

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

**O.A. NO. 897/2017
(Shri Avinash V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

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

2. The learned Advocate for the applicant submits
that, he will have to go through various authorities to
find out as to whether a candidate belonging to
reserved category can claim parallel reservation in
the Open category. At his request, S.O. to
11.12.2017 for satisfying the above query.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017

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

**O.A. NO. 898/2017
(Shri Amol V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

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

2. The learned Advocate for the applicant submits that, he will have to go through various authorities to find out as to whether a candidate belonging to reserved category can claim parallel reservation in the Open category. At his request, S.O. to 11.12.2017 for satisfying the above query.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017

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

**O.A. NO. 81/2013
(Shri Anand V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

Heard Ms. Bhavna Panpatil, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 3.1.2018 for filing rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017

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

**O.A. NO. 689/2015
(Shri (Dr.) Shrikant V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

Heard Ms. Bhavna Panpatil, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 4 and Shri V.B. Wagh, learned Advocate for respondent no. 6. None appears for respondent no. 5.

2. The learned Advocate for the applicant seeks time to make a statement as was directed by the order dtd. 1.11.2017. At her request S.O. to 8.1.2018 for making a statement by the learned Advocate for the applicant as was directed by order dtd. 1.11.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017

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

**O.A. NO. 567/2016 WITH MA 39/2017
(Shri Vijay V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 1 & 2, Shri V.B. Wagh, learned Advocate for respondent no. 3 and Shri V.G. Pingle, learned Advocate for respondent nos. 4, 5 & 8. None appears for respondent nos. 6 and 7.

2. The learned P.O. files on record copy of the communication dtd. 2.11.2017 issued by the General Administration Department to all the Departments to the effect that, in view of pendency of the issue of reservation in promotion, the same should be kept in abeyance for a certain period for the reasons mentioned in the said communication. It is taken on record and marked as a document 'X' for the purpose of identification.

3. The learned Advocate for the applicant submits that, in fact, the very reason for issuing the above

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O.A. NO. 567/2016
WITH MA 39/2017

communication has come to an end due the directions issued by the Hon'ble Supreme Court of India. He, therefore, seeks time to file on record the copies of the necessary documents in this regard. At his request, S.O. to 13.12.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017

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

**O.A. NO. 595/2016
(Shri Dhanraj V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

Heard Bharat R. Warma, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 to 4 and Shri A.S. Deshmukh, learned Advocate for respondent no. 5.

2. Subject to objection of maintainability of the present O.A. as is raised by the learned Advocate for the res. no. 5, it appears that arguable case is made out. Hence the present O.A. is admitted.

3. The matter be placed before the D.B. for final hearing as and when it is available.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017

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

**O.A. NO. 874/2016
(Shri Shrikant V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

Heard Smt. Trupti Mahajan, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Upon hearing both the sides, it appears that, merely added res. no. 5 – the M.P.S.C. – has to take a decision regarding the proposal. In the circumstances, the added res. no. 5 – the M.P.S.C. – is directed to take a decision in the matter and file the report of the same in this Tribunal on or before 21.12.2017. Considering the fact that the present applicant is already retired from the service and only provisional pension is being paid to him, the added res. no. 5 – the M.P.S.C. – to take in to consideration this fact and take a decision in this regard immediately by the next date.

3. Steno copy allowed for the use of learned P.O.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017

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

**O.A. NO. 105/2017
(Shri Nagesh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

Heard Shri G.K. Kshirsagar, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 to 3 and Shri S.G. Kawade, learned Advocate for respondent nos. 4, 5 & 10. None appears for remaining respondents.

2. Read the orders dated 29.9.2017 & 31.10.2017. Both the sides seek time to make submissions on the line of earlier orders. At their request, S.O. to 8.1.2018, for making submissions on the line of earlier orders.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017

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

**O.A. NO. 220/2017
(Smt. Archana V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

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

2. It appears that, arguable case is made out. Hence Admit.

3. Matter be placed before the Division Bench as and when it is available.

4. The interim relief of keeping the post vacant shall be continued for a period of 6 months from the date of this order. Liberty is granted to the learned Advocate for the applicant to move for revival of interim relief upon expiry of 6 months.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017

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

**O.A. NO. 327/2017
(Shri Ajay V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

Heard Shri S.P. Dhoble, learned Advocate holding for Shri S.R. Dheple, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 & 2 and Ms. Bhavna Panpatil, learned Advocate holding for Shri S.B. Talekar, learned Advocate for respondent nos. 3 & 4.

2. The learned Advocate for the applicant seeks time for filing rejoinder. At his request, S.O. to 2.1.2018. The interim relief granted earlier to continue till then.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017

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

**O.A. NO. 517/2017
(Shri Anup V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

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

2. The learned P.O., on instructions, submits that the applicant has raised objection after revision of the answer key reference of which is made in the order dtd. 10.11.2017. In view of absence of learned Advocate for the applicant, S.O. to 14.12.2017 as a last chance for appearance. The interim relief to continue till then.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017

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

**O.A. NO. 544/2017
(Shri Vyankati V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

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

2. The learned Advocate for the applicant submits that the memorandum of charges for initiation of the D.E. against the present applicant was served upon the applicant on 6.9.2016, while he was superannuated on 31.8.2016. He, therefore, submits that, in view of rule 27 (6) (a) of the M.C.S. (Pension) Rules, 1982, the D.E. cannot be initiated against a retired Government servant for the alleged incidents, which occurred 4 years prior to the initiation of the enquiry. As per the memorandum of charges all the alleged incidents have occurred within the period of 2008-09 and, as such, initiation of D.E. itself is vitiated.

3. The learned P.O., however, on the strength of ratio laid down by Hon'ble Supreme Court in the case **of Delhi Development Authority Vs. H.C. Khurana** reported **at AIR 1993 SC 1488**, (para 5 of affidavit in reply of res. no. 1 page 77) submits that the present issue is already settled by the Hon'ble Supreme Court. On the strength of said judgment, he further

submits that the date of issuance of memorandum / charge sheet is relevant and not the date of service of same on the concerned employee. In the circumstances, the learned P.O. submits that initiation of the D.E. cannot be challenged as the memorandum / charge sheet was issued on the very last day of the applicant in service and, therefore, the applicant cannot be called as a retired employee. Hence, according to him, rule 27 (6) (a) of Pension Rules is not applicable.

4. In order to have further submissions on the issue, S.O. to 14.12.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017

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

**O.A. NO. 537/2017
(Smt. Parimala V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent nos. 1 to 3 and Shri B.R. Kedar, learned Advocate for respondent no. 4.

2. The learned Advocate for res. no. 4 has filed affidavit in reply. It is taken on record and copy supplied to other side. The learned P.O. seeks time to file affidavit in reply of respective respondents. At his request, S.O. to 3.1.2018 for filing reply.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017

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

**O.A. NO. 557/2017
(Smt. Amrapalee V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

Heard Shri S.P. Dhoble, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 to 3 and Shri B.A. Panchal, learned Advocate for respondent no. 4.

2. The learned P.O. as well as learned Advocate for res. no. 4 file on record affidavit in replies of res. nos. 1 to 3 & res. no. 4 respectively. Both the replies are taken on record and copies thereof are served on other side. In the circumstances, S.O. to 14.12.2017 along with O.A. no. 517/2017. The interim relief to continue till then.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017

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

**O.A. NO. 566/2017
(Shri Rajendra V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

Heard Shri C.A. Shingare, learned Advocate holding for Shri M.R. Khutwad, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to satisfy the query raised by the Tribunal vide order dtd. 31.10.2017. At his request S.O. to 4.1.2018 for satisfying the query.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017

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

**O.A. NO. 582/2017
(Shri Sanjay & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

None appears for the applicants. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.

2. At the request of learned C.P.O., S.O. to 3.1.2018 for filing affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017

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

**MA 446/12 IN CP ST. 1507/12 IN OA 239/98 & OA 11/03
(Shri Pawan landge V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

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

2. At the request of learned Advocate for the
applicant S.O. to 9.1.2018 for filing rejoinder affidavit
of the applicant.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017

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

**O.A. NO. 716/2017
(Shri (Dr.) Mohd. Sajid Irfan V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

Heard Shri J.M. Murkute, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Read the affidavit in reply of res. no. 2. Upon going through the same, it appears that the res. no. 2 is not empowered to make inter-district transfer and, therefore, the proposal is sent to the Under Secretary, Public Health Department. In the circumstances, since no posting is given to the present applicant, res. no. 1 the Secretary, Public Health Department and the Deputy Secretary of Public Health Department are hereby directed to take a decision on the proposal sent by res. no. 2 at the earliest and in any case before 19.12.2017 and file compliance report in that regard on the next date. In the circumstances, S.O. to 19.12.2017 for reporting compliance from the side of respondents.

3. Steno copy allowed for the use of learned P.O. for the respondents.

VICE CHAIRMAN

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

**M.A. No. 118/2017 in O.A. St. No. 346/2017
(Shri Udhav Vs. The State of Maharashtra and Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.
**(This matter is placed before the
Single Bench due to non-availability of
Division Bench.)**

DATE : 05.12.2017.

ORAL ORDER:

Shri Jeevan R. Patil, learned Advocate for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Shamsundar B. Patil, learned Advocate for respondent Nos. 4, 5 and 6, present.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1 to 3. Time granted.

3. At her request, S.O. to 12.01.2018.

VICE CHAIRMAN

ORAL ORDERS 05.12.2017-kpb

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

M.A. No. 380/2017 in C.P. St. 1300/17 in O.A. 207/2015
(Smt. Balika Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.
(This matter is placed before the
Single Bench due to non-availability of
Division Bench.)

DATE : 05.12.2017.

ORAL ORDER:

Heard Shri Swapnil Tawshikar, learned Advocate holding for Shri Shaikh Mazhar A. Jahagirdar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 10.01.2018.

VICE CHAIRMAN

ORAL ORDERS 05.12.2017-kpb

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

M.A. No. 396/2017 in C.P. St. No. 1434/2017 in O.A. No. 522/2014
(Shri Bhima & Ors. Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.
(This matter is placed before the
Single Bench due to non-availability of
Division Bench.)

DATE : 05.12.2017.

ORAL ORDER:

Heard Shri L.H. Kawale, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. In view of the earlier order dated 27.11.2017, the learned Advocate for the applicant submits that the benefit of revised honorarium was granted for the period of three months only as can be seen from Annexure A-10, page no. 48 of the paper book.

3. On the last date i.e. on 27.11.2017, Shri N.U. Yadav, learned Presenting Officer has submitted that the benefit of Notification is already granted to the applicant.

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M.A. 396/2017 in
C.P. St. 1434/2017
in O.A. No. 522/2014

4. The respondents are therefore, directed to pay arrears, if any, failing which, this Tribunal would be constrained to initiate Contempt Proceedings by granting permission in the present M.A.

5. With this direction, S.O. to 10.1.2018.

6. Both sides shall act upon steno copy.

VICE CHAIRMAN

ORAL ORDERS 05.12.2017-kpb

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

M.A. No.469/2017 in M.A. No. 269/2017 in O.A. St. No. 950/2017
(Dr. Prasad & Ors. Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.
(This matter is placed before the
Single Bench due to non-availability of
Division Bench.)

DATE : 05.12.2017.

ORAL ORDER:

Heard Shri V.L. Dhoble, learned Advocate for the applicants, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri A.S. Deshmukh, learned Advocate for respondent Nos. 4 to 6.

2. Reading of the order dated 11.10.2017 passed in M.A. No.269/17 in O.A. St. 950/17 would show that the Hon'ble Chairman had earlier raised some queries. On 7.11.2017, none was present for the applicant and therefore, M.A. and O.A. came be dismissed in default. The queries thus remained unanswered.

3. Now, by the present Misc. Application, the restoration of the said M.A. No. 269/2017 in O.A. St. No. 950/2017 is sought.

4. In these circumstances, it would be proper that the present case be placed before the Hon'ble Chairman on 8.12.2017.

VICE CHAIRMAN

ORAL ORDERS 05.12.2017-kpb

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

O.A. Nos. 211 to 217 all of 2017
(Smt. Arundhati & Ors. Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.
(This matter is placed before the
Single Bench due to non-availability of
Division Bench.)

DATE : 05.12.2017.

ORAL ORDER:

Shri G.G. Suryawanshi, learned Advocate
for the applicants in all these matters (**Absent**).

Heard Shri N.U. Yadav, learned Presenting
Officer for the respondents in all these matters.

2. It appears that, decision on merit at the
hands of Division Bench is required in the
present matters.

3. In the circumstances, the present matters
are removed from the board for time being and it
be placed before the Division Bench, whenever it
is available.

VICE CHAIRMAN

ORAL ORDERS 05.12.2017-kpb

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

ORIGINAL APPLICATION NO. 37 OF 2017
(Shri Balasaheb Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.
(This matter is placed before the
Single Bench due to non-availability of
Division Bench.)

DATE : 05.12.2017.

ORAL ORDER:

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

2. Learned Presenting Officer submits that during the course of the reply to the show cause notice would be filed.

3. S.O. to 14.12.2017 for passing necessary order.

VICE CHAIRMAN

ORAL ORDERS 05.12.2017-kpb

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

M.A. No. 27/2016 in O.A. No. 575/2017
(Shri Mahadu Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 05.12.2017.

ORAL ORDER:

Heard Shri S.K. Mathpati, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant. He seeks time to file affidavit in reply on behalf of other respondents. Time granted.

3. At his request, S.O. to 16.01.2018.

VICE CHAIRMAN

ORAL ORDERS 05.12.2017-kpb

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

M.A. No. 18/2016 in O.A. St. No. 1364/2015
(Shri Balaji Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 05.12.2017.

ORAL ORDER:

Heard Shri R.P. Bhumkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. This is an application filed by the applicant for condonation of delay in filing the accompanying O.A. St. No. 1364/2015. For the reasons stated in the application, the delay of 117 days for filing the accompanying O.A. is hereby condoned. The M.A. stands disposed of without any order as to costs. Officer to register the O.A. after due scrutiny.

VICE CHAIRMAN

ORAL ORDERS 05.12.2017-kpb

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

**O.A. St. No. 1364/2015
(Shri Balaji Vs. The State of Maharashtra and Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 05.12.2017.

ORAL ORDER:

Heard Shri R.P. Bhumkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 23.01.2018.

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 acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

7. S.O. to 23.01.2018.

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

VICE CHAIRMAN

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO. 514 OF 2015
(Dr. Balaji Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 05.12.2017.

ORAL ORDER:

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

2. Learned Advocate for the applicant submits that he will make certain submissions as regards order dated 3.10.2017 on the next date, which came to be passed, when he was absent. He submits that the certain orders are already passed by this Tribunal which were challenged before the Hon'ble High Court and the order of this Tribunal came to be confirmed.

3. To make further submissions, at the request of learned Advocate for the applicant, S.O. to 15.01.2018.

VICE CHAIRMAN

ORAL ORDERS 05.12.2017-kpb

FARAD CONTINUATION SHEET

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 290 OF 2017
(Shri Sanjay Vs. The State of Maharashtra and Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 05.12.2017.

ORAL ORDER:

Shri R.J. Godbole, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. S.O. to 10.01.2018. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 05.12.2017-kpb

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO. 158 OF 2017
(Dr. Surekha Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

DATE : 05.12.2017.

ORAL ORDER:

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

2. S.O. to 13.12.2017. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 05.12.2017-kpb

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

**O.A.NOS. 519, 520, 523, 524, 545, 547, 548, 549, 550, 551, 552 &
553 ALL OF 2017**

(Shri Jitsing I. Pardeshi & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

Heard S/Shri A.C. Deshpande and Shri A.G. Ambetkar, learned Advocates for the respective applicants in respective O.As. and S/Shri M.S. Mahajan, S.K. Shirse, N.U. Yadav, V.R. Bhumkar, D.R. Patil, I.S. Thorat & Smt. Sanjivani Deshmukh-Ghate, Mrs. Deepali S. Deshpande & Mrs. Priya R. Bharaswadkar, learned Chief Presenting Officer and learned Presenting Officers for the respective respondents in respective O.As. and Smt. Vaishali S. Choudhary, learned Advocate for respondent Nos. 5 & 6 in O.A. No. 523/2017, Shri P.V. Tapse Patil, learned Advocate for respondent No. 5 & 6 in O.A. No. 545 & 547 both of 2017, Shri A.D. Aghav, learned Advocate for respondent Nos. 5 & 6 in O.A. No. 548/2017 and Shri P.R. Nagre, learned Advocate for respondent Nos. 5 & 6 in O.A. No. 551/2017.

2. Learned Presenting Officers have filed affidavit in reply on behalf of respondent No. 2 in all these cases and the same are taken on record

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O.A. Nos. 519/2017 & Group

and the copies thereof have been served on the other side.

3. Learned Advocate Smt. Vaishali S. Choudhary has filed affidavit in reply on behalf of respondent Nos. 5 & 6 in O.A. No. 523/2017 and the same is also taken on record and the copy thereof has been served on the other side.

4. Learned Advocate Shri P.V. Tapse has filed affidavit in reply on behalf of respondent Nos. 5 in O.A. No. 545/2017 and the same is also taken on record and the copy thereof has been served on the other side.

5. At the request and by consent of both the parties, S.O. to 10th January, 2018.

VICE CHAIRMAN

ORAL ORDERS 05.12.2017-HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.896/2017
(Shri Gajanan Shinde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 05.12.2017.

ORAL ORDER :

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

2. Submissions of learned Advocate for the applicant as well as the record reveals that the present applicant was suspended from the service by respondent no.2 Divisional Commissioner vide order dated 23rd November, 2017. Learned Advocate for the applicant submits that appeal against the said decision is made to the Hon'ble Minister, however, as the Hon'ble Minister is busy in legislative proceedings etc., decision on the appeal is yet to be taken.

3. Provisions of S.21(1)(b) of the Administrative Tribunals Act, 1985 are as under:

"21. Limitation.- (1) A Tribunal shall not admit an application,-

(a) ...

(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of

section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.

4. In view of the above provision, it is clear that the present O.A. is premature as appeal is covered by S.20(2)(b) of the Administrative Tribunals Act, 1985. Original Application, is therefore, rejected without any order as to costs.

VICE CHAIRMAN

YUK ORAL ORDER 05-12-2017 VC F

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

**T.A.No.04/2017 IN W.P.No.10375/2016
(Shri Ramesh Sonawane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 05.12.2017.

ORAL ORDER :

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

2. Learned P.O. seeks time to file further affidavit if required than the affidavit in reply filed in the proceedings of Writ Petition before transferring the case to this Tribunal.

3. S.O. to 03-01-2018.

VICE CHAIRMAN

YUK ORAL ORDER 05-12-2017 VC F

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

**M.A.No.483/2017 IN O.A.St.No.1249/2017
(Shri Samadhan Bari V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 05.12.2017.

ORAL ORDER :

Heard Shri Manoj Shinde learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. Issue notice to the respondents in the M.A., returnable on 17-01-2018.

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 the case. 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. S.O. to 17-01-2018.

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

VICE CHAIRMAN

YUK ORAL ORDER 05-12-2017 VC F

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

**O.A.Nos.862/2017, 863/2017, 864/2017, 865/2017, 866/2017,
867/2017, 868/2017, 869/2017, 870/2017, 871/2017, 872/2017,
873/2017, 874/2017, 875/2017, 876/2017, 877/2017, 878/2017,
879/2017, 880/2017, 881/2017 AND 882/2017**

(Shri Tulshidas Patil & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 05.12.2017.

ORAL ORDER :

Heard Shri M.K.Deshpande learned Advocate for the applicants in all the matters and Shri M.S.Mahajan learned Chief Presenting Officer, S/Shri S.K.Shirse, N.U.Yadav, V.R.Bhumkar, D.R.Patil, S/Smt. Priya Bharaswadkar and Deepali Deshpande learned Presenting Officers for the respondents in respective matters.

2. Issue notice to the respondents, returnable on 09-01-2018.

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

4. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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. S.O. to. 09-01-2018.

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

9. These cases be tagged with O.A.No.470/2016.

VICE CHAIRMAN

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO.470/2016
(Shri Tulshidas Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: JUSTICE M.T.JOSHI, V.C.

DATE : 05.12.2017.

ORAL ORDER :

Heard Shri M.K.Deshpande learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officers for the respondents in respective matters.

2. At the request of learned Advocate for the applicant, S.O. to 09-01-2018.

VICE CHAIRMAN

YUK ORAL ORDER 05-12-2017 VC F

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

**O.A. NO. 384/2017
(Shri Ramesh V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : JUSTICE M.T. JOSHI, V.C.

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

DATE : 05.12.2017.

ORAL ORDER :

Heard Shri P.R. Patil, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 & 2. None appears for respondent no. 3, though duly served long back.

2. Shri Jangle Raosaheb Bajirao, Dist. Special Auditor Class-I, Cooperative Societies, Jalgaon is present before the Tribunal. Upon hearing both the sides, it appears that, corrective steps are required to be taken by the concerned respondents in view of rule 13 (b) of The Post Recruitment Training and Examination (for Clerks in the Co-operative Department of Government of Maharashtra) Rules, 1983 (Annex. R.1 page 40).

3. In the circumstances, S.O. to 10.1.2018. The concerned respondent to take into consideration the said rule and take corrective steps in the matter and file report in that regard on the next date. In case for

any rule or law the corrective steps cannot be taken, then short affidavit explaining the reasons therefor be filed on the next date.

4. Steno copy allowed for the use of learned P.O. for the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 05-12-2017