

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

ORIGINAL APPLICATION NO. 213/2017
(Shri Kaniram M. Jadhav V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted.

3. S.O. to 10.10.2017.

MEMBER (J)

KPB ORAL ORDER 18-09-2017

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

ORIGINAL APPLICATION NO. 290/2017
(Shri Sanjay S. Maske V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

Shri R.J. Godbole, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted.

3. S.O. to 10.10.2017. Interim relief granted earlier to continue till then.

KPB ORAL ORDER 18-09-2017

MEMBER (J)

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

ORIGINAL APPLICATION NO. 307/2017
(Shri Prakash S. Gadekar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted as a last chance.

3. S.O. to 04.10.2017. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 18-09-2017

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

ORIGINAL APPLICATION NO. 355/2017
(Shri Rajendra T. Dawange V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

Shri Kakasaheb B. Jadhav, 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 on behalf of respondents. Time granted as a last chance.

3. S.O. to 16.10.2017.

MEMBER (J)

KPB ORAL ORDER 18-09-2017

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO. 419/2017
WITH
CAVEAT NO. 18/2017
(Shri Bhaskar V. Waghmare V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

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

2. Learned Advocate for the respondent Nos. 2 to 5 has filed affidavit in reply. Same is taken on record and the copy thereof has been served on the other side.

3. Learned Advocate for the applicant seeks time to file rejoinder affidavit. Time granted.

4. S.O. to 05.10.2017. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 18-09-2017

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO. 466/2017
(Shri Sham Sundarrao Mane V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

Shri A.S. Deshmukh, learned Advocate holding for Shri A.N. Walunkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 3. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1, 2 & 4. Time granted as a last chance.

4. S.O. to 04.10.2017.

MEMBER (J)

KPB ORAL ORDER 18-09-2017

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

ORIGINAL APPLICATION NO. 581/2017
(Smt. Mangal S. Kathare V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

Shri D.T. Devane, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 12.10.2017.

KPB ORAL ORDER 18-09-2017

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 417/2017
(Smt. Ranjana A. Surkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

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

2. Today, the learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 and 3. Same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. In the affidavit in reply, the respondents have submitted that the respondent No. 1 by communication dated 8.9.2017 informed the respondent No. 2 that the impugned transfer order of the applicant has been cancelled and directed the respondent No. 2 to issue necessary orders. Accordingly, the respondent No. 2 issued order cancelling the impugned order of transfer order of the applicant and reposted her at Ambejogai.

4. Learned Presenting Officer has submitted that in view of the said communication and order passed by the respondent No. 2, the O.A. may be disposed of.

5. Learned Advocate for the applicant has submitted that since the impugned order of transfer of the applicant has been cancelled and she has been reposted at Ambejogai, the applicant does not want to proceed with the present Original Application and therefore, he prayed to dispose of it.

6. In view of the above submissions made on behalf of the applicant as well as submissions made by the learned Presenting Officer, the Original Application is disposed of with no order as to costs.

MEMBER (J)

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO. 826/2016
(Shri Laxman B. Parandkar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

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

2. Today, the learned Presenting Officer has filed short affidavit of Shri Shrishkumar Mallikarjun Jamdade, Divisional Joint Director of Agriculture, Latur Division, Latur, in pursuance of the order passed by this Tribunal on 22.08.2017.

3. I have gone through the affidavit of Shri Shrishkumar Mallikarjun Jamdade. The said affidavit is silent as regards decision taken by him on the representations made by the applicant on 20.04.2016, 13.06.2016, 09.09.2016 and 23.09.2016. There is no whisper about the decision taken on the representations

as directed by this Tribunal on 25.04.2017. The affidavit is vague and ambiguous. The explanation given by the respondents is not acceptable.

4. It is mentioned in the short affidavit of Shri Shrishkumar Mallikarjun Jamdade, that the suspension review committee held its meeting on 21.08.2017 and to decide to revoke the suspension of the applicant, but till today minutes of the meeting/order of revocation are not received to the office of respondent No. 2. It shows that the said decision has been taken before more than two weeks. In spite of that, no order of revocation of suspension of the applicant has been issued till today and same has not been produced on record.

5. Therefore, the respondents are directed to produce decision of the review committee by 3.00 p.m. today.

MEMBER (J)

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

**ORIGINAL APPLICATION NO.826/2016
(Shri Laxman Bhimrao Parandkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

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

2. Learned P.O. has filed communication 18-09-2017 received from the Deputy commissioner (Revenue) and Secretary, Regional Suspension Review Committee, Aurangabad informing the respondent no.2 about the decision taken by the Suspension Review Committee dated 21-08-2017 thereby revoking suspension of the applicant. It is taken on record. Learned P.O. has also produced order dated 18th September, 2017 issued by the respondent no.2 revoking suspension of the applicant. It is also taken on record.

3. Learned Advocate for the applicant has submitted that in view of the communication and order produced by the learned P.O. purpose of filing O.A. is served. Therefore, he prayed to dispose of the O.A. accordingly.

4. Since the respondent no.2 has revoked suspension of the applicant, show cause notice dated 22-08-2017 issued by the Tribunal to the respondent no.2 stands withdrawn.

5. As the respondent no.2 has already revoked suspension of the applicant, purpose of filing the present O.A. is served. Nothing survives in the O.A. Hence, O.A. stands disposed of with no order as to costs.

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 676/2017
(Shri Rahul B. Suryawanshi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

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

2. The applicant has challenged the impugned transfer order dated 15.09.2017 by which he has been transferred from Paithan to Kalmnuri. It is contention of the applicant that the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "the Transfer Act 2005"), has not been followed while effecting his transfer and it is midterm and mid-tenure transfer. It is contention of the applicant that he has to be relieved on today afternoon. The learned Advocate for the applicant has submitted that the applicant has not yet been relieved from his present post and therefore, he prayed to stay the execution of impugned order of transfer.

3. Learned Chief Presenting Officer has submitted that the applicant has been transferred on administrative ground in view of

the provisions of Section 4(4) and 4(5) of the Transfer Act, 2005 by obtaining prior approval of the competent authority. He has submitted that he wants to take detailed information to file reply and therefore, he sought time.

4. Since the applicant is not relieved from his present posting and the impugned transfer is mid-term transfer, it is just and proper to maintain status-quo as on today, if the applicant is not relieved. Therefore, the respondents are directed to maintain status-quo as on today, if the applicant is not relieved till next date.

5. Issue notices to the respondents, returnable on 13.10.2017.

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

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

8. 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.

9. 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.

10. S.O.to 13.10.2017.

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

MEMBER (J)

KPB ORAL ORDER 18-09-2017

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
ORIGINAL APPLICATION NO. 542/2016
(Smt. Vaishali A. Kathar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondent nos. 1 to 3 and Shri D.T. Devane, learned Advocate for respondent No. 4.

2. Learned Presenting Officer has submitted that she has communicated order dated 1.9.2017, by which the S.D.O., Kannad is directed to file affidavit on certain point. She has submitted that in spite of intimation to S.D.O., Kannad, she has unable to filed affidavit on behalf of S.D.O., Kannad. Therefore, she prayed to pass appropriate order. The matter is of the year 2016. On 1.9.2017, this Tribunal directed the S.D.O., Kannad to file short affidavit as to which procedure has been followed by him, while making the selection and appointment of respondent No. 4 on the post of Police Patil,

though he was working as Member of Grampanchayat at the relevant time in violation of the terms and conditions mentioned in the advertisement. In spite of specific direction given to the S.D.O., Kannad, he failed to file short affidavit.

3. On considering the submissions advanced by the learned Presenting Officer, it reveals that the S.D.O., Kannad has flouted the orders of the Tribunal. Therefore, the learned Presenting Officer is directed to furnish the name of S.D.O., Kannad.

4. Learned Presenting Officer has furnished the name of S.D.O., Kannad, which is as follows:-

"Dr. Shrimant Harkar, Sub-Divisional Officer, Kannad, Dist. Aurangabad."

5. Issue show cause notice to the S.D.O., Kannad, calling explanation from him as to why the action should not be initiated against him for flouting the orders of the Tribunal and to remain present personally before this Tribunal.

6. S.O. to 26.09.2017.

MEMBER (J)

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

**ORIGINAL APPLICATION NO.632/2017.
(Smt Jayshri A. Markali 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 : 18.09.2017.

ORAL ORDER :

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

2. The learned Advocate for the applicant submits that, Registry refused to accept the copy of the FIR though order was passed on 11.9.2017. Therefore, the copies of the documents as directed vide order dated 11.9.2017 are now being produced before the Tribunal. The same is accepted. The copies of the documents shall be part and parcel of the present application. The applicant is directed to give paging in chronological order.

-2- ORIGINAL APPLICATION NO.632/2017.

3. At the request of the learned Advocate for the applicant, S.O. to 22.9.2017 for making submissions.

VICE CHAIRMAN.

ATP ORAL ORDERS 18-09-2017

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

**MA NO.343/16 IN OA ST.1570/16..
(Shri Datta A. Turmar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2017.

ORAL ORDER :

Heard Shri S. N. Pagare, learned Advocate
for the applicant and Smt P. R. Bharaswadkar,
learned Presenting Officer for respondents.

2. The learned P.O. seeks time for reporting
compliance as was directed vide order dated
1.8.2017. At her request, S.O. to 21.9.2017 for
reporting compliance.

VICE CHAIRMAN.

ATP ORAL ORDERS 18-09-2017

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

MA No.396/16 in OA No.691/2016.

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2017.

ORAL ORDER :

None present for the applicants in MA as well as in OA. Smt S. K. Ghate Deshmukh, learned Presenting Officer for respondents is present.

2. Read the order dated 1.7.2017. The submissions made by the learned P.O. would show that, since no meritorious candidates were found the merit list was not prepared.

3. In view of the absence of the learned Advocate for the applicants, S.O. to 27.9.2017 for making submissions on the above line.

VICE CHAIRMAN.

ATP ORAL ORDERS 18-09-2017

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

**MA No.382/16 in OA ST.No. 1750/16.
(Shri B. T. Chaudhari V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2017.

ORAL ORDER :

Heard Shri A. D. Sugdare, learned Advocate for the applicant and Shri D. R. Patil, learned Presenting Officer for respondent no.1. Shri S. D. Dhongde learned Advocate for the Respondents no.2 & 3 has filed leave note.

2. The learned P.O. files affidavit in reply of Respondent no.1. The same is accepted. Copy served on the other side. The reply of Respondent no.3 is already filed on record.

3. S.O. to 03.10.2017 for hearing.

VICE CHAIRMAN.

ATP ORAL ORDERS 18-09-2017

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

**MA NO.378/16 WITH MA ST.1633/16 in OA St.1634/2016.
(Shri V. S. More & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 18.09.2017.

ORAL ORDER :

Heard Shri T. B. Bhosale, learned Advocate for the applicant and Shri N. U. Yadav, learned Presenting Officer for respondents.

2. The learned Advocate for the applicant files affidavit in rejoinder. The same is accepted. Copy served on the other side. He further submits that, original applications of similar nature are allowed and thereafter the present application came to be filed is the ground of condonation of delay. He is directed to support the said submissions.

3. The learned P.O. seeks time to find out any further reply is necessary. At his request, S.O. to 12.10.2017 for filing sur-rejoinder.

VICE CHAIRMAN.

ATP ORAL ORDERS 18-09-2017

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

**ORIGINAL APPLICATION NO. 224/2017.
(Shri D. K. Taru 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 : 18.09.2017.

ORAL ORDER :

Heard Shri Ganesh Jadhav learned Advocate holding for Shri A. S. Shelke, learned Advocate for the applicant, Shri M. S. Mahajan, learned Chief Presenting Officer for respondents no.1 & 2 and Shri S. G. Rudrawar, learned Advocate for the Respondent no.3.

2. The learned C.P.O. files reply of respondent no.2. The same is accepted. Copy served on the other side.

3. S.O. to 25.9.2017. Interim relief granted earlier to continue till then.

VICE CHAIRMAN.

ATP ORAL ORDERS 18-09-2017

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

**ORIGINAL APPLICATION NO.634/2017.
(Shri K. V. Gadekar 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 : 18.09.2017.

ORAL ORDER :

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

2. Upon hearing the learned Advocate for the applicant it appears that, only somebody at the office of Respondent no.2 had orally might have told the present applicant that, she would not be selected for want of registration, against the clear-cut instructions given in the advertisement that the required registration can be obtained even prior to the joining of the service.

3. The learned Advocate for the applicant submits that, in similar matter in OA Nos.623/17 & 624/2017 in the similar situation

-2- ORIGINAL APPLICATION NO.634/2017.

the interim relief is granted. He seeks time to file copy of the said applications as well as order passed therein. At his request, S. O. to 21.9.2017 for compliance.

VICE CHAIRMAN.

ATP ORAL ORDERS 18-09-2017

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

OA Nos.670, 671, 672, 675 of 2017.

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 : 18.09.2017.

ORAL ORDER :

Heard Shri A. R. Tapse, learned Advocate for the applicants in all the matters and S/Shri I. S. Thorat, D. R. Patil, S. K. Shirse & Smt. D. S. Deshpande, learned Presenting Officers for respective respondents in respective matters.

2. Issue notice to the respondents, returnable on 04.10.2017. Considering the fact that, all the present applicants are already in service since long interim relief in terms of prayer clause "F" is hereby granted until further orders. Prayer clause "F" runs as under :-

"F. Pending the hearing and final disposal of this Original application, the effect, execution and implementation of the impugned order dated 6.9.2017 may kindly be stayed."

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

4. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of 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 04.10.2017.

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

VICE CHAIRMAN.

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

**MA.No. 382/2017 in OA St.No.1400 of 2017.
(Shri P. B. Garkal & Ors. Vs. The State of Mah.& 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 : 18.09.2017.

ORAL ORDER :

Heard Shri M. L. Muthal, learned Advocate for the applicants and Smt D. S. Deshpande, learned Presenting Officer for respondents.

2. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

VICE CHAIRMAN.

ATP ORAL ORDERS 18-09-2017

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

**OA St.No.1400 of 2017.
(Shri P. B. Garkal & Ors. Vs. The State of Mah.& 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 : 18.09.2017.

ORAL ORDER :

Heard Shri M. L. Muthal, learned Advocate for the applicants and Smt D. S. Deshpande, learned Presenting Officer for respondents.

2. Issue notice to the respondents, returnable on 04.10.2017. Considering the fact that, all the present applicants are already in service since long interim relief in terms of prayer clause "D" is hereby granted until further orders. Prayer clause "D" runs as under :-

"D. Pending hearing and final disposal of this Original application, The Hon'ble Court may be pleased to stay the effect, implementation and operation of the impugned order dated 6.9.2017."

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

4. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of 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 04.10.2017.

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

VICE CHAIRMAN.

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

OA Nos. 47, 84 & 281 of 2017.

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 : 18.09.2017.

ORAL ORDER :

Heard Shri AS Deshmukh, learned Advocate for the applicant in OA No.47/17 & Shri P. S. Waghmare learned Advocate for the applicants in OA Nos.84 & 281 of 2017 and Smt P. R. Bharaswadkar, learned Presenting Officer for respondents in all the matters.

2. The learned P.O. on instructions from the learned Collector submits that, the applicants shall appear before him on 3.10.2017. Accordingly learned Advocates for the applicants submit that, on the due date the applicant in OA No.47/2017 was ill and unable to attend the Collector vide order passed by this Tribunal on 22.6.2017. However, all of them would attend the hearing before the Collector on 3.10.2017. In the circumstances, S.O. to 9.10.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 18-09-2017

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

**ORIGINAL APPLICATION NO.152/2017.
(Shri H. J. Chatre 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 : 18.09.2017.

ORAL ORDER :

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

2. The learned Advocate for the applicant files on record a true copy of the order dated 22.10.2016, the same is accepted and marked as Exh.X for the purpose of identification. Copies served on the other side.

3. The learned Advocate for the applicant also points that, para no.7 of the reply starting from page nos.55 the respondents have also admitted that, the list is the seniority list. He seeks time to have hearing on admission. At his request, S.O. to 27.9.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 18-09-2017

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

**ORIGINAL APPLICATION NO.493/2017.
(Dr. Sanjay K. Khachane 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 : 18.09.2017.

ORAL ORDER :

Heard Shri V. B. Wagh, learned Advocate for the applicant and Shri M. S. Mahajan, learned Chief Presenting Officer for respondents Shri H. A. Joshi Advocate filed Vakalatnama of Respondents no.3. The same is accepted.

2. Learned C.P.O. as well as Shri H. A. Joshi learned Advocate seek time for filing reply. At their request, S.O. to 10.102.017 for filing reply.

3. Interim relief granted earlier to continue till then.

VICE CHAIRMAN.

ATP ORAL ORDERS 18-09-2017

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

**ORIGINAL APPLICATION NO. 588/2017.
(Dr. B. R. Yadav 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 : 18.09.2017.

ORAL ORDER :

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

2. The learned P.O. seeks time to file reply. At her request, S.O. to 4.10.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 18-09-2017

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

**MA NO.430/16 IN OA ST.NO.1778/16.
(Shaligram 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 : 18.09.2017.

ORAL ORDER :

Shri S. D. Dhongde, learned Advocate for the applicant has filed leave note. Shri N. U. Yadav, learned Presenting Officer for respondents is present.

2. The learned P.O. files reply of respondents no.1 to 3. The same is accepted.

3. S.O. to 9.10.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 18-09-2017

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

**MA NO.197/17 IN OA ST.NO.526/2017.
(Shri Chetan Y. Thakur 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 : 18.09.2017.

ORAL ORDER :

Heard Shri S. P. Dhobale learned Advocate holding for Shri N. L. Choudhary, learned Advocate for the applicant and Smt P. R. Bharaswadkar, learned Presenting Officer for respondents.

2. The learned P.O. seeks time to file reply. At her request, S.O. to 12.10.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 18-09-2017

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

**MA NO.232/17 IN OA ST.NO.789/2017.
(Shri Kailas A. Pardeshi 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 : 18.09.2017.

ORAL ORDER :

Heard Shri S. B. Mene learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Smt D. S. Deshpande, learned Presenting Officer for respondents.

2. The learned P.O. seeks time to file reply. At her request, S.O. to 13.10.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 18-09-2017

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

**MA NO.303/17 IN OA ST.NO.1040/2017.
(Shri R. H. Rathod 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 : 18.09.2017.

ORAL ORDER :

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

2. The learned P.O. seeks time to file reply. At her request, S.O. to 12.10.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 18-09-2017

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

**MA NO.336/17 IN OA NO.481/17.
(Shri A. M. Tambe 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 : 18.09.2017.

ORAL ORDER :

Shri S. D. Dhongde, learned Advocate for the applicant has filed leave note. Shri N. U. Yadav, learned Presenting Officer for respondents is present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 4.10.2017.

VICE CHAIRMAN.

ATP ORAL ORDERS 18-09-2017

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

**ORIGINAL APPLICATION NO. 350 OF 2017
(Shri Vyankat B. Bhosale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

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

2. It transpires from the proceedings that the applicant has not carried out the necessary amendment in the present Original Application as yet, though by an order dated 24.07.2017 this Tribunal has granted leave to him to carry out the amendment.

3. Since nobody appears for the applicant today, S.O. to 31st October, 2017 for carrying out the necessary amendment by the applicant and for complying office objection/s, if any.

MEMBER (J)

ORAL ORDERS 18-9-2017-HDD

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

**ORIGINAL APPLICATION NO. 351 OF 2017
(Shri Baban B. Shinde V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

Shri D.B. Bhange, learned Advocate for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondents, present.

2. It transpires from the proceedings that the applicant has not carried out the necessary amendment in the present Original Application as yet, though by an order dated 24.07.2017 this Tribunal has granted leave to him to carry out the amendment.

3. Since nobody appears for the applicant today, S.O. to 31st October, 2017 for carrying out the necessary amendment by the applicant and for complying office objection/s, if any.

MEMBER (J)

ORAL ORDERS 18-9-2017-HDD

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

**ORIGINAL APPLICATION ST. NO. 615 OF 2017
(Shri Tarachand K. Jadhav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

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

2. It transpires from the proceedings that the applicant has not carried out the necessary amendment in the present Original Application as yet, though by an order dated 24.07.2017 this Tribunal has granted leave to him to carry out the amendment.

3. Since nobody appears for the applicant today, S.O. to 31st October, 2017 for carrying out the necessary amendment by the applicant and for complying office objection/s, if any.

MEMBER (J)

ORAL ORDERS 18-9-2017-HDD

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

**ORIGINAL APPLICATION ST. NO. 616 OF 2017
(Shri Chandu R. Kayasth V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

Shri D.B. Bhange, learned Advocate for the applicant (**absent**). Shri D.R. Patil, learned Presenting Officer for the respondents, present.

2. It transpires from the proceedings that the applicant has not carried out the necessary amendment in the present Original Application as yet, though by an order dated 24.07.2017 this Tribunal has granted leave to him to carry out the amendment.

3. Since nobody appears for the applicant today, S.O. to 31st October, 2017 for carrying out the necessary amendment by the applicant and for complying office objection/s, if any.

MEMBER (J)

ORAL ORDERS 18-9-2017-HDD

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

**ORIGINAL APPLICATION ST. NO. 617 OF 2017
(Shri Kashinath T. Chauthmal V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

Shri D.B. Bhange, learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondents, present.

2. It transpires from the proceedings that the applicant has not carried out the necessary amendment in the present Original Application as yet, though by an order dated 24.07.2017 this Tribunal has granted leave to him to carry out the amendment.

3. Since nobody appears for the applicant today, S.O. to 31st October, 2017 for carrying out the necessary amendment by the applicant and for complying office objection/s, if any.

MEMBER (J)

ORAL ORDERS 18-9-2017-HDD

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

**ORIGINAL APPLICATION ST. NO. 766 OF 2017
(Shri Ratnakar S. Vaidya V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

Shri D.B. Bhange, learned Advocate for the applicant (**absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, present.

2. It transpires from the proceedings that the applicant has not carried out the necessary amendment in the present Original Application as yet, though by an order dated 24.07.2017 this Tribunal has granted leave to him to carry out the amendment.

3. Since nobody appears for the applicant today, S.O. to 31st October, 2017 for carrying out the necessary amendment by the applicant and for complying office objection/s, if any.

MEMBER (J)

ORAL ORDERS 18-9-2017-HDD

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

**ORIGINAL APPLICATION NO. 673 OF 2017
(Shri Walmik R. Dane V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

Heard Shri Alok B. Chalak Patil, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 16th October, 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.

O.A. NO. 673 OF 2017

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 16th October, 2017.
9. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 18-9-2017-HDD

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

**ORIGINAL APPLICATION NO. 667 OF 2017
(Shri Sandip K. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

Heard Shri S.A. Gaikwad, 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 16th October, 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.

O.A. NO. 667 OF 2017

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 16th October, 2017.
9. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 18-9-2017-HDD

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

**M.A.NO. 363/2017 IN O.A.ST.NO. 1305/2017
(Shri Arun B. Joshi & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

Heard Shri Vivek G. Pingle, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicants has submitted that the applicants are claiming benefits of pay scale of two promotional posts, in view of the Assured Career Progression Scheme. He has submitted that the Government Resolution dated 13.06.2016 is not applicable to the applicants and the relief claimed by the applicants is similar and, therefore, they filed the present Original Application jointly.

3. Learned Chief Presenting Officer has submitted that the Junior Engineering Association has challenged the Government Circular dated 13.6.2016, a copy of which is placed on record at page No. 137, Annexure "A-13" Collectively, by filing O.A. No. 837/2016 in this Tribunal, which was dismissed by this Tribunal at Principal Seat at Mumbai on 02.02.2017. He has submitted that against the

said decision the applicants in that O.A., had approached the Hon'ble Bombay High Court Bench at Aurangabad by filing Writ Petition No. 2605/2017 and the same is pending. He has submitted that the issue regarding applicability of the G.R. dated 13.06.2016 was involved in that O.A. and it has been decided by this Tribunal. In view of the said fact, the applicants have to explain how the present Original Application is maintainable, when the earlier O.A. filed by the Association has been decided by this Tribunal.

4. S.O. to 25th September, 2017.

MEMBER (J)

ORAL ORDERS 18-9-2017-HDD

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

**M.A.NO. 364/2017 IN O.A.ST.NO. 1308/2017
(Shri Sadanand M. Gupta & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

Heard Shri Vivek Pingle, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The applicants are retired Government employees of Water Resources Department. By filing the present Original Application, they are claiming that the benefits of Assured Career Progressive Scheme extended to them and they be given the benefit of pay scale of two promotional posts as per G.R. dated 1.4.2010, after completion of 12 and 24 years of their service. They filed the application seeking permission of this Tribunal to file the present O.A. sue jointly on the ground that the relief sought by them is similar and identical.

3. On perusal of the record, it reveals that the dates of appointment order of the applicants are different. They have also filed representation on different dates. In my opinion, the cause of action to file the application has been arisen to the applicants on different dates. Therefore, the

present application for sue jointly cannot be allowed.

4. Learned Advocate for the applicant submits that the liberty may be granted to the applicants to file separate Original Applications.

5. In view thereof, the present Miscellaneous Application for sue jointly stands dismissed. Consequently, the accompanying Original Application also stand dismissed. Liberty is granted to the applicants to file separate Original Applications.

There shall be no order as to costs.

MEMBER (J)

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

O.A. NO. 636/2017 (Dr. M.K. Kakad) WITH
O.A. NO. 637/2017 (Dr. D.S. Nipte) WITH
O.A. NO. 638/2017 (Dr. S.D. Khade) WITH
O.A. NO. 639/2017 (Dr. S.B. Shinde) WITH
O.A. NO. 640/2017 (Dr. L.R. Tandale) WITH
O.A. NO. 641/2017 (Dr. Mirza Sajid) WITH
O.A. NO. 642/2017 (Dr. K. D. Khakre) WITH
O.A. NO. 643/2017 (Dr. S.R. Kadam) WITH
O.A. NO. 644/2017 (Dr. S.C. Gavane) WITH
O.A. NO. 645/2017 (Dr. V.U. Athwale)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : B. P. PATIL, MEMBER (J)

DATE : 18.09.2017.

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicants in all these cases and Mrs. Priya R. Bharaswadkar, Smt. Resha S. Deshmukh, S/Shri N.U. Yadav, S.K. Shirse, M.P. Gude, V.R. Bhumkar, I.S. Thorat, M.P. Gude, D.R. Patil & Mrs. Deepali S. Deshpande, learned Presenting Officers for the respondents respectively.

2. Learned Advocate for the applicants has submitted that the applicants have filed representation dated 4th February, 2017 before the District Health Officer, Zilla Parishad, Beed, for extending the benefit of Assured Career Progression Scheme on completion of their continuous service of 12 years on the basis of judgment delivered by the Single Bench of this Tribunal at Principal Seat at Mumbai in O.A. No. 732/2011 & Group matters on 08.06.2016. The

O.A. NO. 636/2017 & Group

applicants have approached this Tribunal as the respondents are not decided their representation more than six months.

3. Learned Presenting Officer has submitted that this Tribunal has decided the O.A. Nos. 38/2015 and Group matters on 22nd June, 2017 of the similarly situated employees, who claimed the benefit of recommendation of 6th Pay Commission. He has submitted that the Medical Officers appointed on ad hoc basis had been absorbed in the Government service on the basis of rule viz. "Medical Officer in the Maharashtra Medical and Health Services Group-A (One time Absorption of Medical Officers appointed on ad-hoc basis in Maharashtra (Special) Rules, 2009". He has submitted that the rules have been notified on 02.02.2009. As per Rule 4 (vii) of the said rules, the services rendered by the ad hoc Medical Officers prior to the date of absorption shall not be considered for pay, pension, leave and grant of promotion as a specialist or any other post under the Assured Career Progression Scheme. He has submitted that the rule specifically provides that services rendered by such ad hoc employees, prior to the date of absorption shall not be considered for pay, pension, leave and grant of promotion as a specialist or any other post under the Assured Career Progression Scheme and,

O.A. NO. 636/2017 & Group

therefore, the applicants cannot claim the benefit of Assured Progression Scheme on the basis of their earlier service. He has submitted that the said issue has been considered and decided by this Tribunal in O.A. No. 38/2015 and group matters, and therefore, in view of the said rule the applicants are not entitled to claim the benefit of Assured Career Progression Scheme on the basis of their earlier service rendered on ad hoc basis and, therefore, he prayed to reject the present Original Application.

4. I have gone through the said decision in O.A. No. 38/2015 and group matters decided on 22nd June, 2017. In those cases Medical Officers, who were absorbed in the regular service have prayed to extend the recommendation of 6th Pay Commission since 1.1.2006. While deciding the said OAs the rule viz. "Medical Officer in the Maharashtra Medical and Health Services Group-A (One time Absorption of Medical Officers appointed on ad-hoc basis in Maharashtra (Special) Rules, 2009" has been considered by this Tribunal. The Medical Officers appointed on ad hoc basis have been absorbed by the Government on the basis of the said rules since the year 2009. Rule 4 (vii) of the said rules is material and important while considering the

O.A. NO. 636/2017 & Group

present Original Application. Therefore, it is reproduced as follows: -

"4. Notwithstanding anything contained in the Maharashtra Medical and Health Services Group A (Recruitment) Rules, 2000,-

vii) The service rendered by the ad-hoc Medical Officers prior to the date of absorption shall not be considered for pay, pension, leave and grant of promotion as a specialist or any other post under the Assured Career Progression Scheme."

5. On considering the above said rule, it is crystal clear that the said rule specifically provides that the service rendered by the ad hoc employees prior to the date of absorption shall not be considered for pay and other benefits. The applicants have accepted the said rule and, therefore, they have been absorbed in the regular service.

6. In view of the said rules, the applicants are not entitled to get any benefit of their earlier service for the purpose of pension, pay, leave and grant of promotion. Therefore, the applicants cannot claim the benefit of Assured Career Progression Scheme on the ground that their earlier services may be counted. Since their earlier services rendered by them on ad hoc basis cannot be considered for promotion in view of the

O.A. NO. 636/2017 & Group

said rules, applicants are not entitled to claim relief as prayed for by them in the present Original Applications. The relief sought by the applicants cannot be considered. Therefore, the present O.As. deserve to be dismissed. Consequently all these Original Applications stand dismissed with no order as to costs.

MEMBER (J)

ORAL ORDERS 18-9-2017-HDD