

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

Contempt Petition No.04/2016

IN

Original Application No.610/2009

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

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

DATE : 31-01-2017

ORAL ORDER:-

Heard Shri A.D.Sugdare learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. As per order dated 14-12-2016, Shri Sugdare learned Advocate for the applicant was to submit name and address of the alleged contemnor/s. Today, he has submitted purshis giving name and address of the proposed contemnor. He was to add him as party in the M.A. as well as in the contempt petition.

3. Learned Advocate is allowed to add him as party respondent.

4. After adding party respondent, issue notice to the added respondent, returnable on 28-02-2017.

5. S.O.28-02-2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A.No.337/2016 IN C.P.St.No.1547/2016 IN
O.A.No.519/2014**

(Shri A.B.Chavan V/s. The State of Mah. & Ors.)

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

DATE : 31-01-2017

ORAL ORDER:-

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

2. Applicant has filed this M.A. to initiate contempt proceedings against the respondents. Order dated 14-07-2015 was passed by the Tribunal in O.A.No.519/2014, and thereby, respondents were directed to reinstate the applicant in service with full backwages.

3. Learned P.O. submits that the applicant has been reinstated in service with full backwages, and therefore, the order has been complied with.

4. Learned Advocate for the applicant submits that he has not been granted benefit of time bound promotion. It was not the subject matter of the O.A. and for that purpose, the applicant can file representation, if he so desires. In view thereof, following order:

=2=

M.A.No.337/2016 IN C.P.St.No.1547/2016 IN O.A.No.519/2014

ORDER

- (1) M.A.No.337/16 stands disposed of in view of the fact that order dated 14-07-2015 passed by the Tribunal in O.A.No.519/2014 has been complied with.
- (2) Accordingly, C.P.St.No.1547/2016 does not survive and is disposed of.
- (3) There shall be no order as to costs.

MEMBER (J)

YUK ORAL ORDER 31-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.36/2017 WITH M.A.St.No.2094/2016 IN
O.A.St.No.2095/2016**

(Shri Marathwada Rajya Rojandari Va Kayam Van Kamgar
Kruti Samiti V/s. The State of Mah. & Ors.)

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

DATE : 31-01-2017

ORAL ORDER:-

Heard Shri M.B.Kolpe learned Advocate holding for Shri A.S.Shelke learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Delay caused in filing the O.A. is of 1083 days.
3. Issue notices returnable on 02-03-2017.
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. 02-03-2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.703/2011

(Dr. R.M.Lahurikar V/s. The State of Mah. & Ors.)

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

DATE : 31-01-2017

ORAL ORDER:-

Shri A.D.Gadekar learned Advocate for the applicant is **absent**. Shri S.K.Shirse learned Presenting Officer for respondents is present.

2. Since none present for the applicant, S.O. tomorrow.

3. S.O.01-02-2017.

MEMBER (J)

YUK ORAL ORDER 31-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.269/2016 WITH M.A.No.459/2012 IN
C.P.St.No.1521/2012 IN O.A.No.215/1995**
(Shri D.D.Prasad V/s. The State of Mah. & Ors.)

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

DATE : 31-01-2017

ORAL ORDER:-

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

2. Issue notices in the M.A.No.269/2016 returnable on 23-02-2017.
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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. Steno copy and Hamdast is allowed to both parties.
8. S.O. 23-02-2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.80/2016

(Shri D.L.Ghule V/s. The State of Mah. & Ors.)

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

DATE : 31-01-2017

ORAL ORDER:-

Heard Shri Kakasaheb Jadhav learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for 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.15-02-2017.

MEMBER (J)

YUK ORAL ORDER 31-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.669/2016
(Shri C.S.Shinde V/s. The State of Mah. & Ors.)

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

DATE : 31-01-2017

ORAL ORDER:-

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

2. Learned P.O. has filed additional affidavit in reply on behalf of respondent no.2. It is taken on record.

Copy thereof has been served on the other side.

3. S.O.09-03-2017.

MEMBER (J)

YUK ORAL ORDER 31-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.670/2016

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

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

DATE : 31-01-2017

ORAL ORDER:-

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

2. Learned P.O. has filed additional affidavit in reply on behalf of respondent no.2. It is taken on record. Copy thereof has been served on the other side.

3. S.O.09-03-2017.

MEMBER (J)

YUK ORAL ORDER 31-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A.NO.42/2017 IN O.A.NO.845/2011
(Smt. Usha R. Nagare V/s. The State of Maharashtra &
Ors.)**

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

DATE : 31-01-2017

ORAL ORDER:-

Heard Shri R.J.Godbole learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that he does not wish to press M.A.No.42/2017 filed for amendment in O.A. Hence it stands disposed of as not pressed.

MEMBER (J)

YUK ORAL ORDER 31-01-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.845/2011

Usha w/o Rajendrakumar Nagare,
Age : 28 years, Occ : Nil,
R/o. Narayan Khed, Post : Deulgaon (Mahi),
Tq. Deulgaon Raja, Dist. Buldhana.
...APPLICANT

V/S.

- 1) The State of Maharashtra
Through its Secretary,
Department of Home Affairs.
- 2) The Special Inspector General,
The State Reserve Police Force,
Aurangabad Circle, Aurangabad.
- 3) The Commandant,
The State Reserve Police Force,
Grade III, Jalna,
Tq. & Dist. Jalna.
- 4) The Collector Jalna,
Dist. Jalna.

...RESPONDENTS

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

DATE : 31-01-2017

ORAL ORDER:-

Heard Shri R.J.Godbole learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. Applicant Smt. Usha w/o Rajendrakumar Nagare is the wife of deceased employee Rajendra Nagare. Late Rajendra Nagare died on 12-06-2003 while serving as a Police Constable in State Reserve Police Force, Jalna. The applicant applied for compassionate appointment in view of death of her husband. Said application was filed on 20-11-2007. It was rejected vide communication dated 27-12-2007 by the respondent no.3 on the ground that as per G.R. dated 22-08-2005, such application was to be filed within 1 year from the date of death of her husband.

3. Learned Advocate submits that the applicant's husband had died on 12-06-2003 and on that date G.R. dated 23rd August, 1996 was applicable. As per said G.R. limitation for preferring application for compassionate appointment was 5 years from the date of death or premature retirement of the government employee. Applicant accordingly applied on 20-11-2007 i.e. within a period of 5 years from the date of death of her husband. Therefore, rejection of applicant's claim on

the ground that application for compassionate appointment was preferred after a period of more than one year, from the date of death of her husband, is not legal.

4. Learned P.O. has invited my attention towards the reply affidavit filed by the respondents. It has been mentioned that the application for compassionate appointment was preferred on 20-11-2007. It has been rejected on 27-12-2007 being not preferred within a period of 1 year from the date death of the applicant's husband.

5. Only material point to be considered in this case is whether G.R. dated 22-08-2005 can be made applicable retrospectively as regards date of death of the employee. Paragraph 3 of the G.R. dated 22-08-2005, is as under (page 36):

“(३) अनुकंपा नियुक्तीसाठी पात्र कुटुंबियाकडून संबंधित नियुक्ती प्राधिका—याकडे अर्ज करण्याची ५ वर्षांची मुदत कमी करून कर्मचारी दिवंगत झाल्याच्या दिनांकापासून एक वर्षाच्या मुदतीत अर्ज करणे आवश्यक राहिल. ”

6. It seems from the plain reading of the aforesaid clause that limitation for submitting application for compassionate appointment has been reduced from 5 years to 1 year. As per the prevailing G.R. dated 23-08-1996 at the time of death of the employee i.e. on 12-06-2003, the applicant was entitled to file application within 5 years from the date of death of the employee, and accordingly, same has been filed. G.R. dated 22-08-2005 cannot be made applicable retrospectively to the case of LRs of the deceased employee, died prior to issuance of this G.R.

7. Considering the fact that the applicant has applied for compassionate appointment, it may not be in the interest of justice and equity to apply such technical scales and reject her claim and deny her an opportunity to even apply for compassionate appointment. Whether applicant is entitled to compassionate appointment or not will be decided on the merit of the case by the competent authority as per prevailing G.R. dated 23-08-1996. This Tribunal will not go into merit of that

aspect and it will also not be proper to reject the application on technical ground. Hence an opportunity is required to be granted to the applicant for pursuing her claim for compassionate appointment.

8. In view of the discussion in the foregoing paragraphs, I pass following order:

ORDER

1. O.A. is partly allowed.
2. Respondent nos.1 to 3 are directed to consider applicant's claim for appointment on compassionate ground, on a suitable post, as may be permissible as per rules, considering merits of the case and in view of the prevailing G.R. at the time of death of her husband.
3. Respondents shall take necessary decision within 3 months from the date of this order and it be communicated to the applicant in writing.

MEMBER (J)

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

ORIGINAL APPLICATION St. No.17/2017.

(Shri M.G. Kandalgaonkar & Ors. Vs. State of Mah.& Ors.)

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

DATE : 31.01.2017.

ORAL ORDER :-

Heard Shri Vivek Pingle, learned Advocate for the applicants and Smt. P.R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Issue notice to the respondents, returnable on 23.03.2017.
3. Applicants are authorized and directed to serve on all respondents notice of O.A. authenticated by Registry, along with complete paper book of O.A. stating that this Tribunal may take the case for final disposal at this stage and a separate notice for final disposal not be issued.
4. Authorization for service of 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.
5. The service of notice may be done by the applicants by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry as far as possible before the due date.
6. Affidavit of service be filed one week before due date.
7. Learned P.O. is directed to communicate this order.
8. Affidavit in reply be filed before due date.

-2- **ORIGINAL APPLICATION St. No.17/2017.**

9. Steno copy and Hamdast is allowed to both parties.
10. S.O. to 23.3.2017.

ORAL ORDERS 31.01.2017-ATP

MEMBER (J).

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

M.A.St.No.16/2017 in OA St.No.17/2017.

(Shri M.G. Kandalgaonkar & Ors. Vs. State of Mah.& Ors.)

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

DATE : 31.01.2017.

ORAL ORDER :-

Heard Shri Vivek Pingle, learned Advocate for the applicants and Smt. P.R. Bharaswadkar, learned Presenting Officer for the Respondents.

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

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicant has prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J).

ORAL ORDERS 31.01.2017-ATP

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

ORIGINAL APPLICATION St.No.75/2017.

(Shri S. K. Mande Vs. State of Mah.& Ors.)

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

DATE : 31.01.2017.

ORAL ORDER :-

Heard Shri S. B. Solanke, learned Advocate holding for Shri S. S. Thombre, learned Advocate for the applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the applicant, S. O. to 22.2.2017.

MEMBER (J).

ORAL ORDERS 31.01.2017-ATP

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

ORIGINAL APPLICATION No.660/15.

(Dr. S.D. Londhe Vs. State of Mah.& Ors.)

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

DATE : 31.01.2017.

ORAL ORDER :-

Heard Shri J. S. Deshmukh, learned Advocate for the applicant and Shri M. P. Gude, learned Presenting Officer for the Respondents no.1 to 3. None present for the Respondent no.4.

2. Learned P.O. prays for time to file reply affidavit. Time granted.

3. S. O. to 23.3.2017.

MEMBER (J).

ORAL ORDERS 31.01.2017-ATP

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

ORIGINAL APPLICATION No.36/2016.

(Smt. L. S. Shinde Vs. State of Mah.& Ors.)

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

DATE : 31.01.2017.

ORAL ORDER :-

Heard Shri S. P. Salgare, learned Advocate for the applicant and Smt V. R. Bhumkar, learned Presenting Officer for the Respondents no.1 and 5 to 7. None present for the Respondents no.2 to 4.

2. At the request of the learned Advocate for the applicant, S. O. to 28.2.2017.

MEMBER (J).

ORAL ORDERS 31.01.2017-ATP

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

ORIGINAL APPLICATION No.191/2016.

(Shri B. H. Sopne Vs. State of Mah.& Ors.)

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

DATE : 31.01.2017.

ORAL ORDER :-

None present for the applicant. Shri NU Yadav, learned Presenting Officer for the Respondents.

2. Learned P.O. prays for time to file reply affidavit. Time granted.

3. S. O. to 16.3.2017.

MEMBER (J).

ORAL ORDERS 31.01.2017-ATP

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

ORIGINAL APPLICATION No.323/2016.

(Smt. S.R. Sutarn & Ors Vs. State of Mah.& Ors.)

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

DATE : 31.01.2017.

ORAL ORDER :-

Heard Shri Chetan V. Bhadane, learned Advocate for the applicant and Shri N. U. Yadav, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the applicant, S. O. to 16.3.2017.

MEMBER (J).

ORAL ORDERS 31.01.2017-ATP

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

ORIGINAL APPLICATION No.515/2016.

(Shri A. B. Pande Vs. State of Mah.& Ors.)

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

DATE : 31.01.2017.

ORAL ORDER :-

Heard Shri S.B. Ghute, learned Advocate for the applicant and Shri I. S. Thorat, learned Presenting Officer for the Respondents No.1&2. None present for the Respondents no.3 to 5.

2. Learned P.O. prays for time to file reply affidavit. Time granted.

3. S. O. to 14.3.2017.

MEMBER (J).

ORAL ORDERS 31.01.2017-ATP

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

ORIGINAL APPLICATION No.551/2016.

(Shri A. B. Markad Vs. State of Mah.& Ors.)

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

DATE : 31.01.2017.

ORAL ORDER :-

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

2. Learned P.O. prays for time to file reply affidavit. Time granted as most last chance.

3. S. O. to 14.3.2017.

MEMBER (J).

ORAL ORDERS 31.01.2017-ATP

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

ORIGINAL APPLICATION No.616/2016.

(Smt S. A. Chaudhari Vs. State of Mah.& Ors.)

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

DATE : 31.01.2017.

ORAL ORDER :-

Heard Shri V.P. Patil for the applicant, Shri M.P. Gude, learned Presenting Officer for the Respondents no.1 to 3 and Shri Vaibhav R. Patil, learned Advocate for the Respondent no.4.

2. Learned Advocate for the Respondent no.4 filed reply affidavit. It is taken on record. Its copy is served on the other side.

3. S. O. to 14.3.2017.

MEMBER (J).

ORAL ORDERS 31.01.2017-ATP

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

ORIGINAL APPLICATION No.625/2016.

(Shri B.D. Rathod Vs. State of Mah.& Ors.)

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

DATE : 31.01.2017.

ORAL ORDER :-

Heard Shri S. B. Solanke, learned Advocate for the applicant, Shri V. R. Bhumkar, learned Presenting Officer for the Respondents no.1 & 2 and Shri A. S. Deshmukh, learned Advocate for the Respondent no.3.

2. Learned P.O. for respondents no.1 & 2 and learned Advocate for the Respondent no.3 prays for time to file reply affidavits. Time granted.

3. S. O. to 14.3.2017.

MEMBER (J).

ORAL ORDERS 31.01.2017-ATP

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

ORIGINAL APPLICATION No.639/2016.

(Shri A. M. Pawar Vs. State of Mah.& Ors.)

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

DATE : 31.01.2017.

ORAL ORDER :-

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

2. Learned Advocate for the applicant filed rejoinder affidavit. It is taken on record. Its copy is served on the other side.

3. Since the pleadings are complete the matter is admitted and kept for final hearing.

4. S. O. to 17.3.2017.

MEMBER (J).

ORAL ORDERS 31.01.2017-ATP

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

ORIGINAL APPLICATION No.719/2016.

(Shri P. M. Chandanshiv Vs. State of Mah.& Ors.)

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

DATE : 31.01.2017.

ORAL ORDER :-

Heard Shri K. J. Suryawanshi, learned Advocate for the applicant, Shri S. K. Shirse, learned Presenting Officer for the Respondents no.1 to 3 and Shri P. D. Suryawanshi, learned Advocate for the Respondent no.4.

2. Learned P.O. prays for time to file reply affidavit. Time granted.

3. S. O. to 16.3.2017.

MEMBER (J).

ORAL ORDERS 31.01.2017-ATP

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

ORIGINAL APPLICATION No.736/2016.

(Dr. S. N. Wagh Vs. State of Mah.& Ors.)

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

DATE : 31.01.2017.

ORAL ORDER :-

Heard Shri A. S. Deshmukh, learned Advocate for the applicant and Shri D. R. Patil, learned Presenting Officer for the Respondents.

2. Learned P.O. prays for time to file reply affidavit. Time granted.

3. S. O. to 16.3.2017.

MEMBER (J).

ORAL ORDERS 31.01.2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 748 OF 2016
(Shri Shabbir Baig Anwar Baig Vs. The State of
Maharashtra and Others.)**

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

DATE : 31.01. 2017.

ORAL ORDER:

Heard Shri Vinod Patil – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.

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

3. S.O. to 14th March, 2017.

MEMBER (J)

ORAL ORDERS 31.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 756 OF 2016

**(Shri Manik Patilba Darade Vs. The State of Maharashtra
and Others.)**

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

DATE : 31.01. 2017.

ORAL ORDER:

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

2. The learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 17th March, 2017.

MEMBER (J)

ORAL ORDERS 31.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 834 OF 2016
(Shri Sandu Patilba Ukarde & Ors. Vs. The State of
Maharashtra and Others.)**

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

DATE : 31.01. 2017.

ORAL ORDER:

Heard Shri A.S Bayas – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant shall file copies of the application/representation filed by the applicants before the Competent Authority, on the next date.
3. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1 & 2. Time granted.
4. S.O. to 22nd February, 2017.

MEMBER (J)

ORAL ORDERS 31.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 884 OF 2016
(Shri Lahu Vishwanath Gajdhane Vs. The State of
Maharashtra and Others.)**

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

DATE : 31.01. 2017.

ORAL ORDER:

Shri Shri V.G. Salgare – learned Advocate for the applicant (**absent**). Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents, present.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 4 and the same is taken on record. He undertakes to serve the copy thereof on the learned Advocate for the applicant.

3. S.O. to 17th March, 2017.

MEMBER (J)

ORAL ORDERS 31.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 916 OF 2016

**(Shri Sattar Khan S/o Jamal Khan Vs. The State of
Maharashtra and Others.)**

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

DATE : 31.01. 2017.

ORAL ORDER:

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

2. The learned Chief Presenting Officer seeks time to file affidavit in reply. Time granted.

3. S.O. to 16th March, 2017.

MEMBER (J)

ORAL ORDERS 31.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 921 OF 2016
(Shri Sanjay S/o. Tukaram Mali Vs. The State of
Maharashtra and Others.)**

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

DATE : 31.01. 2017.

ORAL ORDER:

Heard Shri A.D. Sugdare – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. The learned Chief Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 7th March, 2017.

MEMBER (J)

ORAL ORDERS 31.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 409/2016 IN O.A.ST.NO. 1662/2016

**(Shri Mohan Yamaji Sanap Vs. The State of Maharashtra
and Others.)**

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

DATE : 31.01. 2017.

ORAL ORDER:

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

2. The learned Presenting Officer seeks time to file affidavit in reply in M.A. No. 409/2016. Time granted.
3. S.O. to 20th March, 2017.

MEMBER (J)

ORAL ORDERS 31.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 436/2016 IN O.A.ST.NO. 1871/2016

**(Smt. Syeda Ashraf Nadima W/o Mr. Qazi Moinuddin Vs.
The State of Maharashtra and Others.)**

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

DATE : 31.01. 2017.

ORAL ORDER:

Shri V.G. Salgare – learned Advocate for the applicant (**absent**). Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents, present.

2. The learned Presenting Officer seeks time to file affidavit in reply in M.A. No. 436/2016. Time granted.
3. S.O. to 22nd March, 2017.

MEMBER (J)

ORAL ORDERS 31.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 437/2016 IN O.A.ST.NO. 1869/2016

**(Shri Tejrao S/o Pandurang Wagh Vs. The State of
Maharashtra and Others.)**

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

DATE : 31.01. 2017.

ORAL ORDER:

Shri V.G. Salgare – learned Advocate for the applicant (**absent**). Shri N.U. Yadav – learned Presenting Officer for the respondents, present.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 3 & 4 and the same is taken on record. He undertakes to serve the copy thereof on the learned Advocate for the applicant.

3. Since nobody appears for the applicant, S.O. to 22nd March, 2017.

MEMBER (J)

ORAL ORDERS 31.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 438/2016 IN O.A.ST.NO. 1867/2016

**(Shri Gulab S/o Shankarrao Khandare Vs. The State of
Maharashtra and Others.)**

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

DATE : 31.01. 2017.

ORAL ORDER:

Shri V.G. Salgare – learned Advocate for the applicant (**absent**). Shri S.K. Shirase – learned Presenting Officer for the respondents, present.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record. He undertakes to serve the copy thereof on the learned Advocate for the applicant.

3. Since nobody appears for the applicant, S.O. to 22nd March, 2017.

MEMBER (J)

ORAL ORDERS 31.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 440/2016 IN O.A.ST.NO. 1873/2016

**(Shri Bhikaji S/o Dhondiba Gadekar Vs. The State of
Maharashtra and Others.)**

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

DATE : 31.01. 2017.

ORAL ORDER:

Shri V.G. Salgare – learned Advocate for the applicant
(**absent**). Shri M.S. Mahajan – learned Chief Presenting
Officer for the respondents, present.

2. The learned Chief Presenting Officer seeks time to file
affidavit in reply in M.A. No. 440/2016. Time granted.
3. S.O. to 22nd March, 2017.

MEMBER (J)

ORAL ORDERS 31.01.2017- HDD(DB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No. 37/2017 in O.A. No. 26/2017
[Shri Liyakat Akbar Kazi Vs. The State of Mah. & Ors.]**

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

DATE : 31.01.2017.

ORAL ORDER:

Heard Shri V.B. Wagh, learned Advocate for the Applicant in M.A./respondent no. 4 in O.A., Shri M.S. Mahajan, learned Chief Presenting Officer for respondent Nos. 1 to 3 and Smt. Supriya Bhillegaonkar, learned Advocate for respondent no. 4/applicant in O.A.

2. This M.A. has been filed by the respondent no. 4 Shri Liyakat Akbar Kazi in the O.A. 26/2017. However, for the purposes of convenience the said Shri Liyakat Akbar Kazi will be described as respondent no. 4 and the original applicant Shri Prakash Chandrakant Ujagare as applicant.

3. Vide impugned order dated 7.1.2017, the applicant has been transferred from the post of Deputy Engineer, P.W.D. Sub Division Jamkhed, Dist. Ahmednagar to Sub Division World Bank Project, Kopergaon-2. The said order seems to be prima-facie mid-term and mid-tenure. It was stated that the applicant was not relieved legally, since he was on leave at the time of impugned order of transfer and

therefore, vide order dated 13.01.2017, the respondents were directed to maintain status-quo and not to relieve the applicant from his post at Jamkhed.

4. Vide this M.A. No. 37/2017, the respondent no. 4 (Shri Liyakat Akbar Kazi) has claimed modification in the order dated 13.01.2017. The transfer order was published on website on 7.1.2017 and the applicant remained absent from 10.01.2017 to 15.01.2017 and since, 17.01.2017 he started interfering in the work of the Respondent no. 4 and therefore, respondent no. 4 has prayed that the order dated 13.01.2017 be modified and the applicant be restrained from attending the office of P.W.D. Sub Division Jamkhed, Dist. Ahmednagar till disposal of the O.A.

5. The learned C.P.O. seeks time to file affidavit in reply on behalf of respondent nos. 1 to 3 in the M.A. but the applicant/original respondent no. 4 insisted that the order be passed in the M.A. today itself.

6. In order to know factual position, the learned C.P.O. was directed to take instructions as to who is presently working at P.W.D. Sub Division Jamkhed, Dist. Ahmednagar

from which the applicant was transferred vide impugned order dated 7.1.2017.

7. The learned C.P.O. has placed on record a copy of intimation received by him through email from Assistant Chief Engineer signed by Executive Engineer. This letter addressed to the Executive Engineer, P.W.D., Ahmednagar and it is dated 23.01.2017. It is taken on record and marked as Exhibit 'X' for the purposes of identification. In the said letter it is mentioned that the order vide which the respondent no. 4 was directed to take ex-parte charge of the post of applicant at Sub Divisional Jamkhed has been cancelled. The learned C.P.O. submits that he has received instructions that at present it is the applicant who is working at Jamkhed.

8. In view of this I do not find any reason to modify the order passed by this Tribunal on 13.01.2017. The status at present is clear that the applicant is working at present on the post of Deputy Engineer, P.W.D. Sub Division, Jamkhed, Dist. Ahmednagar vide order dated 13.01.2017. It has already been observed that the impugned order of transfer is mid-term and mid-tenure and the applicant has not joined at present on his transferred post and was not legally relieved,

//4//
M.A. 37/17 in O.A. 26/2017

since he was on leave at the time of transfer and therefore, respondents are directed to maintain status-quo. Hence, I do not find any force in the prayer for the modification in the order dated 13.1.2017. Hence, I pass following order.

ORDER

The M.A. No. 37/2017 stands dismissed with no order as to costs.

MEMBER (J)

ORAL ORDERS 30.01.2017-KPB(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. No. 26/2017

**[Shri Prakash Chandrakant Ujagare Vs. The State of Mah.
& Ors.]**

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

DATE : 31.01.2017.

ORAL ORDER:

Heard Smt. Supriya Bhillegaonkar, learned Advocate for the Applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for respondent Nos. 1 to 3 and Shri V.B. Wagh, learned Advocate for respondent no. 4.

2. The learned C.P.O. seeks time to file affidavit in reply on behalf of respondent nos. 1 to 3. Time granted.

3. S.O. after four weeks.

MEMBER (J)

ORAL ORDERS 30.01.2017-KPB(SB)