

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

T.A. No. 10/2013 W.P. No. 5976/2013
(Shri Shrihari D. Ghogare V/s. the State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN (A).
AND
HON'BLE SHRI B.P. PATIL,
MEMBER (J).**

DATE : 31.07.2017._

ORAL ORDER:-

Shri B.A. Dengle, learned Advocate for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for respondent nos. 1 to 3 and Shri Sudhir K. Chayan, learned Advocate for respondent no. 4, are present.

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

3. As none present for the applicant, the matter be fixed for final hearing, wherever the Division Bench is available.

MEMBER (J)
KPB ORAL ORDER 31-07-2017

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 439/2013

(Shri Sukharam G. Choughule V/s. the State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN (A).**

AND

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

DATE : 31.07.2017._

ORAL ORDER:-

Shri R.D. Khadap, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. At the request of the learned Advocate for the applicant, the matter be fixed for final hearing, wherever the Division Bench is available.

MEMBER (J)

KPB ORAL ORDER 31-07-2017

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 463/2013

(Shri Digambar M. Pandit V/s. the State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN (A).**

AND

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

DATE : 31.07.2017._

ORAL ORDER:-

Shri R.P. Adgaonkar, learned Advocate holding for
Shri P.R. Tandale, learned Advocate for the applicant and
Smt. Priya R. Bharaswadkar, learned Presenting Officer
for respondents.

2. At the request of the learned Advocate for the
applicant, the matter be fixed for final hearing, wherever
the Division Bench is available.

MEMBER (J)

KPB ORAL ORDER 31-07-2017

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 572/2013

(Smt. Vijaya B. Malave V/s. the State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN (A).**

AND

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

DATE : 31.07.2017._

ORAL ORDER:-

Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. At the request of the learned Advocate for the applicant, the matter be fixed for final hearing, wherever the Division Bench is available.

MEMBER (J)

KPB ORAL ORDER 31-07-2017

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 483/2013

(Shri Nandkishor A. Chavan V/s. the State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN (A).**

AND

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

DATE : 31.07.2017._

ORAL ORDER:-

Heard Shri R.P. Adgaonkar, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondents.

2. On instructions, the learned Advocate for the Applicant has submitted that, he seeks leave of this Tribunal to withdraw the present O.A.

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

4. In view thereof, the O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)
KPB ORAL ORDER 31-07-2017

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 562/2013

(Shri Ashok D. Thorat V/s. the State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN (A).**

AND

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

DATE : 31.07.2017._

ORAL ORDER:-

Shri P.S. Dighe, learned Advocate for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for respondents, present.

2. The present matter was lastly placed before the Hon'ble Shri Justice M.T. Joshi, Vice Chairman (J), who heard it in the absence of the Division Bench. It is observed that no prima-facie case for grant of interim relief was made out and the applicant's prayer for interim relief was rejected. The interim relief was regarding relaxation in age for appearance in the selection process, which is over long time back and in view of the absence of any steps taken by the applicant to prosecute this O.A., the same is dismissed with no order as to costs.

VICE CHAIRMAN (A)
KPB ORAL ORDER 31-07-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 233/2016

(Shri Pankaj W. Pangul V/s. the State of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman(A).
and
Hon'ble Shri B.P. Patil, Member (J).**

DATE : 31.07.2017._

ORAL ORDER:-

Heard Shri S.K. Mathpati, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. The applicant was appointed as a Primary Teacher in the Tribal Development Department. He claimed that he acquired degree of B.A. and B.Ed. during the service. It appears that the claim of the applicant is based on his acquiring qualification of B.Ed. degree, which entitles him to higher placement in the seniority list of the Primary Teachers. However, relevant Recruitment Rules/ Government instructions in this regard are not placed on record. The respondents have also not made any clear averment in their affidavit in reply on this issue. Unless this issue is clear, it will not be possible for Tribunal to take any view in the matter. If the applicant wants to

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O.A. No. 233/2016

amend this O.A. and to place on record relevant documents, liberty is given to him to do so. After amendment, he will serve the Respondents.

3. The matter is to be fixed for final hearing, whenever the Division Bench is next available.

MEMBER (J)
KPB ORAL ORDER 31-07-2017

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD
MA 170/2017 IN CP ST. 586/2017 IN OA 811/2015**

[Shri Shahadeo S. Bangar Vs. the State of Mah. & Ors.]

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE :- 31.7.2017

Oral Order :-

1. Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant states that the misc. application be disposed of with a liberty to the applicant to challenge the order effecting deduction from arrears.
3. With liberty as prayed for, the misc. application & contempt petition are disposed of.

CHAIRMAN

ARJ ORAL ORDERS 31.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD
ORIGINAL APPLICATION ST. NO. 1033/2017**

[Shri Anant B. Nemade Vs. the State of Mah. & Ors.]

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

DATE :- 31.7.2017

Oral Order :-

1. Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned C.P.O. for the respondents, S.O. to 4.8.2017.

CHAIRMAN

ARJ ORAL ORDERS 31.7.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.493/2017.

(Dr. Sanjay Kashinath Khachane Vs. State of Mah.& Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 31-07-2017

ORAL ORDER:-

Heard Shri V. B. Wagh learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks liberty to file additional documents. Liberty to file additional documents is hereby granted. The additional documents shall be filed today itself and those shall be part and parcel of the application.

3. Heard Shri V. B. Wagh learned Advocate for the applicant. His submission would show that, while taking a fresh decision regarding the selection list in view of the decision passed in O.A. No.662/2012 the respondents had faulted in preparation of revised merit list as the candidate at Sr. Nos.88 to 91 (page 116) though they are

less meritorious than the present applicant are shown to have been selected and recommended for appointment when the applicant being the same category and obtained more marks is not shown as recommended. The revised list is dated 17.06.2017. These candidates be added as party – respondents by the applicant.

4. The applicant also appears to have made a representation dated 24.06.2017. Copy of which is at Annexure -A-6 (page 120) submitted to the Respondents. The said representation is yet to be decided. The concerned Respondents is directed to decide the representation dated 24.06.2017 on before the next date.

5. Therefore, upon addition of parties, issue notices to the respondents, as well as added respondents, returnable on 18.09.2017. Till next date no appointment orders shall be issued in favour of added respondents by the concerned Respondent.

6. Applicant is 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.

7. 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.

8. The service of notice may be done by the applicant 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.

9. Affidavit of service be filed one week before due date.

10. Learned P.O. is directed to communicate this order.

11. Affidavit in reply be filed before due date.

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

13. S.O. to 18.09.2017.

VICE CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.803/2016.

Shri Sayyed Kalim Vs. State of Mah.& Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 31-07-2017

ORAL ORDER:-

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

2. Not on board. Production allowed. The learned P.O. submits that, the responsible Officer from the respondent's office of Superintendent of Police Mr. Uttam Chavan, Police Inspector is present today before the Tribunal, and today he has brought the copy of the appointment order of the present applicant.

3. Shri Wagh learned Advocate for the applicant is also present. Production allowed. The copy of the appointment order is accepted and marked as document "X" for the purpose of identification.

4. In view of the appointment of the applicant Mr.Wagh the learned Advocate for the applicant submits

that, nothing survives in the present application. The application is therefore, disposed of without any order as to costs.

5. The learned P.O. further submits that, the present S.P. of Parbhani has been posted recently and therefore, he was not aware of the earlier order passed in the present application. Therefore, the earlier order dated 10.7.2017 directing to deposit costs of Rs.10,000/- be withdrawn.

6. Considering all these facts on record the submissions are accepted and the earlier order dated 10.7.2017 directing to deposit cost of Rs.10,000/- is hereby withdrawn.

Accordingly, the original application stands disposed of without any order as to costs.

VICE CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.11/2017.
(Shri S. K. Dahale Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

Heard Shri S. G. Kulkarni learned Advocate holding for Shri S. D. Dhongde learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. Shri S. G. Kulkarni learned Advocate holding for Shri S. D. Dhongde learned Advocate for the applicant seeks time. At his request, S.O. to 10.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.907/2016.
(Shri S. B. Sathe Patil & Ors. Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

Heard Shri R. N. Bharaswadkar learned Advocate for the applicants and Shri M. P. Gude learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time for filing rejoinder. At his request, S.O. to 12.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.902/2016.
(Shri S. V. Jadhav Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

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

2. S.O. to 06.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.905/2016.
(Shri M. C. Gosavi Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

Heard Miss Ashlesha Raut learned Advocate holding for Shri S. B. Talekar learned Advocate for the applicant, Shri N. U. Yadav learned Presenting Officer for the respondents no. 1 to 3 and Shri D. T. Devane, learned Advocate for the respondent no.4.

2. Miss Ashlesha Raut learned Advocate holding for Shri S. B. Talekar learned Advocate for the applicant seeks time. At her request, S.O. to 21.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.616/2016.
(Smt S. A. Chaudhari Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

Heard Shri V. P. Patil learned Advocate for the applicant, Shri I. S. Thorat learned Presenting Officer for the respondents no.1 to 3 and Shri V. R. Patil, learned Advocate for the Respondent no.4.

2. The learned P.O. files short affidavit on behalf of Respondent no.3. The same is taken on record. Its copy is served on the other side.

3. The learned Advocate for the applicant seeks time to make submission. At his request, S.O. to 10.8.2017.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.36/2016.
(Smt. Laxmi S. Shinde Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

Heard Shri S. P. Salgar learned Advocate for the applicant and Shri V. R. Bhumkar learned Presenting Officer for the respondents 1 & 5 to 7. None present for remaining respondents.

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

3. Admit.

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

5. The matter be placed for hearing in due course of time.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

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

ORIGINAL APPLICATION NO.81/2017.

(Shri Pandurang Shridhar Shete Vs. State of Mah.& Ors.)

CORAM: Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

Heard Shri V. B. Wagh learned Advocate for the applicant and Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. Both the sides submit that, in fact the fixation of pay scale is done and therefore, the consequential processes of fixation of the pension etc. would be carried in due course.

3. In the circumstances, present O.A. is disposed of with direction to the respondents to take further action upon fixation of the pay, as per prayer clause "B" within a period of 8 weeks. Accordingly, the application is disposed of without any order as to costs.

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

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.86/2017.
(Shri B. Y. Ghongade & Ors. Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

Heard Shri S. D. Joshi learned Advocate for the applicants and Smt D. S. Deshpande learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file reply. As a last chance time to file reply is hereby granted.

3. S.O. to 23.08.2017 as a last chance for filing reply.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.377/2017.

(Shri B. P. Pawar & Ors. Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

None present for the applicants. Smt. P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file reply. At her request, S.O. to 6.9.2017 for filing reply.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

M. A. NO. 32/2017 IN OA ST.883/2016.
(Shri D. P. Ramteke Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

It is reported that Dr. Kalpalata Patil-Bharaswadkar learned Advocate for the applicant and Smt R. S. Deshmukh learned Presenting Officer for the respondents.

2. For the last two dates nobody appeared. However, in view of the leave note of the filed by the learned Advocate for the applicant, S.O. to 21.8.2017 for passing necessary orders.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.49/2017 IN OA ST.NO.160/2017.

(Smt. Meena Ram Fattelashkari Vs. State of Mah.& Ors.)

CORAM: Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant seeks time.

At his request, S. O. to 28.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.890/2016.
(Shri S. P. Jaikar Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

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

2. The learned P.O. submits that, in fact the bill regarding the remaining amount is already sent to the Treasury and may be approved within a week. At his request, S.O. to 04.09.2017, for compliance.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA No.55/2017 IN OA ST.NO.167/2017.
(Shri A. S. Kalyan Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

Heard Shri Kalyan Patil learned Advocate holding for Shri S. R. Barlinge learned Advocate for the applicant and Smt D. S. Deshpande learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to make submission and/or to make amendment to the application to show that the candidate junior to the present applicant in seniority list for appointment on compassionate ground was appointed when the present applicant was still below 45 years of age. Reference of which is made in para no.3. However, the date of appointment is missing. Therefore, at his request, S.O. to 07.09.2017 for taking steps.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.72/2017 IN OA ST.NO.187/2017.
(Shri S. D. Chaudhari Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

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

2. The learned P.O. seeks time for filing affidavit in reply to the application for condonation of delay.

3. Upon hearing both sides, it prima-facie appears that, in the similar cases the Division Bench of the M.A.T. Mumbai in O.A. Nos. 233, 234, 235 & 236 of 2012 dated 7.10.2013 has granted the similar relief as is sought in O.A. earlier and even a positive proposal was sent by the Superintending Engineer. Copy of which is at Annexure-A-1 (page 07) of the M.A.

4. The respondents are therefore, directed to go through these documents and take corrective steps, if any, on or before the next date.

5. In case such decision cannot be taken reply explaining the reasons for not taking steps shall be filed.

6. S.O. to 11.09.2017 for compliance of the present order.

7. The learned P.O. is directed to act on the steno copy of this order.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.147/2017 IN OA NO.705/2016.
(Smt P. R. Shirsath Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

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

2. Learned P.O. seeks time to file reply to the M.A. for amendment. At his request, S.O. to 22.8.2017.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.145/2016.
(Shri R. B. Dhakne Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

Heard Shri R. D. Khadap learned Advocate holding for Shri S. S. Thombre learned Advocate for the applicant and Shri S. K. Shirse learned Presenting Officer for the respondents.

2. Shri R. D. Khadap learned Advocate holding for Shri S. S. Thombre learned Advocate for the applicant seeks time. At his request, S.O. to 11.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.725/2016.
(Shri Shyam C. Kotkar Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

Heard Shri K. B. Jadhav learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents no.1 & 2 and Shri G. M. Patel, learned Advocate for the Respondent no.3.

2. At the request of the learned Advocate for the Respondent no.3 S.O. to 23.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.505/2016.
(Smt. Manjula A. Suralkar Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

Heard Smt. Manjula Ashok Suralkar- the applicant in person and Shri S. K. Shirse learned Presenting Officer for the respondents no.1 to 3. None present for the respondent no.4.

2. The party in person seeks time in view of the personal difficulty of her Advocate. At her request, S.O. to 28.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.217/2016.
(Smt Tanuja R. Patil Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

Heard Ms. Ujjwal Agarwal learned Advocate for the applicant and Smt S. K. Ghate Deshmukh learned Presenting Officer for the respondents no.1 to 3. None present for the respondent no.4.

2. Ms. Ujjwal Agarwal learned Advocate for the applicant seeks time to file rejoinder. At her request, S.O. to 11.09.2014.

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.698/2016.
(Shri S. M. Patil Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 31-07-2017

ORAL ORDER:-

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

2. Upon hearing both the sides, it appears that, presently the issue of grant of provisional pension can be solved in view of para no.3 of the communication sent by the Accountant General to the Executive Engineer at Annexure A-1 (page 14). The responsible Officer Shri B. M. Patil, Jr. Clerk present in the Tribunal and he submits that, for that purpose an application would be required. The applicant is therefore, directed to approach the concerned office and file his application and thereupon the concerned Respondent is directed to take immediate steps for grant of provisional pension subject to the decision in the present application regarding recovery, if any.

-2- ORIGINAL APPLICATION NO.698/2016

3. S.O. to 21.8.2017 for compliance from both sides and for filing reply

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

VICE CHAIRMAN.

ORAL ORDERS 31.07.2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**T.A. 02/2012 (W.P.NO. 9902/2011)
(Smt. Radha N. Choure Vs. The State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 31.07. 2017.

ORAL ORDER:

1. Shri Aniruddha L. Tikle – learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar – learned Presenting Officer for the respondents, present.

2. Since nobody appeared on behalf of the applicant, this case be kept before the next Division Bench as and when it is available.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 31.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 704 OF 2012
(Shri Pradeep D. Akadkar & Ors. Vs. The State of Maha.
and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 31.07. 2017.

ORAL ORDER:

1. Shri Sudhir Patil – learned Advocate for the applicants has filed leave note. Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents, present.
2. In view of leave note filed by the learned Advocate for the applicant, this case be kept before the next Division Bench, as and when it is available.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 31.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 295 OF 2012
(Dr. Arvind N. Bagate & Ors. Vs. The State of Maha. and
Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 31.07. 2017.

ORAL ORDER:

1. Shri Milind Patil – learned Advocate for the applicants has filed leave note. Shri S.K. Shirse – learned Presenting Officer for the respondents, present.
2. In view of leave note filed by the learned Advocate for the applicant, this case be kept before the next Division Bench, as and when it is available.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 31.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**RCS 32/1989 (T.A.NO. 194/1993)
(Shri Vishwanath V. Bejgamwar Vs. The State of Maha.
and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 31.07. 2017.

ORAL ORDER:

1. Heard Shri Kakasaheb 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 2nd August, 2017, to enable him to file notes of written arguments.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 31.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 636 OF 2015
(Dr. Mukarram Ahmed Khan S/o. Gulak Gauskhan Vs. The
State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 31.07. 2017.

ORAL ORDER:

1. Heard Ms. Bhavna Panpatil, learned Advocate holding for Shri S.B. Talekar – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant sought leave of this Tribunal to amend the present Original Application.
3. Leave to amend the Original Application is granted.
4. Learned Advocate for the applicant undertakes to carry out the necessary amendment in the Original Application by tomorrow. Learned Advocate for the applicant shall serve the amended copy of the O.A. on the respondents, in advance.
5. S.O. to 4th August, 2017 for further hearing.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 31.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 67 OF 2016
(Shri Jagdishkumar N. Shirsath Vs. The State of Maha.
and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 31.07. 2017.

ORAL ORDER:

1. Shri Sudhir Patil – learned Advocate for the applicant has filed leave note. Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, this case be kept before the next Division Bench, as and when it is available.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 31.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 368 OF 2016
(Shri Ganesh S. Bawiskar Vs. The State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 31.07. 2017.

ORAL ORDER:

1. Shri Sudhir Patil – learned Advocate for the applicant has filed leave note. Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents, present.
2. In view of leave note filed by the learned Advocate for the applicant, this case be kept before the next Division Bench, as and when it is available.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 31.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 369 OF 2016
(Shri Sudhir Shivaji Ishi Vs. The State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 31.07. 2017.

ORAL ORDER:

1. Shri Sudhir Patil – learned Advocate for the applicant has filed leave note. Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, this case be kept before the next Division Bench, as and when it is available.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 31.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 490 OF 2016
(Shri Shantilal D. Dusane Vs. The State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 31.07. 2017.

ORAL ORDER:

1. Shri Sudhir Patil – learned Advocate for the applicant has filed leave note. Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, this case be kept before the next Division Bench, as and when it is available.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 31.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 1179 OF 2009
(Dr. Dilip B. Mote & Anr. Vs. The State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 31.07. 2017.

ORAL ORDER:

1. Heard Shri Shamsundar Patil – learned Advocate for the applicants and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants has stated that the applicants are seeking very limited relief that their representations dated 15.07.2009 (Exh. 'A-12' page-71 of p.b. of O.A.) and 31.07.2009 (Exh. 'A-13' page-72 of p.b. of O.A.), may be decided by the respondents expeditiously. He has further stated that this Tribunal has directed the respondents by an order dated 15.02.2017, passed in **O.A. No. 753/2016 [Dr. Mangesh M. Ghodke & Ors. Vs. State of Mah. & Ors.]**, to decide the representation of the similarly situated persons.

3. Without getting into the issues of the merit, as well as, limitation, this Tribunal gives direction to the respondents to decide the representations filed by the applicants mentioned above expeditiously and preferably within a period of six months from the date of this order.

4. With the above observations and directions, the present Original Application stands disposed of with no order as to costs.

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O.A. NO. 1179 OF 2009

5. Learned Presenting Officer is directed to intimate the above to the concerned.
6. Steno copy is allowed to the learned Presenting Officer.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 31.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 381 OF 2013
(Shri Uttam R. Kshirsagar Vs. The State of Maha. and
Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 31.07. 2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.
2. The following observations are made: -
 - (i) The applicant is relying on the Government Resolution dated 25th May, 1970. The date of the said G.R. is handwritten.
 - (ii) Whether the G.R. is authenticated and was actually issued by the Irrigation Department has to be verified.
3. The Secretary of the Irrigation Department should file affidavit vouching for the veracity of the aforesaid Government Resolution. The circumstances in which the date of the Government Resolution was written in hand should also be explained.
4. The respondents should also verify whether the office order dated 7th August, 1976 (page-80 of p.b. of the O.A.), wherein the name of the applicant appears at Sr. No. 43 and he appears to have been granted the pay scale of Rs. **115 – 215** was issued following the extant Government order. Affidavit should be filed by the Secretary/Chief Engineer of the department.

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O.A. NO. 381 OF 2013

5. Learned Presenting Officer states that this affidavit will be filed within a period of four weeks.
6. S.O. to 15th September, 2017.
7. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 31.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**T.A. 03/2012 (W.P.NO. 5153/2012)
(Smt. Alankawati D. Bhosale Vs. The State of Maha. and
Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 31.07. 2017.

ORAL ORDER:

1. Shri S.R. Bagal – learned Advocate for the applicant (**absent**). Shri N.U. Yadav – learned Presenting Officer for the respondents, present.
2. Since nobody appeared on behalf of the applicant, this case be kept for further hearing on 4th August, 2017.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 31.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 778 OF 2015
(Syed Muzafarrudin Khan Vs. The State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 31.07. 2017.

ORAL ORDER:

1. Heard Shri Avinash S. Deshmukh – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.
2. Learned Presenting Officer states that the notices have not been taken by the applicant for service upon the respondents.
3. Learned Advocate for the applicant states that he will verify it and if the notices have not been served, he prayed that fresh notices be issued and he may be authorized to serve on the respondents.
4. Fresh notices may be issued to the respondents, returnable on 14th September, 2017.
5. Tribunal may take the case/s 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.

O.A. ST. NO. 778 OF 2015

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 14th September, 2017.
10. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 31.07.2017-HDD

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

1. MA.St.1044/17 In CP st.1045/17 In OA.69/16
2. MA. 393/16 In CP st.1798/17 In OA.122/15
3. MA.73/17 In CP st.227/17 In OA.74/15
4. MA.74/17 In CP st.229/17 In OA.78/15
5. MA.224/17 In CP st.839/17 In OA.440/16
6. MA.275/17 In CP st.932/17 In OA.138/16
7. MA.317/16 In CP st.1491/16 In OA.554/13
8. MA.330/15 In CP st.1146/15 In OA.511/13
9. MA.331/15 In CP st.1148/15 In OA.510/13
10. MA.332/15 In CP st.1144/15 In OA.516/13
11. MA.234/15 In CP st.923/15 In OA.515/13
12. MA.235/15 In CP st.925/15 In OA.517/13
13. MA.531/15 In CP st.1913 (A)/ In OA.519/13
14. MA.532/15 In CP st.1915 (A)/ In OA.518/13
15. MA.277/17 In CP st.994/17 In OA.399/16
16. MA.145/17 In CP st.476/17 In OA.126/14
17. MA.146/17 In CP st.478/17 In OA.175/14
18. CP 03/16 In OA.239/15
19. MA.95/17 In CP st.240/17 In OA.716/15
20. CP 01/17 In OA.487/14

**(Dr. Balaji G. Manoorkar & Ors. Vs. The State of
Maharashtra & Ors.)**

CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 31-07-2017

ORAL ORDER:

1. Heard.
2. Above contempt petitions were taken up for hearing.

Learned P.O. is directed as follows:

- (a) He shall study and identify the officer who is under obligation to comply with the order, and it is alleged that he has failed to comply/implement the order.

- (b) Contact concerned officer/officers and call them for a meeting, and find out the response.
- (c) In case, concerned officer is not responding or intervention of higher office is required, shall speak to the Secretary of the department.
- (d) After discussion with the Contemnor, he shall find out as to whether any permission, approval etc. from higher officer or other department is necessary.
- (e) In case order passed in O.A. it is not challenged, and it has attained finality, and there is no option than to comply with the order, shall impress upon the Secretary of the department that decision needed for compliance is to be taken and compliance be got done from the officer concerned.
- (f) If compliance of the order is done, shall ensure by drawing the attention of the concerned officer that the office who is contemnor should appropriate apology on next date.
- (g) If compliance is not done, shall secure the reasons for failure in compliance and cause filing of affidavit

incorporating explanation and reasons towards failure in compliance.

- (h) Shall apprise the officer concerned that while giving reasons, the officer should take care that vague grounds and reasons such as “administrative reason or reasons beyond control” should not be stated. Actual facts such as inaction/lack of advertence actual events resulting or causing delay, be stated.
 - (i) In case, order passed in O.A., is to be challenged before higher forum, the Secretary should be asked to file his own affidavit stating the reasons for failure to comply with the order passed in O.A., and also stating the factual aspect and decision, if it is decided to challenge order passed by this Tribunal and also to state as to what steps he has already taken to challenge the order, and state the time frame within which, filing, circulation, hearing etc. of W.P./S.L.P. etc. shall be done.
3. For reporting compliance/hearing, present contempt case is adjourned to 16-09-2017.

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4. Steno copy and hamdust is allowed to the learned CPO to enable him to communicate this order to the Secretary of Department concerned and even to the Secretary, Law & Judiciary Department.

CHAIRMAN

YUK ORAL ORDER 31-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

1. MA.27/17 In CP st.36/17 In OA.593/15
2. MA.31/17 In CP st.77/17 In OA.500/14
3. MA.116/17 In CP st.362/17 In OA.711/16
4. MA.236/17 In CP st.869/17 In OA.456/16
5. MA.356/16 In CP st.1518/16 In OA.396/98
6. MA.292/17 In CP st.999/17 In OA.856/16

(Sandu U. Gawali & Ors. Vs.
The State of Maharashtra & Ors.)

CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 31-07-2017

ORAL ORDER:

1. Heard.
2. Above contempt petitions were taken up for hearing.
Learned P.O. is directed as follows:
 - (a) He shall study and identify the officer who is under obligation to comply with the order, and it is alleged that he has failed to comply/implement the order.
 - (b) Contact concerned officer/officers and call them for a meeting, and find out the response.
 - (c) In case, concerned officer is not responding or intervention of higher office is required, shall speak to the Secretary of the department.

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- (d) After discussion with the Contemnor, he shall find out as to whether any permission, approval etc. from higher officer or other department is necessary.
- (e) In case order passed in O.A. it is not challenged, and it has attained finality, and there is no option than to comply with the order, shall impress upon the Secretary of the department that decision needed for compliance is to be taken and compliance be got done from the officer concerned.
- (f) If compliance of the order is done, shall ensure by drawing the attention of the concerned officer that the office who is contemnor should appropriate apology on next date.
- (g) If compliance is not done, shall secure the reasons for failure in compliance and cause filing of affidavit incorporating explanation and reasons towards failure in compliance.
- (h) Shall apprise the officer concerned that while giving reasons, the officer should take care that vague grounds and reasons such as “administrative reason or reasons beyond control” should not be stated. Actual facts such

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as inaction/lack of advertence actual events resulting or causing delay, be stated.

- (i) In case, order passed in O.A., is to be challenged before higher forum, the Secretary should be asked to file his own affidavit stating the reasons for failure to comply with the order passed in O.A., and also stating the factual aspect and decision, if it is decided to challenge order passed by this Tribunal and also to state as to what steps he has already taken to challenge the order, and state the time frame within which, filing, circulation, hearing etc. of W.P./S.L.P. etc. shall be done.

3. For reporting compliance/hearing, present contempt case is adjourned to 03-10-2017.

4. Steno copy and hamdust is allowed to the learned CPO to enable him to communicate this order to the Secretary of Department concerned and even to the Secretary, Law & Judiciary Department.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**MA.506/15 In CP st.830/15 In OA.695/15
(O.A. 454/2014 A'BAD BENCH)
(Anand D. Jadhav Vs. The State of Maharashtra & Ors.)**

CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 31-07-2017

ORAL ORDER:

1. Heard.
2. Above contempt petitions were taken up for hearing.
Learned P.O. is directed as follows:
 - (a) He shall study and identify the officer who is under obligation to comply with the order, and it is alleged that he has failed to comply/implement the order.
 - (b) Contact concerned officer/officers and call them for a meeting, and find out the response.
 - (c) In case, concerned officer is not responding or intervention of higher office is required, shall speak to the Secretary of the department.
 - (d) After discussion with the Contemnor, he shall find out as to whether any permission, approval etc. from higher officer or other department is necessary.

- (e) In case order passed in O.A. it is not challenged, and it has attained finality, and there is no option than to comply with the order, shall impress upon the Secretary of the department that decision needed for compliance is to be taken and compliance be got done from the officer concerned.
- (f) If compliance of the order is done, shall ensure by drawing the attention of the concerned officer that the office who is contemnor should appropriate apology on next date.
- (g) If compliance is not done, shall secure the reasons for failure in compliance and cause filing of affidavit incorporating explanation and reasons towards failure in compliance.
- (h) Shall apprise the officer concerned that while giving reasons, the officer should take care that vague grounds and reasons such as “administrative reason or reasons beyond control” should not be stated. Actual facts such as inaction/lack of advertence actual events resulting or causing delay, be stated.

(i) In case, order passed in O.A., is to be challenged before higher forum, the Secretary should be asked to file his own affidavit stating the reasons for failure to comply with the order passed in O.A., and also stating the factual aspect and decision, if it is decided to challenge order passed by this Tribunal and also to state as to what steps he has already taken to challenge the order, and state the time frame within which, filing, circulation, hearing etc. of W.P./S.L.P. etc. shall be done.

3. For reporting compliance/hearing, present contempt case is adjourned to 03-10-2017.

4. Steno copy and hamdust is allowed to the learned CPO to enable him to communicate this order to the Secretary of Department concerned and even to the Secretary, Law & Judiciary Department.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

1. **MA.386/16 In CP st.1771/16 In OA.614/15**
2. **MA.201/16 In CP st.765/16 In OA.918/10**
3. **MA.291/17 In CP st.976/17 In OA.325/12**
4. **MA.235/17 In CP st.865/17 In OA.497/15**

**(Bhanudas Waghmare & Ors. Vs.
The State of Maharashtra & Ors.)**

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN
DATE : 31-07-2017**

ORAL ORDER:

1. Heard.
2. Above contempt petitions were taken up for hearing.
Learned P.O. is directed as follows:
 - (a) He shall study and identify the officer who is under obligation to comply with the order, and it is alleged that he has failed to comply/implement the order.
 - (b) Contact concerned officer/officers and call them for a meeting, and find out the response.
 - (c) In case, concerned officer is not responding or intervention of higher office is required, shall speak to the Secretary of the department.
 - (d) After discussion with the Contemnor, he shall find out as to whether any permission, approval etc. from higher officer or other department is necessary.

- (e) In case order passed in O.A. it is not challenged, and it has attained finality, and there is no option than to comply with the order, shall impress upon the Secretary of the department that decision needed for compliance is to be taken and compliance be got done from the officer concerned.
- (f) If compliance of the order is done, shall ensure by drawing the attention of the concerned officer that the office who is contemnor should appropriate apology on next date.
- (g) If compliance is not done, shall secure the reasons for failure in compliance and cause filing of affidavit incorporating explanation and reasons towards failure in compliance.
- (h) Shall apprise the officer concerned that while giving reasons, the officer should take care that vague grounds and reasons such as “administrative reason or reasons beyond control” should not be stated. Actual facts such as inaction/lack of advertence actual events resulting or causing delay, be stated.

(i) In case, order passed in O.A., is to be challenged before higher forum, the Secretary should be asked to file his own affidavit stating the reasons for failure to comply with the order passed in O.A., and also stating the factual aspect and decision, if it is decided to challenge order passed by this Tribunal and also to state as to what steps he has already taken to challenge the order, and state the time frame within which, filing, circulation, hearing etc. of W.P./S.L.P. etc. shall be done.

3. For reporting compliance/hearing, present contempt case is adjourned to 18-08-2017.

4. Steno copy and hamdust is allowed to the learned CPO to enable him to communicate this order to the Secretary of Department concerned and even to the Secretary, Law & Judiciary Department.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

1. **MA.St.871/17 In CP st.872/17 In OA.835/15**
2. **MA.243/15 In CP st.921/15 In OA 619/03**
3. **MA. 402/15 In CP st.1406/15 In OA.236/14**
4. **MA 394/16 In CP st.1810/16 In OA.162/14**
5. **MA 481/15 In CP st.1738/15 In OA.436/12**
6. **MA 280/17 In CP st.898/17 In OA.814/15**

**(Ramdas T. Patil & Ors. Vs. The State of Maharashtra &
Ors.)**

CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 31-07-2017

ORAL ORDER:

1. Heard.
2. Above contempt petitions were taken up for hearing.

Learned P.O. is directed as follows:

- (a) He shall study and identify the officer who is under obligation to comply with the order, and it is alleged that he has failed to comply/implement the order.
- (b) Contact concerned officer/officers and call them for a meeting, and find out the response.
- (c) In case, concerned officer is not responding or intervention of higher office is required, shall speak to the Secretary of the department.
- (d) After discussion with the Contemnor, he shall find out as to whether any permission, approval etc. from higher officer or other department is necessary.

- (e) In case order passed in O.A. it is not challenged, and it has attained finality, and there is no option than to comply with the order, shall impress upon the Secretary of the department that decision needed for compliance is to be taken and compliance be got done from the officer concerned.
- (f) If compliance of the order is done, shall ensure by drawing the attention of the concerned officer that the office who is contemnor should appropriate apology on next date.
- (g) If compliance is not done, shall secure the reasons for failure in compliance and cause filing of affidavit incorporating explanation and reasons towards failure in compliance.
- (h) Shall apprise the officer concerned that while giving reasons, the officer should take care that vague grounds and reasons such as “administrative reason or reasons beyond control” should not be stated. Actual facts such as inaction/lack of advertence actual events resulting or causing delay, be stated.

(i) In case, order passed in O.A., is to be challenged before higher forum, the Secretary should be asked to file his own affidavit stating the reasons for failure to comply with the order passed in O.A., and also stating the factual aspect and decision, if it is decided to challenge order passed by this Tribunal and also to state as to what steps he has already taken to challenge the order, and state the time frame within which, filing, circulation, hearing etc. of W.P./S.L.P. etc. shall be done.

3. For reporting compliance/hearing, present contempt case is adjourned to 04-09-2017.

4. Steno copy and hamdust is allowed to the learned CPO to enable him to communicate this order to the Secretary of Department concerned and even to the Secretary, Law & Judiciary Department.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

1. MA.395/16 In CP st.1801/16 In OA.536/11
 2. MA.St. 944/17 In CP st.945/17 In OA.258/99
 3. MA.370/15 In CP st.1129/15 In OA.199/14
 4. MA.204/17 In CP st.608/17 In OA.645/15
 5. MA.159/17 In CP st.448/17 In OA.619/15
 6. MA.216/17 In CP st.801/17 In OA.548/16
- (Digambar B. Jadhav & Ors. Vs. The State of Maharashtra
& Ors.)**

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN
DATE : 31-07-2017**

ORAL ORDER:

1. Heard.
2. Above contempt petitions were taken up for hearing.
Learned P.O. is directed as follows:
 - (a) He shall study and identify the officer who is under obligation to comply with the order, and it is alleged that he has failed to comply/implement the order.
 - (b) Contact concerned officer/officers and call them for a meeting, and find out the response.
 - (c) In case, concerned officer is not responding or intervention of higher office is required, shall speak to the Secretary of the department.
 - (d) After discussion with the Contemnor, he shall find out as to whether any permission, approval etc. from higher officer or other department is necessary.

- (e) In case order passed in O.A. it is not challenged, and it has attained finality, and there is no option than to comply with the order, shall impress upon the Secretary of the department that decision needed for compliance is to be taken and compliance be got done from the officer concerned.
- (f) If compliance of the order is done, shall ensure by drawing the attention of the concerned officer that the office who is contemnor should appropriate apology on next date.
- (g) If compliance is not done, shall secure the reasons for failure in compliance and cause filing of affidavit incorporating explanation and reasons towards failure in compliance.
- (h) Shall apprise the officer concerned that while giving reasons, the officer should take care that vague grounds and reasons such as “administrative reason or reasons beyond control” should not be stated. Actual facts such as inaction/lack of advertence actual events resulting or causing delay, be stated.

(i) In case, order passed in O.A., is to be challenged before higher forum, the Secretary should be asked to file his own affidavit stating the reasons for failure to comply with the order passed in O.A., and also stating the factual aspect and decision, if it is decided to challenge order passed by this Tribunal and also to state as to what steps he has already taken to challenge the order, and state the time frame within which, filing, circulation, hearing etc. of W.P./S.L.P. etc. shall be done.

3. For reporting compliance/hearing, present contempt case is adjourned to 06-09-2017.

4. Steno copy and hamdust is allowed to the learned CPO to enable him to communicate this order to the Secretary of Department concerned and even to the Secretary, Law & Judiciary Department.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

1. CP 15/14 In OA.1128/99
2. CP 04/16 In OA.610/09
3. MA.149/17 In CP st.480/17 In OA.220/16
4. MA.114/17 In CP st.358/17 In OA.254/15
5. MA.117/17 In CP st.257/17 In OA.663/14
6. MA.157/17 In CP st.328/17 In OA.46/15
7. MA.36/16 In CP st.1947/15 In OA.258/13
8. MA.140/17 In CP st.472/17 In OA.63/15
9. MA.326/16 In CP st.1528/16 In OA.568/15
10. MA.163/15 In CP st.623/15 In OA.447/09
11. MA.459/12 In CP st.1521/12 In OA.215/95
12. MA.132/17 In CP st.397/17 In OA.539/16

**(Ravannath R. Landge & Ors. Vs. The State of
Maharashtra & Ors.)**

CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 31-07-2017

ORAL ORDER:

1. Heard.
2. Above contempt petitions were taken up for hearing.
Learned P.O. is directed as follows:
 - (a) He shall study and identify the officer who is under obligation to comply with the order, and it is alleged that he has failed to comply/implement the order.
 - (b) Contact concerned officer/officers and call them for a meeting, and find out the response.
 - (c) In case, concerned officer is not responding or intervention of higher office is required, shall speak to the Secretary of the department.

- (d) After discussion with the Contemnor, he shall find out as to whether any permission, approval etc. from higher officer or other department is necessary.
- (e) In case order passed in O.A. it is not challenged, and it has attained finality, and there is no option than to comply with the order, shall impress upon the Secretary of the department that decision needed for compliance is to be taken and compliance be got done from the officer concerned.
- (f) If compliance of the order is done, shall ensure by drawing the attention of the concerned officer that the office who is contemnor should appropriate apology on next date.
- (g) If compliance is not done, shall secure the reasons for failure in compliance and cause filing of affidavit incorporating explanation and reasons towards failure in compliance.
- (h) Shall apprise the officer concerned that while giving reasons, the officer should take care that vague grounds and reasons such as “administrative reason or reasons

beyond control” should not be stated. Actual facts such as inaction/lack of advertence actual events resulting or causing delay, be stated.

- (i) In case, order passed in O.A., is to be challenged before higher forum, the Secretary should be asked to file his own affidavit stating the reasons for failure to comply with the order passed in O.A., and also stating the factual aspect and decision, if it is decided to challenge order passed by this Tribunal and also to state as to what steps he has already taken to challenge the order, and state the time frame within which, filing, circulation, hearing etc. of W.P./S.L.P. etc. shall be done.

3. For reporting compliance/hearing, present contempt case is adjourned to 18-08-2017.

4. Steno copy and hamdust is allowed to the learned CPO to enable him to communicate this order to the Secretary of Department concerned and even to the Secretary, Law & Judiciary Department.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

1. MA.265/17 In CP st.938/17 In OA.194/15
2. MA.543/15 In CP st.1721/15 In OA.717/98
3. MA.544/15 In CP st.1723/15 In OA.522/2000
4. MA.545/15 In CP st.1727/15 In OA.718/98
5. MA.546/15 In CP st.1731/15 In OA.1203/99
6. MA.547/15 In CP st.1725/15 In OA.492/2002
7. MA.548/15 In CP st.1719/15 In OA.493/02
8. MA.549/15 In CP st.1729/15 In OA.525/02
9. MA.ST. 1328/15 In CP st.1329/15 In OA.705/96
10. MA.ST. 1330/15 In CP st.1331/15 In OA.682/96
11. MA.ST. 1332/15 In CP st.1333/15 In OA.718/96
12. MA.284/17 In CP st.1011/17 In OA.846/11
13. MA.285/17 In CP st.1013/17 In OA.843/11
14. MA.286/17 In CP st.1015/17 In OA.842/11
15. MA.287/17 In CP st.1017/17 In OA.278/12
16. MA.288/17 In CP st.1019/17 In OA.634/11
17. MA.289/17 In CP st.1021/17 In OA.277/12

(Mangesh M. Malve & Ors. Vs. The State of Maharashtra & Ors.)

CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 31-07-2017

ORAL ORDER:

1. Heard.
2. Above contempt petitions were taken up for hearing.

Learned P.O. is directed as follows:

- (a) He shall study and identify the officer who is under obligation to comply with the order, and it is alleged that he has failed to comply/implement the order.
- (b) Contact concerned officer/officers and call them for a meeting, and find out the response.
- (c) In case, concerned officer is not responding or intervention of higher office is required, shall speak to the Secretary of the department.
- (d) After discussion with the Contemnor, he shall find out as to whether any permission, approval etc. from higher officer or other department is necessary.
- (e) In case order passed in O.A. it is not challenged, and it has attained finality, and there is no option than to comply with the order, shall impress upon the Secretary of the department that decision needed for compliance is to be taken and compliance be got done from the officer concerned.
- (f) If compliance of the order is done, shall ensure by drawing the attention of the concerned officer that the

office who is contemnor should appropriate apology on next date.

- (g) If compliance is not done, shall secure the reasons for failure in compliance and cause filing of affidavit incorporating explanation and reasons towards failure in compliance.
- (h) Shall apprise the officer concerned that while giving reasons, the officer should take care that vague grounds and reasons such as “administrative reason or reasons beyond control” should not be stated. Actual facts such as inaction/lack of advertence actual events resulting or causing delay, be stated.
- (i) In case, order passed in O.A., is to be challenged before higher forum, the Secretary should be asked to file his own affidavit stating the reasons for failure to comply with the order passed in O.A., and also stating the factual aspect and decision, if it is decided to challenge order passed by this Tribunal and also to state as to what steps he has already taken to challenge the order, and state the time frame within which, filing,

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circulation, hearing etc. of W.P./S.L.P. etc. shall be done.

3. For reporting compliance/hearing, present contempt case is adjourned to 06-09-2017.

4. Steno copy and hamdust is allowed to the learned CPO to enable him to communicate this order to the Secretary of Department concerned and even to the Secretary, Law & Judiciary Department.

YUK ORAL ORDER 31-07-2017

CHAIRMAN

