

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

**ORIGINAL APPLICATION NO. 467 OF 2016**

DIST. : DHULE

Shri Shivaji P. Mahajan,  
Age. 62 yrs. Occ. Retired (Pensioner),  
R/o plot no. 34-A, Bijali Nagar,  
Gondur Road, Deopur, Dhule,  
Dist. Dhule.

-- APPLICANT

**V E R S U S**

1. The State of Maharashtra,  
Through the Secretary,  
Home (Transportation) Deptt.,  
Mantralaya, Mumbai.

2. The Commissioner of Transport,  
M.S. Mumbai, Administrative Building,  
4<sup>th</sup> floor, Govt. Colony, Bandra (E),  
Mumbai - 51.

3. The Regional Transport Officer,  
Dhule Region, Dhule,  
Dist. Dhule - 424 001.

-- RESPONDENTS

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

**Date :- 30.03.2017**

**ORAL ORDER**

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

2. The issue involved in the present original application is regarding grant of pay and allowances during the period of suspension of the present applicant.

3. The admitted facts on record would show that the applicant was working on the post of Sr. Clerk in the office of Road Transport Department. A trap was laid by the Officers of Anti Corruption Bureau on 2.9.2010 in which the applicant was allegedly caught red handed while accepting bribe of Rs. 600/- towards giving favour to the complainant in the official matter. Crime no. 3017 of 2010 was registered against the applicant with the Zilla Peth Police Station, Jalgaon for the offences punishable U/ss 7, 13 (1) (d) r/w 13 (2) of the Prevention of Corruption Act. Simultaneously a departmental enquiry was also initiated against the applicant and for a period from 26.11.2010 to 11.5.2012 the applicant was placed under suspension. Later on, the applicant was acquitted by the learned Special Judge, Jalgaon from the charges vide judgment dated 15.12.2012 delivered in the Special Case no. 7 of 2011. The applicant was also exonerated from the departmental enquiry. The issue remained to be decided is regarding regularization of the suspension period.

4. The applicant took this matter up to the departmental appellate authority. It was held by the appellate authority vide order

dated 20.6.2006 that the applicant was acquitted on technical ground and, therefore, the suspension period cannot be held to be wholly unjustified (paper book page 69 of O.A.). In the circumstances, it was decided that the period of suspension be regularized from the due leave available with the present applicant. He was accordingly directed to submit application for leave. Aggrieved by the said decision, this application is filed.

5. The learned Advocate for the applicant submits that the applicant is not only acquitted by the learned Special Judge but was also exonerated in the departmental enquiry. As such the suspension was wholly unjustified. On the other hand, the learned P.O. submits that on the A.C.B. laying a trap the applicant was allegedly caught red handed and special case was also filed. In the circumstances, the suspension was justified.

6. Upon hearing both the sides, in my view, the respondents have taken into consideration all the material available with them. They have also gone through the judgment rendered by the Special Judge, which is passed on certain contradictory statements of the Panchas. Taking into consideration the fact that the case was based on the trap in

which ultimately the applicant was allegedly caught red handed while accepting bribe, the respondents were required to suspend the applicant from the service. The said suspension, therefore, cannot be called as wholly unjustified. Taking into consideration the provisions of rule 72 of the Maharashtra Civil Services (Joining Time, Foreign Service and Payments During Suspension, Dismissal and Removal) Rules, 1981 the discretion exercised by the respondents cannot be interfered with. In the result the original application is dismissed, without any order as to costs.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017

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

**MA 326/2016 IN CP ST. 1528/2016 IN OA 568/2015**

[Shri Mohd. Hussain Tayyubsab Inamdar 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 :- 30.03.2017**

**Oral Order :-**

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

2. The learned Advocate seeks time. At his request S.O. to 18.4.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017

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

**MA 421/2016 IN CP 06/1998 IN OA 01/1998**

[Shri Shrikant S. Tupe 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Shri P.V. Suryawanshi, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 & 2 and Shri Shamsundar B. Patil, learned Advocate for respondent nos. 3 to 5.
  
2. At the request of learned Advocate for the applicant, S.O. to 27.4.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017

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

**MA 73/2017 IN CP ST. 227/2017 IN OA 74/2015**

[Dr. Girish H. Thite 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Shri M.R. Kulkarni, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
  
2. The learned C.P.O. files separate affidavit in replies of res. nos. 3 & 4. The same are taken on record and copies thereof have been served upon the learned Advocate for the applicant.
  
3. Both the sides submit that the State has preferred writ petition before Hon'ble Bombay High Court, Bench at Aurangabad against the order of this Tribunal passed in O.A. and it is fixed on 6.4.2017.
  
4. In the circumstances, S.O. to 20.4.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017

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

**MA 73/2017 IN CP ST. 227/2017 IN OA 74/2015**

[Dr. Girish H. Thite 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 :- 30.03.2017**

**Oral Order :-**

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

2. The learned C.P.O. files separate affidavit in replies of res. nos. 3 & 4. The same are taken on record and copies thereof have been served upon the learned Advocate for the applicant.

3. Both the sides submit that the State has preferred writ petition before Hon'ble Bombay High Court, Bench at Aurangabad against the order of this Tribunal passed in O.A. and it is fixed on 6.4.2017.

4. In the circumstances, S.O. to 20.4.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017



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

**MA 74/2017 IN CP ST. 229/2017 IN OA 78/2015**

[Dr. Vijay V. Deshpande 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Shri M.R. Kulkarni, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. The learned C.P.O. files separate affidavit in replies of res. nos. 3 & 4. The same are taken on record and copies thereof have been served upon the learned Advocate for the applicant.
3. Both the sides submit that the State has preferred writ petition before Hon'ble Bombay High Court, Bench at Aurangabad against the order of this Tribunal passed in O.A. and it is fixed on 6.4.2017.
4. In the circumstances, S.O. to 20.4.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017

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

**MA 88/2017 IN CP ST. 287/2017 IN OA 281/2016**

[Shri Laxman V. Kadam 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The learned P.O. files on record the communication dated 29.3.2017 received to him, which would show that the order in O.A. is complied with by the respondents. The photo copies of the cheque and receipt are with the said communication. The same are taken on record and marked as document 'X' for the purpose of identification.

3. In view of the statement made by the learned P.O., the present misc. application, which is filed by the applicant for permission to file contempt petition against the respondents for non compliance of the order passed by the Tribunal in O.A. and the contempt petition itself are disposed of without any order as to costs.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017

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

**MA 98/17 IN CP ST. 317/17 IN TA 01/2014 (WP 2104/13)**

[Shri Raghunath Y. Khotkar 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Shri S.D. Dhongde, 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 and the learned P.O. for the respondents, S.O. to 5.4.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017

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

**ORIGINAL APPLICATION NO. 580 OF 2016**

[Shri Mayuresh R. Lohar 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 :- 30.03.2017**

**Oral Order :-**

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

2. The learned Advocate, on instructions from the applicant, submits that the applicant does not wish to withdraw the present original application, reference of which is made in the orders dated 8.3.2017 and 24.3.2017. At his request, S.O. to 25.4.2017 for hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017

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

**ORIGINAL APPLICATION NO. 858 OF 2016**

[Shri Sunil L. Jadhav & Ors. 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Shri S.D. Dhongde, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. At the request of learned Advocate for the applicant, S.O. to 20.4.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017

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

**ORIGINAL APPLICATION NO. 48 OF 2017**

[Shri Bhagwan D. Sonwane 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Smt. Meraj Khan, learned Advocate holding for Shri A.S. Bayas, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The learned Advocate for the applicant has placed on record the copy of the communication dated 4.3.2017 issued by the respondents. It is taken on record and marked as document 'X' for the purpose of identification. She submits that in view of the said communication the grievance of the applicant is redressed and now nothing survives in the original application for adjudication.

3. Accordingly, the original application is disposed of as the grievance of the applicant is redressed, without any order as to costs.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017

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

**ORIGINAL APPLICATION NO. 219 OF 2012**

[Shri Vasant B. Haral Vs. the State of Mah. & Ors.]

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

**Date :- 30.03.2017**

**Oral Order :-**

1. Heard Shri K.B. Jadhav, 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. to 7.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017

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

**ORIGINAL APPLICATION NO. 419 OF 2012**

[Shri Anilkumar Y. Baste Vs. the State of Mah. & Ors.]

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

**Date :- 30.03.2017**

**Oral Order :-**

1. Shri A.S. Deshpande, learned Advocate for the applicant has filed leave note. Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.

2. In view of leave note of the learned Advocate for the applicant, S.O. to 7.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017



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

**ORIGINAL APPLICATION NO. 205 OF 2013**

[Shri Babu S. Londhe Vs. the State of Mah. & Ors.]

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

**Date :- 30.03.2017**

**Oral Order :-**

1. 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. to 3.4.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017

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

**ORIGINAL APPLICATION NO. 708 OF 2013**

[Dr. Rekha A. Salunke Vs. the State of Mah. & Ors.]

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

**Date :- 30.03.2017**

**Oral Order :-**

1. Heard Shri H.P. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The learned C.P.O. submits that though the copy of the internal communication dated 28.3.2017 (paper book page 120 of the O.A.) would show that the respondents are waiting for the decision from this Tribunal, he would instruct the concerned respondents to take a proper decision, as no stay is granted in the present matter, within a period of 4 weeks from the date of this order. At his request, S.O. to 2.5.2017 for filing report.

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

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017

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

**ORIGINAL APPLICATION NO. 311 OF 2015**

[Shri Kalpana M. Patil Vs. the State of Mah. & Ors.]

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

**Date :- 30.03.2017**

**Oral Order :-**

1. Heard Shri H.P. Jadhav, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent nos. 1 to 4 and Shri Vivek Bhavthankar, learned special Counsel for respondent no. 5. None appears for respondent no. 6.

2. The learned P.O. seeks time for producing the relevant record before the Tribunal. At her request, S.O. to 11.4.2017. It is made clear that the said record be made available positively on the next date.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017

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

**ORIGINAL APPLICATION NO. 347 OF 2015**

[Shri Dipak D. Edke & Ors. Vs. the State of Mah. & Ors.]

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

**Date :- 30.03.2017**

**Oral Order :-**

1. Heard Shri A.S. Shelke, learned Advocate for the applicants and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. The learned P.O. submits that the order of this Tribunal dated 23.2.2017 is already forwarded to the concerned respondents, on 27.2.2017. In the circumstances, since time of 3 months' is granted to the respondents for taking decision, S.O. to 7.6.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017

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

**ORIGINAL APPLICATION NO. 38 OF 2015**

[Dr. Kashinath N. Swami Vs. the State of Mah. & Ors.]

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

**Date :- 30.03.2017**

**Oral Order :-**

1. Heard Shri A.D. Gadekar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 to 3. None appears for respondent nos. 4 & 5.

2. With consent of both the sides, S.O. to 11.4.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017

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

**ORIGINAL APPLICATION NO. 233 OF 2011**

[Dr. Hussaini Sayed Khudadad Vs. the State of Mah. & Ors.]

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

**Date :- 30.03.2017**

**Oral Order :-**

1. Heard Shri S.D. Joshi, learned Advocate holding for Shri G.C. Navandar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 & 1-A. None appears for respondent no. 2.

2. The Learned Advocate for the applicant, during the hearing, concedes the decision of the res. no. 2 in rejecting the claim of the applicant for grant of pension vide order dated 4.2.2000 (Exh. A-4 paper book page 42 of the O.A.) and submits that the same cannot be faulted with as the applicant is removed from the service. He, however, submits that that the applicant still can be considered for grant of compassionate pension as per rule 101 of the Maharashtra Civil Services (Pension) Rules, 1982 as the applicant had worked continuously for a period of 12 years. He, therefore, submits that the present applicant may be allowed to make a fresh representation for grant of compassionate pension to the res. no. 2 and the res. no. 2 may be directed to forward

the same to the State Government, which shall ultimately consider the same.

3. The learned Presenting Officer opposes the plea. She submits that the claim of the applicant has been rightly rejected by the res. no. 2.

4. However, on finding that the applicant had worked continuously for a period of 12 years, when his claim for pension / retirement is refused, another alternative of granting compassionate pension remains with the State Government.

5. In the circumstances, the original application is disposed of without any order as to costs, with a direction to the applicant to make a fresh representation to res. no. 2 for grant of compassionate pension as provided under rule 101 of the Maharashtra Civil Services (Pension) Rules, 1982 within a period of 2 months from the date of this order. In case of receipt of such a representation within the said period, the res. no. 2 shall forward the said representation to the res. no. 1 within a period of 8 weeks from the date of

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**O.A. NO. 233 OF 2011**

receipt of the said representation from the applicant. Upon receipt of the proposal, the res. no. 1 to consider the case of the applicant for grant of compassionate pension within a period of 4 months from the date of receipt of said proposal from the res. no. 2.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 30.3.2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A. No. 127/2017 in O.A. St. No. 415/2017  
[Marathwada Sarva Shramik Sanghatana Vs. The State of  
Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

Heard Shri A.S. Shelke, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. The learned Advocate for the applicant sought leave of this Tribunal to amend the O.A. by deleting the name of applicant no. 1.

3. Leave as prayed for by the learned Advocate for the applicant is granted.

4. This is an application preferred by the applicants seeking permission to sue jointly. For the reasons stated in the Misc. Application and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamp, if not paid. Accompanying O.A. be registered and numbered and present M.A. No. 127/2017 stands disposed of accordingly. No order as to costs.

**MEMBER (J)**

**ORAL ORDERS 30.3.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 415/2017  
[Shri Sanjay B. Suryawanshi Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

Heard Shri A.S. Shelke, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. The learned Advocate for the applicants submitted that vide impugned order dated 22.02.2017 the recovery has been started by the respondents by recovering the wages paid to the applicants. He has submitted that the applicants are Class-IV employees and therefore, they have prayed to grant the stay to the impugned order of recovery. The applicants are Class-IV employees; therefore, it would be just to stay the recovery amount ordered under the impugned order of recovery dated 22.02.2017 till filing of the affidavit in reply by the respondents.

3. In the meantime, issue notices to the respondents, returnable on 3.5.2017.

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. Respondents are 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 questions such as limitation and alternate remedy are kept open.

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

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

9. S.O. 3.5.2017.

**MEMBER (J)**

ORAL ORDERS 30 .3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A. No. 128/2017 in O.A. St. No. 417/2017  
[Marathwada Sarva Shramik Sanghatana Vs. The State of  
Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

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

2. The learned Advocate for the applicant sought leave of this Tribunal to amend the O.A. by deleting the name of applicant no. 1.

3. Leave as prayed for by the learned Advocate for the applicant is granted.

4. This is an application preferred by the applicants seeking permission to sue jointly. For the reasons stated in the Misc. Application and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamp, if not paid. Accompanying O.A. be registered and numbered and present M.A. No. 128/2017 stands disposed of accordingly. No order as to costs.

**MEMBER (J)**

**ORAL ORDERS 30.3.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 417/2017  
[Shri Ashroba U. Dinde Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

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

2. The learned Advocate for the applicants submitted that vide impugned order dated 20.02.2017 the recovery has been started by the respondents by recovering the wages paid to the applicants. He has submitted that the applicants are Class-IV employees and therefore, they have prayed to grant the stay to the impugned order of recovery. The applicants are Class-IV employees; therefore, it would be just to stay the recovery amount ordered under the impugned order of recovery dated 20.02.2017 till filing of the affidavit in reply by the respondents.

3. In the meantime, issue notices to the respondents, returnable on 3.5.2017.

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. Respondents are 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 questions such as limitation and alternate remedy are kept open.

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

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

9. S.O. 3.5.2017.

**MEMBER (J)**

ORAL ORDERS 30 .3.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A. No. 130/2017 in O.A. St. No. 406/2017  
[Smt. Yamuna L. Bhosale & Ors. Vs. The State of Mah. &  
Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

Heard Shri S.D. Dhongde, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, S.O. to 17.04.2017.

**MEMBER (J)**

**ORAL ORDERS 30.3.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 175/2016  
[Shri Banaji B. Chilgar Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

Shri K.G. Salunke, learned Advocate for the Applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for respondent nos. 1 to 3, present. Shri S.V. Mundhe, learned Advocate for respondent no. 4, absent.

2. As none present for the applicant, S.O. to 4.5.2017, for dismissal.

**MEMBER (J)**

**ORAL ORDERS 30.3.2017-KPB(SB)BPP**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 261/2016  
[Shri Baban M. Darade Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

Shri V.L. Dhoble, learned Advocate for the Applicant (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for respondent nos. 1 to 3, present. Shri N.B. Narwade/H.U. Dhage, learned Advocate for respondent no. 4, **absent**.

2. It transpires from the proceedings that on the last various dates i.e. on 8.9.2016, 22.11.2016, 17.01.2016, 16.02.2017 and 15.03.2017 none appeared for the applicant. Therefore, this case has been posted today i.e. on 30.03.2017 either for hearing or for passing necessary orders. However, today also none appears for the applicant.

3. In view of the above position, S.O. to 4.5.2017, for dismissal.

**MEMBER (J)**

**ORAL ORDERS 30.3.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 305/2016  
[Shri Sandip A. Ban Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

Shri N.P. Bangar, learned Advocate for the Applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for respondents, present.

2. It transpires from the proceedings that on the last various dates i.e. on 23.8.2016, 30.11.2016 and 20.02.2016 none appeared for the applicant. Therefore, this case has been posted today i.e. on 30.03.2017 for further orders. However, today also none appears for the applicant.

3. In view of the above position, S.O. to 4.5.2017, for dismissal.

**MEMBER (J)**

**ORAL ORDERS 30.3.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 493/2016  
[Dr. Amol L. Kakad Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

Shri J.S. Deshmukh, learned Advocate for the Applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondent nos. 1 to 3. Shri A.D. Aghav, learned Advocate for respondent nos. 4 & 5, **absent.**

2. At the request of learned Advocate for the applicant, S.O. to 18.4.2017.

**MEMBER (J)**

**ORAL ORDERS 30.3.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 549/2016  
[Shri Gokpal R. Chavan Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

Heard Shri H.A. Joshi, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent no. 2. Time granted as a last chance.

3. S.O. to 04.05.2017.

**MEMBER (J)**

**ORAL ORDERS 30.3.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 582/2016  
[Smt. Shobha L. Ballayya Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

Shri H.A. Joshi, learned Advocate for the Applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent nos. 1 & 2 and Shri D.P. Munde, learned Advocate holding for Shri V.D. Salunke, learned Advocate for respondent no. 3.

2. At the request of learned Advocate for the applicant, S.O. to 04.05.2017.

**MEMBER (J)**

**ORAL ORDERS 30.3.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 725/2016  
[Shri Syam C. Kotkar Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

Heard Shri K.B. Jadhav, learned Advocate for the Applicant, Shri I.S. Thorat, learned Presenting Officer for respondent nos. 1 & 2 and Shri G.M. Patel, learned Advocate for respondent no. 3.

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

3. At the request of learned Advocate for the applicant, S.O. to 19.04.2017.

**MEMBER (J)**

**ORAL ORDERS 30.3.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 737/2016  
[Shri Latif Peerkhan Pathan Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

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

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

3. S.O. to 02.05.2017.

**MEMBER (J)**

**ORAL ORDERS 30.3.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 764/2016  
[Shri Baswaraj M. Swami & Ors. Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

Shri D.P. Sathe, learned Advocate holding for Shri K.M. Nagarkar, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

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

3. S.O. to 20.04.2017.

**MEMBER (J)**

**ORAL ORDERS 30.3.2017-KPB(SB)BPP**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 786/2016  
[Shri Subhash V. Bongulwar Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 4. It is taken on record and the copy thereof has served on the learned Advocate for the applicant.

3. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent no. 1. Time granted.

3. S.O. to 02.05.2017.

**MEMBER (J)**

**ORAL ORDERS 30.3.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 788/2016  
[Shri Madhav K. Patil Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

Shri A.D. Gadekar, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 4. It is taken on record and the copy thereof has served on the learned Advocate for the applicant.

3. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent no. 1. Time granted.

3. S.O. to 02.05.2017.

**MEMBER (J)**

**ORAL ORDERS 30.3.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 787/2016  
[Shri Vishwanath F. Jondhale Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

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

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent no. 1. Time granted.

3. S.O. to 02.05.2017.

**MEMBER (J)**

**ORAL ORDERS 30.3.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 817/2016  
[Dr. Sanjay A. Joshi Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

Shri J.S. Deshmukh, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent nos. 1 to 3 & 6. Shri A.D. Aghav, learned Advocate for respondent nos. 4 & 5, **absent.**

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 6. It is taken on record and the copy thereof has served upon the learned Advocate for the applicant.

3. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent nos. 1 to 3. Time granted.

3. S.O. to 20.04.2017.

**MEMBER (J)**

**ORAL ORDERS 30.3.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 229/2016  
[Dr. Pratibha D. Gaikwad Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

Shri V.B. Wagh, learned Advocate for the Applicant and Shri I.S. Thorat, learned Presenting Officer for respondent nos. 1 & 2.

2. Learned Advocate Shri M.R. Kulkarni, holding for Shri Vaibhav Deshmukh, learned Advocate appeared today and he has filed VAKALATNAMA on behalf of respondent no. 3 and the same is taken on record.

3. At the request of learned Advocate for respondent no. 3, S.O. to 07.04.2017.

**MEMBER (J)**

**ORAL ORDERS 30.3.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 648/2016  
[Ahmednagar Zilla Van Kamgar Union Vs. The State of  
Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

Heard A.S. Shelke, learned Advocate for the Applicant, Shri I.S. Thorat, learned Presenting Officer for respondent no. 1 and Shri Vivek Bhavthankar, learned Special Counsel for respondent nos. 2 to 4.

2. The learned Special counsel for respondent nos. 2 to 4 has filed affidavit in reply. It is taken on record and the copy thereof has been served on the other side.

3. The learned Special counsel for respondent nos. 2 to 4 has made statement at bar that he was instructed by the concerned officer i.e. Shri Jairam D. Gondke, Range Forest Officer, Akole EGS r/o Sangamner, Dist. Ahmednagar that the arrears of wages claimed by the applicants will be deposited in the bank account of the applicants by tomorrow.

4. The learned Advocate for the applicants submitted that in view of the statement made by the learned Special counsel for respondent nos. 2 to 4, the applicants do not want to proceed with the O.A.

5. In view of the aforesaid facts and circumstances of the case, the O.A. stands disposed of with no order as to costs.

**MEMBER (J)**

**ORAL ORDERS 30 .3.2017-KPB(SB)BPP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 636/2016  
[Smt. Bharatbai Vijay Lone & Ors. Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

Heard Shri D.G. Kamble, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. The applicants are part time sweepers working with the respondents since 1998 onwards. They are getting wages of Rs. 600/- to Rs. 1200/- per month. It is their contention that the Government revised the minimum wages of the employees by issuing Government Notification dated 28.09.2010, thereby increasing the wages of the part time sweepers. It is their contention that the similarly situated persons have approached this Tribunal by filing O.A. No. 839/2015, in which this Tribunal has extended the benefit in view of the Government Notification dated 28.09.2010 to those applicants. It is their contention that they are also entitled to get wages mentioned in Government Notification dated 28.09.2010 and therefore, the applicants have filed this O.A.



3. The respondents have filed their affidavit in reply and submitted that the proposal in respect of grievances of the applicants has already been sent by the concerned respondent to the higher authority and the same is pending for consideration.

4. Learned Advocate for the applicants submitted that this Tribunal decided O.A. No. 839/2015 on 13.04.2016 and extended the benefit in view of the Government Notification dated 28.09.2010 to the applicants in that O.A. He invited my attention to the copy of the order passed in O.A. No. 839/2015 and which is placed on record at paper book page no. 19 and 20 (both inclusive).

5. The learned Advocate for the applicants submitted that the proposal for extension of benefit has been sent by the respondent no. 2 to the higher authority and the same is pending.

6. On perusal of the documents on record it reveals that the similarly situated employees had filed O.A. Nos. 192/2015, 166/2016 and 839/2015 before this Tribunal and those O.As. were allowed and it was held that the applicants

in those O.As. are entitled for revised wages in view of the Government Notification dated 28.09.2010. The benefits of wages as per Government Notification dated 28.09.2010 were extended to the applicants in those O.As. The present applicants are claiming benefits in view of the Government Notification dated 28.09.2010, as they are similarly situated persons with the applicants in the above said O.As.

7. The learned Presenting Officer frankly admitted that the applicants are similarly situated persons with the applicants in the O.A. Nos. 192/2015, 166/2016 & 839/2016. Therefore, it is just and proper to extend the benefit to the applicants in the present O.A. in view of the Government Notification dated 28.09.2010.

8. Hence, the present O.A. stands disposed of with a direction to the respondents to extend the benefits to the applicants in view of the Government Notification dated 28.09.2010. There shall be no order as to costs.

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 702/2016  
[Shri Shekhar Gangadhar Gaikwad Vs. The State of Mah. & Ors.]**

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

**DATE : 30.03.2017.**

**ORAL ORDER:**

Heard Shri D.G. Kamble, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for respondents.

2. The applicant is a part time sweeper working with the respondents since 1998 onwards. He is getting wages of Rs. 600/- to Rs. 1200/- per month. It is their contention that the Government revised the minimum wages of the employees by issuing Government Notification dated 28.09.2010, thereby increasing the wages of the part time sweepers. It is their contention that the similarly situated persons have approached this Tribunal by filing O.A. No. 839/2015, in which this Tribunal has extended the benefit in view of the Government Notification dated 28.09.2010 to those applicants. It is their contention that the applicant is also entitled to get wages mentioned in Government Notification dated 28.09.2010 and therefore, the applicant has filed this O.A.

3. The respondents have filed their affidavit in reply and submitted that the proposal in respect of grievances of the applicant has already been sent by the concerned respondent to the higher authority and the same is pending for consideration.

4. Learned Advocate for the applicant submitted that this Tribunal decided O.A. No. 839/2015 on 13.04.2016 and extended the benefit in view of the Government Notification dated 28.09.2010 to the applicants in that O.A. He invited my attention to the copy of the order passed in O.A. No. 839/2015 and which is placed on record at paper book page nos. 19 and 20 (both inclusive).

5. The learned Advocate for the applicant submitted that the proposal for extension of benefit has been sent by the respondent no. 2 to the higher authority and the same is pending.

6. On perusal of the documents on record it reveals that the similarly situated employees had filed O.A. Nos. 192/2015, 166/2016 and 839/2015 before this Tribunal and those O.As. were allowed and it was held that the applicants

in those O.As. are entitled for revised wages in view of the Government Notification dated 28.09.2010. The benefits of wages as per Government Notification dated 28.09.2010 were extended to the applicants in those O.As. The present applicant is claiming benefits in view of the Government Notification dated 28.09.2010, as he is similarly situated person with the applicants in the above said O.As.

7. The learned Presenting Officer frankly admitted that the applicant is similarly situated person with the applicants in the O.A. Nos. 192/2015, 166/2016 & 839/2016. Therefore, it is just and proper to extend the benefit to the applicant in the present O.A. in view of the Government Notification dated 28.09.2010.

8. Hence, the present O.A. stands disposed of with a direction to the respondents to extend the benefits to the applicant in view of the Government Notification dated 28.09.2010. There shall be no order as to costs.

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.853/2016**  
(Shri Sunil Gavitt V/s. The State of Mah. & Ors.)

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

DATE : 30-03-2017

**ORAL ORDER:-**

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

2. Respondents have already filed affidavit in reply on record. Today it is served on the other side.

3. Learned Advocate for the applicant seeks time to file rejoinder, if necessary. Time granted.

4. S.O.4<sup>th</sup> May 2017.

**MEMBER (J)**

YUK ORAL ORDER 30-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.759/2015**  
(Shri Yogesh Netkar V/s. The State of Mah. & Ors.)

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

DATE : 30-03-2017

**ORAL ORDER:-**

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

2. Learned Advocate for the applicant requested for adjournment. Adjournment granted.

4. S.O.4<sup>th</sup> May 2017.

YUK ORAL ORDER 30-03-2017

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.863/2016**  
(Shri Baburao Tathe V/s. The State of Mah. & Ors.)

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

DATE : 30-03-2017

**ORAL ORDER:-**

Heard Shri J.B.Choudhary learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O.05-05-2017.

YUK ORAL ORDER 30-03-2017

**MEMBER (J)**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.894/2016**  
(Dr. Narhari Shelke V/s. The State of Mah. & Ors.)

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

DATE : 30-03-2017

**ORAL ORDER:-**

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

2. Learned P.O. seeks time to file reply on behalf of the respondents. Time granted.
3. S.O.18-04-2017.
4. Interim relief granted earlier to continue till then.

YUK ORAL ORDER 30-03-2017

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.919/2016**

(Shri Sudhakar Patil V/s. The State of Mah. & Ors.)

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

DATE : 30-03-2017

**ORAL ORDER:-**

Heard Shri V.M.Jaware learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. O.A. has been filed seeking direction to respondent no.2 to appoint applicant on the post of Police Patil of Village Bhandgura, Tq. Muktainagar, Dist. Jalgaon on the ground that the selected candidate, namely, Shri Rajendra Madhukar Patil has died on 19-08-2016 before his appointment on the post of Police Patil. It is the contention of the applicant that he is at Sr.No.1 in the waitlist prepared by the selection committee. He made representation before the Sub Divisional Officer, Bhusaval for his appointment on the post of Police Patil of Village Bhandgura after death of Shri Rajendra Patil but his representations have not been decided by the Sub Divisional Officer. Hence, he has approached the Tribunal.

3. Respondents have not filed their affidavit in reply. Learned P.O. submits that representations made by the applicant are still pending with the respondent no.3. Learned P.O. has frankly submitted that the respondents can be directed to decide the representations filed by the applicant on merit. Applicant also has no objection to dispose of the O.A. accordingly.

4. In view of the aforesaid submissions made by the parties it will be just and proper to direct the respondent no.3 to decide the representations dated 27-09-2016 and 23-11-2016 filed by the applicant, on merit, within 2 weeks from the date of receipt of this order. Accordingly, O.A. stands disposed of with direction to the respondents to decide the representations made by the applicant on merit within 2 weeks from the date of receipt of this order. There shall be no order as to costs.

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.945/2016**  
(Shri D.R.Rathod V/s. The State of Mah. & Ors.)

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

DATE : 30-03-2017

**ORAL ORDER:-**

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

2. Learned P.O. seeks time to file reply on behalf of respondent no.2 i.e. Divisional Commissioner. Time granted.

3. S.O.19-04-2017.

YUK ORAL ORDER 30-03-2017

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.13/2017**  
(Shri Ramesh Swami V/s. The State of Mah. & Ors.)

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

DATE : 30-03-2017

**ORAL ORDER:-**

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

2. Learned CPO has filed affidavit in reply on behalf of respondent nos.2 and 3. It is taken on record. Copy thereof has been served on the other side.

3. Learned Advocate for the applicant may file rejoinder, if necessary.

4. S.O.19-04-2017.

**MEMBER (J)**

YUK ORAL ORDER 30-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.16/2017**  
(Shri Sk. Mukhtar Sk. Noor V/s. The State of Mah. &  
Ors.)

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

DATE : 30-03-2017

**ORAL ORDER:-**

Heard Shri R.N.Kolekar learned Advocate holding for Shri M.D.Godhamgaonkar learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for the respondents.

2. Learned PO has filed affidavit in reply on behalf of respondent nos.2 and 3. It is taken on record. Copy thereof has been served on the other side.

3. Learned Advocate for the applicant may file rejoinder, if necessary.

4. S.O.21-04-2017.

**MEMBER (J)**

YUK ORAL ORDER 30-03-2017

**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 B. P. Patil, Member (J)

DATE : 30-03-2017

**ORAL ORDER:-**

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

2. Learned Advocate for the applicant has filed affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. Since the pleadings are complete, matter is admitted. It may be kept for final hearing on 03-04-2017.

YUK ORAL ORDER 30-03-2017

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.38/2017**

(Shri Mir Farasat Ali V/s. The State of Mah. & Ors.)

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

DATE : 30-03-2017

**ORAL ORDER:-**

Heard Shri V.G.Pingle learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for the respondent nos.1 to 3. Shri Shamsundar Patil learned Advocate for respondent no.4 is **absent**.

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

3. S.O.28-04-2017.

**MEMBER (J)**

YUK ORAL ORDER 30-03-2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.43/2017**  
(Shri Nanasaheb Patil V/s. The State of Mah. & Ors.)

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

DATE : 30-03-2017

**ORAL ORDER:-**

Shri V.G.Salgare learned Advocate for the applicant is **absent**. Shri D.R.Patil learned Presenting Officer for the respondents is present.

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

3. S.O.02-05-2017.

YUK ORAL ORDER 30-03-2017

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.76/2017**  
(Shri Rajendra Sudruk V/s. The State of Mah. & Ors.)

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

DATE : 30-03-2017

**ORAL ORDER:-**

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

2. Learned CPO seeks time to file reply on behalf of the respondents. Time granted.
3. S.O.28-04-2017.

YUK ORAL ORDER 30-03-2017

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.195/2017**  
(Gita Shejwal V/s. The State of Mah. & Ors.)

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

DATE : 30-03-2017

**ORAL ORDER:-**

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

2. Since pleadings are complete, matter is admitted.

It may be kept for final hearing on 10-04-2017.

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

**MEMBER (J)**

YUK ORAL ORDER 30-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A.No.460/2016 IN O.A.St.No.1999/2016**  
(Shri Hanuman Sarode V/s. The State of Mah. & Ors.)

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

DATE : 30-03-2017

**ORAL ORDER:-**

Heard Shri B.V.Thombre learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

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

3. S.O.25-04-2017.

YUK ORAL ORDER 30-03-2017

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**M.A.No.478/2016 IN O.A.St.No.2082/2016**  
(Shri Md. Ashfioddin V/s. The State of Mah. & Ors.)

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

DATE : 30-03-2017

**ORAL ORDER:-**

Shri I.D.Maniyar learned Advocate for the applicant  
is **absent**.

Shri D.R.Patil learned Presenting Officer for the  
respondent nos.1 to 3 is present.

Shri S.E.Madne learned Advocate for respondent  
no.4 is **absent**.

2. Since none present for the applicant,  
S.O.25-04-2017.

YUK ORAL ORDER 30-03-2017

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.623/2015**  
(Shri Premsing Rathod V/s. The State of Mah. & Ors.)

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

DATE : 30-03-2017

**ORAL ORDER:-**

Heard Shri Kakasaheb Jadhav learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for the respondents.

2. At the request of both sides, S.O.20-04-2017.

YUK ORAL ORDER 30-03-2017

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.802/2015**  
(Shri Raosaheb Mhaske V/s. The State of Mah. & Ors.)

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

DATE : 30-03-2017

**ORAL ORDER:-**

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

2. Learned Advocate for the applicant submits that identical matter involving similar issue (O.A.No.347/2015) is pending before the Hon'ble Vice Chairman. Applicant has prayed for leave of the Tribunal to keep this matter before the Hon'ble Vice Chairman for hearing. Leave as prayed for is granted.

3. This matter may be tagged with O.A.No.347/2015 and be kept before Hon'ble Vice Chairman on 07-06-2017.

4. S.O.07-06-2017 (before Hon'ble Vice Chairman).

**MEMBER (J)**

YUK ORAL ORDER 30-03-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.653/2016**  
(Shri Sandhya Thakare V/s. The State of Mah. & Ors.)

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

DATE : 30-03-2017

**ORAL ORDER:-**

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

2. At the request of learned P.O., S.O.11-04-2017.

YUK ORAL ORDER 30-03-2017

**MEMBER (J)**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**O.A.No.928/2016 WITH M.A.No.31/2017**  
(Shri Govind Dhole V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)  
(This matter is placed before the Single Bench due  
to non-availability of Division Bench)

DATE : 30-03-2017

**ORAL ORDER:-**

Heard Shri S.D.Dhongde learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondent nos.1 and 2 and Ku. Amruta Paranjape learned Advocate holding for Shri P.S.Paranjape learned Advocate for respondent no.3.

2. This matter may be placed before the Division Bench as and when it is available.

YUK ORAL ORDER 30-03-2017

**MEMBER (J)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**

**BENCH AT AURANGABAD**

**MA NO.118/17 IN OA ST.NO.346/17.**

[Shri U.B. Pavale 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Shri J. R. Patil, learned Advocate for the applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Upon hearing and reading of the O.A. would prima facie show that, the similarly situated candidates were absorbed by the Respondents long back and representations of the present applicant which allegedly appears to be pending since 2008 or so are not decided.
3. In the circumstances, the respondents are directed to consider the case of the applicant sympathetically and if possible to take steps in this regard.
4. Issue notice to the respondents, returnable on 11.7.2017.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

6. 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.

7. 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.

8. 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.

9. S.O. to 11.7.2017.

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

**VICE CHAIRMAN**

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

**ORIGINAL APPLICATION St. NO.166/2017.**

[Shri E. M. Bhosale 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 :- 30.03.2017**

**Oral Order :-**

1. Heard S/Shri Vivek Pingle and G.M. Keskar, learned Advocate for the applicant and Shri V. R. Bhumkar, learned Presenting Officer for the respondents.
  
2. Learned Advocate for the applicant seeks time to collect the documents vide order dated 22.2.2017. At his request, S.O. to 15.6.2017.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

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

**ORIGINAL APPLICATION NO.191/2015.**

[Smt. S. C. Hazari & Ors. 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 :- 30.03.2017**

**Oral Order :-**

1. None present for the applicants. Heard Smt S. K. Ghate Deshmukh, learned Presenting Officer for the respondents.

2. Nobody has appeared on the last date also. The order dated 1.3.2017 would indicate that the grievance of the applicants may have been already redressed. However, without making any comment on merit in view of the absence of the learned Advocate for the applicants the O.A. is dismissed in default.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

**LATERON :-**

3. Miss. Bhavna Panpatil, learned Advocate holding for Shri S.B. Talekar, submits that, as she was hospitalized she was unable to attend the Court in the morning.

4. On her oral request, the O.A. is restored to the file.  
Be fixed for further hearing on 25.4.2017.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

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

**ORIGINAL APPLICATION NO.146/2016.**

[Shri R. A. Thakre 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Shri S. D. Kotkar, learned Advocate for the applicant, Shri V. R. Bhumkar, learned Presenting Officer for the respondents no.1 & 2 and Shri Vivek Bhavthankar, learned Special Counsel for the Respondent no.3.

2. Learned Advocate for the applicant submits that, similarly situated persons were promoted to the post of Wanpal. The G.R. dated 10.2.2009 however, would show that, there cannot be promotion to the post of Wanpal from the physically handicapped category. The judgment passed by Hon'ble High Court in W.P.No.2635/2013 dated 10.4.2013 would show that, equivalent post of Assistant Plantation Officer as a promotiona post is available from the category. The learned Advocate for the applicant however, submit that, the applicant should have been granted promotion to the post of Wanpal itself.

3. The Tribunal is unable to accept the submission in view of the above situation. However, this Bench not being a

Division Bench no order on merit regarding dismissal, rejection etc. of the petition can be passed. In the circumstances, remove from the board and be placed before the Division Bench as and when it is available.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP



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

**MA NO.503/15 IN CP ST.1812/15 IN OA 142/13.**

[Dr. J. D. Taji 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 :- 30.03.2017**

**Oral Order :-**

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

2. Learned Advocate for the applicant files short affidavit along with documents more particularly the proposal forwarded to the respondents. The same is taken on record. Its copy is served on the other side.

3. Learned P.O. seeks time as to whether the proposal is processed or not. At his request, S.O. to 28.4.2017.

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

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

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

**MA NO.14/2016 IN OA NO.81/2013.**

[Shri A. A. Hole 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 :- 30.03.2017**

**Oral Order :-**

1. None present for the applicant. Heard Shri M. P. Gude,  
learned Presenting Officer for the respondents.
  
2. S.O. to 13.6.2017.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

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

**MA NO. 474/2016 IN OA ST.2044/2016.**

[Shri S. M. Tulapurkar 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 :- 30.03.2017**

**Oral Order :-**

1. Shri Ajay Deshpande, learned Advocate for the applicant (Leave Note.) Smt R. S. Deshmukh, learned Presenting Officer for the respondents is present.
2. It is reported that, Shri Ajay Deshpande, learned Advocate for the applicant has filed leave note.
3. S.O. to 7.6.2017.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**

**BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.655/2016.**

[Shri S. C. Bhadane 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 :- 30.03.2017**

**Oral Order :-**

1. None present for the applicant. Heard Shri M. P. Gude, learned Presenting Officer for the respondents and Shri Vivek Bhavthankar, learned Special Counsel for the Respondents no.1 & 2.
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. Learned Special Counsel Shri Vivek Bhavthankar submits that, the grievance in the present O.A. are same like that of in OA No.146/2016. In the circumstances, it be placed for final hearing along with OA No.146/16 as and when the Division Bench is available.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

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

**ORIGINAL APPLICATION NO.739/2016.**

[Shri D. B. Mukhade 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Shri A. V. Patil, learned Advocate for the applicant and Smt D. S. Deshpande, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks liberty to file affidavit in rejoinder. Time granted.
3. S.O. to 7.6.2017.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

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

**ORIGINAL APPLICATION NO.832/2016.**

[Shri V. P. Gangawane 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Shri S. B. Mene, learned Advocate holding for Shri A. S. Deshpande, learned Advocate for the applicant and Shri I. S. Thorat, learned Presenting Officer for the respondents no.1 & 3 and Shri Ashish Rajkar, learned Advocate for the Respondent no.2.

2. Learned P.O. seeks time to file affidavit in reply on behalf of Respondent no.3. At his request, S.O. to 6.6.2017.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

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

**ORIGINAL APPLICATION NO.929/2016.**

[Shri V. A. Wagh 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Miss Preeti Wankhade, learned Advocate for the applicant and Shri I. S. Thorat, learned Presenting Officer for the respondents.
2. Learned P.O. files affidavit in reply on behalf of Respondents no.1 & 2. The same is taken on record. Its copy is served on the other side.
3. At the request of the learned Advocate for the applicant, S.O. to 26.4.2017.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**

**BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.942/2016.**

[Shri S. S. Bhagade 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Shri H. P. Jadhav, learned Advocate for the applicant and Smt S. K. Ghate Deshmukh, learned Presenting Officer for the respondents.

2. Learned P.O. files affidavit in reply on behalf of Respondents no.2 & 3. The same is taken on record. Its copy is served on the other side.

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

4. Admit.

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

6. Remove from the board and be placed before the Division Bench as and when it is available.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP



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

**MA NO.133/2017 IN OA NO.949/2016.**

[Shri D. D. Kachare 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Shri H. A. Joshi, learned Advocate for the applicant and Smt R. S. Deshmukh, learned Presenting Officer for the respondents.

2. The M.A. be tagged with O.A.

3. Learned P.O. seeks time to file affidavit in reply in M.A.

At his request, S.O. to 25.4.2017.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

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

**ORIGINAL APPLICATION NO.07/2017.**

[Shri S. K. Ghonmode 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Smt. Surekha Mahajan, learned Advocate for the applicant and Shri D. R. Patil, learned Presenting Officer for the respondents.
  
2. Learned P.O. submits that, he has received parawise remarks and he has to scrutinize the same. At his request, S.O. to 18.4.2017.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

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

**ORIGINAL APPLICATION NO.67/2017.**

[Smt Surekha M. Tak 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Shri P. V. Suryawanshi, learned Advocate for the applicant and Shri V. R. Bhumkar, learned Presenting Officer for the respondents.
2. Leave to file application for amendment is hereby granted.
3. S.O. to12.4.2017.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

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

**ORIGINAL APPLICATION NO.88/2017.**

[Dr. Shaikh Faiz Mohammad 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Shri R. B. Dhaware, learned Advocate holding for Shri I. D. Maniyar, learned Advocate for the applicant and Smt R. S. Deshmukh, learned Presenting Officer for the respondents.
  
2. Learned P.O. seeks time to file affidavit in reply. At his request, S.O. to 7.6.2017.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

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

**ORIGINAL APPLICATION NO.102/2017.**

[Shri S. G. Chavan 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Shri G. J. Pahilwan, learned Advocate holding for Shri G. K. Kshirsagar, learned Advocate for the applicant and Shri D. R. Patil, learned Presenting Officer for the respondents.

2. Learned advocate for the applicant seeks time to satisfy this Tribunal on the issue of tenability, which is raised by order dated 020.3.2017. At his request, S.O. to 24.4.2017.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

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

**ORIGINAL APPLICATION NO. 685/2015.**

[Shri R. B. Kulkarni & Ors. 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 :- 30.03.2017**

**Oral Order :-**

1. None present for the applicant. Heard Smt. S. K. Ghate, learned Presenting Officer for the respondents.
2. No rejoinder is filed by the applicant.
3. S.O. to 6.6.2017 for filing rejoinder, if any.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

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

**ORIGINAL APPLICATION St.No.331/2016.**

[Shri D. V. Galande & Ors. 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 :- 30.03.2017**

**Oral Order :-**

1. None present for the applicant. Heard Shri M. S. Mahajan, learned Chief Presenting Officer for the respondents.
2. On 8.3.2017 the learned Advocate for the applicant sought time to take instructions as to whether the O.A. can be withdrawn or not. Learned P.O. also seeks time to file affidavit in reply.
3. In view of the absence of the learned Advocate for the applicant, S.O. to 17.4.2017.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**

**BENCH AT AURANGABAD**

**MA NO.370/15 IN CP ST.1129/15 IN OA 199/14.**

[Shri U. N. Vendait 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 :- 30.03.2017**

**Oral Order :-**

1. Heard Shri P. M. Shinde, learned Advocate for the applicant, Shri I. S. Thorat, learned Presenting Officer for the respondent no.1 and Shri Vivek Bhavthankar, learned Special Counsel for the Respondents no.2 & 3.

2. Shri Vivek Bhavthankar, learned Special Counsel files on record the communication dated 29.3.2017, which is marked as Exh.X for the purpose of identification, which would show that, the Respondent no.1 has to take decision. Considering the fact that the present applicant is fighting his cause since long and even up to Hon'ble the Supreme Court. As a last chance, the time is granted to comply the order. Upon failure, this Tribunal may be required to issue direction to the Respondent no.1 personally remaining present before this Tribunal.

3. S.O. to 25.4.2017.

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

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP



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

**MA NO.238/2016 IN OA ST.NO.993/2016.**

[Shri P. A. Kathar 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 :- 30.03.2017**

**Oral Order :-**

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

2. Learned Advocate for the applicant files on record the true copy of the representation dated 8.11.2010. The copy is served on the other side. The reference of it is made in the earlier order dated 10.3.2017. Upon taking into consideration the fact of making representation on 8.11.2010 it could be seen that the date of cause of action arose from the prescribed date. Further, the learned Advocate for the applicant submits that, the decision rendered by the Hon'ble High Court in Writ Petition No.9487/2013 dated 22.8.2014 is in fact the judgment in *rem* and not *in personna*. On the other hand, the learned P.O. points out towards the reply in which the contention is raised that the said judgment is *in personna*.

....2...

-2- **MA NO.238/2016 IN OA ST.NO.993/2016**

Since the sufficient ground is made out for condonation of delay of 1215 days the same is condoned. Accordingly, M.A.No.238/16 stands disposed of, without any order as to costs.

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP

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

**OA ST.NO.993/2016.**

[Shri P. A. Kathar 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 :- 30.03.2017**

**Oral Order :-**

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

2 Issue notice to the respondents, returnable on 6.6.2017.

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

4. 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 6.6.2017.

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

**VICE CHAIRMAN**

ORAL ORDERS 30.3.2017-ATP