

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.97/2016 IN O.A.No.454/2015

(S.R.Choudhary V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 30-09-2016

ORAL ORDER:-

Heard Shri S.S.Dambe learned Advocate holding for Shri S.M.Avhad learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for respondents.

2. The delay is of 583 days caused in filing the O.A. In the O.A. applicant is claiming relief of appointment on compassionate ground. It seems that she has filed application for appointment on compassionate ground within prescribed limitation as per rules but her name was not included in the waitlist. Being aggrieved by the said action, she approached Hon'ble High Court by filing Writ Petition No.3060/2014. Said petition was allowed to be withdrawn with liberty to avail alternate remedy as mentioned by the Hon'ble High Court by order dated 14-07-2014 i.e. Maharashtra Administrative Tribunal at Aurangabad. Applicant has accordingly filed O.A. on 13-08-2014 but without filing application for condonation of delay.

Thereupon, M.A.No.97/2016 has been filed for condonation of delay caused in filing the O.A.

2. Learned P.O. has strongly objected for condonation of delay caused in filing the O.A. on the ground that even after order passed by the Hon'ble High Court, applicant has filed M.A. belatedly in 2016. However, considering the fact that the case relates to appointment on compassionate ground on Class IV post, delay caused in filing the O.A. is condoned in the interest of justice and equity. It is also necessary to see that reply in the O.A. has already been filed by the respondents. Therefore, the matter can be heard on merits. M.A. stands disposed of accordingly.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.454/2015

(S.R.Choudhary V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 30-09-2016

ORAL ORDER:-

Heard Shri S.S.Dambe learned Advocate holding for Shri S.M.Avhad learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for respondents.

2. Learned P.O. submits that he wants to file reply to the amended O.A. He, therefore, prays time for filing reply to the amended O.A.

3. Learned P.O. submits applicant has not supplied copy of the amended O.A. In view of this, applicant is directed to supply copy of the amended O.A. to the respondents.

4. S.O.20-10-2016.

MEMBER (J)

YUK ORAL ORDER 30-09-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.109/2016 IN O.A.St.No.325/2016

(D.P.Padle V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 30-09-2016

ORAL ORDER:-

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

2. Learned CPO prays for time for filing reply in the M.A. Learned Advocate for the applicant has strongly opposed the requested on the ground that earlier time was granted to the respondents as a last chance.

3. There is substance in the contention of the learned Advocate for the applicant. However, considering the fact that delay caused in filing the O.A. is of 8 years, time granted to file reply, as a most last chance.

4. S.O. 20-10-2016.

MEMBER (J)

YUK ORAL ORDER 30-09-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.375/2016

(R.R.Bharde V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 30-09-2016

ORAL ORDER:-

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

2. In this O.A. applicant has challenged the order of his transfer dated 02-05-2006 from the post of Deputy Collector, Medium Irrigation Project, Dhule, to the post of District Rehabilitation Officer, Nandurbar. Said order was stayed vide order passed by this Tribunal on 06-05-2016.

3. Today, learned CPO placed on record copy of order dated 20-08-2016 issued by the Government, from which it seems that one Shri Sandeep Nichit, Sub Divisional Officer, Sangamner has been transferred as District Rehabilitation Officer, Nandurbar where the applicant was earlier transferred by the impugned order.

4. In view thereof, learned Advocate for the applicant submits that nothing survives in the O.A. and it may be disposed. Accordingly, O.A. stands disposed of with no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.315/2000

(A.J.Pardeshi V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 30-09-2016

ORAL ORDER:-

Heard Shri Vijay B. Patil learned Advocate for the applicant is **absent**. Smt. Sanjivani Ghate learned Presenting Officer for respondents.

2. It seems from the order the order dated 29-09-2016 that notice was issued to the applicant and even acknowledgment of the applicant is received. However, applicant remains absent.

3. In view thereof, the O.A. be kept for dismissal on 27-10-2016.

MEMBER (J)

YUK ORAL ORDER 30-09-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.421/2012

(A.M.Thakur V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 30-09-2016

ORAL ORDER:-

Heard Shri S.B.Mene learned Advocate holding for Shri A.S.Deshpande learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents.

2. Learned Advocate for the applicant prays time for arguing the matter. Time granted.

3. S.O.18-10-2016.

YUK ORAL ORDER 30-09-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.175/2014

(Dr. D.M.Mendekar V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 30-09-2016

ORAL ORDER:-

Heard Shri A.S.Kadam learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents. Shri H.U.More learned Advocate for respondent no.5 is **absent**.

2. Learned Advocate for the applicant requested time for finally arguing the matter. Time granted.

3. Interim relief granted earlier to continue till then.

4. 07-10-2016.

MEMBER (J)

YUK ORAL ORDER 30-09-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.263/2014

(A.R.Wagh V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 30-09-2016

ORAL ORDER:-

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

2. Learned Advocate for the applicant on instruction submits that the proposal for appointment of the applicant on compassionate ground has been forwarded to the competent authority and that he will file necessary documents on record to that effect, for which he sought time.

3. Learned P.O. may also take instruction as to whether such proposal is pending or otherwise.

4. S.O.20-10-2016.

MEMBER (J)

YUK ORAL ORDER 30-09-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.298/2014

(K.C.Dhangar V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 30-09-2016

ORAL ORDER:-

Heard Shri D.A.Dhenge learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. Learned P.O. submits that he will file reply affidavit during the course of the day and that he is ready to argue the matter on merits.

3. Hence, at the request of both sides, matter is kept on 04-10-2016.

YUK ORAL ORDER 30-09-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.207/2015

(B.D.Tawashikar V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 30-09-2016

ORAL ORDER:-

Heard Shri Anant Devkate learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents.

2. After hearing the matter for a considerable period, learned Advocate for the applicant prays for adjournment. Adjournment granted.

3. S.O.04-10-2016.

MEMBER (J)

YUK ORAL ORDER 30-09-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.767/2015

(R.S.Patil V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 30-09-2016

ORAL ORDER:-

Heard Shri N.S.Kadam learned Advocate for the applicant, Shri N.U.Yadav learned Presenting Officer for respondent and Shri R.L.Chintalwar learned Advocate for respondent nos.2 and 3.

2. Learned Advocate for the applicant submits that he has been instructed by the client to withdraw the O.A. as the respondent authorities have accepted the demands of the applicant.

3. On the earlier date also, such request was made by showing some letter received by the Advocate, in which there is reference to some representation filed by the applicant on 14-09-2016. Since the letter was vague, the applicant as well as the respondents were directed to produce on record relevant documents so as to see as to whether the applicant's

demand was actually accepted or not and what was the exact demand made by the applicant.

4. Today learned Advocate for the applicant has placed on record a copy of one letter dated 16-09-2016 issued by Assistant Engineer (Grade I), Regional Training Centre (Water Resources), Aurangabad which is marked as document "X" for identification along with representation filed by the applicant before the competent authority, which is marked as document X-1. From document X, it seems that the applicant has filed a letter dated 14-09-2016 to the competent authority and as per order thereon, she has requested that she may be allowed to reside in the Government quarter, and the order of penal rent shall be cancelled and she may be repaid whatever penal rent recovered from her or the same may be adjusted.

5. Applicant has also placed on record a copy of letter issued by Executive Engineer, Regional Training Centre (Water Resources), Aurangabad dated 14-09-2016, which is marked as document X-2, from which it seems that the applicant's case has been recommended to the respondent no.3.

6. Learned Advocate for the respondent no.3 submits that respondent no.3 on its own cannot take any decision on the representation filed by the applicant and that he will have to consider said representation and will have to forward it to the Government, if required. Learned Advocate for respondent no.3 submitted that respondent no.3 never accepted the applicant's demand made in her representation.

7. In view thereof, statement of the applicant in the letter dated 16-09-2016 (Exhibit X) that the respondent no.3 has consented to allow the applicant to occupy quarters and cancelled order recovering penal rent and agreed to refund the excess penal amount recovered, is not correct. If the applicant wants to withdraw the O.A, unconditionally, she will be at liberty to do so. Learned Advocate may take instruction accordingly, and in case, applicant does not wish to withdraw the O.A., unconditionally, the case will be heard on merits on the next date.

8. Matter be treated as part heard.

9. S.O.11-11-2016.

MEMBER (J)

M.A.ST.1676/2016 IN O.A.ST.NO. 1677/2016

[Dnyanoba D. Jagtap Vs. The State of Mah. & Ors.]

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

DATE : 30.09. 2016.

ORAL ORDER:

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

2. It seems that the applicant is claiming benefit of some Government Resolution and as per the administrative order, prima facie, the matter seems to be of Single Bench.

3. The Registrar of this Tribunal Bench at Aurangabad is directed to verify and place this case before the appropriate bench.

MEMBER (J)

30.09.2016-HDD(DB).doc

M.A.ST.1743/2016 IN O.A.ST.NO. 1744/2016

[Shivaji S. Bhagade Vs. The State of Mah. & Ors.]

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

DATE : 30.09. 2016.

ORAL ORDER:

Heard Shri H.P. Jadhav – learned Advocate for the Applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. The learned Advocate for the applicant has filed this M.A. for condonation of delay of about 8 months & 29 days caused in filing the accompanying O.A. St. No. 1744/2016 on behalf of the applicant viz. Shivaji Satwaji Bhagade, who is in custody in some criminal trial. He, therefore, seeks permission to dispense with the affidavit to the application.

3. Considering the peculiar facts, the permission is granted to file application without affidavit.

4. In the Miscellaneous Application the applicant is claiming condonation of delay of about 8 months & 29 days caused in filing the accompanying O.A.

5. Hence, issue notices to the respondents in M.A.St. No. 1743/2016, returnable on 7th November, 2016.

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M.A.ST.1743/2016 IN
O.A.ST.NO. 1744/2016

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of M.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
9. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
10. S.O. to 7th November, 2016.
11. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

30.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 550 OF 2014

[Jagannath K. Kagale & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 30.09. 2016.

ORAL ORDER:

Shri H.A. Joshi – learned Advocate for the Applicant has filed leave note. Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents, present.

2. In view of leave note filed by the applicant, S.O. to 7th November, 2016.

MEMBER (J)

30.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 38 OF 2016

[Laxman Narayan Sormare Vs. The State of Mah. & Ors.]

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

DATE : 30.09. 2016.

ORAL ORDER:

Heard Shri P.A. Kulkarni – learned Advocate for the Applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No.3 and the same has been 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 27th October, 2016.

MEMBER (J)

30.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 39 OF 2016

[Nanasaheb L. Gaikwad Vs. The State of Mah. & Ors.]

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

DATE : 30.09. 2016.

ORAL ORDER:

Heard Shri P.A. Kulkarni – learned Advocate for the Applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No.3 and the same has been 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 27th October, 2016.

MEMBER (J)

30.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 40 OF 2016

[Abba Gopal Borade Vs. The State of Mah. & Ors.]

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

DATE : 30.09. 2016.

ORAL ORDER:

Heard Shri P.A. Kulkarni – learned Advocate for the Applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply.
Time granted.
3. S.O. to 27th October, 2016.

MEMBER (J)

30.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 378 OF 2016

[Shivaji Nivruti Wagh Vs. The State of Mah. & Ors.]

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

DATE : 30.09. 2016.

ORAL ORDER:

Heard Shri P.A. Kulkarni – learned Advocate for the Applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply.
Time granted.
3. S.O. to 27th October, 2016.

MEMBER (J)

30.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 187 OF 2016

[Vilas Govind Kulkarni Vs. The State of Mah. & Ors.]

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

DATE : 30.09. 2016.

ORAL ORDER:

Heard Shri P.B. Jadhav – learned Advocate for the Applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2, 3 & 4 and the same has been taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. Learned Advocate for the Applicant submits that he wants to go through the affidavit in reply filed by respondent Nos. 2, 3 & 4 and to file rejoinder affidavit, if any and seeks time. Time granted.

4. S.O. to 26th October, 2016.

MEMBER (J)

30.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 472 OF 2016

[Syed Fahimoddin Moiuddin Vs. The State of Mah. & Ors.]

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

DATE : 30.09. 2016.

ORAL ORDER:

Shri S.R. Barlinge – learned Advocate for the Applicant (**absent**). Shri M.P. Gude – learned Presenting Officer for the respondent Nos. 1 to 3 & 5 and Shri V.V. Deshmukh – learned Advocate for respondent No. 4, were present.

2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 30th October, 2016.

MEMBER (J)

30.09.2016-HDD(DB).doc

ORIGINAL APPLICATION NO. 707 OF 2016

[Saurabh Ratnakar Bagul Vs. The State of Mah. & Ors.]

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

DATE : 30.09. 2016.

ORAL ORDER:

Heard Shri M.B. Kolpe, learned Advocate holding for Shri D.T. Devane – learned Advocate for the Applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondent Nos. 1 to 4. Learned Advocate Shri Ujwal S. Patil appeared and he has filed **VAKALATNAMA** on behalf of respondent No. 5 and the same is taken on record.

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 & 3 and the same has been taken on record and copy thereof has been served upon the other side.

3. Learned Advocate for respondent No. 5 seeks time to file affidavit in reply. Time granted.

4. Learned Advocate for the applicant submits that he will go through the affidavit in reply filed on behalf of respondent Nos. 2 & 3 and will file rejoinder, if any.

5. S.O. to 26th October, 2016.

MEMBER (J)

30.09.2016-HDD(DB).doc

M.A.NO. 386/2013 IN O.A.NO. 381/2013

[Uttam Raosaheb Kshirsagar Vs. The State of Mah. & Ors.]

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

DATE : 30.09. 2016.

ORAL ORDER:

Smt. Meera Kshirsagar – learned Advocate for the Applicant
(**absent**). Shri I.S. Thorat – learned Presenting Officer for the
respondents, present.

2. At the request of learned Presenting Officer, S.O. to 7th
November, 2016 for filing affidavit in reply.

MEMBER (J)

30.09.2016-HDD(DB).doc

O.A.NO. 401/2014 WITH M.A.NO. 470/2015

[Arvind S. Bede & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 30.09. 2016.

ORAL ORDER:

Heard Shri K.G. Salunke – learned Advocate for the Applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. Learned Advocate for the Applicant submits that he has instructed to withdraw the present Original Application No. 401 of 2014 and, therefore, seeks permission of this Tribunal for withdrawal. He has also placed on record written application to that effect signed by the applicant. The said application is placed on record and marked as document 'X' for the purposes of identification.

3. In view thereof, the present O.A. stands disposed of as withdrawn.

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**O.A.NO. 401/2014 WITH
M.A.NO. 470/2015**

4. Since the Original Application itself stood disposed of as withdrawn by this Tribunal today i.e. on 30.09.2016, nothing survives in the M.A.No.470/2015 and the same also stands disposed of.

5. There shall be no order as to costs.

MEMBER (J)

30.09.2016-HDD(DB).doc

M.A.NO.74/16 IN M.A.ST.217/16 IN O.A.ST. 218/16

[Marathwada Sarva shramik Sanghatana & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 30.09. 2016.

ORAL ORDER:

Heard Shri M.B. Kolpe, learned Advocate holding for Shri A.S. Shelke – learned Advocate for the Applicant and Shri N.U. Yadav – learned Presenting Officer for the respondent Nos. 1 to 3. Shri Vivek Bhavthankar – learned Advocate for respondent Nos. 4 to 6 (**absent**).

2. At the request of learned Presenting Officer, S.O. to 8th November, 2016 for filing affidavit in reply.

MEMBER (J)

30.09.2016-HDD(DB).doc

M.A.NO.75/16 IN M.A.ST.220/16 IN O.A.ST. 221/16

[Marathwada Sarva shramik Sanghatana & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 30.09. 2016.

ORAL ORDER:

Heard Shri M.B. Kolpe, learned Advocate holding for Shri A.S. Shelke – learned Advocate for the Applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondent Nos. 1 to 3. Shri Vivek Bhavthankar – learned Advocate for respondent Nos. 4 to 6 (**absent**).

2. At the request of learned Presenting Officer, S.O. to 8th November, 2016 for filing affidavit in reply.

MEMBER (J)

30.09.2016-HDD(DB).doc

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

**M.A. No. 216/16 in C.P. St. No. 984/16 in O.A. No. 83/16
[Mrs. Rabiya S. Patel & Ors. Vs. The State of Mah. & Ors.]**

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

**[This matter is placed before Single Bench
due to non-availability of Division Bench]**

DATE : 30.09.2016.

ORAL ORDER:

Heard Shri M.B. Kolpe – learned Advocate for the Applicant and Smt. Priya R. Bharaswadkar – learned Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that the impugned order passed in O.A. No. 83/2016 has already been complied and therefore, the application can be disposed of.

3. In view thereof, M.A. No. 216/2016 as well as C.P. St. No. 984/2016 stands disposed of, as the order passed in O.A. No. 83/2016 has been duly complied. There shall no order as to costs.

MEMBER (J)

30.09.2016-Kpb(DB)

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

ORIGINAL APPLICATION NO. 758/2016

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

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 30.09. 2016.

ORAL ORDER:

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

2. The applicant has challenged the impugned order of his transfer dated 28.09.2016, whereby the applicant has been transferred from the post of Deputy Executive Engineer (Electrical), Public Works Division, Aurangabad to the same post in the office of Deputy Executive Engineer (Electrical) (Personal Assistant), Amravati Electrical Division, Amravati on a vacant post.

3. According to the learned Advocate for the applicant, the said order is midterm order. It is stated that the applicant was posted at Aurangabad in the office of Deputy Executive Engineer (Electrical), Public Works Department, Aurangabad vide order dated 31.05.2016 and is working there since that date. Prior to his posting at Aurangabad on present post, the applicant was kept under suspension. The applicant has filed Original Application

against the order of his suspension and then thereafter, W.P. before the Hon'ble High Court of Judicature of Bombay, Bench at Aurangabad. The O.A. was dismissed and the W.P. before Hon'ble High Court was withdrawn, since the respondents revoked his suspension vide order dated 11.04.2016. After revocation of the suspension of the applicant, he was posted at his present post at Aurangabad and he has joined thereon on 2.6.2016. However, vide impugned order dated 28.09.2016 i.e. within four months the applicant has been transferred to Amravati. The applicant is not yet relieved from his post and therefore, he has prayed for interim stay to the impugned order dated 28.09.2016.

4. Learned Chief Presenting Officer submits that he will take instructions and will file affidavit in reply as early as possible, in case the notices are issued in the O.A.

5. Prima-facie it seems that the applicant was posted at his present post at Aurangabad vide order dated 31.05.2016 and has not completed more than four months at his posting. In such circumstances, prima-facie the impugned transfer order seems to be midterm. However, instead of staying the said order and considering the history

of the litigation, I feel that it will be in the interest of justice if the respondents are directed not to relieve the applicant till reply affidavit is filed in this O.A.

6. In the mean time, the respondents are directed not to relieve the applicant till filing of the affidavit in reply.

7. Hence, Issue notices to the respondents, returnable within three weeks.

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

9. 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.

10. 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.

11. 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.

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

13. S.O. after three weeks.

MEMBER (J)

30.09.2016-Kpb(DB)

ORIGINAL APPLICATION NO. 725 OF 2016

{Shri Shyam C. Kotkar Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. The learned C.P.O. seeks time to file reply. Time granted.
3. S.O. to 10.11.2016.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

MA 378/2016 IN OA ST. 1634/2016

{Shri Vyankat S. More & Ors. Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri T.B. Bhosale, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. This is an application preferred by the applicants for condonation of 8 years & 214 delay caused in filing O.A.
3. Issue notice before admission to the respondents in M.A., returnable on 10.11.2016.
4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
5. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of M.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
8. S.O. 10.11.2016.
9. Steno copy & hamdust allowed to both the parties.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

MA 380/2016 IN OA ST. 1748/2016

{Shri Bansilal H. Tarte & Ors. Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. This is an application preferred by the applicants seeking leave to sue jointly.
3. For the reasons stated in the M.A. and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid multiplicity, leave to sue jointly is granted, subject to payment of court fee stamps, unless it is paid already.
4. M.A. stands disposed of accordingly. There shall be no order as to costs.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

OA ST. 1748/2016

{Shri Bansilal H. Tarte & Ors. Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Issue notice before admission to the respondents, returnable on 10.11.2016.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. 10.11.2016.
8. Steno copy & hamdust allowed to both the parties.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 838 OF 2015

{Shri Ramdas T. Patil Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri R.P. Bhumkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant has filed rejoinder. It is taken on record and copy thereof has been supplied to the learned Advocate for the applicant.
3. In that view of the matter and considering the cause made out in the O.A., the same is admitted.
4. S.O. to 17.10.2016 for final hearing.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

REV. 8/2016 IN OA 248/2015

{Smt. Padmabai D. Marathe Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. The learned C.P.O. seeks time to file reply. Time granted.
3. S.O. to 4.10.2016.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 208 OF 2016

{Shri S.P. Sable Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant submits that, he will file rejoinder during the course of the day.
3. Since pleadings are complete, the O.A. is admitted.
4. S.O. to 19.10.2016 for final hearing.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 213 OF 2016

{Shri T.V. Chate Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri Ashish Rajkar, learned Advocate holding for Shri S.V. Mundhe, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file reply. Time granted.
3. S.O. to 10.11.2016.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 214 OF 2016

{Shri G.V. Darade Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri Ashish Rajkar, learned Advocate holding for Shri S.V. Mundhe, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file reply. Time granted.
3. S.O. to 10.11.2016.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 328 OF 2016

{Shri K.N. Jadhav Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri G.J. Kore, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. The learned P.O. has filed affidavit in reply of res. nos. 1 & 2. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.
3. The learned P.O. submits that, reply of res. no. 3 is necessary however, notice is not served upon the res. no. 3.
4. The learned Advocate for the applicant submits that, he will serve the notice upon the res. no. 3.
5. For service of notice on res. no. 3, S.O. to 19.10.2016.

MEMBER (J)

ORIGINAL APPLICATION NO. 358 OF 2016

{Shri K.N. Choudhari Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri K.B. Jadhav, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 & 2 and Shri Ashish Rajkar, learned Advocate for respondent no. 3.
2. The learned Advocate for the applicant submits that, he will file rejoinder during the course of the day.
3. Hence, S.O. to 4.10.2016.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 377 OF 2016

{Shri N.B. Bhosale Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri K.G. Salunke, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The learned P.O. has filed the copy of the minutes of the meeting as directed by this Tribunal in the order dated 26.8.2016. It is taken on record and marked as document 'X' for the purpose of identification and copy thereof has been served upon the learned Advocate for the applicant.

3. The matter is closed for orders.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 423 OF 2016

{Shri Harinarayan S. Morellu Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri Zahidi, learned Advocate holding for Shri Sanjay Pagare, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. The learned C.P.O. seeks time to file reply. Time granted as a last chance.
3. S.O. to 9.11.2016.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 485 OF 2016

{Shri Ravindra A. Ghadge Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri M.S. Taur, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file reply. Time granted.
3. S.O. to 24.10.2016.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 491 OF 2016

{Angad P. Khande Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri S.S. Dambe, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant seeks time to file reply. Time granted.
3. S.O. to 4.10.2016.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 494 OF 2016

{Laxmikant G. Ratnaparkhi Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri S.B. Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. The learned P.O. filed reply on behalf of res. nos. 5 to 8. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.
3. The learned P.O. seeks time to file reply on behalf of res. nos. 1 to 4. Time granted.
4. S.O. to 7.11.2016.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 527 OF 2016

{Smt. Pratibha M. Kathar Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri M.B. Kolpe, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file reply. Time granted.
3. S.O. to 24.10.2016

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 528 OF 2016

{Asma Z. Shaikh Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri M.B. Kolpe, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file reply. Time granted.
3. S.O. to 24.10.2016.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 529 OF 2016

{Smt. Sandhya S. Mugute Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri M.B. Kolpe, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file reply. Time granted.
3. S.O. to 24.10.2016

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 561 OF 2016

{Shri Sukhdev S. Chitte Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri Suresh Dhongde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file reply. Time granted as a last chance.
3. S.O. to 20.10.2016.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 582 OF 2016

{Shobha L. Ballayya (Kutare) Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 & 2 and Shri D.P. Munde, learned Advocate holding for Shri V.D. Salunke, learned Advocate for respondent no. 3.

2. The learned Advocate for res. no. 3 has filed reply. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The learned P.O. seeks time to file reply on behalf of res. nos. 1 & 2. Time granted.

4. S.O. to 7.11.2016.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 601 OF 2016

{Shri Tukaram R. Adbalwar Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri Zaidi, learned Advocate holding for Shri S.N. Pagare, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file reply. Time granted.
3. S.O. to 9.11.2016.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 655 OF 2016

{Shri Santosh C. Bhadane Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. None appears for the applicant. Shri Vivek Bhavthankar, learned special Counsel for the respondent nos. 1 & 2.
2. The learned special Counsel for res. nos. 1 & 2 seeks time to file reply. Time granted.
3. S.O. to 10.11.2016.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 662 OF 2016

{Dr. Laxman P. Durgawad Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file reply. Time granted.
3. S.O. to 17.10.2016.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 699 OF 2016

{Shri J. D. Patil Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri Ashish Rajkar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file reply. Time granted.
3. S.O. to 24.10.2016.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

MA 563/2016 IN O.A. ST. NO. 1800/2016

{Shri S.B. Ghorpade Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri A.S. Shejwal, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. This M.A. is filed by the applicant for condonation of delay caused in filing O.A.

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

4. The applicant has challenged the impugned communication dated 6.12.2013 issued by the S.D.O., Kannad, whereby his leave encashment is refused. In para (b) of the M.A., it is stated that the applicant approached the concerned Officers of res. no. 2 from time to time, but no action was taken on his request.

5. It seems that earlier the applicant approached Hon'ble High Court and Hon'ble High Court allowed the petitioner to withdraw the said writ petition as alternate remedy was available.

6. Considering this fact, it will be in the interest of justice to condone the delay caused in filing O.A.

7. Accordingly, M.A. stands allowed. There shall be no order as to costs.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

O.A. ST. NO. 1800/2016

{Shri S.B. Ghorpade Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri A.S. Shejwal, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. Issue notice before admission to the respondents, returnable on 10.11.2016.
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. 10.11.2016.
8. Steno copy & hamdust allowed to both the parties.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 581 OF 2016

{Shri Mahadeo U. Khade Vs. the State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 30.09.2016

Oral Order :-

1. Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant submits that, inadvertently he could not bring L.Rs. on record and, therefore, he seeks time to do so. Time granted.
3. The amendment as sought be carried out forthwith.
4. S.O. to 3.10.2016.

MEMBER (J)

ARJ 30.09.2016 (D.B.)

M.A.NO.124/2016 IN O.A.ST.No. 371/2016

[Prakash A. Gaikwad & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 30.09. 2016.

ORAL ORDER:

Heard Shri Vijay B. Jogdand Patil – learned Advocate for the Applicants and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. The applicants have filed the O.A. St. No. 371/2016 along with application for permission to sue jointly.

3. Learned Advocate for the applicant submits that the cause of action in respect of various applicants are different and, therefore, the application for sue jointly is not necessary and he wants to proceed with the O.A. in respect of applicant No. 1 viz. Prakash Ambadasrao Gaikwad only. He, therefore, seeks permission to withdraw the application for sue jointly and to proceed with the O.A. in respect of claim of the applicant No. 1 only.

4. In view thereof, M.A. No. 124/2016 stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

30.09.2016-HDD(DB).doc

ORIGINAL APPLICATION ST No. 371 OF 2016

[Prakash A. Gaikwad & Ors. Vs. The State of Mah. & Ors.]

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

DATE : 30.09. 2016.

ORAL ORDER:

Heard Shri Vijay B. Jogdand Patil – learned Advocate for the Applicants and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. This Original Application is pertaining to applicant No. 1 only. The learned Advocate for the applicant seeks permission of this Tribunal to delete the name of applicant Nos. 2 to 5 from the present O.A. and to file separate original applications in respect of other applicants, who are deleted from this O.A.

3. Permission as prayed for is granted. The applicant shall delete the name of the applicant Nos. 2 to 5 from the array of this O.A. forthwith.

4. Issue notices to the respondents, returnable on 8th November, 2016.

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

O.A. ST No. 371 OF 2016

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 8th November, 2016.

10. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

30.09.2016-HDD(DB).doc

O.A.NO. 759/16 WITH M.A.560/15

[Bhimrao Sonaji Murmure Vs. The State of Mah. & Ors.]

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

DATE : 30.09.2016.

ORAL ORDER:

Heard Shri M.R. Kulkarni – learned Advocate for the Applicant and Shri M.P. Gude – learned Presenting Officer for the respondents, present.

2. At the request and by consent of both the sides, the present O.A. No. 759 of 2016 and M.A. No. 560 of 2015 have been taken up for disposal.

3. The applicant is claiming following reliefs in the Original Application: -

“C) By issuing appropriate order or direction to the respondent No. 2 may kindly be directed to decide the representation of applicant dated 19/05/2015 which is forwarded by Respondent No. 03 to Respondent No. 02 dated 25/05/2015 for deem date for the post of Jr. Clerk date on which his junior is appointed on merit as per rule and give him further promotion.

D) The respondent 03 be directed to consider his representation dated 19/05/2015 of the applicant on merit as per rule expedite.”

4 Today, the learned Presenting Officer has filed affidavit in reply in O.A. No. 759/2016 on behalf of respondent Nos. 1, 2 & 3 and the same has been taken on record and the copy thereof has been served upon the learned Advocate for the Applicant.

5. It is stated by the respondents in affidavit in reply that vide letter no. 384/2015 dated 21.11.2015, the committee has requested the administration to submit comparative chart of service matters of the applicant Shri Murmure. It is further stated in the said reply that during the recent deemed date committee meeting that convened on 28/09/2016 vide letter no. 10842-48, it has been observed by the committee at point no. 4 that, the applicant Bhimrao Sonaji Murmure is presently working as Senior Clerk and date of his first appointment is 06/10/1989. It is further observed that the applicant has completed SSC in October 1990. The committee has also arrived at a decision that the applicant make an application for deemed date of seniority in specified format within seven days of receiving letter from the institution following which the committee shall examine and take decision on the received proposals and, therefore, the question of delay has become immaterial on merits also.

6. Learned Presenting Officer along with reply has filed minutes of the meeting dated 24.9.2016; wherefrom it seems that the following decision has been taken by the committee: -

“उपरोक्त सर्व कर्मचारीवृंद या संस्थेमध्ये विविध पदावर कार्यरत आहेत. मानिव दिनांक मिळण्याकरीता शासनाने केलेल्या निर्देशानुसार कांही अटी, पात्रता व अर्हता पुर्ण करणे आवश्यक आहे. समितीतर्फे असा निर्णय घेण्यात येतो की, वरील सर्व कर्मचारीवृंद यांना कार्यालयातर्फे शासनाने निर्देशित केलेला विहित नमुना तसेच शासन निर्णय सा.प्र.वि. महाराष्ट्र शासन परिपत्रक दि. ०६ जुन २००२ च्या परिशिष्ट-ब नुसार आपल्या संपुर्ण कार्यालयीन कामकामा विषयी इंत्यभुत माहिती कार्यालयीन कारकिर्दीसह आपला संपुर्ण प्रस्ताव संस्थेचे पत्र मिळाल्या पासुन सात दिवसाच्या आत सादर करावेत. प्राप्त झालेल्या सर्व प्रस्तावांची छाणनी करुन समितीमार्फत योग्य तो निर्णय घेवुन पुढील कार्यवाही करीता मा. संचालनालय मुंबई यांचे कार्यालयास सादर करण्यात येतील. सदर परिशिष्टा सोबत आपण दिलेली माहिती संपुर्णपणे खरी असुन स्वप्रमाणीत तसेच स्वसाक्षांकित करुन अशा प्रकारचे शपथपत्र सोबत जोडणे आवश्यक आहे. जेणे करुन संचालनालय अथवा न्यायालयाकडुन कुठलाही नियमभंग झाल्यास या साठी मी स्वतः सर्वस्वी जबाबदार राहील असे प्रमाणीत करण्यात यावे. आपला प्रस्ताव संस्थेला विहित मार्गाने पाठविणे बंधनकारक आहे. अशा प्रकारे समितीतर्फे निर्णय घेण्यात आलेले आहेत.”

7. Learned Advocate for the Applicant submits that in view of the said decision as aforesaid, the respondent authorities are considering the claim of the applicant on merits and,

O.A.NO. 759/16 WITH M.A.560/15

therefore, the Original Application can be disposed of with liberty to the applicant to approach this Tribunal, in case the decision goes against the applicant. The submissions made by the Learned Advocate for the applicant seems to be most genuine and, therefore, the following order: -

ORDER

The present O.A. No. 759/2016 stands disposed of in view of the decision taken by the competent committee on 24.9.2016. The applicant will be at liberty to file separate O.A., in case no favourable decision is taken against him by the competent committee.

ii) Since Original Application 759/2016 itself stood disposed of today, nothing survives in M.A. No. 560/2015 and the same also stands disposed of.

iii) There shall be no order as to costs.

MEMBER (J)

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M.A.559/15 IN O.A.NO. 759/2016

[Bhimrao Sonaji Murmure Vs. The State of Mah. & Ors.]

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

DATE : 30.09. 2016.

ORAL ORDER:

Heard Shri M.R. Kulkarni – learned Advocate for the Applicant and Shri M.P. Gude – learned Presenting Officer for the respondents, present.

2. At the request and by consent of both the sides, the present M.A. Nos. 559 has been taken up for disposal.

3. The present M.A. No. 559/2015 has been filed by the applicant for condonation of delay of about 10 years, 10 months and 20 days caused in filing the accompanying O.A.

4. Perused the M.A. No. 559/2015 and considered the contentions. For the reasons stated in the M.A. No. 559/2015, the same is allowed in the interest of justice and equity. The delay of about 10 years, 10 months and 20 days caused in filing accompanying O.A. stands condoned.

5. The Registry is directed to register the accompanying Original Application and be given number. Accordingly the present M.A. stands disposed of with no order as to costs.

MEMBER (J)

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