

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

**MA 269/2016 WITH MA NO. 459/2012 IN CP ST. 1521/2012 IN OA
215/1995**

[Shri Dhansing D. Prasad Vs. the State of Mah. & Ors.]
Coram :- Hon'ble Shri Justice M.T. Joshi, Vice Chairman

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

Date :- 7.4.2017

Oral Order :-

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

2. The present misc. application has been filed by the applicant for condonation of 1163 days caused in filing restoration application and also prays for restoration of M.A. No. 459/2012 & C.P. St. 1521/2012, which were dismissed in default by the Tribunal vide its order dated 20.3.2013.

3. It appears from the record that the applicant had filed M.A. no. 459/2012 for permission of this Tribunal to file contempt petition St. No. 1529/2012 against the respondents for non compliance of the order dated 21.12.2000 passed in O.A. no. 215/1995.

4. Perused the application. Considered the contentions.

5. For the reasons stated in the present misc. application no. 269/2016 the same is allowed without any order as to costs and the delay caused in filing the same is condoned and the M.A. no. 459/2012 and C.P. St. 1521/2012 are restored to its original position, subject to payment of costs of Rs. 2,000/- to the Library of M.A.T. Bar Association as condition precedent. The learned Advocate undertakes to deposit the said costs with the M.A.T. Bar Association within a period of one week.

6. The office to issue notice to the respondents about restoration of M.A. no. 459/2012 & C.P. St. 1521/2012 in O.A. no. 215/1995, returnable within 6 weeks from the date of submission of the receipt by the learned Advocate for the applicant of above costs.

VICE CHAIRMAN

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 449 OF 2014

[Dr. Pradeep S. Raut Vs. the State of Mah. & Ors.]

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

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

Date :- 7.4.2017

Oral Order :-

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

2. For the time being the present original application is removed from the board with a direction to the office to place it on board as and when the Division Bench is available.

VICE CHAIRMAN

ARJ ORAL ORDERS 7.4.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 803 OF 2016

[Sayyed Kalim Sayyed Mehboob Vs. the State of Mah. & Ors.]

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

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

Date :- 7.4.2017

Oral Order :-

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

2. The learned Presenting Officer files on record additional affidavit in reply on behalf of res. no. 1. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The learned Advocate for the applicant files on record the copy of the order dated 8.3.2017 passed by this Tribunal in O.A. no. 483/2016, reference to which was made in the order dated 15.3.2017 passed by the Tribunal in the present matter. The learned Presenting Officer seeks time to take instructions regarding the steps those would be undertaken by the respondents in view the order 8.3.2017 passed by this Tribunal in O.A. no. 483/2016. At her request, S.O. to 27.4.2017.

4. The learned Presenting Officer to act upon the Steno copy of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 7.4.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 529 OF 2015

[Shri Gangaram N. Shirsath Vs. the State of Mah. & Ors.]

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

Date :- 7.4.2017

Oral Order :-

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

2. At the request of learned Chief Presenting Officer for the respondents, S.O. to 21.4.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 7.4.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 435/2016
[Shri Pawan Yuvraj Patil Vs. The State of Mah. & Ors.]**

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

DATE : 07.04.2017.

ORAL ORDER:

Heard Shri A.D. Sonar, learned Advocate holding for Shri Vijay B. Patil, learned Advocate for the Applicant, Shri S.K. Shirse, learned Presenting Officer for respondent nos. 1 to 6 and Shri V.M. Vibhute, learned Advocate for respondent no. 7.

2. The learned Advocate for the applicant seeks time to argue the matter. Time granted as a last chance. The applicant shall remain present on the next date without fail, failing which the matter will be decided in their absence.

3. S.O.to 11.04.2017.

MEMBER (J)

ORAL ORDERS 07.04.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 498/2016
[Shri Santosh S. Koli Vs. The State of Mah. & Ors.]**

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

DATE : 07.04.2017.

ORAL ORDER:

Shri S.U. Chaudhari, learned Advocate for the Applicant (**Absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for respondents, present.

2. In transpires from the proceeding that on 12.09.2016, 24.11.2016 and 20.01.2016 none appeared for the applicant and today also none appeared for the applicant.

3. Hence, S.O.to 28.04.2017 for dismissal.

ORAL ORDERS 07.04.2017-KPB(SB)BPP

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

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

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

DATE : 07.04.2017.

ORAL ORDER:

Heard Shri V.B. Wagh, learned Advocate for the Applicant, Shri M.P. Gude, learned Presenting Officer for respondent nos. 1 & 2 and Shri M.R. Kulkarni, learned Advocate holding for Shri Vaibhav Deshmukh, learned Advocate for respondent no. 3.

2. The applicant has challenged the impugned order dated 9.3.2016 passed by the District Health Officer, Zilla Parishad, Jalna rejecting her application for grant of Maternity Leave for the period of 10.09.2015 to 8.3.2016 by filing present Original Application.

3. During the course of the arguments the learned Advocate for the applicant has submitted that the applicant is working as Medical Officer under respondent no. 2 i.e. the Deputy Director of Health Services, Aurangabad and she has been deputed in the office of Zilla Parishad, Jalna. He has submitted that the

respondent no. 2 is the competent authority to take decision as regards grant of Maternity Leave but the respondent no. 2 avoided his responsibility and directed respondent no. 3 to pass order and therefore, impugned order has been passed by the respondent no. 3. He submitted that the order passed by respondent no. 3 is without authority and it requires to be quashed and set aside. He has assailed the impugned order on other grounds also.

4. The learned Presenting Officer for respondent nos. 1 & 2 has frankly admitted the fact that the respondent no. 2 is competent authority to take decision on the application submitted by the applicant and the impugned order dated 9.3.2016 passed by respondent no. 3 is without authority.

5. In view of the above facts and circumstances of the case, as the impugned order passed by respondent no. 3 is without authority and therefore, it requires to be

quashed and set aside. The respondent no. 2 is the competent authority to take decision on the application of the applicant and therefore, it is just and proper to direct the responded no. 2 to take proper decision on the application of the applicant considering the Rules prevailing.

6. In the circumstances, the present O.A. is allowed. The impugned order dated 9.3.2016 is quashed and set aside. The respondent no. 2 is directed to take proper decision on the applicant of the applicant dated 28.12.2015 afresh considering the prevailing Rules within a period of three months from the date of this order.

There shall be no order as to costs.

MEMBER (J)

ORAL ORDERS 07.04.2017-KPB(SB)BPP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 106 OF 2017

**(Smt. Jayshree Sanjay Kakde Vs. The State of
Maharashtra and Others.)**

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

DATE : 07.04. 2017.

ORAL ORDER:

1. Heard Shri S.B. Solanke – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 24th April, 2017.

MEMBER (J)

ORAL ORDERS 07.04.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 97 OF 2017

**(Sayyid Mujahed Ali Sayyid Khurshid Ali Vs. The State of
Maharashtra and Others.)**

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

DATE : 07.04. 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. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 24th April, 2017.

MEMBER (J)

ORAL ORDERS 07.04.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 52 OF 2017

**(Smt. Dr. Bharti S. Sonwane Vs. The State of Maharashtra
and Others.)**

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

DATE : 07.04. 2017.

ORAL ORDER:

1. Heard Shri B.B. Lakhakar – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer for the respondents submits that he will file affidavit in reply in due course of the day.
3. S.O. to 24th April, 2017.

MEMBER (J)

ORAL ORDERS 07.04.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 840 OF 2016

**(Shri Hiralal S/o. Lalchand Bhatewale Vs. The State of
Maharashtra and Others.)**

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

DATE : 07.04. 2017.

ORAL ORDER:

1. Heard Shri Avinash S. Deshmukh – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.

2. Learned Presenting Officer for the respondents submits that during the course of the day he will file affidavit in reply and for that purpose he seeks time. Time granted.

3. S.O. to 2nd May, 2017.

MEMBER (J)

ORAL ORDERS 07.04.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 828 OF 2016

**(Shri Sunil S/o. Manoharrao Pande Vs. The State of
Maharashtra and Others.)**

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

DATE : 07.04. 2017.

ORAL ORDER:

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

2. It transpires from the proceedings that the notices to newly added respondent Nos. 4 to 6 have not been issued.

3. Hence, issue notices to the newly added respondent Nos. 4 to 6, returnable on 5th May, 2017.

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

5. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.

O.A. NO. 828 OF 2016

7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
8. S.O. to 5th May, 2017.
9. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 07.04.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 714 OF 2016

**(Shri Subhash S/o. Devrao Mahale Vs. The State of
Maharashtra and Others.)**

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

DATE : 07.04. 2017.

ORAL ORDER:

1. Heard Shri V.G. Pingle – learned Advocate for the applicant, Shri D.R. Patil – learned Presenting Officer for the respondent No. 1 and Shri Shamsundar B. Patil – learned Advocate for respondent Nos. 2 & 3.

2. Learned Advocate for respondent Nos. 2 & 3 seeks time to file affidavit in reply on their behalf.

3. Learned Presenting Officer for respondent No. 1 seeks time to file affidavit in reply on his behalf.

4. It transpires from the proceedings that though the respondents have availed so many chances to file affidavit in reply, till today reply is not filed by the respondents. It further transpires that on the last date i.e. on 02.03.2017, time was granted to the respondent No. 1 subject to payment of costs of Rs. 2000/-. Today, again learned Presenting Officer for respondent No. 1 seeks time to file reply on his behalf. It further appears from the proceeding that respondent No. 1 has not complied with earlier order.

5. Hence, time is granted to respondent No. 1 to file affidavit in reply subject to further payment of costs of Rs.

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O.A. NO. 714 OF 2016

2,000/- . Respondent No. 1 shall deposit total costs of Rs. 4,000/- with the Registry on or before the next date.

6. S.O. to 24th April, 2017.

7. Learned Presenting Officer shall act upon the Steno Copy of this order.

MEMBER (J)

ORAL ORDERS 07.04.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 657 OF 2016

**(Shaikh Shabanna d/o. Murtuza Ali Vs. The State of
Maharashtra and Others.)**

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

DATE : 07.04. 2017.

ORAL ORDER:

1. Heard Shri P.R. Kadam, learned Advocate holding for Shri Manish P. Tripathi – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has submitted that he has taken instructions from the respondents. As per his instructions, the respondents have initiated Departmental Enquiry against the applicant and Dr. Giri, retired Education Officer has been appointed as an Enquiry Officer and enquiry is in progress.

3. Learned Advocate for the applicant sought time. Time granted.

4. S.O. to 4th May, 2017.

MEMBER (J)

ORAL ORDERS 07.04.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 625 OF 2016

**(Shri Bhaskar S/o. Devidas Rathod Vs. The State of
Maharashtra and Others.)**

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

DATE : 07.04. 2017.

ORAL ORDER:

1. Heard Shri S.B. Solanke – learned Advocate for the applicant, Shri V.R. Bhumkar – learned Presenting Officer for the respondent Nos. 1 & 2 and Shri Avinash S. Deshmukh – learned Advocate for respondent No. 3.

2. Learned Advocate for respondent No. 3 has filed affidavit in reply on his behalf and the same is taken on record and the copy thereof has been served on the other side.

3. At the request of learned Advocate for the applicant, S.O. to 24th April, 2017.

MEMBER (J)

ORAL ORDERS 07.04.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 323 OF 2016

**(Smt. Sarla W/o. Rajendra Sutar & Others Vs. The State of
Maharashtra and Others.)**

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

DATE : 07.04. 2017.

ORAL ORDER:

1. Heard Shri Chetan Bhadane – learned Advocate for the applicants and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants has submitted that the applicants desire to withdraw the present Original Application with liberty to file fresh Original Application, as no direction for recovery of amount of Rs. 2,44,651/- has been issued by the respondents in the impugned order/letter dated 05/11.08.2015.

3. As the applicants do not want to prosecute the present Original Application and seek leave of this Tribunal to withdraw the present Original Application, the same stands disposed of as withdrawn with liberty as prayed for by the applicants. There shall be no order as to costs.

MEMBER (J)

ORAL ORDERS 07.04.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 265 OF 2016

**(Shri Shivaji Harsingh Rathod Vs. The State of
Maharashtra and Others.)**

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

DATE : 07.04. 2017.

ORAL ORDER:

1. Heard Shri A.D. Sugdare – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.
2. It transpires from the proceedings that affidavit in reply on behalf of respondent Nos. 1 to 3 has already been filed on record.
3. In that view of the matter and considering the cause made out in the present OA, it is admitted. To be listed for final hearing on 12th June, 2017.

MEMBER (J)

ORAL ORDERS 07.04.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 255 OF 2016

**(Shri Harikishan Sardarsing Maher Vs. The State of
Maharashtra and Others.)**

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

DATE : 07.04. 2017.

ORAL ORDER:

1. Heard Shri C.V. Bodkhe, learned Advocate holding for Shri R.V. Gore – learned Advocate for the applicant, Shri S.K. Shirase – learned Presenting Officer for respondent Nos. 1 & 2 and Shri V.B. Wagh – learned Advocate for respondent No. 3.
2. At the request of learned Advocate for the applicant, S.O. to 11th April, 2017, as a last chance.

MEMBER (J)

ORAL ORDERS 07.04.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 423 OF 2017

**(Shri Tushar S/o. Pradeep Mahajan Vs. The State of
Maharashtra and Others.)**

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

DATE : 07.04. 2017.

ORAL ORDER:

1. Heard Shri Raghavendra N. Bharaswadkar – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Advocate for the applicant sought leave of this Tribunal to amend the Original Application and to file an application for condonation of delay.
3. Leave as prayed for by the learned Advocate for the applicant is granted.
4. S.O. to 24th April, 2017.

MEMBER (J)

ORAL ORDERS 07.04.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 35 OF 2017

**(Shri Rajendra Shankar Raising Vs. The State of
Maharashtra and Others.)**

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

DATE : 07.04. 2017.

ORAL ORDER:

1. Heard Shri Ajay Deshpande – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 18th April, 2017.

MEMBER (J)

ORAL ORDERS 07.04.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 623 OF 2016

**(Shri Anil Prabhakar Rao Katkar Vs. The State of
Maharashtra and Others.)**

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

DATE : 07.04. 2017.

ORAL ORDER:

1. Heard Shri Ajay Deshpande – learned Advocate for the applicant, Shri N.U. Yadav – learned Presenting Officer for the respondent No. 1 and Shri G.N. Patil – learned Advocate for respondent No. 2.

2. At the request of learned Advocate for the applicant, S.O. to 18th April, 2017.

MEMBER (J)

ORAL ORDERS 07.04.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 51/2017 IN O.A.NO. ST. 3038/2016

**(Shri Rajendra Shankar Raising Vs. The State of
Maharashtra and Others.)**

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

DATE : 07.04. 2017.

ORAL ORDER:

1. Heard Shri V.G. Pingle, learned Advocate holding for Shri U.S. Sawji – learned Advocate for the applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 20th April, 2017.

MEMBER (J)

ORAL ORDERS 07.04.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 787 OF 2015

**(Shri Dattu Chimaji Salve Vs. The State of Maharashtra
and Others.)**

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

DATE : 07.04. 2017.

ORAL ORDER:

1. Shri A.G. Ambetkar – learned Advocate for the applicant (**absent**). Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondent Nos. 1 to 3, present. Shri H.V. Hon – learned Advocate for respondent No. 4 & Shri R.V. Naiknavare – learned Advocate for respondent No. 5, were absent.

2. It transpires from the proceedings that on the last occasion none was present for the applicant. However, today also none appeared for the applicant.

3. It also transpires from the proceedings that on 28.11.2016 this Original Application has been dismissed in default as the applicant and his counsel remained absent on so many occasions. Thereafter, M.A. No. 458/2016 has been filed by the applicant for restoration of the accompanying Original Application. It was allowed on 15.02.2017 subject to payment of costs of Rs. 1,000/-, which shall be remitted to the MAT Bar Association within a period of one month from the date of order.

4. It reveals from the office note dated 16.03.2017 that the applicant has not produced the receipt regarding payment of costs of Rs. 1,000/- to the M.A.T. Bar Association though the

O.A. NO. 787 OF 2015

period of more than one month is lapsed and, therefore, the present case was placed before this Bench on 21st March, 2017 for passing necessary orders. However, on that date also nobody appeared for the applicant. No documents have been placed on record showing that the amount of costs of Rs. 1,000/- has been paid to the M.A.T. Bar Association, as directed by this Tribunal by its order dated 15.02.2017.

5. In view of the above scenario, it reveals that the applicant is not interested in conducting the present case and since the applicant has not deposited the amount of costs of Rs. 1,000/- to the M.A.T. Bar Association, no question of restoration arises. Therefore, the earlier order of dismissal in default of Original Application No. 787/2015 is maintained.

MEMBER (J)

ORAL ORDERS 07.04.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 887 OF 2016

**(Shri Ashok Ramrao Pawar Vs. The State of Maharashtra
and Others.)**

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

DATE : 07.04. 2017.

ORAL ORDER:

1. Heard Shri P.S. Paranjape – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.

2. The learned applicant has produced Xerox copy of the application, which is at page-20 of paper book and learned Advocate for the applicant has submitted that the applicant has moved the said application to the Superintendent of Police, Parbhani on 15.09.1989. He has further submitted that no decision has been taken by the concerned authority on the said application filed by the applicant.

3. On perusal of the said document, it reveals that there is overwriting on the date mentioned at the top of the application. At bottom of the said application in the margin there is an endorsement showing that it has been received by the concerned person on 10.4.1988. This date has also been corrected / overwritten. The said document is a material document and, therefore, it is necessary to direct both the parties to produce the original/office copy of document for the purpose of verification as to when the application has been moved by the applicant and which authority has received the same.

O.A.NO. 887 OF 2016

4. Learned Presenting Officer is also directed to obtain the instructions and document in that regard and produce the inward and outward register for the year 1989, which is maintained by the office of Superintendent of Police, Parbhani, on the next date.

5. S.O. to 17th April, 2017.

6. Learned Presenting Officer shall act upon the Steno Copy of this order.

MEMBER (J)

ORAL ORDERS 07.04.2017- HDD(SB)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.115/2017

(Shri Tulshiram Lande V/s. The State of Mah. & Ors.)

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

DATE : 07-04-2017

ORAL ORDER:-

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

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

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

MEMBER (J)

YUK ORAL ORDER 07-04-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.132/2017

(Shri Dattu Sonawane V/s. The State of Mah. & Ors.)

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

DATE : 07-04-2017

ORAL ORDER:-

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

2. Learned P.O. files affidavit in reply on behalf of respondent nos.3 and 4. It is taken on record. Copy thereof has been served on the other side.

3. Learned P.O. seeks time to file reply on behalf of the respondent nos.1 and 2.

4. Learned Advocate for the applicant states that he may file rejoinder, if necessary, on the next date.

5. S.O.24-04-2017.

6. Interim relief granted earlier to continue till then.

MEMBER (J)

YUK ORAL ORDER 07-04-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.354/2016 IN O.A.St.No.1621/2016
(Shri Mohan Chaudhari V/s. The State of Mah. & Ors.)

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

DATE : 07-04-2017

ORAL ORDER:-

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

2. Learned Advocate for the applicant seeks time to file certain documents on record. Time granted.

3. S.O.18-04-2017.

MEMBER (J)

YUK ORAL ORDER 07-04-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.383/2016 IN O.A.St.No.1756/2016
(Smt. Mangal Kathar V/s. The State of Mah. & Ors.)

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

DATE : 07-04-2017

ORAL ORDER:-

Heard Shri D.T.Devane learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O.18-04-2017.

MEMBER (J)

YUK ORAL ORDER 07-04-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.388/2016 IN O.A.St.No.1682/2016
(Smt. Shobha Pathak V/s. The State of Mah. & Ors.)

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

DATE : 07-04-2017

ORAL ORDER:-

Heard Shri Ashish Rajkar learned Advocate holding for Shri S.D.Joshi learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

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

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

MEMBER (J)

YUK ORAL ORDER 07-04-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.St.No.430/2017 IN O.A.No.92/2017
(Shri Madhukar Magre & Ors. V/s. State of Mah. & Ors.)

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

DATE : 07-04-2017

ORAL ORDER:-

Heard Shri S.G.Kulkarni learned Advocate holding for Smt. Suchita Dhongde learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that name of the applicant no.1 has been wrongly mentioned in the case. In fact, his name is Murlidhar Sakharam Magre but due to oversight his name is mentioned as Madhukar Sakharam Magre in M.A.St.No.2066/2016 and O.A.No.92/2017. It is submitted that M.A. as well as the O.A. have been disposed of accordingly but the said mistake remained to be corrected. It is therefore prayed that this M.A. be allowed and name of the applicant be corrected.

3. Learned P.O. submits that there is no mistake on the part of the Tribunal while disposing of the matter and the mistake has been committed by the applicant while filing the case. Applicant has not corrected the mistake during the pendency of the O.A. and due to the disposal of the O.A. this Tribunal has no power to allow the amendment as prayed after deciding the matter finally. She, therefore, prayed for dismissal of the M.A.

4. On perusal of the record it reveals that the applicant has written name of the applicant in the O.A. as Madhukar. It is submitted that his name be corrected as Murlidhar instead of Madhukar. Applicant has prosecuted the O.A. as well as the M.A. with the name as Madhukar and has not amended/corrected his name during the pendency of the M.A. as well as the O.A. O.A. was disposed of finally on 09-02-2017.

5. Since the O.A.No.92/2017 has been already disposed of and the mistake was on the part of the

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M.A.St.No.430/2017 IN O.A.No.92/2017

applicant himself. There is no typographical mistake in the order of the Tribunal. Therefore, the name of the applicant cannot be corrected, as the matter is already disposed of. Hence, the M.A.St.No.430/2017 stands dismissed with no order as to costs.

MEMBER (J)

YUK ORAL ORDER 07-04-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.59/2016

(Shri Laxmibai Waghmare V/s. The State of Mah. & Ors.)

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

DATE : 07-04-2017

ORAL ORDER:-

Shri V.S.Panpatte learned Advocate for the applicant is **absent**. and Shri I.S.Thorat learned Presenting Officer for the respondents is present.

2. Applicant remained absent on 03-10-2016, 16-11-2016, 03-02-2017 and 08-03-2017. Today also none appeared for the applicant. It seems that the applicant is not interested in prosecuting the matter. Hence, O.A. be kept for passing dismissal order on 18-04-2017.

3. S.O.18-04-2017.

MEMBER (J)

YUK ORAL ORDER 07-04-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.165/2016

(Shri Shashikant Ghoshir V/s. The State of Mah. & Ors.)

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

DATE : 07-04-2017

ORAL ORDER:-

Shri Kiran Jadhavar learned Advocate for the applicant is **absent**. Shri V.R.Bhumkar learned Presenting Officer for the respondents is present.

2. Applicant remained absent on 18-08-2016, 28-09-2016, 08-11-2016, 09-12-2016, 31-01-2017, and 08-03-2017. Today also none appeared for the applicant. It seems that the applicant is not interested in prosecuting the matter. Hence, O.A. stands dismissed in default.

MEMBER (J)

YUK ORAL ORDER 07-04-2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.466/2016.

[Shri S. B. Kakandikar Vs. the State of Mah. & Ors.]

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

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

Date :- 07.04.2017

Oral Order :-

1. Heard Shri S. D. Dhongde, learned Advocate for the applicant and Shri D. R. Patil, learned Presenting Officer for the respondents.

2. The learned P.O. seeks time for filing affidavit in reply. It is to be noted that, already many chances for filing affidavit in reply are granted. On the last date also a last chance was granted. In the circumstances time is granted for filing affidavit in reply. In case affidavit the reply is not filed on that date the Tribunal may be constrained to pass order for coercive action as may be deemed fit.

3. S.O. to 04.05.2017.

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

VICE CHAIRMAN

ORAL ORDERS 07.04.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.575/2016.

[Shri A. N. Mundhe Vs. the State of Mah. & Ors.]

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

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

Date :- 07.04.2017

Oral Order :-

1. None present for the applicant. Heard Smt R. S. Deshmukh, learned Presenting Officer for the respondents no.1 to 3 and Shri A. S. Savale, learned Advocate for the Respondent no.4.

2. S.O. to 10.04.2017. This O.A. be tagged with OA No.738/2016.

VICE CHAIRMAN

ORAL ORDERS 07.04.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.749/2016.

[Shri S. A. Palkhe Vs. the State of Mah. & Ors.]

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

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

Date :- 07.04.2017

Oral Order :-

1. Heard Miss Bhavna Panpatil, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri I. S. Thorat, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 27.04.2017.

VICE CHAIRMAN

ORAL ORDERS 07.04.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.12/2017.

[Shri B. G. Kapale Vs. the State of Mah. & Ors.]

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

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

Date :- 07.04.2017

Oral Order :-

1. Heard Shri S. G. Kulkarni, learned Advocate for the applicant, Shri M. S. Mahajan, learned Chief Presenting Officer for the respondent no.1 and Shri G. N. Patil, learned Advocate for the Respondents no.2 & 3.

2. Learned Advocate for the Respondents no.2 & 3 seeks time to file affidavit in reply. The notices are not served on the Respondent no.1. Learned Advocate for the applicant prays for issuing fresh notices to Respondent no.1. Hence, Issue fresh notices to the Respondent no.1, returnable on 06.06.2017.

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

4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.

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

7. S.O. to 06.06.2017.

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

VICE CHAIRMAN

ORAL ORDERS 07.04.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.77/2017.

[Shri R. B. Yawalkar Vs. the State of Mah. & Ors.]

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

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

Date :- 07.04.2017

Oral Order :-

1. Heard Shri Rajesh B. Yawalkar, party in person present. Heard Shri M. S. Mahajan, learned Presenting Officer for the respondents.

2. The learned C.P.O. seeks time to file affidavit in reply. He also submits that, he would also seek instructions as to on the basis of which G.R. or Circular the Respondent no.1 had issued the letter at Annexure A-1 (page No.10). At his request, S.O. to 27.4.2017.

VICE CHAIRMAN

ORAL ORDERS 07.04.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MA NO.115/2012 IN OA NO.1179/2009.

[Dr. D.B. Mote & Ors. Vs. the State of Mah. & Ors.]

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

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

Date :- 07.04.2017

Oral Order :-

1. Heard Shri Shamsundar B. Patil, learned Advocate for the applicants and Shri M. P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant on instructions submits that, the applicant does not wish to proceed with the present Misc. Application as order of promotion to the Medical Officers is already implemented by the Respondents. The Misc. Application is therefore, disposed of, without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 07.04.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

OA NO.1179/2009.

[Dr. D.B. Mote & Ors. Vs. the State of Mah. & Ors.]

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

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

Date :- 07.04.2017

Oral Order :-

1. Heard Shri Shamsundar B. Patil, learned Advocate for the applicants and Shri M. P. Gude, learned Presenting Officer for the respondents.
2. Remove from Board.
3. Matter be fixed for final hearing as and when the Division Bench would be available.

VICE CHAIRMAN

ORAL ORDERS 07.04.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.190/2017.

[Shri D. J. Zombade Vs. the State of Mah. & Ors.]

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

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

Date :- 07.04.2017

Oral Order :-

1. Heard Shri Shamsundar B. Patil, learned Advocate for the applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 06.06.2017.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.

-2- **ORIGINAL APPLICATION NO.190/2017.**

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 06.06.2017.

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

VICE CHAIRMAN

ORAL ORDERS 07.04.2017-ATP

