

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 201/2017.

[Shri S. D. Neharkar Vs. the State of Mah. & Ors.]

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

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

Date :- 03.04.2017

Oral Order :-

1. Heard Smt Ujjwal Agrawal learned Advocate holding for Shri B. R. Warma, learned Advocate for the applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant to satisfy as to how the O.A. against the dismissal can be filed when he is convicted by the Special Court for the offences punishable under Sections 7, 13 (1) (d), read with 13 (2) of the Prevention of Corruption Act and the appeal against the said conviction is still pending in the Hon'ble High Court. At her request, S.O. to 30.4.2017.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

REV. APPLN.NO.4/2017 IN OA NO.223/2014.

[Shri K. B. Zalte Vs. the State of Mah. & Ors.]

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

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

Date :- 03.04.2017

Oral Order :-

1. Heard Shri S. D. Joshi, learned Advocate for the applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Issue notice to the respondents, returnable on 25.4.2017.
3. S.O. to 25.4.2017.

VICE CHAIRMAN

ORAL ORDERS 03.04.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.187/2016.

[Shri V. G. Kulkarni Vs. the State of Mah. & Ors.]

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

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

Date :- 03.04.2017

Oral Order :-

1. Heard Shri P. B. Jadhav, learned Advocate for the applicant and Smt R. S. Deshmukh, learned Presenting Officer for the respondents.

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

VICE CHAIRMAN

ORAL ORDERS 03.04.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA NO.36/16 IN CP ST.1947/15 IN OA 258/13.

[Shri D. T. Sonawane Vs. the State of Mah. & Ors.]

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

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

Date :- 03.04.2017

Oral Order :-

1. Heard Shri P. B. Jadhav, learned Advocate holding for Shri S. V. Deshmukh, learned Advocate for the applicant and Shri V. R. Bhumkar, learned Presenting Officer for the respondents.

2. Shri P. B. Jadhav, learned Advocate holding for Shri S. V. Deshmukh, learned Advocate for the applicant seeks time. At his request, S.O. to 18.4.2017.

VICE CHAIRMAN

ORAL ORDERS 03.04.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.615/2016.

[Shri M. W. Adhikar Vs. the State of Mah. & Ors.]

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

Date :- 03.04.2017

Oral Order :-

1. Heard Shri Vishal Bakal, learned Advocate holding for Shri V. S. Kadam, learned Advocate for the applicant, Shri V. R. Bhumkar, learned Presenting Officer for the respondents no.1 & 2 and Shri G. N. Patil, learned Advocate for the Respondent no.3.
2. Learned P.O. seeks time to file reply. The record would show that, while earlier granting time warning was issued for filing reply. In the circumstances, as a last chance time to file reply is granted till 27.4.2017. Upon failure application to proceed without any reply from the side of the Respondents.
3. S.O. to 27.4.2017.
4. Learned P.O. is directed to act on the Steno copy of this order.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.140/2017.

[Shri D. U. Jadhav Vs. the State of Mah. & Ors.]

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

Date :- 03.04.2017

Oral Order :-

1. Heard Shri R. B. Ade, 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. At his request, S.O. to 10.4.2017.

VICE CHAIRMAN

ORAL ORDERS 03.04.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION St. NO.250/2017.

[Shri B. V. Tutare Vs. the State of Mah. & Ors.]

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

Date :- 03.04.2017

Oral Order :-

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

2. Remove from board.

VICE CHAIRMAN

ORAL ORDERS 03.04.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.237/2016.

[Shri Mohammad Salim Vs. the State of Mah. & Ors.]

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

Date :- 03.04.2017

Oral Order :-

1. Heard Shri S. P. Landge, learned Advocate holding for Shri S. R. Pande, learned Advocate for the applicant, Smt D. S. Deshpande, learned Presenting Officer for the respondents No.1 & 2 and Shri U. D. Dalvi, learned Advocate for the Respondent no.3.

2. Shri S. P. Landge, learned Advocate holding for Shri S. R. Pande, learned Advocate for the applicant seeks time. At his request, S.O. to 25.4.2017.

VICE CHAIRMAN

ORAL ORDERS 03.04.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.255/2016.

[Shri H. S. Maher Vs. the State of Mah. & Ors.]

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

Date :- 03.04.2017

Oral Order :-

1. Heard Shri C. V. Bodkhe, learned, learned Advocate holding for Shri R. V. Gore, learned Advocate for the applicant, Shri N. U. Yadav, learned Presenting Officer for the respondents no.1 & 2 and Shri V. B. Wagh, learned Advocate for the Respondent no.3.

2. Shri C. V. Bodkhe, learned, learned Advocate holding for Shri R. V. Gore, learned Advocate for the applicant seeks. Time. At his request, S.O. to 7.4.2017.

VICE CHAIRMAN

ORAL ORDERS 03.04.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 421 OF 2016.

DISTRICT : - PARBHANI.

Shri Sachin s/o Vinayakrao Khillare,
Age: 32 years, Occu. Service as
Senior Clerk, C/o Jaykwadi Vasahat
Karegaon Road, Parbhani
R/o House No.7, Missar Nagar Jintur Road
Near Water Tank, Parbhani, Dist. Parbhani.

.. APPLICANT.

V E R S U S

1. The Superintending Engineer,
Nanded Irrigation Circle Nanded
Near S.T. Workshop, Sinchan
Bhavan, Nanded.
2. The Executive Engineer,
Minor Irrigation Division,
Jaykwadi Vasahat,
Koregaon Road, Parbhani.
3. Shri K. M. Pawar,
Age 30 Occu. Service As Serior Cler,
R/o C/o Executive Engineer,
Irrigation Division, Chaityannanagar,
Nanded.
4. The Superintending Engineer,
Vigilance Unit Circle,
Irrigation Department,
Aurangabad.

.. RESPONDENTS.

APPEARANCE : Shri V. B. Wagh, learned Advocate
for the Applicant.

: Mrs. S. K. Ghate Deshmukh – learned
Presenting Officer for the
Respondent no.4.

: Shri Sham Patil, learned Advocate
for the Respondent no.1 & 2.

**CORAM : HON'BLE SHRI JUSTICE M.T.
JOSHI, VICE CHAIRMAN.**

DATE : 3rd APRIL, 2017.

ORAI ORDER.

1. Heard Shri V. B. Wagh, learned Advocate for the Applicant, Smt S. K. Ghate Deshmukh, learned Presenting Officer for the Respondent no.1 and Shri Sham Patil, learned Advocate for the Respondents no.1 & 2.

2. The pleadings are complete. The arguable case is made out.

-3- ORIGINAL APPLICATION NO. 421 OF 2016

3. Admit.

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

5. The present applicant, who is working as a Senior Clerk is challenging his transfer from Minor Irrigation Division Parbhani to the post of Senior Clerk in the office of Executive Engineer, Upper Penganga Project (Land Development) Section, Nanded under Vishnupuri Project Sub Division No.8, Akhada Balapur, Taluka Kalamnuri, District Hingoli. Upon hearing both the sides it has become an admitted fact that, the present applicant had served in Minor Irrigation Division Parbhani for a period of more than six years. In the circumstances, vide impugned order dated 30.5.2016 the applicant was transferred.

6. Shri V. B. Wagh, learned Advocate for the applicant relying on the G.R. dated 21.3.2012 on record submit that Clause 11 and more particularly para no.2 of the said Clause submits that, the power to transfer the employees like that of the applicant lies with the Zonal office and not with the

Superintending Engineer i.e. Respondent no.1. He further submit that, the reply of the respondents would show that, the applicant was transferred because of certain complaints against him and as such the transfer is stigmatic. In view of this fact the application needs to be allowed and the transfer order needs to be quashed and set aside.

7. Smt. S. K. Ghate Deshmukh, Learned Presenting Officer for the Respondent no.4 and Shri Sham Patil, learned Advocate for the Respondents no.1 & 2 submit that, the G.R. would show that, the power lies with the Respondent no.1. Only the information about such employees, who had completed six years at one place only is required to be given to the Zonal office. He further submit that, the complaint against the present applicant was merely the additional fact.

8. Upon hearing both sides, there is no force in the O.A. The G.R. speaks only about the information submitted to the Zonal office whenever the employee completes tenure of six years at the same post. Further, the issue of complaint is used merely as an additional support for transfer. The said

statement of the Respondents would not amount to any stigma so far as the career of the present applicant is concerned.

9. With these observations, the following order.

ORDER.

- i) The Original Application stands dismissed without any order as to costs.
- ii) Interim Relief granted shall stands revoked.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 57 OF 2015

[Shri Kiran S., Mashale Vs. the State of Mah. & Ors.]

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

Date :- 3.4.2017

Oral Order :-

1. S/shri S.S. Panale / S.S. Dambe, learned Advocate for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents is present.

2. The learned C.P.O. seeks time to file affidavit in reply. At his request, S.O. to 5.5.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 3.4.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 63 OF 2017

[Shri Pandit K. Kamble Vs. the State of Mah. & Ors.]

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

Date :- 3.4.2017

Oral Order :-

1. Heard Shri D.M. Pingale, learned Advocate holding for Shri U.L. Momale, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The learned P.O. has filed affidavit in reply on behalf of res. nos. 2 to 4. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant. Place the matter for admission hearing on 19.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 3.4.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 381/2016 IN OA 761/2015

[Shri Laxmikant P. Ratanaparkhi Vs. State of Mah. & Ors.]

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

Date :- 3.4.2017

Oral Order :-

1. None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

2. Suitable amendment as sought vide order dated 23.2.2017 is not carried out by the learned Advocate for the applicant till this date. In view of absence of learned Advocate for the applicant, S.O. to 25.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 3.4.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 480/2016 IN OA ST. NO. 1607/2016

[Shri Mahadeo K. Wankhede Vs. State of Mah. & Ors.]

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

Date :- 3.4.2017

Oral Order :-

1. Heard Shri S.P. Landge, learned Advocate holding for Shri S.R. Pande, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer S.O. to 3.5.2017 for filing affidavit in reply of the respondents in the present misc. application.

VICE CHAIRMAN

ARJ ORAL ORDERS 3.4.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA 50/2017 IN OA ST. NO. 107/2017

[Shri Niwruttee K. Suradkar Vs. State of Mah. & Ors.]

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

Date :- 3.4.2017

Oral Order :-

1. None appears for the applicant. Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

2. At the request of learned Presenting Officer S.O. to 6.6.2017 for filing affidavit in reply of the respondents in the present misc. application.

VICE CHAIRMAN

ARJ ORAL ORDERS 3.4.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 142 OF 2016

[Shri Gopikisan Bapurao Pujari Vs. State of Mah. & Ors.]

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

Date :- 3.4.2017

Oral Order :-

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

2. The present applicant is seeking interest on delayed payment of his Leave Encashment, Group Insurance Scheme and General Provident Fund amounts from the date on which those amounts had become due, upon his retirement.

The chart pleaded in the original application is as under :-

Sr. No.	Head	Due Date of Payment (upto)	Date of Actual Payment
1.	Leave Encashment	18/01/2013 (within 1 month from date of retirement)	02/02/2015
2.	GIS	18/03/2013 (within 3 months from date of retirement)	28/01/2015
3.	GPF	20/12/2012 (immediately after retirement)	02/02/2015

3. The submissions of both the sides as well as the record would show that the applicant was working as a

O.A. NO. 142 OF 2016

Labourer on daily wages basis with the respondents from 10.7.1977. He was taken on Converted Regular Temporary Establishment on 10.7.1982. Later on he was appointed in Class-III cadre on 18.3.2008.

The pleadings of both the sides as well as the decision rendered by this Bench of the Tribunal in O.A. no. 44/2014 dated 29.10.2014 would show that the date of birth of the present applicant was 13.4.1952. The decision of this Tribunal would show that the Tribunal has accepted the plea of the respondents therein that the applicant himself has managed to change his date of birth from 13.4.1952 to 13.4.1955 in his service record in collusion with others. In the representation / communication submitted by the applicant during the preliminary enquiry he himself has also admitted regarding the said activity and this Tribunal has confirmed the same. In view of the change made in the service book in respect of the date of birth of the applicant, he continued to be in service till 19.12.2012. Since his payment of retiral dues delayed, he had filed the said original application in which ultimately this Tribunal vide said order dated 29.10.2014 declared that the applicant cannot claim

O.A. NO. 142 OF 2016

the benefits for a period of these 2 years and he should have been deemed to have retired on 30.1.2010. Thereupon the retiral benefits were extended to him as shown in the above chart.

4. The learned Advocate for the applicant relying on the G.Rs. dated 20.6.1996, 27.5.1992 and Circular issued by the General Administration Department on 20.5.1998 submits that the applicant should have been paid these benefits on the due dates as detailed in the chart. He further submits that there was no departmental enquiry pending against the applicant and only in such cases, the delay in payment is permitted.

5. On the other hand the learned P.O. points out that this Tribunal has already held that the applicant has played fraud upon the respondents by changing his date of birth in the service record. The issue therefore remains as to from which date the applicant should have been held superannuated. Only after decision in the earlier O.A. on 29.10.2014 the facts were crystallized and thereafter decision regarding extending benefits was taken. She

O.A. NO. 142 OF 2016

further submits that it is not a fact that due to negligence on the part of the respondents or their staff the payment of retiral benefits is delayed. She, therefore, submits that payment of interest cannot be granted to the applicant on delayed payment of retiral benefits. Hence, she submits that there is no merit in the present original application and the same be dismissed.

6. Upon hearing both the sides, in my view, the applicant does not deserve payment of interest on delayed payment of retiral benefits. This is not the case, where the retiral benefits are paid to the applicant belatedly because of lapse or negligence on the part of the respondents. The present applicant himself has to blame for all these confusion that was created by him and in fact he had got additional benefit of salary of 2 years albeit he has worked for that period. In that view of the matter, for the decision already rendered by this Tribunal regarding the activity of the applicant, the respondents cannot be blamed. The present original application is dismissed without any order as to costs.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.533/2016

DISTRICT: NANDED

Motiram s/o Tulshiram Nikam,
Age : 50 years, Occ : Service,
R/o. Police Colony, Sneha Nagar,
Hirakund Building, Nanded,
Tq. & District – Nanded.

..APPLICANT

VERSUS

1. The State of Maharashtra,
Through the Secretary,
Home Department,
Mantralaya, Mumbai-32.

2. The Superintendent of Police,
Nanded, Dist. Nanded.

3. Khuba Nilappa Chavan,
Age : 50 years, Occ : Service,
R/o. Police Station, Sindkheda,
Tq. Mahur, Dist. Nanded.

...RESPONDENTS

APPEARANCE: Shri V.V.Deshmukh learned Advocate
for the applicant.

Shri S.K.Shirse learned Presenting
Officer for respondents.

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

DATE : 03-04-2017

=2=

O.A.No.533/16

ORAL ORDER:-

Heard Shri V.V.Deshmukh learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for the respondents.

2. Present applicant is seeking cancellation of the order dated 9th June, 2016 (Annexure A-11) under which he was transferred from Sindkheda Police Station, Tq. Mahur, District Nanded to Police Control Room, Nanded and thereafter to City Traffic Branch, Nanded.

3. The applicant is working as Assistant Police Inspector (API). He was posted to Sindkheda Police Station on 24-04-2015. In certain accidental death case law and order problem had occurred on 18-05-2016. Authorities came to the conclusion that style of working of the present applicant was responsible for the same. He was, therefore, suspended pending preliminary enquiry. Said suspension was challenged by the present applicant vide O.A.No.413/2016. Upon receipt of notice of the said O.A. respondent no.2 vide its order dated

09-06-2016 revoked the said suspension, At the same time, however, he came to be transferred as referred supra. Hence the present O.A.

4. Learned Advocate for the applicant has submitted that there is no departmental enquiry either held or pending against him in this connection. The mid-term transfer is against law. He was not responsible for law and order problem that has arisen during conducting enquiry in the abovesaid accidental death case. In the circumstances, he submits that the original application be allowed.

5. On the other hand, on the basis of available record learned P.O. points towards the fact that the accidental death case was not handled professionally by the present applicant. Due to that public riot had occurred in which various police personnel including the present applicant sustained injuries. This fact was confirmed in the preliminary enquiry held against the applicant. In the circumstances, taking into consideration the

=4=

O.A.No.533/16

administrative exigency, the present applicant was transferred. Learned P.O., therefore, submits that no interference in the transfer order is warranted.

6. Upon hearing both sides, in my view, no interference in the impugned order is called for. The applicant was transferred due to administrative exigency as detailed supra. In the circumstances, only because the transfer is mid-term, it cannot be called as illegal. In the result following order:

ORDER

Original Application is dismissed without any order as to costs.

VICE CHAIRMAN

YUK ORAL ORDER 03-04-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.735/2016
(Shri Kisanrao Shinde V/s. The State of Mah. & Ors.)

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

DATE : 03-04-2017

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant, S.O.19-04-2017.

VICE CHAIRMAN

YUK ORAL ORDER 03-04-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.33/2017
(Shri Bharat Kharat V/s. The State of Mah. & Ors.)

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

DATE : 03-04-2017

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant, S.O.21-04-2017.

VICE CHAIRMAN

YUK ORAL ORDER 03-04-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.494/2016
(Shri Laxmikant Ratnaparkhi V/s. State of Mah. & Ors.)

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

DATE : 03-04-2017

ORAL ORDER:-

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

2. At the request of the learned P.O., as a last chance, S.O. to 20-04-2017 for filing affidavit in reply.

VICE CHAIRMAN

YUK ORAL ORDER 03-04-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.

(Shri B.S.Londhe V/s. The State of Mah. & Ors.)

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

DATE : 03-04-2017

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant, S.O.05-04-2017.

VICE CHAIRMAN

YUK ORAL ORDER 03-04-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

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

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

DATE : 03.04.2017.

ORAL ORDER:

Shri S.R. Patil, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. Learned Presenting Officer submits that he will file affidavit in reply on behalf of respondent nos. 1 & 2 during the course of the day.

3. S.O. to 28.04.2017.

VICE CHAIRMAN

ORAL ORDERS 03.4.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 909/2016
[Shri Laxman A. Lomte Vs. The State of Mah. & Ors.]**

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

DATE : 03.04.2017.

ORAL ORDER:

Shri S.D. Joshi, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer, S.O. to 27.04.2017.

VICE CHAIRMAN

ORAL ORDERS 03.4.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 916/2016
[Shri Sattar Khan Jamal Khan Vs. The State of Mah. & Ors.]**

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

DATE : 03.04.2017.

ORAL ORDER:

Shri S.D. Joshi, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the Applicant and Shri Resha S. Deshmukh, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 1. It is taken on record and the copy thereof, has been served upon the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 20.04.2017.

VICE CHAIRMAN

ORAL ORDERS 03.4.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 930/2016
[Shri Chaudaman Daga Pawar Vs. The State of Mah. & Ors.]**

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

DATE : 03.04.2017.

ORAL ORDER:

Heard Shri Shrikant Patil, learned Advocate for the Applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. Learned Presenting Officer submitted that in the affidavit in reply of respondent nos. 1 to 6 it had been stated that the proposal of Departmental Enquiry is in process against the present applicant. In another O.A. bearing O.A. No. 931/2016 communication is received dated 8.3.2017. It is communicated that the Departmental Enquiry is pending against the present applicant. It appears from the said communication that the O.A. No. 931/2016 is filed by the present applicant himself challenging Departmental Enquiry as can be seen from the communication received by the learned Presenting Officer, which is placed on record for perusal.

3. Hence, the said O.A. bearing O.A. No. 931/2016 be also tagged with the present O.A.

4. In the circumstances, the learned P.O. seeks time to seek clarification, Time granted. At his request, S.O. to 27.04.2017.

VICE CHAIRMAN

ORAL ORDERS 03.4.2017-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 Justice M.T. Joshi, Vice Chairman

DATE : 03.04.2017.

ORAL ORDER:

Heard Shri V.B. Wagh, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply on half of respondents. Considering the grievance of the present applicant, it is expected that the respondents should be sympathetic either in filing affidavit in reply or for concluding Departmental Enquiry which is pending since long subject to cooperation from the applicant.

3. In the circumstances, time granted as a last chance to file affidavit in reply till 28.04.2017.

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

VICE CHAIRMAN

ORAL ORDERS 03.4.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 10/2017
[Shri Manaji V. Surose Vs. The State of Mah. & Ors.]**

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

DATE : 03.04.2017.

ORAL ORDER:

Heard Shri J.S. Deshmukh, learned Advocate holding for Shri Kakasaheb B. Jadhav, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for respondent no. 1.

2. Learned Advocate Shri G.N. Patil, appeared today and he has filed VAKILPATRA on behalf of respondent no. 2 and the same is taken on record. He seeks time to file affidavit in reply. Time granted.

3. Upon hearing it also appears that the only issue is whether the decision on Annexure A-4 (page no. 51 of the paper book) regarding rejection of grant of medical reimbursement on the ground of having more than prescribed children is valid or not.

4. In the circumstances, at the request of learned Advocate for respondent no. 2, S.O. to 27.04.2017.

VICE CHAIRMAN

ORAL ORDERS 03.4.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 14/2017
[Shri Ravindra Hemral Varade Vs. The State of Mah. & Ors.]**

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

DATE : 03.04.2017.

ORAL ORDER:

Shri J.S. Deshmukh, learned Advocate holding for
Shri A.S. Deshmukh, learned Advocate for the Applicant and Shri
D.R. Patil, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer, S.O. to
02.05.2017.

VICE CHAIRMAN

ORAL ORDERS 03.4.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 27/2017
[Dr. Ashwamedh B. Jagtap Vs. The State of Mah. & Ors.]**

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

DATE : 03.04.2017.

ORAL ORDER:

Heard Shri V.B. Wagh, learned Advocate for the Applicant, Shri D.R. Patil, learned Presenting Officer for respondent no. 1 and Shri A.S. Deshmukh, learned Advocate for respondent no. 4. Shri A.D. Aghav, learned Advocate for respondent nos. 2 & 3, **Absent.**

2. Shri V.B. Wagh, learned Advocate for applicant on instructions submitted that the applicant has challenged the issue of transfer. However, the communication dated 16.01.2017 which is filed earlier on record by the respondents, the concerned respondent no. 1 is not giving any posting to the applicant and he is kept on waiting.

3. In the circumstances, the present O.A. is disposed of without any order as to costs with a direction to the respondent no. 1 to give suitable posting to the applicant within a period of two weeks from the date of this order.

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

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 732/2016
[Dr. Suresh S. Totala Vs. The State of Mah. & Ors.]**

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

DATE : 03.04.2017.

ORAL ORDER:

Heard Shri S.B. Mene, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents.

3. Learned Advocate for the applicant on instructions submitted that the applicant is posted and now the issue pending is only regarding decision to be taken regarding waiting period as prayed vide 'C' of the prayer clause. Learned Advocate for the applicant also submitted that after posting given to the applicant, he has been paid only half of the salary, for no reason.

4. In this circumstances, the respondent no. 2 is directed to take decision in this regard within a period of four weeks and file affidavit in this regard before this Tribunal.

5. S.O. to 04.05.2017.

VICE CHAIRMAN

ORAL ORDERS 03.4.2017-KPB(SB)BPP

