

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 338/2016
(Shri Krushna S. Wadhe V/s. the State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 07.07.2017.

ORAL ORDER:-

Heard Shri P.B. Rakhunde, learned Advocate holding for Shri S.B. Bhapkar, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for respondent nos. 1 & 2. Shri Nilesh N. Desale, learned Advocate for respondent no. 3, absent.

2. Learned Advocate for the applicant has filed rejoinder affidavit. Same is taken on record and the copy thereof, has been served on the learned P.O.

3. At the request of learned Presenting Officer, S.O. to 23.07.2017.

MEMBER (J)

KPB ORAL ORDER 07-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 616/2016
(Smt. Sonali A. Chaudhari V/s. the State of Maharashtra & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 07.07.2017.

ORAL ORDER:-

Shri V.P. Patil, learned Advocate for the applicant
(**Absent**). Shri N.U. Yadav, learned Presenting Officer for
respondent nos. 1 to 3, present. Shri Vaibhav R. Patil,
learned Advocate for respondent no. 4, absent.

2. At the request of learned Presenting Officer, S.O. to
31.07.2017.

KPB ORAL ORDER 07-07-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 718/2016
(Shri Ashok T. Bari & Ors. V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 07.07.2017.

ORAL ORDER:-

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

2. It transpires from the proceedings that on so many dates i.e. on 15.11.2016, 20.12.2016, 08.02.2017 & 13.04.2017 none appeared for the applicant.

3. Hence, S.O. to 01.08.2017 for passing necessary order.

MEMBER (J)

KPB ORAL ORDER 07-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 725/2016
(Shri Sham C. Kotkar V/s. the State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 07.07.2017.

ORAL ORDER:-

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for respondent nos. 1 & 2 and Shri G.M. Patel, learned Advocate for respondent no. 3.

2. Learned Advocate for the applicant has filed rejoinder affidavit. Same is taken on record and the copy thereof, has been served on the other side.

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

4. S.O. to 31.07.2017.

MEMBER (J)

KPB ORAL ORDER 07-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 934/2016
(Shri Amol v. Mane V/s. the State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 07.07.2017.

ORAL ORDER:-

Shri K.J. Suryawanshi, learned Advocate for the applicant (**Absent**). Shri M.P. Gude, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 19.07.2017.

KPB ORAL ORDER 07-07-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NOS. 760/2016 & 761/2016
(Shri Gopla D. Mule & Ors. V/s. State of Maharashtra & Ors.)**

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 07.07.2017.

ORAL ORDER:-

Heard Shri A.S. Deshmukh, learned Advocate for the applicants in both the O.As., Smt. Priya R. Bharaswadkar & Shri M.P. Gude, learned Presenting Officers for the respondent nos. 1 to 3 in respective O.As. and Shri Shamsundar B. Patil, learned Advocate for respondent no. 4 in O. No. 760/2016. Shri G.N. Patil, learned Advocate for respondent nos. 2 & 4 in O.A. No. 761/2016, **Leave Note.**

2. Learned Advocate for the applicants has submitted that this Tribunal has directed the Government to take decision as regards clarification raised by the Accountant General-II, Nagpur vide communication dated 7.2.2017 within a period of one month. But the respondent no. 1 had not taken decision on last date i.e. on 30.06.2017 and learned P.O. sought time in that regard. Today also no positive steps have been taken on behalf of the respondents and therefore, he prayed to issue necessary directions to the respondents.

3. Learned Presenting Officers have submitted that in spite of the directions given by them, they have not received necessary information from the concerned officer and therefore, they requested short time.

4. On perusal of record, it reveals that in spite of specific direction given to the respondent no. 1, no decision has been taken by the respondent no. 1 in view of the direction given by this Tribunal on 12.04.2017. This shows the negligence and reluctance on the part of the respondent no. 1.

5. Learned P.O. is directed to submit the name of the respondent no. 1.

6. Therefore, respondent no. 1 i.e. Shri I.F. Chahal, is directed to file his personal affidavit as to why necessary action should not be taken against him for flouting of the direction given by this Tribunal.

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O.A. Nos. 760/2016 &
761/2016

7. S.O. to 21.07.2017.
8. Steno copy allowed to the learned Presenting Officers on their request.

KPB ORAL ORDER 07-07-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 140/2017

(Shri Dattatraya U. Jadhav V/s. The State of Maharashtra & Ors.)

CORAM: HON'BLE SHRI B.P. PATIL, MEMBER (J).

DATE : 07.07.2017.

ORAL ORDER:-

Heard Shri Ravindra B. Ade, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant has submitted that the applicant has challenged the suspension order dated 24.05.2016 passed by the respondents. It is his contention that the applicant has challenged the said suspension order before the appellate authority by preferring appeal on 12.08.2016, but the respondents had not decided the said appeal within six months and therefore, the applicant has filed present Original Application.

3. The learned Advocate for the applicant has submitted that the respondents contended the fact that the appeal is pending before the Government i.e. respondent no. 1 and it has not been decided by the

respondent no. 1. Therefore, he prayed to issue direction to the respondent no. 1 to decide the appeal within a stipulated time and to dispose of the present Original Application with that direction.

4. Learned Presenting Officer has submitted that he has no objection to pass necessary order accordingly.

5. The appeal preferred by the applicant challenging the suspension order is pending with the respondent no. 1 since 12.08.2016 and therefore, it is just and proper to direct the respondent no. 1 to decide the appeal on merit with in a period of two months from the date of this order.

6. Accordingly, the present O.A. stands disposed of with a direction to the respondent no. 1 to decide the appeal preferred by the applicant on 12.08.2016 within a period of two months from the date of this order. There shall be no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 498 OF 2013

(Shri Shivraj D. Hawanna Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 07.07.2017

ORAL ORDER:-

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

2. In view of absence of applicant and his learned Advocate, S.O. to 1.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 7.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 508 OF 2013

(Shri Feroj Mahemud Shaikh Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 07.07.2017

ORAL ORDER:-

S/shri S.R. Doke / S.K. Doke, learned Advocates for the applicant **(absent)**. Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 to 3, is present. Shri G.N. Patil, learned Advocate for respondent nos. 4 & 5 has filed leave note.

2. The learned P.O. seeks time as file of this matter is misplaced in his office. At his request, S.O. to 3.8.2017, for making submissions in the matter.

VICE CHAIRMAN

ARJ ORAL ORDERS 7.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 509 OF 2013

(Shri Mohan B. Pawar Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 07.07.2017

ORAL ORDER:-

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent nos. 1 to 3. Shri G.N. Patil, learned Advocate for respondent no. 4 **(leave note)**.

2. In view of leave note of learned Advocate for respondent no. 4, S.O. to 9.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 7.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA NO. 235/2017 IN CP ST. 865/2017 IN OA 497/2015
(Smt. Aisha Begum Wd/o Mohd. Bin Gulam Husain Alkaseri
Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)**

Date : 07.07.2017

ORAL ORDER:-

Shri Rafat Hussain Ansari, is present on behalf Smt. Aisha Begum Wd/o Mohammed Bin Gulam Husain Alkaseri – applicant in person - and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. It appears from copy of General Power of Attorney (Paper book page 24 & 25 of the C.P.) that Smt. Aisha Begum Wd/o Mohammed Bin Gulam Husain Alkaseri – applicant in person - has authorized her nephew viz. Shri Rafat Hussain Ansari to appear in this matter on her behalf.

3. This misc. application has been filed by the applicant for permission to file C.P. against the respondents for non compliance of the order dated 3.5.2016 passed by the Tribunal in O.A. no. 497/2015.

4. In the circumstances, issue notices to the respondents in the present misc. application, returnable on 10.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 7.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**O.A.No.419/2017 WITH CAVEAT No.18/2017 WITH
M.A.No.234/2017**

(Shri Bhaskar Waghmare V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 07-07-2017

ORAL ORDER:-

Heard Shri V.B.Wagh learned Advocate for the applicant, Smt. Priya Bharaswadkar learned Presenting Officer for the respondents and Shri A.S.Deshmukh learned Advocate for the Caveator.

2. Reply filed by respondent no.1 (original applicant) to counter Caveat No.18/2017, is taken on record. Copy thereof has been served on the other side.

3. At the request of learned Advocate for the Caveator, S.O.10-07-2017.

MEMBER (J)

YUK ORAL ORDER 07-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.426/2017

(Shri Sudhakar E. Patil V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 07-07-2017

ORAL ORDER:-

Heard Shri C.T.Jadhav learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents is present.

2. Issue notices to the respondents, returnable on 11-08-2017.
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 the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

6. The service may be done by hand delivery, speed post, courier and 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 11-08-2017.

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

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.428/2017

(Shri Raghunath Mardode V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 07-07-2017

ORAL ORDER:-

Heard Shri P.M.Gaikwad learned Advocate holding for Shri G.K.Muneshwar learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant,
S.O.24-07-2017.

MEMBER (J)

YUK ORAL ORDER 07-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.No.228/2017 IN O.A.St.No.842/2017
(Dr. Preeti Singh V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 07-07-2017

ORAL ORDER:-

Heard Ku. Ashlesha Raut learned Advocate holding for Shri S.B.Talekar learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 10-08-2017.

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

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

6. The service may be done by hand delivery, speed post, courier and 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 10-08-2017.

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

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO.849/2017

(Anita D. Ingale @ A.K.Jadhav V/s. The State of Mah. &
Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 07-07-2017

ORAL ORDER:-

Heard Shri I.D.Maniyar learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that there is no provision in Maharashtra Village Police Patil Act, 1967 for challenging the order of suspension passed by the appointing authority of the Police Patil u/s.11 of Maharashtra Village Police Patil Act, 1967, and therefore, the office objection is not in accordance with the provisions of Village Police Patil Act, 1967.

3. I have gone through the provisions of Section 11 of the Village Police Patil Act, 1967. Section 11 of the Police Patil Act provides the Sub Divisional Magistrate or Sub Divisional Officer, who is competent authority to make

appointment of Police Patil and to suspend a Police Patil pending departmental enquiry, enquiry or trail against such police patil and that section does not provide appeal against the said suspension order. Therefore, office objection is overruled.

4. Accordingly, O.A. be registered and numbered.
5. Thereafter, issue notices to the respondents, returnable on 10-08-2017.
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 10-08-2017.

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

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NOS.131/2016, 157/2016,
218/2016, 351/2016, 254/2016, 279/2016, AND
861/2016**

(Shri Narayan Jadhav & Ors. V/s.
The State of Maharashtra & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 07-07-2017

ORAL ORDER:-

Heard Shri Vivek Pingle learned Advocate holding for Shri A.S.Shelke learned Advocate for the applicants (O.A.Nos.131/2016, 157/2016, 218/2016, 351/2016) and Shri Vivek Pingle learned Advocate for applicant (O.A.Nos.254/2016, 279/2016, 861/2016) and Shri D.R.Patil (131/2016, 157/2016, 218/2016, & 351/2016) and Shri I.S.Thorat (O.A.No.254/2016, 279/2016 &861/2016) learned Presenting Officers for the respondents in the matters.

2. Learned P.Os. submit that they will file reply on behalf of the respondents, during the course of the day. They undertake to serve copy of the reply on the other side.

3. S.O.09-08-2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.657/2016

(Sk. Shabana Ali V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 07-07-2017

ORAL ORDER:-

Heard Shri Ashish Rajkar learned Advocate holding
Shri M.P.Tripathi learned Advocate for the applicant and
Shri S.K.Shirse learned Presenting Officer for the
respondents.

2. At the request of learned Advocate for the applicant,
S.O.04-08-2017.

YUK ORAL ORDER 07-07-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.59/2017

(Shri Vishwanath Baswante & Ors. V/s. The State of
Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 07-07-2017

ORAL ORDER:-

Heard Shri A.D.Sugdare learned Advocate holding
for Shri V.P.Golewar learned Advocate for the applicant
and Shri D.R.Patil learned Presenting Officer for the
respondents.

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

3. S.O.10-08-2017.

MEMBER (J)

YUK ORAL ORDER 07-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.127/2017

(Shri Trimbak Tompe V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)

DATE : 07-07-2017

ORAL ORDER:-

Heard Shri A.D.Sugdare learned Advocate holding for Shri V.P.Golewar learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Learned C.P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted.

3. S.O.10-08-2017.

YUK

ORAL

ORDER

MEMBER (J)

07-07-2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

- 1) MA 543/2015 IN CP ST.1721/2015 IN OA 717/1998.
- 2) MA 544/2015 IN CP ST.1723/2015 IN OA 522/2000.
- 3) MA 545/2015 IN CP ST.1727/2015 IN OA 718/1998.
- 4) MA 546/2015 IN CP ST.1731/2015 IN OA 1203/1999.
- 5) MA 547/2015 IN CP ST.1725/2015 IN OA 492/2002.
- 6) MA 548/2015 IN CP ST.1719/2015 IN OA 493/2002.
- 7) MA 549/2015 IN CP ST.1729/2015 IN OA 525/2002.
- 8) MA ST.1328/15 IN CP ST.1329/15 IN OA 705/1996.
- 9) MA ST.1330/15 IN CP ST.1331/15 IN OA 682/1996 &
- 10) MA ST.1332/15 IN CP ST.1333/15 IN OA 718/1996.

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 07-07-2017

COMMON ORAL ORDER:-

1. Heard Shri A. S. Deshmukh, learned Advocate for the Applicants in MA St. Nos. 1328, 1330 and 1332 of 2015 and Shri M. S. Mahajan, learned Chief Presenting Officer, Smt. P.R. Bharaswadkar, Smt. R. S. Deshmukh, Shri S. K. Shirse, Shri N. U. Yadav, Shri V. R. Bhumkar, Smt. S. K. Ghate Deshmukh, Smt. D.S. Deshpande, Shri D. R. Patil and Shri I. S. Thorat, learned Presenting Officers for the Respondents in the respective matters. Shri M. H. Patil, learned Advocate for the Applicants in other matters remained absent.

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2. In view of the order dated 14.6.2017 the learned C.P.O. files on record the individual data of payment of each of the applicants in all these matters. The same are accepted collectively only in MA No.543/2015 and marked as document "X" for the purpose of identification.

3. Shri A. S. Deshmukh, learned Advocate for the Applicants seeks time to go through data and take instructions from the concerned applicants. At his request, S. O. to 11th August, 2017.

VICE CHAIRMAN.

ORAL ORDERS 07-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.201/2017.
(Shri S. D. Neharkar Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 07-07-2017

ORAL ORDER:-

None present for the applicant. Heard Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. The record would show that, since last three dates nobody is appearing for the applicant. The order dated 3.4.2017 would show that, the learned Advocate for the Applicant has sought time to satisfy the Tribunal as to how the applicant at present can challenge his dismissal from services when he is already convicted by the Special Court for the offenses punishable under Sections 7, 13 (1) (d) read with Sec. 13 (2) of the Prevention of Correction Act and appeal against the said conviction is still pending in the Hon'ble High Court.

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3. However, in view of the absence of the learned Advocate for the applicant without making any comment on merit the application is dismissed in default.

ORAL ORDERS 07-07-2017-ATP

VICE CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

MA ST.868/17 IN CP ST.869/17 IN OA 456/16.

(Shri Md. Imran Khan Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 07-07-2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant submits that, though Annexure A-6, page no.28 i.e. the copy of the notice sent to the Respondent no.3 does not specify the name of the Respondent no.3 and only her designation, in fact the original notice sent to Respondent no.3 is in her name. In the circumstances, remove office objection for the present.

3. Issue notices to the respondents, returnable on 8th August, 2017.

4. S. O. to 08/08/2017.

VICE CHAIRMAN.

ORAL ORDERS 07-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.355/2016.
(Shri Shaikh Jamil Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 07-07-2017

ORAL ORDER:-

Heard Shri D. T. Devane learned Advocate holding for Shri V. D. Gunale learned Advocate for the applicant and Shri I. S. Thorat learned Presenting Officer for the respondents no.1 & 2. None appears for the Respondents no.3 & 4.

2. The pleadings are complete. The arguable case is made out.

3. Admit.

4. Learned P.O. waives the notice for the respondents upon admission hearing.

5. Remove from Board. The matter be listed before the Division Bench as and when it would be available.

VICE CHAIRMAN.

ORAL ORDERS 07-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

MA NO.229/2017 IN OA NO.439/2010..
(Shri D. S. Karle Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 07-07-2017

ORAL ORDER:-

Heard Miss Ashlesha Raut learned Advocate holding for Shri S. T. Talekar learned Advocate for the applicant and Smt D. S. Deshpande learned Presenting Officer for the respondents.

2. For the reasons stated in the application, the said application for amendment in the O.A. is hereby allowed. M.A. is disposed of accordingly without any order as to costs. The amendment be carried within a period of two weeks and the copy of amended O.A. shall be served on the respondents.

3. S. O. to 21.07.2017.

VICE CHAIRMAN.

ORAL ORDERS 07-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

MA ST.408/17 WITH MA ST.409/17 IN OA 785/98.
(Shri B. H. Sonar Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 07-07-2017

ORAL ORDER:-

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

2. For the reasons stated in the application for
restoring the application, the application for restoration
is allowed without any order as to costs.

3. The M.A. of restoration be registered accordingly.

4. S. O. to 08.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 07-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD..

ORIGINAL APPLICATION NO.496/2013.

(Dr. Nagorao S. Chavan Vs. State of Mah. & Ors.)

CORAM: Hon Shri Justice M. T. Joshi, Vice Chairman.

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

DATE : 07-07-2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant files on record the copy of decisions of the Division Bench of Maharashtra Administrative Tribunal, decision of the Hon'ble High Court Bombay, Bench at Aurangabad as well as decision of Hon'ble The Supreme Court of India concerning the same issue decided in the case of similarly situated employees and the same is accepted and marked as document "X" for the purpose of identification. Copy is served on the Respondents.

3. The learned C.P.O. seeks time to take instructions. At his request, S. O. to 2.8.2017 either for taking instructions or for passing necessary orders.

4. The learned C.P.O. to act on the Steno copy of this order.

VICE CHAIRMAN.

ORAL ORDERS 07-07-2017-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 574 OF 2016
(Smt. Jyoti D. Siddhewar & Anr. Vs. The State of Maha.
and Ors.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 07.07. 2017.

ORAL ORDER:

1. Heard Shri Avinash S. Deshmukh – learned Advocate for the applicants and Shri S.K. Shirse – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has submitted on behalf of the respondents that name of the applicant No.1 has been taken in the Compassionate Waiting Register on the basis of application dated 11.08.2008, but there is no specific date mentioned against the said entry. The said entry is material to decide whether the application dated 6.11.2009 filed by the applicant is prior to the date of said entry or it was filed subsequently. Therefore, the respondents are directed to produce the copy of extract of the Compassionate Waiting Register. The respondents are also directed to furnish the copy of the decision in Writ Petition in which the decision of this Tribunal passed in O.A. No. 184/2005 decided on 3.5.2006 was challenged.

3. S.O. to 1st August, 2017.

4. This case be treated as part heard.

MEMBER (J)

ORAL ORDERS 07.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 13 OF 2017
(Shri Ramesh N. Swami Vs. The State of Maha. and Ors.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 07.07. 2017.

ORAL ORDER:

1. Heard Shri D.T. Devane – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has produced a copy of communication dated 5.7.2017 issued by the Superintendent of Police, Nanded stating that, it is their practice not to maintain the minutes of the meeting of the Police Establishment Board. She has also produced a copy of Resolution of Police Establishment Board dated 4.1.2017 by which the transfer of the applicant has been recommended by the Police Establishment Board. She has submitted that the transfer order of the applicant has been issued as per the provisions of the Maharashtra Police Act, 1951.

3. The learned Advocate for the applicant has submitted that the Police Establishment Board consists of 4 Members including the Superintendent of Police, Nanded, Additional Superintendent of Police, Nanded, Deputy Superintendent of Police, Nanded and Sub Divisional Police Officer, Dharmabad, Dist. Nanded. He has submitted that the applicant collected a diary of Shri Pradeep Patil, who is working as a Sub Divisional Police Officer, Dharmabad Division at Dharmabad for the period for 1.1.2017 to 7.1.2017. He has produced the copy of the said diary on record. He has submitted that, on 4.1.2017 Shri Pradeep Patil was in his office at Dharmabad from 9.45 hours to 21.00 hours and had not left the headquarter on that

date, but the Resolution of the Police Establishment Board shows that, he attended the meeting on that date. He has submitted that, diary of Shri Pradeep M. Patil falsifies the contention of the respondents that meeting of Police Establishment Board has been held on 4.1.2017 and decision recommending the transfer of the applicant had been in that meeting. He has submitted that the respondents have prepared the false record of the meeting and Resolution regarding transfer of the applicant dated 4.1.2017. He has submitted that, very fact shows that the impugned order of transfer is issued without following the provisions of Maharashtra Police Act, 1951.

4. On perusal of the documents on record, it reveals that, one Shri Sanjay Yenpure was serving as Superintendent of Police, Nanded at the relevant time. He issued the impugned order of transfer of the applicant. He was the Chairman of the Police Establishment Board. The Resolution dated 4.1.2017 shows that, the meeting of the Board has been held on 4.1.2017 and one Shri Pradeep Patil, Sub Divisional Officer, Dharmabad, who was one of the members of the said meeting, had attended the said meeting. Copy of the diary of Shri Pradeep Patil, Sub Divisional Police Officer, Dharmabad shows that, on 4.1.2017 he was working at his headquarters i.e. at Dharmabad from 9.45 hours to 21.00 hours and had not left the headquarter on that date. He has travelled 37 Kms only on that day. The distance between Dharmabad and Nanded is 90 Kms. Approximately. It shows that, on that date he had not left the headquarter and travelled between Dharmabad and Nanded. Prima-facie, it seems that the record of the

meeting of the Police Establishment Board has been prepared to facilitate the impugned transfer order. Prima-facie, documents on record show that, the record regarding the meeting of the Police Establishment Board dated 4.1.2017 has been fabricated or prepared subsequently. Therefore, it is just to call upon the concerned Superintendent of Police viz. Shri Sanjay Yenpure, who is now posted at Mumbai as a Deputy Commissioner of Police (Special Branch) to file his personal affidavit clarifying the facts.

5. S.O. to 1.8.2017.

6. The learned P.O. to act upon the Steno copy of this order.

MEMBER (J)

ORAL ORDERS 07.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 377 OF 2016
(Shri Baburao P. Pawar & Ors. Vs. The State of Maha. and
Ors.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 07.07. 2017.

ORAL ORDER:

1. Heard Shri P.V. Suryawanshi – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. At the request of learned Presenting Officer, S.O. to 31st July, 2017 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 07.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 366 OF 2017
(Shri Kumar H. Patil Vs. The State of Maha. and Ors.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 07.07. 2017.

ORAL ORDER:

1. Heard Shri Avinash S. Deshmukh – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondent No.1.

2. Learned Advocate Shri D.T. Devane appeared today and he has submitted that he is appearing on behalf of respondent Nos. 2 & 3 and he has filed VAKALATNAMA on their behalf. It is taken on record.

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

MEMBER (J)

ORAL ORDERS 07.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 304 OF 2017
(Shri Arun R. Naik Vs. The State of Maha. and Ors.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 07.07. 2017.

ORAL ORDER:

1. Heard Shri Avinash S. Deshmukh – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.
2. At the request of learned Presenting Officer, S.O. to 19th July, 2017 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 07.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 353 OF 2017
(Shri. Bajirao V. Khade Vs. The State of Maha. and Ors.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 07.07. 2017.

ORAL ORDER:

1. Heard Shri K.B. Jadhav – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted.
3. S.O. to 26th July, 2017.

MEMBER (J)

ORAL ORDERS 07.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 310 OF 2017
(Dr. Dilip B. Dange Vs. The State of Maha. and Ors.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 07.07. 2017.

ORAL ORDER:

1. Heard Shri Shamsundar B. Patil – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. At the request of learned Presenting Officer, S.O. to 25th July, 2017 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 07.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 250 OF 2017
(Shri Sayed Khaja Mubeenuddin Sayed Khaja Azizuddin
Vs. The State of Maha. and Ors.)**

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

DATE : 07.07. 2017.

ORAL ORDER:

1. Heard Shri S.C. Bhosale – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.
2. At the request of learned Presenting Officer, S.O. to 8th August, 2017 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 07.07.2017-HDD