

O.A. NO. 12/2017

(Shri B.G. Kapale Vs. The 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 :- 10.1.2017

Oral Order :-

1. Heard Shri Sandip G. Kulkarni, 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 13.2.2017.
3. Tribunal may take the cases 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. 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. 13.2.2017.
8. Steno copy & hamdust allowed to both the parties.

MEMBER (J)

ARJ ORAL ORDERS 10.1.2017

O.A. NO. 841/2016

(Sambhaji S. Waghmare & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE :- 10.1.2017

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicants files service affidavit. The same is taken on record.
3. The learned P.O. seeks time to file affidavit in reply. Time granted.
4. S.O. to 13.2.2017.

MEMBER (J)

ARJ ORAL ORDERS 10.1.2017

O.A. NO. 930/2016

(Chudaman D. Pawar Vs. The State of Maharashtra & Ors.)

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

DATE :- 10.1.2017

Oral Order :-

1. None appears for the applicant. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.
2. The learned seeks time to file affidavit in reply. Time granted.
3. S.O. to 13.2.2017.

MEMBER (J)

ARJ ORAL ORDERS 10.1.2017

O.A. NO. 03/2017

(Shri Ramesh K. Gaikwad Vs. The State of Maharashtra & Ors.)

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

DATE :- 10.1.2017

Oral Order :-

1. Heard Shri V.B. Wagh, 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. Time granted.
3. S.O. to 27.1.2017.

MEMBER (J)

ARJ ORAL ORDERS 10.1.2017

O.A. NO. 271/2015

(Navnath K. Kendre Vs. The State of Maharashtra & Ors.)

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

DATE :- 10.1.2017

Oral Order :-

1. Heard Shri S.P. Urgunde, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 11.1.2017.

MEMBER (J)

ARJ ORAL ORDERS 10.1.2017

O.A. NO. 395/2015

(Rajaram J. Gaikwad & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE :- 10.1.2017

Oral Order :-

1. Heard Shri R.R. Bangar, learned Advocate for the applicants, Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 to 6 and Shri Suresh D. Dhongde, learned Advocate for respondent no. 7.

2. The learned Advocate for the applicants submits that the Government has issued a G.R. exempting the persons like the present applicants from appearing to the qualifying examination and in view thereof he wants to file short affidavit along with copy of that G.R., on record and he seeks time therefor. Time granted.

3. S.O. to 17.2.2017.

MEMBER (J)

ARJ ORAL ORDERS 10.1.2017

O.A. NO. 721/2016

(Pradeep V. Marwale Vs. The State of Maharashtra & Ors.)

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

DATE :- 10.1.2017

Oral Order :-

1. Heard Shri V.B.Wagh, 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. Time granted.
3. S.O. to 12.1.2017.

MEMBER (J)

ARJ ORAL ORDERS 10.1.2017

O.A. NO. 894/2016

(Dr. Narhari R. Shelke Vs. The State of Maharashtra & Ors.)

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

DATE :- 10.1.2017

Oral Order :-

1. Heard Shri S.D. Joshi, 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. Time granted.
3. S.O. to 16.1.2017. The interim relief to continue till filing of affidavit in reply.

MEMBER (J)

ARJ ORAL ORDERS 10.1.2017

O.A. NO. 829/2015

(Shivkumar B. Swami Vs. The State of Maharashtra & Ors.)

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

DATE :- 10.1.2017

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 to 4. None appears for respondent no. 5.

2. The applicant is working as a Executive Engineer and he has been transferred vide impugned order dated 25.10.2016 from Nilanga to Beed. The applicant has challenged the impugned transfer order dated 25.10.2016 on the ground that it is midterm and midtenure.

3. Vide order dated 26.10.2016, this Tribunal has directed the respondents to maintain a Status quo as on 8.11.2016. It is submitted that the applicant is still working at Nilanga in view of the said Status quo order.

4. The learned Advocate for the applicant submits that, in the meantime, the applicant has filed a representation on 27.12.2016 to the respondents, copy of which is taken on record and marked as document 'X' for the purpose of

identification. In the said representation the applicant has requested that his order of transfer from Nilanga to Beed be modified in view of his personal difficulties mentioned in the said representation and also because the applicant is going to retire on superannuation within a period of one year.

5. The learned Advocate for the applicant submits that the applicant is also ready to withdraw the present O.A., if directions are issued to the respondents to consider his representation within a specific timeframe. Hence, I pass following order :-

ORDER

- (i) The original application stands disposed of as withdrawn.
- (ii) The res. no. 1 is directed to consider the representation of the applicant dated 27.12.2016, as per rules. The decision shall be taken on the said representation within a period of one month from the date of this order and same shall be communicated to the applicant in writing.

There shall be no order as to costs.

MEMBER (J)

MA 80/2016 WITH OA ST. 157/2016

(Baburao S. Bawiskar Vs. The State of Maharashtra & Ors.)

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

DATE :- 10.1.2017

Oral Order :-

1. Heard Shri B.N. Patil, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents. The applicant Shri Baburao S. Bawiskar is also present in person.

2. The misc. application no. 80/2016 has been filed by the applicant for condonation of eight years' delay caused in filing O.A. before this Tribunal.

3. The original application has been filed by the applicant for issuance of directions to res. no. 2 to grant approval to the encashment of T.A. Bills of the applicant as per letters dated 25.3.2004 and 6.9.2005. Since the said bills pertain to the period long back he has filed M.A. for condonation of delay.

4. The res. no. 4 has filed affidavit in reply to the misc. application. He contended that if this Tribunal condons the delay and issues directions to the respondents to accept the T.A. Bills of the applicant, the Treasury Office is ready to

accept the said T.A. Bills after compliance of same under rule 151 and 39 (B) of M.T.R.

5. The learned P.O. submits that during the pendency of the O.A., the T.A. bills are already paid to the applicant on 14.10.2016 and 3.12.2016.

6. In view of submission made by the learned P.O. for the respondents, nothing survives in this matter.

7. At this juncture, the learned Advocate for the applicant submits that there is no fault on the part of the applicant and it is the Department, who has delayed the payment and, therefore, the applicant is entitled for interest on delayed payment of T.A. bills.

8. Prima-facie, it seems that, the T.A. bills are pertaining to the years of 2000 and 2003 and same are barred by limitation and, therefore, the applicant has no authority to file this O.A. being barred by limitation. The respondents, however, have already paid the dues to the applicant. In view of this there is no question of grant of interest to the applicant on the delayed payment of T.A. bills. Instead of dismissing the O.A. in limini, the same is disposed of as the grievance of the applicant is satisfied.

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MA 80/2016 WITH OA ST. 157/2016

9. Accordingly, the M.A. and O.A. are disposed of. There shall be no order as to costs.

MEMBER (J)

ARJ ORAL ORDERS 10.1.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 13 OF 2017
[Ramesh Naraya Swami Vs. The State of Mah. & Ors.]**

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

DATE : 10.01.2017

ORAL ORDER :

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

2. The applicant was transferred to Nanded Crime Branch and was worked there as Police Inspector till December, 2015. Thereafter, the Superintendent of Police, Nanded orally directed applicant to work at Mudkhed, accordingly the applicant was working there. The oral posting at Mudkhed has been regularized vide order dated 20.02.2016 w.e.f. 7.12.2015 and now, vide impugned order dated 4.1.2017 the applicant has been transferred to Shivaji Nagar Police Station at Nanded. The applicant has not completed his tenure. It is also to be noted that the orders of posting at Mudkhed as well as Shivaj Nagar Police Station Nanded has been passed by the Superintendent of Police, Nanded and not by the Board. It is stated that the applicant has not yet been relieved from his post at Mudkhed. Considering this fact, the respondents are directed to maintain status quo and not to relieve the applicant from Mudkhed till further orders.

3. In the mean time, issue notices to the respondents, returnable on 14.02.2017.

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

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

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. to 14.02.2017.

MEMBER (J)

10.01.2017 – **KPB(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 13 OF 2016
[Laxman R. Kulkarni Vs. The State of Mah. & Ors.]**

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

DATE : 10.01.2017

ORAL ORDER :

Shri A.D. Sugdare, learned Advocate holding for
Shri V.P. Golewar, learned Advocate for the applicant and
Shri I.S. Thorat, learned Presenting Officer for the
respondents.

2. At the request of learned Presenting Officer, S.O.
to 27.01.2017.

10.01.2017 - **KPB(SB)**

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 183 OF 2016
[Ramesh V. Devne Vs. The State of Mah. & Ors.]**

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

DATE : 10.01.2017

ORAL ORDER :

Shri S.P. Landge, learned Advocate for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent no. 1, 3 to 5, present. Shri A.D. Aghav, learned Advocate for respondent no. 2, absent.

2. At the request of learned Presenting Officer, S.O. to 13.02.2017.

10.01.2017 - **KPB(SB)**

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 219 OF 2016
[Shobha Krushna Ovhal Vs. The State of Mah. & Ors.]**

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

DATE : 10.01.2017

ORAL ORDER :

Shri V.S. Undre, learned Advocate for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent no. 1 to 5 and Shri Ganesh Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for respondent no. 6, are present.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 3 and 4. It is taken on record. Copy of the same has been served upon the learned Advocate for respondent no. 6.

3. The learned Presenting Officer submits that there is no need to file affidavit in reply on behalf of respondent nos. 1 and 2.

4. S.O. to 16.02.2017.

MEMBER (J)

10.01.2017 - **KPB(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 237 OF 2016
[Mohammad Salim S/o Moh. Naim Vs. The State of Mah. & Ors.]

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

DATE : 10.01.2017

ORAL ORDER :

Shri S.R. Pande, learned Advocate for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 and 2 and Shri U.D. Dalvi, learned Advocate for respondent no. 3, are present.

2. Since, the pleadings are complete, the O.A. is admitted and it be kept for final hearing after four weeks.

3. S.O. to 16.02.2017

MEMBER (J)

10.01.2017 – **KPB(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 278 OF 2016
[Mohan Kacharu Devbone Vs. The State of Mah. & Ors.]**

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

DATE : 10.01.2017

ORAL ORDER :

Shri D.P. Sathe, learned Advocate holding for Shri K.M. Nagarkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. The O.A. is admitted. Applicant may file rejoinder affidavit during the intervening period and the copy of the rejoinder be served in advance to the learned P.O.

3. S.O. to 20.02.2017.

MEMBER (J)

10.01.2017 – **KPB(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 440 OF 2016
[Chandrashil S. Thokal Vs. The State of Mah. & Ors.]**

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

DATE : 10.01.2017

ORAL ORDER :

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

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

3. S.O. to 20.01.2017.

MEMBER (J)

10.01.2017 - **KPB(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 582 OF 2016
[Shobha Lahu Ballayya (Kutare) Vs. The State of Mah. &
Ors.]**

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

DATE : 10.01.2017

ORAL ORDER :

Shri H.A. Joshi, learned Advocate for the applicant (**Absent**). Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondent nos. 1 and 2 and Shri D.P. Munde, learned Advocate holding for Shri V.S. Salunke, learned Advocate for respondent no. 3, are present .

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 2. It is take on record. Copy of the same has been served upon the learned Advocate for respondent no. 3.

3. Pleadings are complete. The O.A. is admitted and it be kept for final hearing after four weeks.

4. S.O. to 20.02.2017.

MEMBER (J)

10.01.2017 – **KPB(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 632 OF 2016
[Narayan Ramrao Nirval Vs. The State of Mah. & Ors.]**

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

DATE : 10.01.2017

ORAL ORDER :

Shri P.S. Paranjape, learned Advocate for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondents, present.

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

3. S.O. to 27.01.2017.

MEMBER (J)

10.01.2017 - **KPB(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 656 OF 2016
[Gangaram Damu Maske Vs. The State of Mah. & Ors.]**

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

DATE : 10.01.2017

ORAL ORDER :

Smt. Sharda P. Chate, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 3 to 5. It is taken on record. Copy of the same has been served upon the learned Advocate for the applicant.

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

4. S.O. to 16.02.2017.

MEMBER (J)

10.01.2017 – **KPB(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 661 OF 2016
[Vandana Vishnu Dudhe Vs. The State of Mah. & Ors.]**

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

DATE : 10.01.2017

ORAL ORDER :

Shri S.B. Mene, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent nos. 1 to 3 and 5 and Shri M.R. Kulkarni, learned Advocate for respondent no. 4.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent no. 5. Time granted as a last chance.

3. S.O. to 10.02.2017.

MEMBER (J)

10.01.2017 – **KPB(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 694 OF 2016
[Sanjay Kisan Gaikwad Vs. The State of Mah. & Ors.]**

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

DATE : 10.01.2017

ORAL ORDER :

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

2. The learned Presenting Officer sees time to file affidavit in reply on behalf of respondent no. 3. Time granted.

3. S.O. to 10.02.2017.

MEMBER (J)

10.01.2017 - **KPB(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 712 OF 2016
[Ashok Vasantao Dahiwal Vs. The State of Mah. & Ors.]**

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

DATE : 10.01.2017

ORAL ORDER :

Shri S.M. Mundlik, learned Advocate for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondents, present.

2. The affidavit in reply is already filed by the respondents. The O.A. is admitted and it be kept for final hearing after four weeks.

3. S.O. to 16.02.2017.

MEMBER (J)

10.01.2017 - **KPB(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 723 OF 2016
[Sandeep Sudhakarro Kulkarni Vs. The State of Mah. &
Ors.]**

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

DATE : 10.01.2017

ORAL ORDER :

Shri Raghavendra N. Bharaswadkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 06.02.2017.

4. Interim relief to continue till further order.

MEMBER (J)

10.01.2017 – **KPB(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 776 OF 2016
[Girish Ambadas Kedar Vs. The State of Mah. & Ors.]**

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

DATE : 10.01.2017

ORAL ORDER :

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

2. The learned Presenting Officer submits that the applicant's transfer order has been canceled. She has also filed copy of the said order on record.

3. The learned Advocate for the applicant seeks time to take instructions. Time granted.

4. Hence, S.O. to 12.01.2017.

MEMBER (J)

10.01.2017 - **KPB(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 792 OF 2016
[Sarika Bhaskar Wandhekar Vs. The State of Mah. & Ors.]**

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

DATE : 10.01.2017

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant has file rejoinder affidavit. It is taken on record. Copy of the same has been served upon the learned Presenting Officer.

3. Pleadings are complete. The O.A. is admitted and it be kept for final hearing after four weeks.

4. S.O. to 16.02.2017.

MEMBER (J)

10.01.2017 - **KPB(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 839 OF 2016
[Dr. Anil Gulabsing Valvi Vs. The State of Mah. & Ors.]**

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

DATE : 10.01.2017

ORAL ORDER :

Shri J.B. Chaudhary, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 to 3, present.

2. Today, Smt. Vaishali S. Chaudhary, learned Advocate has filed VAKILPATRA for respondent no. 4. It is taken on record and she seeks time to file affidavit in reply. Time granted.

3. Learned Presenting officer also seeks time to file affidavit in reply on behalf of respondent nos. 1 to 3. Time granted.

3. S.O. to 14.02.2017.

MEMBER (J)

10.01.2017 – **KPB(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 838 OF 2016
[Dr. Deepak Sonu Thakare Vs. The State of Mah. & Ors.]**

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

DATE : 10.01.2017

ORAL ORDER :

Shri J.B. Chaudhary, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 to 3, present.

2. Today, Smt. Vaishali S. Chaudhary, learned Advocate has filed VAKILPATRA for respondent no. 4 and it is taken on record. She seeks time to file affidavit in reply on behalf of respondent no. 4. Time granted.

3. Learned Presenting officer also seeks time to file affidavit in reply on behalf of respondent nos. 1 to 3. Time granted.

3. S.O. to 14.02.2017.

MEMBER (J)

10.01.2017 – **KPB(SB)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**M.A.No.350/2016 WITH M.A.No.424/2015 IN
O.A.No.628/2015**

(V.W.Chahakar V/s. The State of Mah. & Ors.)

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

DATE : 10-01-2017

ORAL ORDER:-

Heard Shri A.S.Deshmukh learned Advocate for the applicant, Shri V.R.Bhumkar learned Presenting Officer for respondent no.1 and Shri S.S.Shinde learned Advocate holding for Shri Vivek Bhavthankar learned Special Counsel for respondent nos.2 to 4.

2. Learned P.O. as well as the learned Special Counsel sought time to file reply on behalf of the respondents.

3. S.O. 10-02-2017.

4. Interim relief granted earlier to continue till then.

MEMBER (J)

YUK ORAL ORDER 10-01-2017

O. A. Nos. 292, 293, 294, 295, 296, 321, 720, 841 OF 2012. (Dr. V.S. Deshmukh & others Vs. State of Maharashtra and Others)

**CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench due to non-availability of Division Bench)**

DATE : 10.01.2017.

ORAL ORDER

None present for the applicants. Heard Shri S.K. Shirse, Smt R.S. Deshmukh, Shri N.U. Yadav, Shri V.R. Bhoomkar, Shri M.P. Gude, Smt. S.K. Ghate Deshmukh and Smt. P.R. Bharaswadkar, learned Presenting Officers for the Respondents in respective matters.

2. By order dated 14.12.2016 the disappointment was expressed by us and even though it was made clear that, if the Respondent no.1 fails to file reply on the next date the stringent action will be taken against him. No reply affidavit is filed even today. No convincing reason has been given as to why the Secretary the Department of Medical Education and Drugs Mantralaya has not filed affidavit. The learned P.Os. submit that the Respondent no.1 will file affidavit in any case within one week. However, that can not be excuse for not filing

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reply affidavit today. I have no words to express the dissatisfaction since much has already been expressed on the earlier date. In the interest of justice a last chance is granted subject to the condition that the Secretary of Respondent no.1 shall personally appear before the Tribunal and shall file the affidavit in reply.

3. S.O. 18.1.2017.

MEMBER (J)

ORAL ORDERS 10.01.2017-ATP

**MISC. APPLN.NO. 368/2016 IN O.A. NO.520/2016.
(P.R. Kulkarni Vs. State of Mah. & Ors.)**

**CORAM:HON'BLE SHRI J.D. KULKARNI,MEMBER (J).
(This matter is placed before Single Bench
due to non-availability of Division Bench)**

DATE : 10.01.2017.

ORAL ORDER

Miss. Preeti Wankhade, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. The applicant has requested that in the prayer clause the applicant has specifically prayed that the communication dated 14.6.2016 (Annexure A-10_ and the impugned order dated 15.6.2016 (Annexure A-11) issued by Respondent no.2 be quashed and set aside but the operative order does not state about such relief.

3. Admittedly the operative order is common order passed in so many original applications in which implication of G.R. dated 1.4.2010 was considered. It seems that, the applicant was earlier granted benefit of

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such G.R. but said benefit was taken out in view of the impugned communication dated 14.6.2016 and 15.6.2016. Now, vide common order dated 26.8.2016 the respondents are directed to grant benefit of G.R. dated 1.4.2010 to all applicants including the present O.A. It has also been directed to pay arrears and consequential benefits if found eligible. In other words, the communication dated 14.6.2016 and impugned order dated 15.6.2016 has already been quashed and therefore, there is no need to specifically mention that the said communications/order are quashed. Hence, there is no need to make any amendment in the operative part of the order.

M.A. disposed of accordingly.

MEMBER (J)

ORAL ORDERS 10.01.2017-ATP

**MISC. APPLN.NO. 471/2016 IN O.A. NO.814/2015.
(Shivaji M. Borole Vs. State of Mah. & Ors.)**

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

DATE : 10.01.2017.

ORAL ORDER

Miss. Preeti Wankhade, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Smt D.S. Deshpande, learned Presenting Officer for the Respondents.

2. The order in OA No.814/2015 is dated 11.3.2016 is very specific. The respondents have been directed to complete / finally conclude the D.E. within a period of 4 months from the date of order. The word "complete/finally conclude" itself indicates that the inquiry shall be completed in all respect including the final order of punishment, if any. However, it seems that, vide order dated 14.12.2016 the Hon'ble Chairman has disposed of the M.A. for contempt as the learned Advocate for the applicant has undertaken to take appropriate steps making application for speaking to minutes in relation to order dated 11.3.2016. Since the

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Hon'ble Chairman has directed the applicant to file speaking to minutes and in order to avoid further delay in the matter it shall be necessary to modify the order.

3. The learned P.O. has received a letter through E-mail dated 18.10.2016, which is marked at Exh.X. In the said letter the Respondent no.1 has claimed four months time to conclude the inquiry in all respects. However, it was observed that, the inquiry in this regard is already over only final order is to be passed and for that purpose there will be no need to take further more time. In view thereof, the application is allowed. Para no.2 of the operative part of the order would be deleted and shall be read as under :-

“The respondents are directed to finally complete and conclude the inquiry initiated against the applicant by the Respondents vide memorandum dated 22.5.2012 within a period of two months from today. There shall be no order as to costs”

4. The Registrar of this Tribunal shall issue corrected certified copy of this order to the parties.

MEMBER (J)

ORAL ORDERS 10.01.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

MA NO.273/16 in OA No.397/16, MA No.274/16 in OA 393/16, MA No.275/16 in OA No.398/16, MA No.370/16 with MA 180/16 in OA 31/16, MA 371/16 with MA 179/16 in OA 835/15, MA 372/16 with MA 181/16 in OA 67/16, MA 368/16, 369/16, OA 369/16, OA 400/16, OA 490/16, OA 361/16 with MA 277/16, MA No.302/16 with MA 207/16 in OA 380/16 with MA 281/16 and MA 303/16 in OA 371/16 with MA 208/16 with MA 280/16.

(P.S. Bramhne & Others Vs. State of Mah.& Ors.)

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

(This matter is placed before Single Bench due to non-availability of Division Bench)

DATE :10.1.2017.

ORAL ORDER

Heard Dr. Smt. K.P. Bharaswadkar & Shri Sudhir Patil, learned Advocates for the applicants, Shri M.S. Mahajan, learned C.P.O. & Smt. P.R. Bharaswadkar, learned Presenting Officer for the Respondents and Shri C.T. Chandratre, learned Advocate for the Respondent no.4 in MA Nos.273, 275 of 2016 for Respondent no.4 (Absent). Shri A.S. Deshmukh, learned Advocate for the Respondents no.4 & 5 in MA No.372/16. And Shri V.B. Wagh in MA Nos. 302 and No.303 of 2016.

2. Vide order dated 13.12.2016 the respondents were directed to file affidavit in reply on or before 10.1.2017 and the copy of affidavit was to be served on the learned Advocate for the respective applicants well in advance. However, the said order has not been complied and now the learned P. Os. are requesting time to file reply

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affidavit till Monday i.e. 16.1.17. It is also necessary to mention that the respondents Officers for Respondent no.3's represent vie was present. Therefore, it can not be said that, the respondents were not obeying the order. The Hon'ble High Court has already directed to dispose of this O.A. within a time framed and therefore, it was expected that the respondents should have file reply affidavit well in advance on or before 10.1.2017. In the interest of justice time granted till Monday i.e. 16.1.2017 for filing reply.

3. Steno copy allowed to the learned P.O.

4. S.O. 16.1.2017.

MEMBER (J)

ORAL ORDERS 10.01.2017-ATP