

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

**ORIGINAL APPLICATION NO. 252/2018
(Sunil V. Surse V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 8.5.2018

ORAL ORDER :

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

2. Learned C.P.O., on instructions, makes a statement that the present applicant has secured 135 marks. At page 43, we have the provisional select list from the category of unreserved parallel reservation, which would show that at sr. nos. 26 to 28 the candidates viz. S/shri Sanju Atmram Patil, Yogesh Babu Patil & Pradip Ratan Ghorpade respectively, who are from Open Ex-servicemen category have secured 135, 134 & 130 marks respectively and are selected in the said provisional select list. In the circumstances, the claim of the present applicant is that, though he claimed the post from O.B.C. category, he should have been considered from Open horizontal reservation category.

3. In the circumstances, by way of interim relief it is hereby directed that the candidates at sr. nos. 26 to 28 viz. S/shri Sanju Atmram Patil, Yogesh Babu Patil & Pradip Ratan Ghorpade respectively (page 43), who are from Open Ex-servicemen category, shall not be appointed to the post till further order.

4. The applicant is directed to array the said candidates as party respondents in the present matter, within 3 days. Upon addition of party respondents, issue notices to all the respondents, returnable on 20.6.2018.

5. Tribunal may take the case 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. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

8. 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. Applicant is directed to file Affidavit of compliance and notice.

9. In case notice is not collected within seven days or service report on affidavit is not

filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. S.O. to 20.06.2018.

11. Steno copy / humdast allowed for both the sides.

VICE CHAIRMAN

ARJ ORAL ORDERS 5-5-2018

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

**ORIGINAL APPLICATION NO. 285/2018
(Meera J. Dolas V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 8.5.2018

ORAL ORDER :

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

2. By way of interim relief it is hereby directed that no appointment from the Open Female category shall be made, who have secured less marks than the present applicant in this category. The applicant is directed to join those candidates only to the present O.A. as party respondents. The learned Advocate for the applicant undertook to carry out amendment within 3 days from today.

3. Upon addition of party respondents, issue notices to the respondents, returnable on 18.6.2018.

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

5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents

are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. S.O. to 18.06.2018.

10. Steno copy / humdast allowed for both the sides.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 297/2018
(Ajay R. Umale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 8.5.2018

ORAL ORDER :

Heard Shri A.L. Shaikh, learned Advocate holding for Shri V.V. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Upon hearing learned Advocate for the applicant, it appears that, the present applicant was terminated by the concerned respondent on the ground of furnishing false information. It was found that a crime was registered against the present applicant for the offences punishable U/s 302, 498 (A) read with 34 of I.P.C. Learned Advocate submits that the present applicant is acquitted from the said offences. Upon making pointed query, as to whether at the time of appointment on ad-hoc basis in the year 2011, whether the present applicant had filed any application form disclosing about pendency of the said crime. He submits that at the time of ad-hoc appointment the applicant submitted the prescribed form and put an answer as against the said column as 'NO'. It, prima-facie, appears that the present applicant has secured appointment on ad-hoc basis by making false

representation and thereafter according to him he was acquitted from the said offences.

3. In the circumstances, prima-facie, this is not a fit case to issue notices to the respondents. However, as the matter pertains to Division Bench, it is removed from the board for time being and it be placed before the Division Bench on 14.6.2018.

VICE CHAIRMAN

ARJ ORAL ORDERS 5-5-2018

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

**M.A. 170/2018 IN O.A. ST. 682/2018
(Radhakrishna L. Karle & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 8.5.2018

ORAL ORDER :

Heard Shri S.T. Koli, learned Advocate holding for Shri S.T. Veer, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Upon hearing the learned Advocate for the applicant, it appears that the issue of issuing of notices to the respondents in the present O.A. will have to be dealt with by the Division Bench. In the circumstances, S.O. to 20.6.2018 for first hearing before the Division Bench.

VICE CHAIRMAN

ARJ ORAL ORDERS 5-5-2018

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

**ORIGINAL APPLICATION ST. NO. 627/2018
(Yogesh D. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 8.5.2018

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notices to all the respondents, returnable on 20.6.2018.

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. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. Upon going through the documents on record and the judgment dtd. 18.7.2016 of Hon'ble High Court in writ petition No. 2908/2016 & the group (Annex. A. 5 page 95), presently without going into the merit of the present case, it is hereby directed that the select list, if any, prepared by the concerned respondents, shall not be given effect to till next date.

9. S.O. to 20.06.2018.

10. Steno copy / humdast allowed for both the sides.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 298 OF 2018
(Shri Mohan D. Badgujar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 8.5.2018

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 7th June, 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. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, O.A. shall stand dismissed without reference to Tribunal and papers be consigned to the record.

8. By way of interim relief, it is hereby declared that the transfer order shall be subject to the outcome of the present Original Application.

9. S.O. to 7th June, 2018.

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

VICE CHAIRMAN

ORAL ORDERS 8-5-2018-HDD

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

**M.A.NO. 164/2018 IN O.A.ST.NO. 602/2018
(Shri Sudhakar D. Mangalkar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 8.5.2018

ORAL ORDER :

Heard Shri Kiran M. Nagarkar, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 8-5-2018-HDD

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

**ORIGINAL APPLICATION ST.NO. 602 OF 2018
(Shri Sudhakar D. Mangalkar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 8.5.2018

ORAL ORDER :

Heard Shri Kiran M. Nagarkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 5th June, 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. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, O.A. shall stand dismissed without reference to Tribunal and papers be consigned to the record.

8. Issue of grant of interim relief is hereby kept open, upon perusal of the affidavit in reply of the respondents.

9. S.O. to 5th June, 2018.

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

VICE CHAIRMAN

ORAL ORDERS 8-5-2018-HDD

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

**ORIGINAL APPLICATION ST. NO. 674 OF 2018
(Shri Pramit B. Kharshade V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 8.5.2018

ORAL ORDER :

Heard Shri C.R. Thorat, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the applicant would make an application under Right to Information Act, for seeking information viz.

(1) Total strength of the cadre of Police Patil in the Bhoom Sub Division;

(2) As to how many posts from each of the cadres are already filled in; and

(3) As to whether the advertisement No. 01/2018 dated 18.4.2018, Annexure 'A-5' page Nos. 33 to 41, is in consonance with the ratio prescribed by the rules, Annexure 'A-3', page-28 of the O.A.

Thereupon, file the information received from the office of the Sub Divisional Officer and would consider that as to whether prosecution of the present Original Application is required or not.

3. At the request of learned Advocate for the applicant, S.O. to 6th June, 2018.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 295 OF 2018
(Smt. Vaishali K. Korde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 8.5.2018

ORAL ORDER :

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

2. Upon hearing, learned Advocate for the applicant submits that he will take instructions from his client i.e. the applicant about the withdrawal, if any, of the present Original Application.

3. Hence, S.O. to 11th May, 2018.

VICE CHAIRMAN

ORAL ORDERS 8-5-2018-HDD

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

**ORIGINAL APPLICATION NO. 296 OF 2018
(Shri Vishwanath S. Patole V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 8.5.2018

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that now the present applicant is due to retire on superannuation within a period of one year. In that view of the matter, issue notices to the respondents, returnable on 12th June, 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

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

7. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, O.A. shall stand dismissed without reference to Tribunal and papers be consigned to the record.

8. S.O. to 12th June, 2018.

9. Steno copy and hamdust is allowed to both the sides.

VICE CHAIRMAN

ORAL ORDERS 8-5-2018-HDD