

CHAMBER APPEAL NO. 08 OF 2016

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

DATE : 06.09. 2016.

ORAL ORDER:

Heard Shri U.P. Giri – learned counsel for the applicant.

2. Vide order dated 22.8.2016 the Registrar of this Tribunal was pleased to refuse the registration under Rule 5 (4) of Maharashtra Administrative Tribunal (Procedural) Rules, 1988. On 16.7.2016 the office has raised the following office objections: -

- 1) Page nos. 17, 24, 31 & 32 are not legible.
- 2) Annexures are not attested as True Copy.

3. The learned counsel for the applicant appeared and has removed the office objection No. 2 today itself. He submits that he does not press office objection No. 1.

4. 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 counsel for the applicant submits that he could

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CHAMBER APPEAL NO. 08 OF 2016

not attend the Tribunal due to his personal difficulty and, therefore, the registration was refused. The fact that the O.A. is for direction to respondent Nos. 2 & 4 not to revert the applicant from the post of Peshkar and to quash and set aside the impugned show cause notice dated 28.06.2016 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:

ORDER

Chamber Appeal No. 08/2016 is allowed, as the applicant has removed the office objection No. 2 and he does not press objection No. 1.

MEMBER (J)

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ORIGINAL APPLICATION NO.255/2015.

(R.A. Sande Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

None present for the applicant. Smt. RS Deshmukh, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of Respondent no.5. Same is taken on record. She seeks time to file reply affidavit on behalf of other respondents. Time granted.

3. S. O. to 7.10.2016.

MEMBER (J)

06.09.2016-ATP (SB)

ORIGINAL APPLICATION NO. 225/2016.

(Smt. R. R. Dudhate Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

Heard Shri MB Kolpe, learned Advocate holding for Shri Vivek Deshmukh, learned Advocate for the applicant, Shri MS Mahajan, learned Chief Presenting Officer for the Respondents no.1 & 2 and Shri KG Salunke, learned Advocate for the Respondent no.3.

2. Learned C.P.O. and learned Advocate for the Respondent no.3 seek time to file reply affidavits. Time granted.

3. S. O. to 7.10.2016.

MEMBER (J)

06.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.278/2016.

(M.K. Devbone Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

Heard Shri RS Shejul, learned Advocate holding for Shri KM Nagarkar, learned Advocate for the applicant and Shri SK Ghate Deshmukh, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of Respondents no.2,3 & 4. Same is taken on record. Its copy is served on the applicant.

3. Learned Advocate for the applicant wants to go through it and seeks time. Time granted.

4. S. O. to 7.10.2016.

MEMBER (J)

06.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.286/2016.

(S.K. Bhingardive & Ors. Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

None present for the applicants. Shri SK Shirse, learned Presenting Officer for the Respondents is present.

2. Learned P.O. seeks time to file reply affidavit. Time granted.
3. S. O. to 10.10.2016.

MEMBER (J)

06.09.2016-ATP (SB)

OA NO.332/2016 with Cavate No.38/2016.

(MB Borse. Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

Heard Shri KB Jadhav, learned Advocate holding for Shri HU Dhage, learned Advocate for the applicant, Shri DR Patil, learned Presenting Officer for the Respondents 1 & 2, Shri S.R. Dheple learned Advocate for the Respondent no.3 and Shri SA Ambilwade , learned Advocate for the Respondent no.4.

2. Learned Advocate for the Respondent no.4 files reply affidavit. Same is taken on record. Its copy is served on other side.

3. Learned P.O. and learned Advocate for the Respondent no.3 seek time to file reply affidavits. Time granted.

4. S. O. to 10.10.2016.

MEMBER (J)

06.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.334/2016.

(PG Jorule. Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

Heard Shri KG Salunke, learned Advocate for the applicant, Shri DR Patil, learned Presenting Officer for the Respondents no.1 & 2 and Shri SD Joshi, learned Advocate for the Respondent no.3.

2. Learned P.O. files reply affidavit on behalf of Respondent no.2. Same is taken on record. Its copy is served on the other side.

3. Learned Advocate for the Respondent no.3 undertook to file reply affidavit on Monday i.e. on 12.9.2016. Hence, S.O. to 12.9.2016.

MEMBER (J)

06.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.338/2016.

(KS Wadne. Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

Heard Shri P.B. Rakhunde, learned Advocate holding for Shri SB Bhapkar, learned Advocate for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. files reply affidavit on behalf of Respondents no.1 to 3. Same is taken on record. Its copy is served on the applicant. Learned Advocate for the applicant seeks time to go through it. Time granted.

3. S. O. to 21.9.2016.

MEMBER (J)

06.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.433/2016.

(SS Ansari. Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

Heard Shri JS Deshmukh, learned Advocate for the applicant and Smt DS Deshpande, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant files rejoinder affidavit. Same is taken on record. Its copy is served on the respondents.

3. At the request of the learned P.O., S. O. to 14.9.2016.

MEMBER (J)

06.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.518 /2016.

(B.P. Patil. Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

Heard Shri SS Bora, learned Advocate for the applicant and Smt PR Bharaswadkar, learned Presenting Officer for the Respondents no.1 to 3. None present for the respondent no.4.

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

3. S. O. to 13.10.2016.

MEMBER (J)

06.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.584/2016.

(BG Aherkar Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

Heard Shri Uttarwar, learned Advocate for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. seeks time to file reply affidavit. Time granted.
3. S. O. to 13.10.2016.

MEMBER (J)

06.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.590/2016.

(DV Gunjal. Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

Heard Shri Sant, learned Advocate holding for Shri NL Chaudhari, learned Advocate for the applicant and Shri MP Gude, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.
3. S. O. to 13.10.2016.

MEMBER (J)

06.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.617/2016.

(Y. B. Mulla. Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

Heard Shri AS Deshmukh, learned Advocate for the applicant and Smt P.R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.
3. S. O. to 10.10.2016.

MEMBER (J)

06.09.2016-ATP (SB)

ORIGINAL APPLICATION NO. 638/2016.

(G.R. Palwade Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

Heard Shri AS Deshmukh, learned Advocate for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned CPO seeks time to file reply affidavit. Time granted.
3. S. O. to 14.9.2016.

MEMBER (J)

06.09.2016-ATP (SB)

ORIGINAL APPLICATION NO. 665/2016.

(G.R. Palwade Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

Heard Shri AS Deshmukh, learned Advocate for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned CPO seeks time to file reply affidavit. Time granted.
3. S. O. to 14.9.2016.

MEMBER (J)

06.09.2016-ATP (SB)

MA NO.148/16 WITH MA ST.534/16 IN OA NO.167/2016.

(KK Inamdar Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

Heard Shri KG Salunke, learned Advocate for the applicant, Shri VR Bhumkar, learned Presenting Officer for the Respondent no.1 and Shri GN Patil, learned Advocate for the Respondents no.2 to 4.

2. Shri G.N. Patil, learned Advocate filed reply affidavit on behalf of Respondents no.2 to 4. Same is taken on record.
3. Learned P.O. seeks two weeks time. Time granted.
4. S. O. to 22.9.2016.

MEMBER (J)

06.09.2016-ATP (SB)

MISC. APPLICATION NO. 342/2016.

(A. T. Bari & Ors. Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

Heard Shri S.S. Deshmukh, learned Advocate for the applicants and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

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

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

MEMBER (J)

06.09.2016-ATP (SB)

ORIGINAL APPLICATION ST.NO. 1590/2016.

(A. T. Bari & Ors. Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

Heard Shri S.S. Deshmukh, learned Advocate for the applicants and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. The applicants are claiming issuance of orders or directions to the respondent authorities to regularize the services of the applicants as Head of the Department and the consequential service benefits to the applicants from their initial date of appointment. All the applicants are working in their respective places as I/c Principal and Head of Department. The applicants earlier approached the Hon'ble High Court by filing Writ Petition No.660/2016 with W.P.Nos.11199/15 & 661/2016, wherein an order was passed on 10.8.2016 dismissing the petitions as the same were withdrawn, with liberty to approach the Tribunal. The Hon'ble High Court has also pleased to direct the Respondents to maintain status-quo to the services of the applicants for three weeks.

3. The applicants have apprehension that, some regular employees will be appointed in their place through MPSC, and therefore, they are claiming interim relief that, they shall be continued to work as I/C Principal till the matter is heard finally.

4. Learned Advocate for the applicant also invited my attention to the judgment delivered by Hon'ble High Court of Bombay,

Bench at Nagpur in W.P. No.2046/2010, wherein similarly situated employees have approached the Hon'ble High Court and respondents were directed that the said applicants shall be continued in the services as regular employees.

5. In order to know the respondents' case it is necessary to obtain the say of the respondents. In view thereof, issue notices to the respondents, returnable on 5.10.2016. In the meantime, I.R. to continue as granted by Hon'ble High Court till filing of the reply affidavit by the respondents.

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

7. 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 Rev. Application. Respondent is 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 question 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. Applicants are directed to file affidavit of compliance and notice.

-3- ORIGINAL APPLICATION ST.NO. 1590/2016.

7. S.O. 5.10.2016.

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

06.09.2016-ATP (SB)

MEMBER (J)

ORIGINAL APPLICATION NO.493/2016.

(Dr. A.L. Kakad. Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--06.09.2016.

ORAL ORDER:-

Heard Shri JS Deshmukh, learned Advocate for the applicant and Shri DR Patil, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the applicant, re-issue notice to the respondents, returnable on 10.10.2016.
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 of Rev. Application. 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

-2- ORIGINAL APPLICATION NO.493/2016.

affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. 10.10.2016.

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

MEMBER (J)

06.09.2016-ATP (SB)

M.A.No.341/2016 IN O.A.No.427/2016

(Dr. D.B.Mote V/s. State of Maharashtra & Ors.)

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

DATE : 06-09-2016

ORAL ORDER:-

M.A.No.341/2016

Heard Shri M.B.Kolpe learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for respondents.

2. In the O.A. applicant has challenged his transfer from Beed to Limbaganesh of the same district as per impugned order dated 31-05-2016 (page 32). According to the learned Advocate applicant is holding additional charge and was not relieved from his post whereas according to the learned P.O. applicant has already been relieved.

3. Though the Hon'ble High Court has granted status quo still it will be necessary to see as to what is the exact position i.e. whether the applicant has been relieved or not. Admittedly, applicant has not joined at his transferred post.

4. In view thereof, issue notice to the respondents in the M.A.No.341/2016, returnable on 23-09-2016.

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

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

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

10. S.O.23-09-2016.

MEMBER (J)

ORIGINAL APPLICATION NO.581/2016

(M.U.Khade V/s. State of Maharashtra & Ors.)

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

DATE : 06-09-2016

ORAL ORDER:-

Shri S.S.Thombre learned Advocate for the applicant is **absent**. Shri S.K.Shirse learned Presenting Officer for respondents is present.

2. Learned P.O. prays for time for getting some instructions from the respondents. Time granted.

3. S.O.30-09-2016.

YUK oral order 06-09-2016

MEMBER (J)

ORIGINAL APPLICATION NO.175/2014

(Dr. D.M.Mendekar V/s. State of Maharashtra & Ors.)

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

DATE : 06-09-2016

ORAL ORDER:-

Heard Shri P.A.Bide learned Advocate holding for Shri A.S.Kadam learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondent nos.1 to 3. Shri S.A.Nagargoje learned Advocate for respondent nos.4 and 5 is **absent**.

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

3. S.O.30-09-2016.

MEMBER (J)

YUK oral order 06-09-2016

ORIGINAL APPLICATION NO.616/2014

(D.R.Deshpande V/s. State of Maharashtra & Ors.)

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

DATE : 06-09-2016

ORAL ORDER:-

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

2. At the request of learned P.O. S.O. 22-09-2016, as a last chance, for taking instruction in the matter.

3. S.O.22-09-2016.

YUK oral order 06-09-2016

MEMBER (J)

ORIGINAL APPLICATION NO.376/2015

(N.S.Kelkar V/s. State of Maharashtra & Ors.)

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

DATE : 06-09-2016

ORAL ORDER:-

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

2. Learned P.O. submits that number of O.As. arising out of same impugned transfer order are pending before the Principal Bench of the Tribunal at Mumbai and the same are kept on 30-09-2016. He, therefore, prays for time for which applicant has no objection.

3. S.O.13-10-2016.

MEMBER (J)

YUK oral order 06-09-2016

ORIGINAL APPLICATION NO.405/2015

(S.B.Rangdal V/s. State of Maharashtra & Ors.)

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

DATE : 06-09-2016

ORAL ORDER:-

Heard Shri V.B.Wagh learned Advocate for the applicant and Smt. Sanjivani Ghate-Deshmukh learned Presenting Officer for respondents.

2. Learned P.O. submits that number of cases arising out of same impugned transfer orders are pending before the Principal Bench of the Tribunal at Mumbai and the same are on 30-09-2016. She, therefore, prays for time for which applicant has no objection.

3. S.O.13-10-2016.

MEMBER (J)

YUK oral order 06-09-2016

ORIGINAL APPLICATION NO.12/2016

(S.B.Ghodke V/s. State of Maharashtra & Ors.)

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

DATE : 06-09-2016

ORAL ORDER:-

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

2. Learned Advocate for the applicant prays for time for filing affidavit in rejoinder on record. Time granted.

3. S.O.04-10-2016.

YUK oral order 06-09-2016

MEMBER (J)

O.A.Nos.269, 270, 271, 272, 273, 274 AND 275 ALL OF 2016

(S.C.Patil & Ors. V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)
DATE : 06-09-2016

ORAL ORDER:-

Heard Shri S.D.Joshi learned Advocate for the applicants in all the matters, Shri M.P.Gude, Smt. Sanjivani Ghate, Smt. Deepali Deshpande, S/Shri D.R.Patil, I.S.Thorat, V.R.Bhumkar and S.K.Shirse learned Presenting Officers for respondents authorities in respective O.As. and Shri S.B.Sant learned Advocate for respondent no.4 in O.A.No.274/2016. Shri Sudhir Bhalerao for respondent no.4 in O.A.No.269/16, 271/16 and Shri Vaibhav Patil for respondent no.4 in O.A.No.272/16 and 273/2016 are **absent**.

2. In all these O.As. respective applicants have challenged appointment of the private respondents on the post of Police Patil of different villages. Today, learned Advocate for the applicant has placed on record one chart giving details of the names of the applicants, O.A.Nos., marks obtained by the applicant and marks obtained by the selected private respondents. It is marked as document "X" for identification.

3. Learned Advocate for the applicant pointed out that from the said chart, it will be clear that consolidated marks in the oral interview are given, from which, it prima facie seems that the private respondents were allegedly

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given one more mark than the respective applicants and that might be with an intention to deny appointment to the applicants.

4. Learned Advocate for the applicant also pointed out that there was a selection committee comprising of 5 members which include (1) Shri Kundan Hire, Member-Secretary & Tahsildar, Raver, (2) Shri Yogesh Chavan, Member & Sub Divisional Police Officer, Faijpur, Sub Division Faijpur, (3) Shri Ganesh Borse, Member, Assistant Commissioner, Social Welfare Division, Jalgaon, (4) Shri D.F.Tadvi, Member & Project Officer, Integrated Tribal Development Project, Yawal and (5) Dr. Arvind Aturlikar, President & Sub Divisional Magistrate, Fairjpur Part, Faijpur. There were 5 members and marks provided for oral interview were 20 and each member had power to give marks to the candidates in oral interview. From the chart, however, it seems that the consolidated marks, such as 10, 13 etc. are given to the candidates in oral interview.

5. Respondents, are therefore, directed to file a short affidavit as regards procedure followed for granting marks in the oral interview, if any, and whether there are rules in this regard to grant marks in the oral interview till 27-09-2016.

6. S.O.27-09-2016.

MEMBER (J)

ORIGINAL APPLICATION NO.708/2016

(V.S.Harale V/s. State of Maharashtra & 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 : 06-09-2016

ORAL ORDER:-

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

2. Applicant has challenged the order of his compulsory retirement dated 15-01-2016. Applicant is not pressing for interim relief.

3. Hence issue notice to the respondents in the O.A., returnable on 07-10-2016.

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

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O.A.No.708/16

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 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. Steno copy and Hamdast is allowed to both parties.

9. S.O.07-10-2016

MEMBER (J)

YUK oral order 06-09-2016

M.A.No.348/2016 IN O.A.St.No.1609/2016

(A.M.Kale V/s. State of Maharashtra & 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 : 06-09-2016

ORAL ORDER:-

Heard Shri V.G.Pingle learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Issue notice to the respondents in the O.A., returnable on 07-10-2016.

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 of M.A./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.

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M.A.No.348/2016 IN O.A.St.No.1609/2016

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.07-10-2016.

MEMBER (J)

YUK oral order 06-09-2016

ORIGINAL APPLICATION NO.432/2015

(R.L.Nagulwar V/s. State of Maharashtra & 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 : 06-09-2016

ORAL ORDER:-

Heard Shri K.G.Salunke learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that he has instruction from the applicant to withdraw the O.A. Learned Advocate for the applicant, therefore, prays for leave of the Tribunal to withdraw the O.A. Leave as prayed for is granted.

3. Accordingly, O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

YUK oral order 06-09-2016

ORIGINAL APPLICATION NO.437/2015

(N.G.Shegadewar V/s. State of Maharashtra & 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 : 06-09-2016

ORAL ORDER:-

Heard Shri N.B.Narwade learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. Learned P.O. files reply to the rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. Since pleadings are complete, matter is admitted and be kept for final hearing whenever Division Bench is available.

MEMBER (J)

YUK oral order 06-09-2016

ORIGINAL APPLICATION NO.445/2015

(G.J.Anmod V/s. State of Maharashtra & 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 : 06-09-2016

ORAL ORDER:-

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

2. It seems that nobody is appearing for the applicant since long. However, since pleadings are complete, the matter is admitted and to be fixed for final hearing whenever Division Bench is available.

YUK oral order 06-09-2016

MEMBER (J)

ORIGINAL APPLICATION NO.472/2016

(Sd. Fahimoddin Moinoddin V/s. 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 : 06-09-2016

ORAL ORDER:-

Heard Shri S.R.Barlinge learned Advocate for the applicant, Shri M.P.Gude learned Presenting Officer for respondent nos.1 to 3 and Shri V.V.Deshmukh learned Advocate for respondent no.4.

2. Vide order dated 29-08-2016, this Tribunal has directed the learned P.O. to take instruction as to whether the applicant can be accommodated on any other post at Aurangabad. Since, it was the say that the applicant was transferred on promotion on the post of Superintendent of Ladies Hostel, and therefore, the applicant cannot be accommodated at Aurangabad. In spite of such specific order, no instructions have been issued in writing.

3. Learned CPO submits that he personally had a word with Shri Dhanraj Mane, Director of Education, Pune and

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O.A.No.472/16

Shri Mane told him that he will give necessary direction to the concerned officer but till today no directions are issued in the matter.

4. Today, learned Advocate for the applicant placed on record a copy of one order dated 22-07-2016, which is marked as document "X" for identification. From this order, it seems that one post at Government Institute of Science at Aurangabad is vacant due to transfer of one Shri M.K.Thombre.

5. Respondents, are therefore, directed to make a specific statement regarding such vacancy, if any, on or before 12-09-2016, failing which necessary order will be passed.

6. S.O.12-09-2016.

MEMBER (J)

YUK oral order 06-09-2016

ORIGINAL APPLICATION NO.475/2016

(U.B.Munde V/s. State of Maharashtra & 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 : 06-09-2016

ORAL ORDER:-

Shri A.S.Kadam learned Advocate for the applicant is **absent**. Shri I.S.Thorat learned Presenting Officer for respondents is present.

2. It seems that on 17-06-2016, the applicant submitted that he wants to make some amendment, and therefore, sought time for the same. Time was granted and the matter was posted on 01-07-2016. On 01-07-2016 none appeared for the applicant and still time was granted as a last chance, and the matter was posted on 08-08-2016 as a last chance. On 08-08-2016 nobody appeared for the applicant, and therefore, matter was posted on 16-08-2016. On 16-08-2016 also nobody appeared for the applicant, therefore, matter was placed today for passing dismissal order.

3. Today also nobody appears for the applicant. From the conduct of the applicant, it seems that he may not be interested in prosecuting the O.A. Hence, O.A. stands dismissed in default. There shall be no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO.535/2016

(R.P.Salve V/s. State of Maharashtra & 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 : 06-09-2016

ORAL ORDER:-

Heard Shri R.M.Deshmukh learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 6. It is taken on record. Copy thereof has been served on the other side.

3. Learned Advocate for the applicant submits that he is claiming appointment as per G.R. dated 10-11-2015, and therefore, the matter shall be transferred to Single Bench.

4. Learned P.O., however, submits that he has no objection for transferring the matter to Single Bench, if it belongs to Single Bench.

5. Registrar is also directed to verify as to whether this matter pertains to Single Bench, and if yes, matter shall be removed from the Division Bench and placed before the Single Bench, or as the case may be.

6. S.O.05-10-2016.

MEMBER (J)

ORIGINAL APPLICATION NO.547/2016

(D.U.Rathod V/s. State of Maharashtra & 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 : 06-09-2016

ORAL ORDER:-

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

2. At the request of learned P.O., **S.O. 19-09-2016** for filing affidavit in reply on behalf of the respondents, as a last chance.

MEMBER (J)

YUK oral order 06-09-2016

M.A.No.175/16 IN C.P.St.No.680/16 IN O.A.No.354/14

(M.M.Kale V/s. State of Maharashtra & 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 : 06-09-2016

ORAL ORDER:-

Heard Shri V.P.Sawant learned Advocate for the applicant, Smt. Deepali Deshpande learned Presenting Officer for respondent nos.1 and 2 and Shri G.N.Patil learned Special Counsel for respondent nos.3 and 4.

2. This M.A. has been filed for permission to initiate contempt proceedings against the respondents for not complying with the order passed by the Tribunal in O.A.No.354/2014 on 25-02-2015. In the said O.A., this Tribunal was pleased to pass following order (page 26):

“9. In view of the above position, the present original application stands disposed of with liberty to the applicant to file representation as desired. The respondents are expected to dispose of the said representation, as early as possible, and in any case within a period of six months from the date of receipt of such representation. There shall be no order as to costs.”

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

4. Learned Special Counsel for respondent nos.3 and 4 submits that representation of the applicant has been decided by communication dated 30-12-2015 (page 15-16) and copy of the same has been placed on record. From this communication, it seems that the claim of the applicant has been rejected by the respondents. Though it is true that there was delay in deciding the representation but ultimately, the representation has been decided. In view thereof, there is no point in initiating contempt proceedings against the respondents.

5. Learned Advocate for the applicant submits that, he came to know about communication dated 30-12-2015 only after filing of the reply affidavit by the respondents, and therefore, he wants to challenge the said communication before the Tribunal by filing separate O.A. to that effect.

6. In view of above, applicant will be at liberty to file a fresh O.A. M.A.175/2016 as well as the C.P.St.No.680/2016 both are dismissed. There shall be no order as to costs.

MEMBER (J)

M.A.No.219/16 WITH M.A.No.77/16 IN O.A.No.423/15

(D.S.Thakur V/s. State of Maharashtra & 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 : 06-09-2016

ORAL ORDER:-

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

2. At the request of learned P.O., S.O.16-09-2016.

MEMBER (J)

YUK oral order 06-09-2016

**M.A.No.339/2016 WITH M.A.No.324/2016 IN
O.A.N.401/2016**

(J.D.Valvi V/s. State of Maharashtra & 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 : 06-09-2016

ORAL ORDER:-

Heard Shri S.D.Dhongde learned Advocate for the original applicant (Respondent No.4 in M.A.No.339) and Shri M.S.Mahajan learned Chief Presenting Officer for respondents and Shri C.D.Biradar learned Advocate for Intervenor.

2. Learned Advocate for respondent no.4 (orig. applicant) has filed affidavit in reply. It is taken on record. Copy thereof has been served on the other side.

3. Learned CPO prays for time for filing affidavit in reply on behalf of the respondents in M.A. as well as the Intervention application.

4. S.O.19-09-2016.

MEMBER (J)

ORIGINAL APPLICATION NO. 480/2016

(Ravindra Gopinath Medhe Vs. State of Mah. & Ors.)

CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 06.09.2016.

ORAL ORDER

Heard Shri D.A. Bide, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. In fact, the matter was heard on merits and was closed for orders. However, the learned Advocate for the applicant Shri D.A. Bide, appears and submits that he has been instructed by the applicant to withdraw the Original Application and therefore, he may be permitted to withdraw the Original Application.

3. In view of the submission made by the learned Advocate for the applicant, the Original Application stands disposed of as withdraw with no order as to costs.

MEMBER (J)