as the notice also not served on the respondents, it is evident that the applicant is not interested in prosecuting the O.A. Hence, O.A. stands dismissed in default.

MEMBER (J)

YUK ORAL ORDER 28-04-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 785 OF 2016

**(Dr. Aruna Santosh Pardeshi Vs. The State of Maharashtra
and Others.)**

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

DATE : 28.04. 2017.

ORAL ORDER:

1. Heard Shri Avinash Deshmukh – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. Learned Presenting Officer seeks time to file affidavit in reply.
3. It transpires from the proceedings that from 8th November, 2016 the respondents are seeking time to file affidavit in reply. It further transpires from the proceedings that on the last occasion i.e. on 21st March, 2017 time was granted to the respondents to file affidavit in reply as a last chance. Thereafter the present case was adjourned to today's date i.e. 28th April, 2017. However, today also the learned Presenting Officer sought time to file affidavit in reply.
4. In view of the above, time is granted to the respondents to file affidavit in reply, as a most last chance.
5. S.O. to 7th June, 2017.

MEMBER (J)

ORAL ORDERS 28.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A.NO. 762/2016 WITH M.A. NO. 164/2017

**(Shri Nakul Shankar Mhaske and 9 Others Vs. The State
of Maharashtra and Others)**

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

DATE : 28.04. 2017.

ORAL ORDER:

1. Heard Shri Avinash Deshmukh – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. The learned Chief Presenting Officer sought time for correction of the name of the officer against whom the show cause notice has been issued.
3. S.O. to 6th June, 2017.

MEMBER (J)

ORAL ORDERS 28.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 654 OF 2016

**(Shri Murlidhar H. Suryawanshi Vs. The State of
Maharashtra and Others)**

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

DATE : 28.04. 2017.

ORAL ORDER:

1. Shri R.P. Adgaonkar – learned Advocate for the applicant (**absent**). Shri S.K. Shirase – learned Presenting Officer for the respondents, present.
2. Since nobody appears for the applicant, S.O. to 27th June, 2017.

MEMBER (J)

ORAL ORDERS 28.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 614 OF 2016

**(Shri Subhash Kitkul Shirke Vs. The State of Maharashtra
and Others)**

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

DATE : 28.04. 2017.

ORAL ORDER:

1. Smt. Suchita A. Dhongde – learned Advocate for the applicant (**absent**). Shri I.S. Thorat – learned Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 27th June, 2017.

MEMBER (J)

ORAL ORDERS 28.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 36 OF 2016

**(Smt. Laxmi Wd/o Sarjerao Shinde Vs. The State of
Maharashtra and Others)**

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

DATE : 28.04. 2017.

ORAL ORDER:

1. Shri S.S. Gangakhedkar – learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar – learned Presenting Officer for the respondent Nos. 1, 5 to 7, present. Shri Vivek Bhavthankar – learned Special Counsel for respondent Nos. 2 to 4 (**absent**).

2. It transpires from the proceedings that on the last two occasions i.e. on 28.02.2017 & 29.03.2017 nobody appeared for the applicant. However, today also nobody appeared for the applicant.

3. In view of the above position, it reveals that the applicant is not interested in prosecuting the present Original Application.

4. Hence, S.O. to 27th June, 2017 for passing necessary orders.

MEMBER (J)

ORAL ORDERS 28.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.ST.NO. 236/2017 IN O.A.ST. 237/2017

**(Shri Ramdas Vitthal Firke Vs. The State of Maharashtra
and Others)**

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

DATE : 28.04. 2017.

ORAL ORDER:

1. Mrs. Suchita A. Dhongde – learned Advocate for the applicant (**absent**). Shri D.R. Patil – learned Presenting Officer for the respondents.
2. Since nobody appears for the applicant, S.O. to 27th June, 2017 for passing necessary orders.

MEMBER (J)

ORAL ORDERS 28.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO. 537 OF 2017

**(Smt. Gayabai W/o. Shahurao Waghmare Vs. The State of
Maharashtra and Others)**

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

DATE : 28.04. 2017.

ORAL ORDER:

1. Heard Shri R.K. Khandelwal – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks time to take instructions from his client i.e. the applicant. Time granted.
3. S.O. to 23rd June, 2017.

MEMBER (J)

ORAL ORDERS 28.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 3049 OF 2016
(Shri Uttam R. Patil Vs. The State of Maharashtra and
Others)**

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

DATE : 28.04. 2017.

ORAL ORDER:

1. Smt. Santosh G. Chapalgaonkar – learned Advocate for the applicant (**absent**). Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents, present.
2. Since nobody appeared for the applicant, S.O. to 23rd June, 2017 for passing necessary orders.

MEMBER (J)

ORAL ORDERS 28.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 345/2016 IN O.A.ST.NO. 1511/2016

**(Shri Prabhakar S/o. Narsing Mule Vs. The State of
Maharashtra and Others)**

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

DATE : 28.04. 2017.

ORAL ORDER:

1. Heard Shri N.S. Choudhary – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed affidavit in rejoinder in M.A. No. 345/2016 and the same is taken on record and the copy thereof has been served upon the learned Presenting Officer for the respondents.

3. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 to 6 in M.A. No. 345/2016 and the same is taken on record.

4. At the request of learned Advocate for the applicant, S.O. to 22nd June, 2017.

MEMBER (J)

ORAL ORDERS 28.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 596 OF 2016

**(Shri Subhash Gopinath Chavan Vs. The State of
Maharashtra and Others)**

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

DATE : 28.04. 2017.

ORAL ORDER:

1. Heard Shri S.G. Kulkarni – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant has filed affidavit in rejoinder to the reply filed on behalf of the respondent Nos. 1 & 2 and the same is taken on record and the copy thereof has been served on the other side.
3. At the request of learned Advocate for the applicant, S.O. to 23rd June, 2017.

MEMBER (J)

ORAL ORDERS 28.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 22 OF 2016

**(Dr. Ganesh G. Degloorkar Vs. The State of Maharashtra
and Others)**

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

DATE : 28.04. 2017.

ORAL ORDER:

1. Heard Shri Prafulla Bodade, learned Advocate holding for Shri J.B. Choudhary – learned Advocate for the applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time. Time granted.

3. S.O. to 23rd June, 2017.

MEMBER (J)

ORAL ORDERS 28.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 793 OF 2016

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

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

DATE : 28.04. 2017.

ORAL ORDER:

1. Heard Shri Vivek G. Pingle – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. Perused the order passed by this Tribunal on 17.02.2017. This Tribunal has directed the concerned respondents i.e. Secretary, Public Health Department, Government of Maharashtra, Mantralaya, Mumbai, to consider the representations of the applicant and take a final decision on or before 28.04.2017 and submit a compliance report to that effect in this Tribunal. Two months' time was granted to the respondents to decide the representations.

3. Today, learned Presenting Officer has filed a copy of communication dated 25.04.2017 addressed to the District Malaria Officer, Aurangabad by the Deputy Secretary, M.S. Mumbai, in which he was requested to seek time for taking final decision in the matter. The way in which the respondents are working is not proper. The directions were given to the Secretary and other respondents to take final decision in the matter. The respondent No. 1 who has to decide the representation of the applicant has to approach the Tribunal, if he requires further time to decide representations of the applicant as the directions were given by this Tribunal,

O.A. NO. 793 OF 2016

instead of approaching the Tribunal the respondent No. 1 is giving directions to the respondent No. 2 to seek time. This practice is highly deprecated. On the previous date, it was specifically ordered that if the directions are not complied, heavy costs will be imposed or responsible officer will be called in this Tribunal. In these circumstances, in the interest of justice last chance is granted to the respondent No. 1 to take final decision on the representations of the applicant, failing which necessary action will be taken against him.

4. S.O. to 9th June, 2017.

5. Steno copy be supplied to the learned Presenting Officer, at his request.

MEMBER (J)

ORAL ORDERS 28.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 833 OF 2016

**(Dr. Sanjay Kumarrao Muley Vs. The State of Maharashtra
and Others)**

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

DATE : 28.04. 2017.

ORAL ORDER:

1. Heard Shri J.S. Deshmukh – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has submitted that on the last date i.e. on 14.03.2017, this Tribunal has specifically directed the respondents to consider the decision of granting extraordinary leave to the applicant and find out whether study leave can be granted to the applicant as well as to other similarly situated candidates and to communicate the said decision upon reconsideration to this Tribunal on or before 28.04.2017.

3. Learned Presenting Officer has submitted that no response from the respondents is received to her. She has further submitted that instead of complying with the order of this Tribunal, the respondent No. 3 i.e. Deputy Director of Health Services, Aurangabad Circle, Aurangabad sent para-wise remarks, stating therein that they have granted extraordinary leave to the applicant under Rule 63 (2) (f) of Maharashtra Civil Services (Leave) Rules, 1981.

4. Considering the submissions made by the learned Presenting Officer it is crystal clear that the respondents have

O.A. NO. 833 OF 2016

not followed the directions given by this Tribunal in its order dated 14.03.2017. They have not communicated their decision upon reconsideration of the earlier decision as directed by this Tribunal. The respondents have flouted the directions/order given by this Tribunal.

5. Hence, it would be just and proper to issue notice to the respondents to show cause as to why proceeding should not be initiated against them for flouting the directions given by this Tribunal in its order dated 14.03.2017.

6. The respondents shall give their explanation on or before 9th June, 2017.

7. Steno copy be provided to the learned Presenting Officer, at her request.

MEMBER (J)

ORAL ORDERS 28.4.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 887/2016
[Shri Ashok R. Pawar Vs. The State of Mah. & Ors.]**

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

DATE : 28.04.2017.

ORAL ORDER:

Heard Shri P.S. Paranjape, learned Advocate for the Applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondents.

2. Today, the learned Advocate for the applicant has filed affidavit and documents along with the list. Same are taken on record and the copies thereof, have been served on the learned Presenting Officer.

3. Learned Presenting Officer has filed original service book of the applicant.

4. Learned Advocate for the applicant has submitted that the applicant has produced the copies of the applications dated 15.09.1998, 20.05.1993, 18.04.1998 & 27.01.2006 filed by him with the respondents on the several dates before his superior authorities in response to the letter dated 3.1.2017. He has submitted that the applicant has stated on oath that these documents are in the custody of the respondents. Therefore, he is unable to produce the same.

5. Learned Presenting Officer submitted that she has not received instructions from respondents regarding the custody of these documents and therefore, she seeks time to take instructions from the respondents. Time granted.

6. S.O. to 05.05.2017.

MEMBER (J)

ORAL ORDERS 28.04.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 902/2016
[Shri Sandip V. Jadhav Vs. The State of Mah. & Ors.]**

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

DATE : 28.04.2017.

ORAL ORDER:

Shri S.R. Patil, learned Advocate for the Applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 1 and 2. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. S.O. to 28.06.2017.

MEMBER (J)

ORAL ORDERS 28.04.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 921/2016
[Shri Sanjay T. Mali Vs. The State of Mah. & Ors.]**

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

DATE : 28.04.2017.

ORAL ORDER:

Heard Shri A.D. Sugdare, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Today, the learned Presenting Officer has placed on record a copy of communicated dated 6.3.2017 received to him and seeks time to file affidavit in reply on behalf of respondents. Already a last chance was granted to the respondents for filing affidavit in reply. In the interest of justice, a most last chance is granted.

3. S.O. to 22.06.2017.

MEMBER (J)

ORAL ORDERS 28.04.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 02/2017
[Shri Dattatraya K.Ubale Vs. The State of Mah. & Ors.]**

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

DATE : 28.04.2017.

ORAL ORDER:

Heard Shri V.B. Wagh, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for respondent nos. 1, 3 to 5. None present for respondent no. 2 and no reply has been filed on behalf of respondent no. 2.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 5. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent nos. 1, 3 & 4. Time granted as a last chance.

4. Learned Advocate for the applicant has sought leave of this Tribunal to amend the prayer clause-C as

the applicant wants to seek relief against the respondent
no. 2.

//2//

O.A. No. 02/2017

5. Leave as prayed for by the learned Advocate
for the applicant is granted. The applicant is directed to
carry out the necessary amendment forthwith.

6. S.O. to 09.06.2017.

MEMBER (J)

ORAL ORDERS 28.04.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 36/2017
[Shri Kamlakar B. Vyawahare Vs. The State of Mah. & Ors.]

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

DATE : 28.04.2017.

ORAL ORDER:

Heard Shri S.K. Vyawahare, learned Advocate for the Applicant and Smt. Priya R. Bhuraswadkar, learned Presenting Officer for respondents.

2. Leaned Presenting Officer has submitted that the respondent nos. 2 to 4 do not want to file affidavit in reply. She has submitted that she has taken instructions from respondent no. 2 and she intends to file further additional affidavit in reply on behalf of respondent no. 2, if necessary. Time granted.

3. S.O. to 20.06.2017.

MEMBER (J)

ORAL ORDERS 28.04.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 38/2017

[Shri Mir Firasat Mir Mohammed Ali Vs. The State of Mah. & Ors.]

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

DATE : 28.04.2017.

ORAL ORDER:

Shri Vivek G. Pingle, learned Advocate for the Applicant, Shri D.R. Patil, learned Presenting Officer for respondent no. 1 and Shri Shamsundar B. Patil, learned Advocate for respondent nos. 2 to 4.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 1. Same is taken on record and the copy thereof has been served on the other side.

3. Learned Advocate for respondent nos. 2 to 4 has filed affidavit in reply. Same is taken on record and the copy thereof has been served on the other side.

4. S.O. to 21.06.2017.

MEMBER (J)

ORAL ORDERS 28.04.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 58/2017
[Shri Maruti M. Kakad Vs. The State of Mah. & Ors.]**

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

DATE : 28.04.2017.

ORAL ORDER:

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 2. Same is taken on record.

3. S.O. to 28.06.2017.

MEMBER (J)

ORAL ORDERS 28.04.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 76/2017
[Shri Rajendra S. Sudruk Vs. The State of Mah. & Ors.]**

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

DATE : 28.04.2017.

ORAL ORDER:

Shri J.S. Deshmukh, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Leaned Chief Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted as a last chance.

3. S.O. to 22.06.2017.

MEMBER (J)

ORAL ORDERS 28.04.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 115/2017
[Shri Tulshiram Maruti Lande Vs. The State of Mah. & Ors.]

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

DATE : 28.04.2017.

ORAL ORDER:

Shri S.S. Dixit, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Leaned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 13.06.2017.

MEMBER (J)

ORAL ORDERS 28.04.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 144/2017
[Shri Sharad Ramdars Pathak Vs. The State of Mah. & Ors.]

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

DATE : 28.04.2017.

ORAL ORDER:

Shri Ajay Deshpande, learned Advocate for the Applicant (**Leave Note**). Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, present.

2. In view of the leave note filed by the learned Advocate for the applicant, S.O. to 23.06.2017.

MEMBER (J)

ORAL ORDERS 28.04.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A. No. 562/2015 in O.A. St. No. 113/2015
[Shri Ravindra Kailas Jadhav Vs. The State of Mah. & Ors.]

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

DATE : 28.04.2017.

ORAL ORDER:

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

2. Leaned Presenting Officer seeks time to file affidavit in reply on behalf of respondents in M.A. Time granted as a last chance.

3. S.O. to 29.06.2017.

MEMBER (J)

ORAL ORDERS 28.04.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A. No. 388/2016 in O.A. St. No. 1682/2016
[Smt. Shobha Ramesh Pathak Vs. The State of Mah. & Ors.]**

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

DATE : 28.04.2017.

ORAL ORDER:

Shri S.D. Joshi, learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 1 to 3 in M.A. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. S.O. to 22.06.2017.

MEMBER (J)

ORAL ORDERS 28.04.2017-KPB(SB)BPP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.381/2013.

(Shri U. R. Kshirsagar V/s. The 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 : 28-04-2017

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 pleadings are complete. The arguable case is made out.
3. Admit.
4. Learned P.O. waives the notice for the respondents upon admission hearing.
5. Remove from Board. The matter may be circulated for final hearing as and when the Division Bench is available.

ORAL

ORDERS

VICE CHAIRMAN.

28-04-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

CP NO.03/2016 IN OA NO.239/2015.

(Dr. Sonali B. Sayamber V/s. The 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 : 28-04-2017

ORAL ORDER:-

Heard Shri V. B. Wagh learned Advocate for the applicant and Smt D. S. Deshpande learned Presenting Officer for the respondents.

2. The learned P.O. submit that the copy of the order dated 23.2.2017 was sent to the concerned respondents. The learned P.O. however, submit that next of the order dated 12.4.2017 could not be communicated by the office to the concerned respondent. In the circumstances, S.O. to 5.5.2017 for communication of order dated 12.4.2017.

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

ORAL

ORDERS

VICE CHAIRMAN.

28-04-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.187/2016.

(Shri V. G. Kulkarni V/s. The 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 : 28-04-2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant refused to take stand though the statement in this regard was made at bar earlier as is recorded in order dated 13.1.2017. The record would show that, the inquiry is already completed and the inquiry report is also submitted. In the circumstances, the issue regarding the legality in conducting the enquiry had become infructuous. In the circumstances, it prima facie appears that, the present application can not be admitted. However, as the issue pertains to the Division Bench, S.O. to 20.7.2017.

ORAL

ORDERS

VICE CHAIRMAN.

28-04-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.570/2016.

(Shri K. P. Jaybhaye V/s. The 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 : 28-04-2017

ORAL ORDER:-

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

2. The learned P.O. files on record the communication received to him dated 25.4.2017 would show that the corrigendum is proposed to the relevant Circular. It would naturally take some time. In view of the absence of the learned Advocate for the applicant, S.O. to 25.7.2017.

ORAL

ORDERS

VICE CHAIRMAN.

28-04-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.254/2017.

(Shri R. R. More V/s. The 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 : 28-04-2017

ORAL ORDER:-

Heard S/Shri A. P. Adhe & Joharapurkar learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. The photocopy of the order filed along with the pursis dated 27.4.2017 would show that the Maharashtra Administrative Tribunal, Bench at Mumbai has passed an order in OA No.334/2017 dated 26.4.2017. Upon hearing both the sides, the similar interim relief can be granted, which runs as under :-

“The communication to the learned CPO from the State in Higher and Technical Education, dated 26th April 2017 (today) is taken on record on his request. Perused para 2 thereof with particular emphasis. It is directed that, if and when the cases of the candidates are considered for appointment on clock hourly basis, the present Applicant be also considered in that particular category. With this interim relief the O.A. stands adjourned to 7th June, 2017.”

3. Issue notices to the respondents, returnable on 22.6.2017.

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 22.6.2017.

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

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA ST.NO. 499/2017 IN OA ST.NO.401/2017.

(Shri Balaji Marotirao Bodke V/s.
The 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 : 28-04-2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant has not satisfied the objection raised by the office that the delay in filing the O.A. is not properly explained.

3. The O.A. St.No.401/2017 was filed by the applicant on 21.3.2017 without following any application for condonation of delay. After filing of the same nobody has appeared for the applicant till 18.4.2017. On that day the application for condonation of delay is filed.

4. It is urged in para no.3 of the application as under
:-

“3. The Applicant has also met with the officials at the office of the Divisional Commissioner at Aurangabad and tried to redress his grievance, but when not positive reply is received has met with the Advocate at Aurangabad and has filed the the Original Application, which he thinks to be well within limitation as he was meeting with the officials and was trying to redress his grievance. But the office has put the matter under objection that, as per the last communication dated 21.12.2015, the Applicant should have approached to this Honourable the tribunal within a period of 1 year, but the application has filed this application belatedly by 2 months and 20 days, and has directed the Applicant to explain the Delay. Hence the Applicant is filing the said application and has explained the delay in approaching to this Honourable Tribunal.

5. Since no reasons are explained in the present application as to why the delay is occurred, the office has put the objection that the delay is not explained.

6. The learned Advocate for the applicant submitted before me that the applicant has made his last

representation on 25.11.2015 and the same has been rejected by the Respondent on 21.12.2015 (page no.34). In the circumstances, the O.A. is within limitation and in fact there was no need to file any delay condonation application.

7. The provisions of Section 20&21 of the Maharashtra Administrative Tribunal's Act runs as under :-

“20. Applications not to be admitted unless other remedies exhausted.-

(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances,-

(a) if a final order has been made by the Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance;or

(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date

on which such appeal was preferred or representation was made has expired.

(3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be one of the remedies which are available unless the applicant had elected to submit such memorial.

21.Limitation.- (1) A Tribunal shall not admit an application,-

(a) in a case where a final order such as is mentioned in clause (a) Of sub-section (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made an a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.

(3) Notwithstanding anything contained in sub- section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of sub-section (1) or, as the case may be, the period of six months

specified in sub-section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.”

8. The copies of the representation filed on record by the applicant would show that first of the representation was made by him on 25.6.2014 and the same was decided by the Respondent on 25.7.2014 (Annexure A-4, page 31).

9. In view of the provisions of Sections 20 & 21 of the Administrative Tribunal's Act as referred above the limitation would start to run from the expiry of period of six months upon decision on the representation.

10. Merely sending one representation after another representation would not give any fresh cause of action. The applicant however, claims that, the cause of action has arisen from the reply to last of the representation dated 21st Dec. 2015 and delay of two months and 20 days in filing the application has caused. This is the

wrong proposition of Law. Even otherwise there is no whisper as to how this delay of 2 months and 20 days has occurred.

11. In that view of the matter, the following order.

ORDER.

The Misc. Application St.No.499/2017 is dismissed.

Accordingly the O.A.St.No.401/2017 is disposed of.

ORAL

ORDERS

VICE CHAIRMAN.

28-04-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA NO.161/2017 IN OA ST.546/2017.

(Shri N. B. Yeole & Ors. V/s. The 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 : 28-04-2017

ORAL ORDER:-

Heard S/Shri A. P. Adhe & Joharapurkar learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the 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 stamps, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

ORAL

ORDERS

VICE CHAIRMAN.

28-04-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

OA ST.546/2017.

(Shri N. B. Yeole & Ors. V/s. The 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 : 28-04-2017

ORAL ORDER:-

Heard S/Shri A. P. Adhe & Joharapurkar learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 22.6.2017.

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. S.O. to 22.6.2017.

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

ORAL

ORDERS

VICE CHAIRMAN.

28-04-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.876/2016.

(Shri A. R. Gavane V/s. The 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 : 28-04-2017

ORAL ORDER:-

It is reported that Shri Pratik Kothari learned Advocate for the applicant has filed leave note. Smt S. K. Ghate Deshmukh learned Presenting Officer for the respondents is present.

2. In view of the leave note filed by the learned Advocate for the applicant, S.O. to 16.6.2017.

VICE CHAIRMAN.

ORAL ORDERS 28-04-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.881/2016.

(Mah. State Civil Engineering Assistant
Employees Association through the President
V/s. The 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 : 28-04-2017

ORAL ORDER:-

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

2. The learned P.O. seeks time to file affidavit in reply.
At his request, S.O. to 21.6.2017. Interim Relief to
continue till then.

ORAL

ORDERS

VICE CHAIRMAN.

28-04-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.941/2016.

(Shri V/s. The 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 : 28-04-2017

ORAL ORDER:-

Heard Shri L. K. Pradhan learned Advocate for the applicant and Shri S. K. Shirse learned Presenting Officer for the respondents.

2. The learned P.O. seeks time to file affidavit in reply.

At his request, S.O. to 21.6.2017.

ORAL

ORDERS

VICE CHAIRMAN.

28-04-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.50/2017.

(Shri B. D Bhendekar V/s. The 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 : 28-04-2017

ORAL ORDER:-

Heard Shri A. S. Deshmukh, learned Advocate holding for Miss. Preeti Wankhade learned Advocate for the applicant and Shri M. P. Gude learned Presenting Officer for the respondents.

2. The learned P.O. seeks time to file reply. It is to be noted that one post is being kept vacant in view of the interim relief granted by this Tribunal. In the circumstances, last chance is granted to file reply.

3. S.O. to 21.6.2017.

4. Interim relief to continue till then.

ORAL

ORDERS

VICE CHAIRMAN.

28-04-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.74/2017.

(Shri V. K. Wagh V/s. The 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 : 28-04-2017

ORAL ORDER:-

None present for the the applicant. Smt D. S. Deshpande, learned Presenting Officer for the respondents no.1 and Shri Vivek Bhavthankar, learned Advocate for the Respondent no.2 present.

2. Learned P.O. as well as learned Advocate for the respondent no.2 seek time to file replies. At their request, S.O. to 22.6.2017.

ORAL

ORDERS

VICE CHAIRMAN.

28-04-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.80/2017.

(Shri S. S. Chavan V/s. The 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 : 28-04-2017

ORAL ORDER:-

Heard Shri K. B. Jadhav, learned Advocate for the the applicant, Shri D. R. Patil, learned Presenting Officer for the respondents no.1 and Shri Vivek Bhavthankar, learned Advocate for the Respondents no.2 and 3 and Shri D. K. Rajput, files Vakalatnama on behalf of learned Advocate for the respondent no.4.

2. Learned P.O. as well as learned Advocate for the respondent no.2 and 3 seek time to file replies. At their request, S.O. to 22.6.2017. Interim relief to continue till then.

VICE CHAIRMAN.

ORAL ORDERS 28-04-2017-ATP