

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

**ORIGINAL APPLICATION NO. 858 OF 2016
(Shri Sunil Lahu Jadhav & Anr. 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 : 09.11.2017.

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Heard both sides on the issue of continuation of interim relief granted ex parte vide order dated 21st November, 2016. Perused the written notes of the arguments filed by the learned Advocate for the applicant.

3. The applicant No. 1 is the Police Sub Inspector, while the applicant No. 2 is the Police Head Constable.

4. Both the present applicants are seeking stay to pronounce the final decision in the departmental enquiry initiated against them, by the respondent Nos. 2 & 3. The departmental enquiry is concluded. The statements of defence witnesses are also recorded. The enquiry officer has submitted his report to the respondents and accordingly respondents have issued notice to the present applicants proposing termination.

5. The papers of the departmental enquiry submitted on record would show that the present applicants had allegedly confessed that on the point of revolver they looted bag consisting Rs. 20,00,000/- (Rs. Twenty lacks), which was later on allegedly recovered from both of them. Certain other charges of registering certain cases under Motor Vehicle Act beyond their territorial jurisdiction of their Police Stations were also pressed into service. The said show cause notice was issued on 27th September, 2016 and both the present applicants wanted that the said show cause notice be quashed and set aside.

6. At the time of pressing of ex parte temporary relief the applicants relied on the provisions of Rule 444 of Bombay Police Manual (in fact paragraph 444) and the interim relief against the said show cause notice came to be granted.

7. Learned Advocate for the applicant submitted that not only in view of the said rule or paragraph, but also in view of the fact that the criminal case is pending against the present applicants, no final decision can be taken by the disciplinary authority in the departmental enquiry.

8. To buttress the above submission, the learned Advocate for the applicants has relied on the following: -

(i) The ratio in the case of **S.B.I. & Ors. Vs. Neelam Nag & Anr.** rendered by the Hon'ble Supreme Court of India in the **Civil Appeal No. 4715 of 2011** dated 16th September, 2016.

(ii) Decision of the Division Bench of the Hon'ble Bombay High Court Bench at Aurangabad in Writ Petition No. 7698/2014 dated 24th October, 2016 (**Ravi S/o. Tarachand Dhoté Vs. Maharashtra State Electricity Distribution Company Ltd. & Anr.**);

AND

(iii) Judgment dated 1.12.2016 passed by the learned Member (Judicial) of this Tribunal in O.A. No. 36/2015 (**Ramkishan Gangaram Jakulwar Vs. State of Maharashtra & Others**);

9. Learned Presenting Officer for the respondents has vehemently opposed the plea. He submits that the relevant rule/ paragraph of the Bombay Police Manual, nowhere provides that in case the criminal case is pending against the delinquent on the same set of facts, the departmental enquiry shall not be concluded. He further submits that the order passed by the learned Member (Judicial) of this Tribunal would not be applicable due to different set of facts. He

further submits that ratio of the other cases are not applicable in the present case.

**Paragraph 444 AND S.B.I. & Ors. Vs.
Neelam Nag & Anr.**

10. Vide Paragraph 444 a guideline is given that, if some of the delinquents are prosecuted, the enquiry should be conducted strictly according to the rules. So far as other delinquents against whom the prosecution is not permitted, it should be examined as to whether conduct of departmental enquiry is practicable, otherwise no enquiry should be conducted. In both the cases once the Court case is completed the enquiry against the delinquent should be launched and the same should be concluded as early as possible.

11. It would thus, be clear from the provisions of rule / paragraph 444 the departmental enquiry may be kept pending as regards the delinquent against whom prosecution is alleged by the Court and after the decision in the said criminal case, the departmental enquiry should be conducted and the decision should be rendered.

12. This provision is rested on the solemn principle of law that an accused in criminal case cannot be compelled to make any statement affecting his defence in a prosecution as is

enshrined in Article 20 (3) of the Constitution of India.

13. In the present case the applicants have not only disclosed their defence during the departmental enquiry, but even they have examined defence witnesses and departmental enquiry is concluded and now only the action on the basis of said enquiry is to be taken for which show cause notice is issued to the present applicants.

In fact, the reliance placed by the applicants on the ratio laid down by the Hon'ble Supreme Court of India in the case of **S.B.I. & Ors. Vs. Neelam Nag & Anr.** (supra) is to the same effect. In that case a crime was registered against the Bank employee in February, 2007 and the departmental enquiry was only proposed. The Division Bench of the Hon'ble High Court held that the respondent may suffer disadvantage and prejudice if she was compelled to disclose her defence in the departmental proceedings, which is likely to be used in the criminal case pending against her (**para 5 of the said judgment**). Ultimately, at paragraph 8 the Hon'ble Supreme Court has concluded as under:-

“8. We have heard the learned counsel for the parties at some length. The only question that arises for consideration, is no more res-integra. It is well-settled that there is no legal bar to the conduct of the

disciplinary proceedings and criminal trial simultaneously. However, no straightjacket formula can be spelt out and the Court has to keep in mind the broad approach to be adopted in such matters on case to case basis. The contour of the approach to be adopted by the Court has been delineated in series of decisions. This Court in Karnataka SRTC Vs. M.G. Vittal Rao [2] has summed up the same in the following words :

“(i) There is no legal bar for both the proceedings to go on simultaneously.

(ii) The only valid ground for claiming that the disciplinary proceedings may be stayed would be to ensure that the defence of the employee in the criminal case may not be prejudiced. But even such grounds would be available only in cases involving complex questions of facts or law.....”

However, since the stay to the departmental enquiry was granted by the Division Bench of the Hon'ble High Court, the Hon'ble Supreme Court however, agreed with the submissions of the employer Bank relying on the ratio of **Stanzen Toyotesu India Private Limited Vs. Girish V. & Ors.** that departmental proceedings cannot be suspended indefinitely or delayed unduly, but finding that there was delay in disposal of the criminal case, details of which are given in the case of **Stanzen Toyotesu India Private Limited**, in the peculiar facts, direction was given that the criminal case be decided expeditiously and in any case within a period of one year. It was further directed that in case, the

criminal case is not concluded within a period of one year, the departmental enquiry be continued.

Ravi S/o. Tarachand Dhote Vs. Maharashtra State Electricity Distribution Company Ltd. & Anr

14. The decision of the Division Bench of the Hon'ble Bombay High Court in the case of **Ravi S/o. Tarachand Dhote** (supra) is based on this ratio of the above decision of the Hon'ble Supreme Court.

**O.A. No. 36/2015
(Ramkishan Gangaram Jakulwar Vs. State of Maharashtra & Others)**

15. The judgment of another learned Member (Judicial) of this Tribunal delivered in O.A. No. 36/2015 is of no assistance to the present applicants as the learned Presenting Officer in that case even in the absence of the applicant submitted that no action till that date was taken on the show cause notice. Therefore, the said decision cannot be cited as ratio before this Bench.

16. It is to be noted that the disciplinary enquiry is now concluded, therefore, there is no question of compelling the applicants to disclose their defence. They are now required to merely show as to how the conclusion of the Enquiry Officer is defective and the disciplinary authority is required to take the final decision upon

considering the facts and the reasons forwarded in the enquiry report and the submissions to be made by the present applicants.

17. It is worthwhile to note that the alleged incidents have occurred in the year 2012. After examining 11 witnesses from the side of the administration and one witness from the side of the defendant, the departmental enquiry is now concluded. It is now too late to say that same shall be stayed till the decision in the criminal case. Hence, the following order: -

ORDER

- (i) The interim stay granted to the further proceedings in the departmental enquiry vide order dated 21.11.2016 is hereby vacated.
- (ii) The present Original Application be placed for hearing on admission to 13th December, 2017.

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**M.A.NO. 450/2017 IN O.A.ST.NO. 1587/2017
(Smt. Madhuri C. Pathak 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 : 09.11.2017.

ORAL ORDER :

Heard Smt. (Dr.) Kalpalata Patil Bharaswadkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. This is an application filed by the applicant for condonation of delay of about 20 years caused in filing accompanying.

3. Issue notices to the respondents in M.A. No. 450/2017, returnable on 21st December, 2017.

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

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

**M.A.NO. 450/2017 IN
O.A.ST.NO. 1587/2017**

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. Applicants are directed to file Affidavit of compliance and notice.

8. The respondents shall file affidavit in reply on or before the next date.

9. S.O. to 21st December, 2017.

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

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 843 OF 2016
(Shri Shamrao G. Wagatkar 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 : 09.11.2017.

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 12th December, 2017.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 45 OF 2017
(Smt. Sunita R. Thite 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 : 09.11.2017.

ORAL ORDER :

Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Presenting Officer prays for time for filing reply to the rejoinder filed by the applicant. Time granted.

3. S.O. to 19th December, 2017.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 724 OF 2017
(Shri Guruprasad P. Gaikwad 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 : 09.11.2017.

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks permission of this Tribunal to correct the name of respondent No. 4.

3. Leave to correct the name of respondent No. 4 is granted. The applicant shall carry out the necessary amendment during the course of the day.

4. After carrying out the necessary amendment by the applicant, issue fresh notice to respondent No. 4, returnable on 22nd December, 2017.

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

O.A. NO. 724 OF 2017

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. Applicants are directed to file Affidavit of compliance and notice.

9. The respondents shall file affidavit in reply on or before the next date.

10. S.O. to 22nd December, 2017.

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

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 857 OF 2016
(Shri Bhikan Pitamar Sonar & 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 : 09.11.2017.

ORAL ORDER :

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

2. Learned Advocate for the applicant prays for time. Time granted.
3. S.O. to 19th December, 2017.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 79 OF 2017
(Shri Md. Kamran 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 : 09.11.2017.

ORAL ORDER :

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

2. Learned Advocate for the applicant prays for time. Time granted.
3. S.O. to 19th December, 2017.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 180 OF 2017
(Shri Pralhad C. Shelke 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 : 09.11.2017.

ORAL ORDER :

Shri U.S. Sawji, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Heard both sides. It appears that arguable case is made out. Admit.

3. The present case be removed from the board and it be placed before the Division Bench for hearing as and when it is available.

4. The present case be kept along with O.A. No. 507/2017.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 507 OF 2017
(Shri Pralhad C. Shelke 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 : 09.11.2017.

ORAL ORDER :

Shri U.S. Sawji, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Heard both sides. It appears that arguable case is made out. Admit.

3. The present case be removed from the board and it be placed before the Division Bench for hearing as and when it is available.

4. The present case be kept along with O.A. No. 180/2017.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 220 OF 2017
(Smt. Archana N. Shendge 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 : 09.11.2017.

ORAL ORDER :

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

2. Learned Presenting Officer submits that he will file affidavit in reply during the course of the day.

3. S.O. to 5th December, 2017 for hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 509 OF 2017
(Shri Subhash L. Waghmare 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 : 09.11.2017.

ORAL ORDER :

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

2. It appears from the proceedings that on the last date i.e. on 3rd October, 2017, the learned Advocate for the applicant was directed to take instructions regarding withdrawal of the O.A..

3. In view of the absence of the learned Advocate for the applicant, S.O. to 13th December, 2017 for taking instructions.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 517 OF 2017
(Shri Anup S. Kulkarni 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 : 09.11.2017.

ORAL ORDER :

Heard Shri S.B. Bhosale, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed copies of documents, a reference of which was made by this Tribunal by an order dated 5th October, 2017. The copies of the same have been taken on record and marked as document 'X' for the purposes of identification.

3. At the request of learned Presenting Officer, S.O. to 10th November, 2017. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**O.A.NOS. 603, 604, 605, 606, 607, 608 & 609 ALL OF 2017
(Shri Jaideep A. Limbale & 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 : 09.11.2017.

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar, Smt. R.S. Deshmukh, Shri V.R. Bhumkar, Shri M.P. Gude, Smt. Sanjivani Deshmukh-Ghate, Mrs. Deepali S. Deshpande & Shri D.R. Patil, learned Presenting Officers for the respondents.

2. Learned Advocate for the applicants has filed short affidavits as directed by this Tribunal by an order dated 06.10.2017 in all these cases. The same are taken on record and the copies thereof have been served on the other side.

3. Learned Presenting Officer is directed to seek the opinion of the concerned respondents on the factual aspect as mentioned in these short affidavits.

4. The concerned respondents are directed to take corrective steps in terms of G.R. or any other provisions applicable to the present cases

O.A.NOS. 603 & Group OF 2017

and to file report about the same on or before 12th December, 2017.

5. In case the concerned respondents come to the conclusion that the corrective steps cannot be taken then a short affidavit explaining the reason be filed, on the next date.

6. Learned Presenting Officer to act upon Steno Copy.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 438 OF 2017
(Dr. Archana U. Tiwari 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 : 09.11.2017.

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that fresh notices to the respondents be issued in the present Original Application. Hence, issue fresh notices to the respondents, returnable on 21st December, 2017.

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

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

O.A.NO. 438/2017

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. Applicants are directed to file Affidavit of compliance and notice.

8. The respondents shall file affidavit in reply on or before the next date.

9. S.O. to 21st December, 2017.

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

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**M.A.NO. 430/2016 IN O.A.ST.NO. 1773/2016
(Shri Sahilgram M. Sonawane 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 : 09.11.2017.

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. This is an application filed by the applicant for condonation of delay caused in filing accompanying Original Application.

3. For the reasons stated in the present application, the delay caused in filing accompanying O.A. is hereby condoned. The accompanying Original Application be registered upon due procedure.

4. Accordingly, the present Miscellaneous Application stands disposed of without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**ORIGINAL APPLICATION ST.NO. 1773 OF 2016
(Shri Sahilgram M. Sonawane 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 : 09.11.2017.

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Upon registration of the present O.A., issue notices to the respondents, returnable on 21st December, 2017.

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

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

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the

questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and 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. The respondents shall file affidavit in reply on or before the next date.

8. S.O. to 21st December, 2017.

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

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
M.A.NO. 433/17 IN CP ST. 1502/17 IN O.A.NO. 53/2017
(Dr. Govind R. Pawar 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 : 09.11.2017.

ORAL ORDER :

Shri H.K. Munde, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Heard both sides. It appears that the learned Advocate for the applicant is making irrelevant submissions for seeking permission to proceed for contempt proceedings.

3. In fact, the present petition is related to only fixation of pay and the learned Presenting Officer submits that the same has been complied with. She has filed true copy of the office order in that regard and the same is taken on record and marked as document 'X' for the purposes of identification.

4. It is to be noted that senior Advocate is making irrelevant arguments, which is not expected from such senior Advocate.

5. Accordingly, the present M.A. stands disposed of without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**M.A. 451/2017 IN T.A. 2/2016 (W.P. 12209/15)
(Smt. Anjali S. Yadav & 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 : 09.11.2017.

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicants in M.A., Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the petitioner in T.A. Shri N.U. Yadav, learned Presenting Officer for respondent No. 1, Shri M.B. Kolpe, learned Advocate for respondent No. 2. None appears for respondent Nos. 3 & 4.

2. The learned Advocate for the applicant in T.A. prays for time to file reply. Rest of the non-applicants submit that their affidavit in reply is not necessary.

3. S.O. to 7th December, 2017 for filing affidavit in reply in M.A. on behalf of the petitioner in T.A.

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 232 OF 2016
(Smt. Priyanka S. Sanap 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 : 09.11.2017.

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for respondent No. 1 and Shri M.B Kolpe, learned Advocate for respondent No. 2.

2. S.O. to 7th December, 2017.

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**M.A. 127/2016 IN T.A. 3/2016 (W.P. 12032/15)
(Kum. Kiran Tidke 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 : 09.11.2017.

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for respondent No. 1 and Shri M.B Kolpe, learned Advocate for respondent No. 2.

2. S.O. to 7th December, 2017.

VICE CHAIRMAN

ORAL ORDERS 06.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 178 OF 2015
(Shri Govind S. Hirale 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 : 09.11.2017.

ORAL ORDER :

Heard Shri M.C. Ghode, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant prays for time. Time granted.

3. S.O. to 12th December, 2017.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 443 OF 2014
(Shri Govind S. Hirale 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 : 09.11.2017.

ORAL ORDER :

Heard Shri M.C. Ghode, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant prays for time. Time granted.
3. S.O. to 12th December, 2017.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 363 OF 2015
(Shri Prabhu N. Ambad 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 : 09.11.2017.

ORAL ORDER :

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

2. Both the sides submit that they were unable to find out any decision. The submission in that regard made by the learned Presenting Officer as has been detailed in order dated 12th October, 2017.

3. In the circumstances, the present case be placed before the Division Bench as and when it is available.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 402 OF 2017
(Shri Bhagwan R. Chitrak & 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 : 09.11.2017.

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer submits that in fact, the meeting of the DPC is held as per directions given by this Tribunal by an order dated 28th September, 2017. He has filed a copy of communication dated 8th November, 2017 received by him, which would show that the issue of promotion is kept in abeyance due to the hearing of Hon'ble Supreme Court of India regarding reservation in the promotion. The copy of the same has been taken on record and marked as document 'X' for the purposes of identification.

3. In that view of the matter, presently there is no need to file any affidavit in reply.

4. S.O. to 21st December, 2017, awaiting decision, if any from the Hon'ble Supreme Court.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**M.A.No. 191/2017 IN O.A.ST.NO. 519/2017
(Shri Shaikh Mohammad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017.

ORAL ORDER :

Heard Shri U.A. Khekale, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 15th December, 2017.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 654 OF 2017
(Shri Nilesh G. Khamkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017.

ORAL ORDER :

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

2. At the request of learned Chief Presenting
Officer for the respondents, S.O. to 21st
December, 2017.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

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

**ORIGINAL APPLICATION NO. 561 OF 2016
(Shri Sukhdev S. Chitte V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 14th December, 2017.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-HDD

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO. 788/2017
(Shri Ashok T. Ghobale 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 : 09.11.2017.

ORAL ORDER:

Heard Shri Ajay Deshpande, 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 12.12.2017.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and 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 12.12.2017.

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

VICE CHAIRMAN

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

**M.A. No. 458/2017 in O.A. St. No. 1527/2017
(Shri Prakash D. Patil 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 : 09.11.2017.

ORAL ORDER:

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

2. The delay of 77 days challenging reversion is sought by the applicant. For the reason stated in the Misc. Applications, the delay caused in filing O.A. is hereby condoned. Hence, the M.A. No. 458/2017 is disposed of without any order as to costs. Office to register the O.A. after due scrutiny.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-kpb

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION ST. NO. 1527/2017
(Shri Praksh D. Patil 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 : 09.11.2017.

ORAL ORDER:

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

2. Issue notices to the respondents, returnable on 21.12.2017.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and 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 21.12.2017.

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

VICE CHAIRMAN

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

**C.P. St. 1643/2017 in C.P. St. 1821/2015 in O.A. 142/2013
(Dr. Jeevansingh D. Taji 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 : 09.11.2017.

ORAL ORDER:

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri D.R. Patil, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to satisfy on the objection/s. Time granted.

3. S.O. to 29.11.2017.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-kpb

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

ORIGINAL APPLICATION NO. 107/2017

(Shri Sahadev M. Bedre 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 : 09.11.2017.

ORAL ORDER:

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant on instructions submits that the applicant would be satisfied if the directions are issued to the respondent Nos. 1 to 3 for decision on the proposal sent by the respondent No. 4 on 15.07.2016 to them. Submissions of the learned Advocate for the applicant are reasonable.

3. In view thereof, the Original Application is disposed of with a direction to the respondent Nos. 1 to 3 as detailed above. There shall be no order as to costs.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 514/2015
(Dr. Balaji S. Barure Vs. The State of Maharashtra and Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017.

ORAL ORDER:

Shri J.S. Deshmukh, learned Advocate for the applicant (**Leave Note**). Shri S.K. Shirse, learned Presenting Officer for the respondents, present.

2. In view of the leave note filed by the learned Advocate for the applicant, S.O. to 5.12.2017.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-kpb

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

**ORIGINAL APPLICATION NO. 785/2017
(Dr. Datta M. Dhanve Vs. The State of Maharashtra and Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017.

ORAL ORDER:

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

2. Issue notices to the respondents, returnable on 20.12.2017.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and 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 20.12.2017.

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

VICE CHAIRMAN

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

**M.A. St. No. 1467/2017 in O.A. St. No. 1468/2017
(Smt. Adhinta S. Bharaskar Vs. The State of Maharashtra and Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017.

ORAL ORDER:

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

2. Issue notices to the respondents in M.A., returnable on 18.12.2017.

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 M.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 18.12.2017.

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. 364/2017
(Shri Hari P. Panchal & Ors. Vs. The State of Maharashtra and Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017.

ORAL ORDER:

Shri G.R. Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.

3. At her request, S.O. to 04.01.2018. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-kpb

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

**ORIGINAL APPLICATION NO. 378/2017
(Smt. Vasanti G. Khange Vs. The State of Maharashtra and Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017.

ORAL ORDER:

Shri V.R. Jain, learned Advocate for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, present.

2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.

3. At her request, S.O. to 05.01.2018.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-kpb

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

**ORIGINAL APPLICATION NO. 360/2017
(Shri Bandu A. Kapse Vs. The State of Maharashtra and Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017.

ORAL ORDER:

Shri Anant Devkate, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents, present.

2. A the request of learned Presenting Officer for the respondents, S.O. to 20.12.2017.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-kpb

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

**ORIGINAL APPLICATION NO. 342/2017
(Shri Jitendrakumar K. Kundile Vs. The State of Maharashtra and Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017.

ORAL ORDER:

Heard Shri Sachin G. Joshi, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer files on record a copy of minutes of the meeting as directed by this Tribunal vide order dated 11.10.2017. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. S.O. to 28.11.2017 for hearing.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-kpb

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

**ORIGINAL APPLICATION NO. 172/2017
(Shri Taher Ali Shah Vs. The State of Maharashtra and Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017.

ORAL ORDER:

Shri S.K. Mathpati, learned Advocate for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondents, present.

2. Nobody appeared on the last date also. In the circumstances, S.O. to 12.12.2017 either for hearing or for passing necessary order.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-kpb

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

**ORIGINAL APPLICATION NO. 158/2017
(Dr. Surekha V. More Vs. The State of Maharashtra and Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017.

ORAL ORDER:

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

2. At the request of learned Presenting Officer, S.O. to 14.11.2017. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-kpb

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

**ORIGINAL APPLICATION NO. 151/2017
(Shri Nagorao H. Failwad Vs. The State of Maharashtra and Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017.

ORAL ORDER:

Heard Shri S.B. Bhosale, learned Advocate holding for Shri S.P. Brahme, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer submits that the draft affidavit in reply is sent to the Mantralaya for approval.

3. Considering the fact that the dispute relates to the imparting of pensionary benefits, last chance granted.

4. S.O. to 14.12.2017.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-kpb

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

**ORIGINAL APPLICATION NO. 144/2017
(Shri Sharad R. Pathak Vs. The State of Maharashtra and Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017.

ORAL ORDER:

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

2. Learned Advocate for the applicant submits that though on the earlier date the respondents have made the submission that order for disbursement of the amount due & payable to the applicant are passed, but he wants time to ascertain the fact whether the said amount is actually paid or not to the applicant.

3. In the circumstance, S.O. to 16.11.2017 for taking instructions.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-kpb

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

**ORIGINAL APPLICATION NO. 691/2016
(Shri Dipak B. Patil Vs. The State of Maharashtra and Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017.

ORAL ORDER:

Heard Shri Ganesh Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks adjournment.

3. It is to be noted that vide order dated 11.10.2017 the applicant was made aware that he will have to make submission on the certain queries raised by the Tribunal on that date. Thereafter, one adjournment is granted to the learned Advocate for the applicant. Now again the learned Advocate for the applicant is seeking accommodation.

4. In the circumstances, as a last chance, S.O. to 13.12.2017 either for making submissions by the learned Advocate for the applicant or for passing necessary order.

VICE CHAIRMAN

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

**ORIGINAL APPLICATION NO. 311/2017
(Shri Raju H. Adhe Vs. The State of Maharashtra and Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017.

ORAL ORDER:

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

2. It is an admitted fact that the present applicant is transferred neither mid-tenure nor mid-term. The only submission from the learned Advocate for the applicant would show that the concerned respondents could have taken another decision in the place of transfer of the applicant i.e. from Aurangabad to Beed. This cannot be a ground to challenge the transfer. Therefore, the O.A. is dismissed without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 09.11.2017-kpb

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

ORIGINAL APPLICATION NO. 415/2017
(Babasaheb Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017

ORAL ORDER:

Heard Shri G.R. Jadhav, learned Advocate holding for Shri V.M. Maney, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer S.O. to 20.12.2017 for filing affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 09-11-2017

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO. 419/2017 WITH CAVEAT NO. 18/2017
(Bhaskar Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017

ORAL ORDER:

Heard Shri V.B. Wagh, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent no. 1 and Shri S.B. Mene, learned Advocate for respondent nos. 2 to 5.

2. The learned Advocate for the applicant seeks short accommodation. At his request S.O. to 14.11.2017 as a last chance. The interim relief granted earlier to continue till then.

VICE CHAIRMAN

ARJ ORAL ORDERS 09-11-2017

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

ORIGINAL APPLICATION NO. 556/2017
(Rajendra Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017

ORAL ORDER:

Heard Shri S.D. Joshi, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The learned P.O. has filed on record affidavit in reply of the respondent nos.1 to 3. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant. In the circumstances, S.O. to 21.11.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 09-11-2017

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

ORIGINAL APPLICATION NO. 563/2017
(Pushpalata Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017

ORAL ORDER:

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 to 3 and Shri M.R. Kulkarni, learned Advocate for respondent no. 4.

2. Shri Deshmukh, learned Advocate, on instructions from the applicant, submits that the impugned transfer order itself is cancelled by the concerned respondent. The learned P.O. also files on record the copies of the communications to that effect. The said communications are taken on record and marked as document 'X' collectively for the purpose of identification.

3. In view of cancellation of impugned transfer order by the respondents, the present O.A. stands disposed of without any order as to costs.

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 626/2017
(Ashok Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017

ORAL ORDER:

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

2. At the request of learned C.P.O., S.O. to 29.11.2017 for filing affidavit in reply.

VICE CHAIRMAN

ARJ ORAL ORDERS 09-11-2017

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

ORIGINAL APPLICATION NO. 725/2017
(Rahul Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017

ORAL ORDER:

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

2. At the request of learned Advocate for the applicant S.O. to 29.11.2017 for filing affidavit in rejoinder as well as for hearing of matter.

VICE CHAIRMAN

ARJ ORAL ORDERS 09-11-2017

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
M.A. NO. 40/2017 WITH M.A. ST. 103/2017 IN O.A.199/2016
(Jayshree Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017

ORAL ORDER:

Heard Shri S.S. Ambore, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent no.

1. None appears for respondent no. 2.

2. The M.A. no. 40/2017 has been filed by the applicant for condonation of 18 days delay caused in filing M.A. st. 103/2017 for restoration of O.A. no. 199/2016 to its original file, which was dismissed in default by the Tribunal by the order dated 30.11.2016.

3. The respondents have not filed affidavit in reply in the present M.A.

4. Perused the application. Considered the contentions.

::-2-::
M.A. NO. 40/2017 WITH M.A. ST.
103/2017 IN O.A.199/2016

5. For the reasons stated in the M.A. no. 40/2017 it is allowed and disposed of without any order as to costs and the delay of 18 days caused in filing M.A. st. no. 103/2017 for restoration of O.A. to its original file is hereby condoned.

VICE CHAIRMAN

ARJ ORAL ORDERS 09-11-2017

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

M.A. ST. 103/2017 IN O.A.199/2016
(Jayshree Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017

ORAL ORDER:

Heard Shri S.S. Ambore, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent no. 1. None appears for respondent no. 2.

2. The M.A. st. 103/2017 has been filed by the applicant for restoration of O.A. no. 199/2016 to its original file, which was dismissed in default by the Tribunal by the order dated 30.11.2016.

3. Perused the application. Considered the contentions.

4. For the reasons stated in the M.A. it is allowed and disposed of without any order as to costs and the O.A. no. 199/2016 is hereby restored to its original file.

5. Accordingly, the O.A. be placed for hearing on 13.12.2017. The applicant hereinafter be vigilant in prosecuting the O.A.

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 710/2017
(Sharad & Ors. Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017

ORAL ORDER:

Heard Shri S.D. Joshi, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned C.P.O., S.O. to 13.12.2017 for filing affidavit in reply.

VICE CHAIRMAN

ARJ ORAL ORDERS 09-11-2017

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

MA 373/2017 IN OA ST. 1268/2017
(Dr. Somnath Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017

ORAL ORDER:

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

2. The present M.A. has been filed by the applicant for condonation of 9 months & 4 days delay caused in filing the accompanying O.A.

3. Perused the application. Considered the contentions.

4. For the reasons stated in the M.A. it is allowed and disposed of without any order as to costs and the delay of 9 months & 4 days caused in filing the accompanying O.A. is hereby condoned.

5. The Office to register the O.A. after due scrutiny.

VICE CHAIRMAN

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

OA ST. 1268/2017
(Dr. Somnath Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017

ORAL ORDER:

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

2. Issue notices to the respondents in the present O.A., returnable on 13.12.2017.

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

04. 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 13.12.2017.

8. Steno copy & hamdast allowed to both the sides.

VICE CHAIRMAN

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

MA 461/2017 IN OA 81/2016
(Sakhubai Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017

ORAL ORDER:

Heard Shri K.G. Salunke, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. The present M.A. has been filed by the applicant for restoration of O.A. no. 81/2016 to its original file, which was dismissed in default by the Tribunal vide order dtd. 31.10.2017.

3. Perused the application. Considered the contentions.

4. For the reasons stated in the M.A. it is allowed and disposed of without any order as to costs and the O.A. no. 81/2016 is hereby restored to its original file.

5. Office to place the O.A. no. 81/2016 for further hearing on 12.12.2017.

VICE CHAIRMAN

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

MA ST. 1432/2017 IN OA 586/2012
(Bharat Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017

ORAL ORDER:

Heard Smt. (Dr.) Kalpalata Patil
Bharaswadkar, learned Advocate holding for Shri
Sudhir Patil, learned Advocate for the applicant
and Smt. Sanjivani Deshmukh Ghate, learned
Presenting Officer for the respondents.

2. There is a delay of 3 years in filing the M.A.
for restoration of O.A. and in such situation, the
detailed pleadings for condonation of said delay is
required to be filed by the applicant. The
applicant may file M.A. for condonation of delay
in filing restoration application by the next date.
S.O. to 30.11.2017.

VICE CHAIRMAN

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

ORIGINAL APPLICATION NO. 698/2016
(Shriram Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017

ORAL ORDER:

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

2. At the request of learned P.O., S.O. to 14.11.2017 for filing personal affidavit of Shri Rajendra Sitaram Visave, Executive Engineer, Jalgaon Irrigation Division, Jalgaon as per the order of the Tribunal dated 10.10.2017

VICE CHAIRMAN

ARJ ORAL ORDERS 09-11-2017

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

ORIGINAL APPLICATION NO. 322/2017
(Rajesh Vs. The State of Maharashtra and Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 09.11.2017

ORAL ORDER:

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

2. At the request of learned Advocate for the
applicant, S.O. to 29.11.2017 for final hearing

VICE CHAIRMAN

ARJ ORAL ORDERS 09-11-2017