

M.A.NO. 272/2016 IN O.A.ST.NO. 1289/2016
[Subhash P Jaikar Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J

DATE : 05.10. 2016.

ORAL ORDER:

Heard Shri A.M. Hajare – learned Advocate for the Applicant and Shri S.K. Shirase – learned Presenting Officer for respondents.

2. In the Original Application St. No. 1289/2016 the applicant is claiming arrears of dues towards T.A. of Rs. 61,022/-. However, for claiming such relief there seems to be a delay of about 400 days in filing accompanying Original Application and, therefore, this application for condonation of delay is filed.

3. The respondents have filed affidavit in reply in M.A. No. 272/2016 on behalf of respondent Nos. 1 to 3 and the same has been taken on record and the copy thereof has been served upon the learned Advocate for the Applicant.

4. It is stated in the reply filed in M.A. on behalf of respondent Nos. 1 to 3 that the amount of Rs. 59,622/- is to be paid to the applicant as against the claim of Rs. 61,022/-. It is stated that the delay for releasing the said amount is caused as the applicant has not supplied the requisite information and, therefore, there is no question of granting interest to the applicant.

5. Learned Advocate for the Applicant submits that he will take instructions from his client to see as to whether the applicant is

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**M.A. No. 272/2016 IN
O.A.ST. No. 1289/2016**

satisfied with the amount of Rs. 59,622/- as stated by the learned Presenting Officer for the respondents.

6. S.O. to 20th October, 2016.

MEMBER (J)

05.10.2016-(SB)-hdd

M.A.NO. 290/2016 IN O.A.ST.NO. 1424/2016

[Rajendra Bhimrao Salvi Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J

DATE : 05.10. 2016.

ORAL ORDER:

Heard Shri Prafulla Bodade, learned Advocate holding for Shri J.B. Choudhary – learned Advocate for the Applicant and Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for respondents.

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

3. S.O. to 11th November, 2016.

MEMBER (J)

05.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 347 OF 2015

[Dipak Dnyanoba Edke & Ors. Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J

DATE : 05.10. 2016.

ORAL ORDER:

Heard Shri A.S. Shelke – learned Advocate for the Applicants and Shri N.U. Yadav – learned Presenting Officer for respondents.

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

3. S.O. to 25th October, 2016.

MEMBER (J)

05.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 802 OF 2015

[Raosaheb Jairam Mhaske Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J

DATE : 05.10. 2016.

ORAL ORDER:

Heard Shri A.M. Hajare – learned Advocate for the Applicant and Shri M.P. Gude – learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply. He is allowed to file reply and copy thereof be served upon the learned Advocate for the applicant in advance.

3. S.O. to 25th October, 2016.

MEMBER (J)

05.10.2016-(SB)-hdd

ORIGINAL APPLICATION NO. 573 OF 2015

[Ajinath Kisan Kharat Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J

DATE : 05.10. 2016.

ORAL ORDER:

Heard Ms. Pradnya S. Talekar, learned Advocate holding for Shri S.B. Talekar – learned Advocate for the Applicant and Shri N.U. Yadav – learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 17th October, 2016.

MEMBER (J)

05.10.2016-(SB)-hdd

CHAMBER APPEAL NO. 09 OF 2016

[Gaurav Anil Chavan Vs. The State of Maharashtra & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 05.10. 2016.

ORAL ORDER:

Heard Smt. S.C. Thombre – learned counsel for the applicant.

2. Vide order dated 07.09.2016 the Registrar of this Tribunal was pleased to refuse the registration under Rule 5 (4) of Maharashtra Administrative Tribunal (Procedural) Rules, 1988. On 02.08.2016 the office has raised the following office objections: -

- 1) Recommendation of Lad Samiti is not placed on record.
- 2) Memo of O.A. is not signed by Learned Advocate for the Applicant, dates not mentioned.
- 3) Page No. 25 is not eligible.
- 4) Details of service of Grandfather of Applicant is not placed on record, date of retirement not mentioned.

3. So far as objection No. 1 is concerned, it is stated by Learned Advocate for the Applicant that the recommendation of Lad Samiti is not necessary, since it

CHAMBER APPEAL NO. 09 OF 2016

is a report which runs into pages and the applicant is filing GRs issued by the Government from time to time on the basis of such report. I agree with the said contention of the learned Advocate for the Applicant.

4. So far as objection Nos. 2 to 4 is concerned, Learned Advocate for the applicant submits that she will remove the said office objections within a period of two weeks.

5. Technically the Registrar was right in refusing the registration since nobody appeared for the applicant in view of the objection in spite of repeated chances. The learned Advocate for the Applicant submitted that he could not attend the Tribunal as her mother in law was critically ill and, therefore, the registration was refused. The fact that the O.A. is for appointment on compassionate ground and in order to give an opportunity to the applicant to prove his claim on merits, it will be in the interest of justice to allow the appeal as the applicant shall not suffer for the negligence of his Advocate. Hence, the following order:

CHAMBER APPEAL NO. 09 OF 2016

ORDER

Chamber Appeal No. 09/2016 is allowed and Registry to place the matter before the appropriate Bench for hearing, after removal of office objections by the Applicant.

MEMBER (J)

CHAMBER APPEAL-HDD

ORIGINAL APPLICATION NO. 206 OF 2016

[Dilip Kishanrao Salve & Ors. Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 05.10.2016.

ORAL ORDER:

Shri D.G. Kamble – learned Advocate for the Applicants (**absent**). Shri S.K. Shirase – learned Presenting Officer for respondents, present.

2. The applicant to file service affidavit.
3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent No. 1. Time granted.
4. S.O. to 10th November, 2016.

MEMBER (J)

05.10.2016-(DB)-hdd

M.A. 192/16 WITH M.A.ST. 1939/15 IN O.A.ST. 1940/15

[Bhalchandra Haridas Rampure & Anr. Vs. The State of Mah. & Ors.]

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 05.10. 2016.

ORAL ORDER:

Heard Shri B.K. Pawar – learned Advocate for the Applicants and Shri N.U. Yadav – learned Presenting Officer for respondents.

2. Learned Advocate for the Applicants submits that notices be reissued to the respondents in M.A. No. 192/2016.

3. Hence, reissue notices to the respondents in M.A. No. 192/2016, returnable on 15th November, 2016.

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. 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.

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**M.A. 192/16 WITH M.A.ST. 1939/15
IN O.A.ST. 1940/2015**

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 15th November, 2016.
9. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

05.10.2016-(DB)-hdd

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.389/2016 IN O.A.St.No.1665/2016

(N.S.Patil V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

Heard Shri P.B.Sawant learned Advocate holding for Shri V.G.Salgare learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Issue notice to the respondents in the M.A., returnable on 17-11-2016.

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. 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.

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M.A.No.389/2016 IN O.A.St.No.1665/2016

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. Steno copy and Hamdast is allowed to both parties.
8. S.O.17-11-2016.

MEMBER (J)

YUK ORAL ORDER 05-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.392/2016 IN O.A.St.No.1769/2016

(Dr. A.G.Dahiphale & Ors. V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

Heard Shri P.P.Dama learned Advocate for the applicants and Shri M.S.Mahajan learned Chief Presenting Officer for 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 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. Accordingly, accompanying O.A. be registered and numbered. Present M.A. stands disposed of with no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO.1769/2016

(Dr. A.G.Dahiphale & Ors. V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

Heard Shri P.P.Dama learned Advocate for the applicants and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Issue notice to the respondents in the O.A., returnable on 17-11-2016.

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

4. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book. 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.

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M.A.No.389/2016 IN O.A.St.No.1665/2016

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

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

8. S.O.17-11-2016.

MEMBER (J)

YUK ORAL ORDER 05-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION STAMP NO.1607/2016

(N.K.Wankhede V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

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

2. Learned Advocate for the applicant prays for leave to file M.A. for condonation of delay caused in filing the O.A.
3. Leave as prayed is granted. Applicant shall file M.A. for condonation of delay on the next date.
4. S.O.17-11-2016.

MEMBER (J)

YUK ORAL ORDER 05-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.St.No.1676/2016 IN O.A.St.No.1677/2016

(D.D.Jagtap & Ors. V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

Heard Shri V.B.Wagh learned Advocate for the applicants and Shri N.U.Yadav learned Presenting Officer for 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 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 yet paid.

4. Accordingly, accompanying O.A. be registered and numbered. Present M.A. stands disposed of with no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST.NO.1677/2016

(D.D.Jagtap & Ors. V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

Heard Shri V.B.Wagh learned Advocate for the applicants and Shri N.U.Yadav learned Presenting Officer for respondents.

2. Issue notice to the respondents in the O.A., returnable on 17-11-2016.

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

4. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book. 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.

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O.A.ST.No.1677/2016

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

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

8. S.O.17-11-2016.

MEMBER (J)

YUK ORAL ORDER 05-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.682/2015
(B.Y.Sole & Ors. V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

Heard Smt. Vinaya Muley-Dharurkar learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has filed postal acknowledgement on record and states that respondents are served with notice.

3. Learned P.O. states that respondents have not received copy of the O.A. On this, learned Advocate for the applicant undertakes to serve copy of the O.A. on the learned P.O. and he may supply the said copy to the respondents.

4. Learned P.O. seeks time to file reply on behalf of the respondents. Time granted.

5. S.O.15-11-2016.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.804/2015
(B.B.Kanade V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

Heard Shri A.D.Gadekar learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. Applicant is claiming provisional pension w.e.f. 01-05-2015. Respondent no.2 has filed reply affidavit from which it seems that the proposal for provisional has already been sent to the A.G. Nagpur as per letter dated 19th March, 2016, which is at paper book page 32. Thereafter, again a reminder has been sent to A.G. Nagpur on 16-08-2016 but till today provisional pension is not granted to the applicant. A.G. Nagpur is not party to the proceedings.

3. In the similar circumstances in O.A.No.805/2015 provisional pension has been sanctioned. In view thereof, respondents are directed to see that the applicant shall get

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O.A.No.804/15

provisional pension. Provisional pension shall be granted to the applicant within one month from the date of this order.

4. Respondent no.2 shall supply copy of this order to A.G.Nagpur. Accordingly, O.A. stands disposed of with no order as to costs.

MEMBER (J)

YUK ORAL ORDER 05-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.805/2015
(R.S.Chavan V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

Heard Shri A.D.Gadekar learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents.

2. Applicant is claiming direction to the respondents to pay provisional pension w.e.f. 01-07-2015.

3. Reply affidavit has already been filed on record. It is stated that provisional pension has already been sanctioned to the applicant.

4. Learned Advocate for the applicant also admits this fact.

5. In view thereof, nothing survives in the O.A. Accordingly, O.A. stands disposed of with no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.806/2015
(G.M.Deshmukh V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

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

2. Applicant is claiming direction to the respondents to pay provisional pension w.e.f. 01-04-2015.

3. Reply affidavit has already been filed on record. It is stated that provisional pension has already been sanctioned to the applicant.

4. Learned Advocate for the applicant also admits this fact.

5. In view thereof, nothing survives in the O.A. Accordingly, O.A. stands disposed of with no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.830/2015

(Dr. B.G.Manoorkar V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

Heard A.D.Gadekar learned Advocate holding for Shri K.G.Salunke learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for respondents.

2. Learned Advocate for the applicant prays for adjournment. Adjournment granted.

3. S.O.15-11-2016.

MEMBER (J)

YUK ORAL ORDER 05-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.151/2016

(Dr. S.M.Surwase V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

Heard Shri P.R.Tandale learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 4. It is taken on record. Copy thereof has been served on the other side.

3. S.O.15-11-2016.

MEMBER (J)

YUK ORAL ORDER 05-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.242/2016

(G.R.Sakhare V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

Heard A.D.Gadekar learned Advocate holding for Shri K.G.Salunke learned Advocate for the applicant, Smt. Deepali Deshpande learned Presenting Officer for respondent nos.1 and 2 and Shri S.K.Sawangikar learned Advocate for respondent no.3.

2. Learned Advocate for the applicant prays for adjournment.

3. It is evident that reply has already been filed on record. Since the pleadings are complete, this matter is admitted. Matter be kept for final hearing on 15-11-2016.

4. S.O.15-11-2016.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.246/2016

(R.M.Dabhade & Ors. V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

Heard Shri P.V.Suryavanshi learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for respondents.

2. Learned Advocate for the applicant prays for time for filing rejoinder, if necessary. Time granted.

3. S.O.10-11-2016.

MEMBER (J)

YUK ORAL ORDER 05-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.572/2016

(S.M.Sulfule & Ors. V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

Heard Shri P.V.Suryavanshi learned Advocate for the applicants and Shri M.P.Gude learned Presenting Officer for 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 Advocate for the applicant prays for time for filing rejoinder, if necessary. Time granted.

4. S.O.10-11-2016.

MEMBER (J)

YUK ORAL ORDER 05-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.258/2016

(A.P.Kapse V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

Shri H.A.Joshi learned Advocate for the applicant is **absent**. Shri S.K.Shirese learned Presenting Officer for respondents is present.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Copy thereof has been served on the other side.

3. S.O.08-11-2016.

MEMBER (J)

YUK ORAL ORDER 05-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.260/2016

(R.D.Bhabad V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

Heard Shri J.S.Desmhukh learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. Learned P.O. prays for time for filing reply on behalf of the respondents. Time granted.

3. S.O.15-11-2016.

MEMBER (J)

YUK ORAL ORDER 05-10-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.281/2016

(L.V.Kadam V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 05-10-2016

ORAL ORDER:-

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

2. Learned P.O. files a short affidavit on behalf of respondent no.5. It is taken on record. Copy thereof has been served on the other side.

3. In this O.A. applicant has only claimed direction to the respondents to pay him difference of Dearness Allowance of Rs.72,143/- with interest thereon.

4. In the reply it is stated that proposal has already sent to the Government vide letter dated 20th September, 2016 (Exhibit-X) and the said proposal has been sanctioned and the amount mentioned therein will be paid within 4 weeks.

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O.A.No.281/16

5. In view thereof, application stands disposed of with direction to the respondents to pay the above said amount to the applicant within 4 weeks from the date of this order. There shall be no order as to costs.

MEMBER (J)

YUK ORAL ORDER 05-10-2016

ORIGINAL APPLICATION NO. 404 OF 2016

{Dr. Avinash T. Landge Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 5.10.2016

Oral Order :-

1. Heard Shri A.S. Shelke, learned Advocate for the applicant, Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent nos. 1 to 3 and Shri A.S. Nimbalkar, learned Advocate for respondent no. 4.
2. The learned Advocate for the applicant has filed copy of O.A. no. 60/2014 dated 26.6.2014 and copy of communication dated 12.9.2016. The learned Advocate for res. no. 4 has also filed copy of D.E. Rules, 4th Edition, 1991. The said documents are taken on record.
3. Since the pleadings are complete, the matter is admitted.
4. S.O. to 25.10.2016 for final hearing.

MEMBER (J)

ARJ 5.10.2016

ORIGINAL APPLICATION NO. 418 OF 2016

{Shri Manoranjan M. Gatkale Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 5.10.2016

Oral Order :-

1. None appears for the applicant. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, is present.
2. As the applicant and his learned Counsel are absent, S.O. to 18.11.2016.

MEMBER (J)

ARJ 5.10.2016

ORIGINAL APPLICATION NO. 453 OF 2016

{Shri A.S. Dahiphale Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 5.10.2016

Oral Order :-

1. Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Deshmukh, learned Presenting Officer for the respondents.

2. The learned Settlement Commissioner Shri Sambhaji Kadu Patil is present in the Court and he has filed additional affidavit in reply on behalf of res. no. 2. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant. He is heard personally.

3. Matter is closed for orders.

MEMBER (J)

ARJ 5.10.2016

ORIGINAL APPLICATION NO. 477 OF 2016

{Shri Anil P. Ghodke Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 5.10.2016

Oral Order :-

1. Heard Shri A.L. Kanade, learned Advocate for the applicant, Shri V.R. Deshmukh, learned Presenting Officer for the respondent nos. 1 to 3 and Shri P.V. Suryawanshi, learned Advocate holding for Shri B.S. Deshmukh, learned Advocate for respondent no. 4.

2. The learned Advocate for res. no. 4 has filed affidavit in reply. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The learned Advocate for the applicant seeks permission to withdraw the present O.A. Permission as sought for is granted.

4. Accordingly, O.A. stands disposed of as withdrawn. There shall be no order as to costs.

MEMBER (J)

ARJ 5.10.2016

ORIGINAL APPLICATION NO. 535 OF 2016

{Shri R.P. Salve Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 5.10.2016

Oral Order :-

1. Heard Shri R.V. Salve, learned Advocate holding for Shri R.M. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. Since the pleadings are complete, the matter is admitted.
3. S.O. to 18.11.2016 for final hearing.

MEMBER (J)

ARJ 5.10.2016

ORIGINAL APPLICATION NO. 609 OF 2016

{Shri D.R. Pawar Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 5.10.2016

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply. Time granted.
3. S.O. to 18.11.2016. The interim relief to continue till then.

MEMBER (J)

ARJ 5.10.2016

ORIGINAL APPLICATION NO. 615 OF 2016

{Shri M.W.Adhikar Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 5.10.2016

Oral Order :-

1. None appears for the applicant. Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 & 2 and Shri G.N. Patil, learned special Counsel for respondent no. 4, are present.
2. Today, Shri Patil, learned Special Counsel has filed reply of res. no. 2 & 3. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.
3. The learned P.O. seeks time to file affidavit in reply. Time granted.
4. S.O. to 11.11.2016.

MEMBER (J)

ARJ 5.10.2016

ORIGINAL APPLICATION NO. 653 OF 2016

{Smt. Sandhya B. Thakare Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 5.10.2016

Oral Order :-

1. Heard Shri P.N. Sonpethkar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. The learned C.P.O. seeks time to file affidavit in reply of the respondents. Time granted.
3. S.O. to 24.10.2016.

MEMBER (J)

ARJ 5.10.2016

ORIGINAL APPLICATION NO. 691 OF 2016

{Shri D.B. Patil Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 5.10.2016

Oral Order :-

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

2. The learned C.P.O. submits that, he has taken instructions from the concerned respondents as per the order of this Tribunal dated 26.9.2016 and he has been told by the M.P.S.C. that, some matter is pending before this Tribunal at Mumbai and some orders are awaited and, therefore, the merit list cannot be published.

3. Shri V.A. Dhakane, the learned Advocate appears and submits that, he is going to file intervention application and also submits that the Principal Seat of this Tribunal at Mumbai has directed the Govt. to revise the merit list and he will file those documents on record on the next date.

4. S.O. to 27.10.2016.

MEMBER (J)

ARJ 5.10.2016

ORIGINAL APPLICATION NO. 700 OF 2016

{Shri Appasaheb G. Shinde Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 5.10.2016

Oral Order :-

1. Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. The learned C.P.O. seeks time to file affidavit in reply of the respondents. Time granted.
3. S.O. to 11.11.2016.

MEMBER (J)

ARJ 5.10.2016

ORIGINAL APPLICATION NO. 705 OF 2016

{Smt. Panchfulabai R. Shirsath Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 5.10.2016

Oral Order :-

1. Heard Shri R.L. Chintalwar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. The learned C.P.O. seeks time to file affidavit in reply of the respondents. Time granted.
3. S.O. to 18.11.2016.

MEMBER (J)

ARJ 5.10.2016

ORIGINAL APPLICATION NO. 718 OF 2016

{Shri Ashok T. Bari & Ors. Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 5.10.2016

Oral Order :-

1. Heard Shri Manoj Shelke, learned Advocate holding for Shri S.S. Deshmukh, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply of the respondents. Time granted.
3. S.O. to 15.11.2016.

MEMBER (J)

ARJ 5.10.2016

MA 268/2016 IN OA ST. NO. 209/2016

{Shri Kelsing S. Pawra Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 5.10.2016

Oral Order :-

1. Heard Shri Pramod Devre, learned Advocate holding for Shri A.P. Avhad, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. The learned P.O. has filed affidavit in reply on behalf of res. no. 3. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.
3. The learned P.O. seeks time to file affidavit in reply on behalf other respondents. Time granted.
4. The learned Advocate for the applicant states that, he will go through the affidavit in reply filed by res. no. 3 and will file rejoinder, if any.
5. S.O. to 18.11.2016.

MEMBER (J)

ARJ 5.10.2016

ORIGINAL APPLICATION NO. 382 OF 2016

{Shri Raju R. Dagadghate Vs. The State of Mah. & Ors.}

CORAM :- Hon'ble Shri J. D. Kulkarni, Member (J)

DATE :- 5.10.2016

Oral Order :-

1. Heard Shri K.B. Jadhav, learned Advocate for the applicant, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 & 2 and Shri Ashish Rajkar, learned Advocate for respondent no. 3.

2. In this O.A. the applicant has challenged the selection of res. no. 3 to the post of Police Patil of village Jivrag Takli, Tq. Sillod, Dist. Aurangabad. He, therefore, requested that the selection of res. no. 3 on the post of Police Patil be quashed and set aside.

3. The learned Advocate for res. no. 3 filed affidavit in reply. It is taken on record and placed at paper book pages 33 & 34 (both pages inclusive) and copy thereof has been served upon the learned Advocate for the applicant.

4. Today, the learned Advocate for the res. no. 3 made a statement that, the res. no. 3 is not interested to work on the post of Police Patil and that he has no objection to appoint

any other person on the post of Police Patil of the village Jivraj Takli, Tq. Sillod, Dist. Aurangabad.

5. The learned P.O. seeks time to file affidavit in reply on behalf of res. nos. 1 & 2. Time granted.

6. In the changed circumstances, the learned P.O. may take instructions from the respondents as to whether the applicant can be appointed on the post of Police Patil of village Jivrag Takli, Tq. Sillod, Dist. Aurangabad or otherwise and to file short affidavit to that effect by the next date.

7. S.O. to 27.10.2016.

MEMBER (J)

ARJ 5.10.2016