

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 634/2016
(Dr. Shailaja Kuppaswamy Vs. State of Maharashtra & Ors.)**

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

DATE : 13.07.2017._

ORAL ORDER:-

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

2. Today, the learned Presenting Officer has placed on record a copy of communication dated 3.5.2017 sent by the Joint Director, Health Services, Mumbai to the Deputy-Director, Health Service, Aurangabad, stating that the proposal of the applicant for condonation of break in service has been rejected. The said communication is taken on record and marks as Exhibit-'X' for the purposes of identification.

3. Learned Advocate for the applicant has submitted that the Division Bench of this Tribunal has decided several cases, in which similarly situated employees got relief regarding condonation of technical break in service and continuation of services. He has attracted my

attention to the judgment of Division Bench of this Tribunal in O.A. Nos. 676 of 2015 & others delivered on 17.07.2015. He has also placed reliance on the decision of the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad in W.P. No. 3484 of 2005 delivered on 27th November, 2008, in which the order of this Tribunal has been challenged by the Government. But the Hon'ble High Court has upheld the order of the Tribunal. He has also placed reliance on the order passed by the Hon'ble Apex Court in Special Leave to Appeal (Civil) No. CC 18902-18915/2010 decided on 02.02.2011, in which the judgment of the Hon'ble High Court passed in W.P. No. 3484 of 2005 has been challenged. He has further relied on the order passed by this Tribunal in O.A. No. 514/2015 in case of Dr. Balaji S. Barure Vs. the State of Maharashtra & Ors. on 8.6.2017.

4. He has submitted that this Tribunal time and again granted reliefs to the similarly situated employees. He has submitted that the relief claimed by the applicant is similar to the reliefs granted to the similarly situated

employees and therefore, it is just to direct the respondents to give benefits of condonation of technical breaks in service and to pass consequential order.

5. Learned Presenting Officer has submitted that as the proposal of the applicant has been rejected by the Joint Director, Health Services, Mumbai, the applicant is not entitled to claim relief as prayed for.

6. Learned Advocate for the applicant has submitted that in view of the G.R. dated 14.01.1997, the technical break has to be condoned by the Government and therefore, the Joint Director has no authority to pass order in the said proposal.

7. On going through the G.R. dated 14.01.1997, it reveals that the Government is the appropriate authority to condone the technical breaks. The proposal of the applicant has not been forwarded to the Government and it has been decided by the Joint Director, Health Service, Mumbai, which is in contravention of G.R. dated 14.01.1997. This Tribunal has granted similar relief to

the similarly situated employees in the above referred O.As.

8. In these circumstances, it is just to direct the respondents to reconsider the matter afresh in view of the earlier orders passed by this Tribunal, Hon'ble High Court and Hon'ble Apex Court, copies of which are placed on record and to take corrective steps in the matter in view of the provisions of law and G.R. dated 14.01.1997. If it is found that the present applicant is a similarly situated employee to whom the similar relief can be granted, then without waiting for any order from this Tribunal, necessary order be passed by the concerned respondents. The compliance report be filed positively, on or before 31.08.2017.

9. Accordingly, the present O.A. stands disposed of with no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 642/2016

(Dr. Sanjay Ghogre & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.07.2017._

ORAL ORDER:-

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

2. Learned Advocate for the applicants has submitted that the Division Bench of this Tribunal has decided several cases, in which similarly situated employees got relief regarding condonation of technical break in service and continuation of services. He has attracted my attention to the judgment of Division Bench of this Tribunal in O.A. Nos. 676 of 2015 & others delivered on 17.07.2015. He has also placed reliance on the decision of the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad in W.P. No. 3484 of 2005 delivered on 27th November, 2008, in which the order of this Tribunal has been challenged by the Government. But the Hon'ble High Court has upheld the order of the Tribunal. He has also placed reliance on the order passed by the Hon'ble Apex

Court in Special Leave to Appeal (Civil) No. CC 18902-18915/2010 decided on 02.02.2011, in which the judgment of the Hon'ble High Court passed in W.P. No. 3484 of 2005 has been challenged. He has further relied on the order passed by this Tribunal in O.A. No. 514/2015 in case of Dr. Balaji S. Barure Vs. the State of Maharashtra & Ors. on 8.6.2017.

3. He has submitted that this Tribunal time and again granted reliefs to the similarly situated employees. He has submitted that the relief claimed by the applicant is similar to the reliefs granted to the similarly situated employees and therefore, it is just to direct the respondents to give benefits of condonation of technical breaks in service and to pass consequential order.

4. Learned Presenting Officer has submitted that the proposal of the applicants is pending with the Government and it is not yet decided by the Government.

5. Learned Advocate for the applicants has submitted that in view of the G.R. dated 14.01.1997, the technical break has to be condoned by the Government.

6. On going through the G.R. dated 14.01.1997, it reveals that the Government is the appropriate authority to condone the technical breaks. The proposal of the applicant is pending with the Government and it is not yet decided by the Government. This Tribunal has granted similar relief to the similarly situated employees in the above referred O.As.

7. In these circumstances, it is just to direct the respondents to consider the matter in view of the earlier orders passed by this Tribunal, Hon'ble High Court and Hon'ble Apex Court, copies of which are placed on record and to take corrective steps in the matter in view of the provisions of law and G.R. dated 14.01.1997. If it is found that the present applicants are similarly situated employee to whom the similar relief can be granted, then without waiting for any order from this Tribunal, necessary order be passed by the concerned respondents. The compliance report be filed positively, on or before 31.08.2017.

//4//

O.A. No. 642/2016

8. Accordingly, the present O.A. stands disposed of with no order as to costs.

KPB ORAL ORDER 13-07-2017

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 719/2016

(Shri Pandurang M. Chandanshiv Vs. State of Maharashtra & Ors.)

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

DATE : 13.07.2017._

ORAL ORDER:-

Heard Shri K.J. Suryawanshi, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for respondent nos. 1 to 3 and Shri A.R. Tapse, learned Advocate holding for Shri P.D. Suryawanshi, learned Advocate for respondent no. 4 & 5.

2. Today, learned Advocate for respondent no. 4 has placed on record a copy of order dated 3.7.2017 issued by the Chief Executive Officer, Zilla Parishad, Beed along with affidavit in reply. By the said order, the respondent no. 4 has canceled the earlier impugned order dated 17.5.2016 granting provisional pension to the applicant w.e.f. 1.01.2013 to 30.06.2013. He has submitted that the respondent no. 4 has not forwarded the copy of said order to the Accountant General-II, Nagpur mistakenly. Therefore, he has submitted that the respondents will immediately send the copy of the order dated 3.7.2017 to

the Accountant General-II, Nagpur. Copy of the said order is taken on record and marked as Exhibit-'X' for the purposes of identification.

3. Learned Advocate for the applicant has submitted that the respondent no. 4 has to send copy of this letter dated 3.7.2017 regarding cancellation of provisional pension of the applicant to the Accountant General-II, Nagpur. Therefore, he has prayed to direct the respondent nos. 2 & 4 to take corrective steps.

4. In view of the fact that the impugned order dated 17.05.2016 has been cancelled by the respondent no. 4 by order dated 3.7.2017 on the basis of letter dated 15.12.2015 sent by respondents, it is just and proper to direct the respondent nos. 2 & 4 to take further necessary corrective steps in the matter and to submit the compliance report on or before 16.08.2017.

5. S.O. to 16.08.2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 762/2016
(Shri Nakul S. Mhaske & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.07.2017._

ORAL ORDER:-

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

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent no. 1 to the amended O.A. Same is taken on record and the copy thereof has been served upon the learned Advocate for the applicant.

3. Learned Chief Presenting Officer has submitted that he has not received instructions from the respondent no. 1-A and therefore, he sought short time to take necessary instructions from the respondent no. 1-A. Time granted.

4. S.O. to 24.07.2017.

MEMBER (J)

KPB ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 770/2016
(Shri Manchakrao P. Paratwagh Vs. State of Maharashtra & Ors.)

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

DATE : 13.07.2017._

ORAL ORDER:-

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

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

3. S.O. to 4.8.2017.

MEMBER (J)

KPB ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 850/2016
(Shri Anand S. Gavali Vs. State of Maharashtra & Ors.)**

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

DATE : 13.07.2017._

ORAL ORDER:-

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant seeks time to argue the matter. Time granted.

3. Learned Advocate for the applicant has submitted that interim relief was granted in view of the order dated 9.11.2016 and it was continued till 18.04.2017. But due to oversight, the said interim relief is not continued.

4. Learned Presenting Officer has submitted that the applicant is serving as a Police Patil and therefore, he has no objection to continue the interim relief.

5. Hence, interim relief granted earlier to continue till next date

6. S.O. to 18.08.2017.

MEMBER (J)

KPB ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 833/2016
(Dr. Sanjay K. Muley Vs. State of Maharashtra & Ors.)

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

DATE : 13.07.2017._

ORAL ORDER:-

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The learned P.O. has submitted that the respondent nos. 1 & 2 have not complied with the order as directed by this Tribunal on 14.03.2017 and 16.06.2017. He has submitted that one Dr. Pradeep Vyas has been appointed as a Principal Secretary, Health Department and he is likely to take charge of the said post within 1 or 2 days. Therefore, he seeks one week's time to take instruction as per the directions given by this Tribunal.

3. Dr. Vijay Kandhevad, Deputy Director of Health Services, Aurangabad, who was present today, has made statement in open Court that Dr. Pradeep Vyas, will take decision within a week as per the instruction received to him from Shri (Dr.) Satish Pawar, Director, Health Services, Mumbai.

//2//

O.A. No. 833/2016

3. In view of the said assurance given by the respondent nos. 1 & 2, the matter is adjourned for one week.

4. S.O. to 20.07.2017.

MEMBER (J)

KPB ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 121/2017 IN OA ST. 364/2017

(Shri Sachin R. Salve 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 : 13.07.2017

ORAL ORDER:-

Heard Shri Suresh D. Dhongde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks liberty of the Tribunal to file misc. application for adding party respondents and relevant pleadings in the M.A. no. 121/2017 and O.A. St. no. 364/2017. At his request, S.O. to 10.8.2017 for filing misc. application for joining the parties and making relevant pleadings in M.A. no. 121/2017 & O.A. st. 364/2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 13.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 237/17 IN MA 36/16 IN CP ST. 1947/15 IN OA 258/13
(Shri Dinesh T. Sonawane 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 : 13.07.2017

ORAL ORDER:-

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

2. The present misc. application no. 237/2017 has been filed by the applicant for restoration of M.A. no. 36/2016 and C.P. St. no. 1947/2015 in O.A. no. 258/2013. The said M.A. no. 36/2016 and C.P. st. no. 1947/2015 were dismissed in default by the Tribunal vide order dated 13.6.2017.

3. It appears that initially the applicant has filed said M.A. no. 36/2017 for permission to proceed against the respondents in C.P. st. no. 1947/2015 for non compliance of the order passed in O.A. no. 258/2013 by the order dated 11.12.2014.

4. Perused the M.A. no. 237/2017. Considered the contentions.

::-2-::
MA 237/17 IN MA 36/16 IN
CP ST. 1947/15 IN OA
258/13

5. For the reasons stated in the misc. application it is allowed without any order as to costs and the M.A. no. 36/2016 and C.P. St. no. 1947/2015 in O.A. no. 258/2013 are restored to their original position.

VICE CHAIRMAN

ARJ ORAL ORDERS 13.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 36/16 IN CP ST. 1947/15 IN OA 258/13

(Shri Dinesh T. Sonawane 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 : 13.07.2017

ORAL ORDER:-

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

2. The learned P.O. points out from Exh. R-3 paper book page 53 of the M.A. no. 36/2016 that the initiation of the departmental enquiry has been stayed by Hon'ble Bombay High Court, Bench at Aurangabad vide interim order dated 11.3.2015 passed in W.P. no. 2784/2015.

3. The learned Advocate for the applicant submits that, in fact, the said writ petition is filed by only 2 of the private respondents. There are in all 5 private respondents. However, as the collective departmental enquiry is stayed by the Hon'ble High Court in the aforesaid writ petition, the present M.A. is adjourned to 11.10.2017 awaiting the decision of the Hon'ble High Court in the said writ petition.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 576/2013

(Shri Rameshwar G. Ubale & Ors. Vs. 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 : 13.07.2017

ORAL ORDER:-

Shri S.S. Dambe, learned Advocate for the applicants
(absent). Shri M.P. Gude, learned Presenting Officer for the
respondents, is present.

2. In view of Circular dated 28/29.1.2016 issued by
Hon'ble Chairman of the Tribunal the issue of time bound
promotion involved in the present original application falls
within the jurisdiction of Single Bench. Therefore, the present
matter be removed from the board of Division Bench and it be
placed on 28.7.2017 before the Single Bench in the final
hearing category.

VICE CHAIRMAN

ARJ ORAL ORDERS 13.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 578/2013

(Shalini d/o Govindrao Bhaware (Sow. Shalini w/o Suwartik
Dongardive) 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 : 13.07.2017

ORAL ORDER:-

Shri L.S. Shaikh, learned Advocate for the applicant
(**absent**). Shri I.S. Thorat, learned Presenting Officer for the
respondents, is present.

2. The learned P.O. points out that, since no interim relief
is granted in favour of the applicant. The relief as claimed in
the present O.A. for permission to provide examination /
application form to the applicant and to accept his duly filed
in form and also to allow him to participate in the CET
examination which was scheduled on 22.9.2013, has become
infructuous.

3. In view of absence of learned Advocate for the applicant,
S.O. to 2.8.2017.

4. The office is directed to intimate the applicant and his
learned Advocate about the next date of the present matter.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 583/2013

(Shri Dilip R. Shinde Vs. 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 : 13.07.2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant seeks time to make his submissions in the matter after taking instructions from the applicant. At his request, S.O. to 3.8.2017, for taking instructions from the applicant and for advancing his submissions in the matter.

VICE CHAIRMAN

ARJ ORAL ORDERS 13.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 588/2013

(Shri Shrikisan T. Naikwade Vs. 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 : 13.07.2017

ORAL ORDER:-

Shri R.L. Chintalwar, learned Advocate for the applicant
(absent). Smt. Resha S. Deshmukh, learned Presenting
Officer for the respondents, is present.

2. Upon hearing the learned P.O., it appears that, since there was no departmental enquiry pending against the applicant and only the salary was not paid to the applicant and further as the issue of deputation of the applicant is involved in the present matter, the present O.A. may fall within the jurisdiction of Single Bench in view of Circular dated 28/29.1.2016 issued by Hon'ble Chairman of the Tribunal. However, the learned Advocate for the applicant is required to be heard first.

3. In the circumstances, S.O. to 2.8.2017 for appearance of the learned Advocate for the applicant.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 427/2017
(Shri Kiran S. Tidke Vs. 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 : 13.07.2017

ORAL ORDER:-

Heard Shri A.R. Shirsath, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that, it is learnt that, in the meantime the applicant has received some hall ticket in respect of the examination for the posts advertised vide advertisement no. 17/2017 dated 20.4.2017 and, therefore, certain submissions would be required to be made in the matter. At his request, S.O. to 17.7.2017 for taking instructions from the applicant and making submissions as directed by the Tribunal vide order dated 12.7.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 13.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 709/2015

(Shri Bhagwantraya C. Hangargekar Vs. State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date : 13.07.2017

ORAL ORDER:-

Heard Shri R.P. Bhumkar, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 1 to 3 and Shri Suresh D. Dhongde, learned Advocate for respondent no. 4.

2. The learned P.O. seeks time to file affidavit in reply in the matter. The learned Advocate for the applicant also seeks time to satisfy this Tribunal regarding prima-facie case. At the request of both the sides, S.O. to 4.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 13.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 711/2015

(Shri Uttam B. Rajmane & Ors. Vs. The State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date : 13.07.2017

ORAL ORDER:-

Heard Shri R.P. Bhumkar, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 4.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 13.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA NO. 18/2016 IN OA ST. 1364/2015

(Shri Balaji G. Jadhav Vs. The State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date : 13.07.2017

ORAL ORDER:-

Heard Shri R.P. Bhumkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 4.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 13.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA NO. 148/16 WITH MA ST. 534/2016 IN OA 167/2016
(Smt. Kamal K. Inamdar Vs. The State of Mah. & Ors.)

Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman

Date : 13.07.2017

ORAL ORDER:-

Shri K.G. Salunke, learned Advocate for the applicant
(absent). Shri V.R. Bhumkar, learned Presenting Officer for
the respondent no. 1 and Shri G.N. Patil, learned Advocate for
respondent nos. 2 to 4, are present.

2. In view of absence of applicant and his learned
Advocate, S. O. to 8.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 13.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

M.A.NO.233/2017 IN O.A.ST.NO.772/2017
(Shri Rajendra Kadam V/s. The State of Mah. & Ors.)

CORAM: Hon'ble Shri B. P. Patil, Member (J)
DATE : 13-07-2017

ORAL ORDER:-

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

2. Issue notice to the respondents in the M.A., returnable on 17-08-2017.
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 17-08-2017.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO.857/2017
(Shri Sham Sundarrao Pande V/s. The State of Mah. &
Ors.)

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

DATE : 13-07-2017

ORAL ORDER:-

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

2. Learned Advocate submits that the applicant is challenging impugned order dated 09-05-2017 issued by respondent no.3 by which he cancelled benefit of second time bound promotion given to the applicant and re-fixed the pay of the applicant accordingly. Learned Advocate for the applicant submitted that the said order has been challenged by the applicant, and therefore, the prayer made by the applicant in that regard is not vague. He has further submitted that pay verification unit is not concerned with the said order, and therefore, there is no need to join pay verification unit as party respondent.

3. On going through the impugned order, I found substance in the submissions of the learned Advocate for the applicant. Therefore, objection raised by the office is overruled. O.A. be registered and numbered.

4. After registration of O.A., issue notice to the respondents, returnable on 17-08-2017.

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 the case. 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. S.O.to 17-08-2017.

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

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.240/2016

(Shri Ramkisan Khajekar V/s. The State of Mah. & Ors.)

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

DATE : 13-07-2017

ORAL ORDER:-

Heard Shri R.P.Bhumkar learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Respondent nos.1 to 3 have filed their affidavit in reply on previous date.
3. S.O.04-08-2017 for filing rejoinder, if any.

MEMBER (J)

YUK ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.364/2016

(Shri Rudrappa L. Lungare & Ors. V/s. The State of
Mah. & Ors.)

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

DATE : 13-07-2017

ORAL ORDER:-

Heard Shri R.P.Bhumkar learned Advocate for the applicant, Smt. Resha Deshmukh learned Presenting Officer for the respondent no.1 and Shri G.N.Patil learned Advocate for respondent nos.2 to 6.

2. Shri G.N.Patil learned Advocate has filed Vakalatnama on behalf of respondent nos.2 to 6. He has already filed affidavit in reply on behalf of respondent nos.2 to 6 on 28-11-2016. Copies are also served on the other side.

3. Learned P.O. seeks time to file reply on behalf of the respondent no.1. Time granted as a last chance.

4. S.O.04-08-2017.

MEMBER (J)

YUK ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.768/2016

(Shri Seetaram Kamble & Ors. V/s. The State of Mah. &
Ors.)

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

DATE : 13-07-2017

ORAL ORDER:-

Heard Shri R.P.Bhumkar learned Advocate for the applicant, Smt. Deepali Deshpande learned Presenting Officer for the respondent nos.1, 3 and 4, and Shri S.D.Dhongde learned Advocate for respondent nos.2 and 5.

2. Learned Advocate Shri S.D.Dhongde has filed affidavit in reply on behalf of respondent nos.2 and 5 in the office on 14-06-2017. He shall serve copy of the same on the other side.

3. S.O. 04-08-2017.

MEMBER (J)

YUK ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.895/2016

(Shri Manik Galphade V/s. The State of Mah. & Ors.)

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

DATE : 13-07-2017

ORAL ORDER:-

Heard Shri R.P.Bhumkar learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted as a last chance.
3. S.O.04-08-2017.

MEMBER (J)

YUK ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.904/2016

(Shri Digambar Mule & Ors. V/s. The State of Mah. &
Ors.)

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

DATE : 13-07-2017

ORAL ORDER:-

Heard Shri R.P.Bhumkar learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for the respondent nos.1 to 3 and Shri S.D.Dhongde learned Advocate for respondent no.4.

2. Learned P.O. as well as the learned Advocate for respondent no.4 seek time to file reply on behalf of the respondents. Time granted as a last chance.

3. S.O. 04-08-2017.

MEMBER (J)

YUK ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.908/2016

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

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

DATE : 13-07-2017

ORAL ORDER:-

Heard Shri R.P.Bhumkar learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondent nos.1 & 2, and Shri D.T.Devane learned Advocate for respondent no.3.

2. Learned P.O. as well as the learned Advocate for respondent no.2 seek time to file reply on behalf of the respondents. Time granted as a last chance.

3. S.O. 04-08-2017.

MEMBER (J)

YUK ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.155/2017

(Shri Govind Kulkarni & Ors. V/s. The State of Mah. &
Ors.)

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

DATE : 13-07-2017

ORAL ORDER:-

Heard Shri R.P.Bhumkar learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for the respondent nos.1 & 4, and Shri Shamsundar Patil learned Advocate for respondent nos.2 & 3.

2. Shri Shamsundar Patil learned Advocate has filed a short affidavit in reply on behalf of respondent nos.2 and 3. It is taken on record. Copy thereof has been served on the other side.

3. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted as a last chance.

4. S.O.04-08-2017.

MEMBER (J)

YUK ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.431/2016
(Archana D. Lathkar V/s. The State of Mah. & Ors.)

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

DATE : 13-07-2017

ORAL ORDER:-

Shri A.M.Nagarkar learned Advocate for the applicant has filed **leave note** on record. Shri S.K.Shirse learned Presenting Officer for the respondents is present.

2. In view of leave note of learned Advocate for the applicant, S.O.02-08-2017.

MEMBER (J)

YUK ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.544/2016

(Dr. Seema Kulkarni & Ors. V/s. The State of Mah. &
Ors.)

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

DATE : 13-07-2017

ORAL ORDER:-

Heard Shri J.S.Deshmukh learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for the respondent nos.1 to 4. Shri K.U.More learned Advocate for respondent nos.5 and 6 is **absent**.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted as a most last chance.

3. S.O. 07-08-2017.

MEMBER (J)

YUK ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.545/2016

(Dr. Satish R. Runwal & Ors. V/s. The State of Mah. &
Ors.)

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

DATE : 13-07-2017

ORAL ORDER:-

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

2. Learned P.O. files affidavit in reply on behalf of respondent no.4. It is taken on record. Copy thereof has been served on the other side.

3. Learned P.O. seeks time to file reply on behalf of other respondents. Time granted.

4. S.O.07-08-2017.

MEMBER (J)

YUK ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.817/2016

(Dr. Sanjay Joshi V/s. The State of Mah. & Ors.)

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

DATE : 13-07-2017

ORAL ORDER:-

Heard Shri J.S.Deshmukh learned Advocate for the applicant, Smt. Priya Bharaswadkar learned Presenting Officer for the respondent nos.1 to 3 & 6, and Shri P.K.Wagh learned Advocate holding for Shri A.D.Aghav learned Advocate for respondent nos.4 and 5.

2. Affidavits in reply of respondent nos.4, 5 and 6 are already on record.

3. Learned P.O. files affidavit in reply on behalf of respondent no.3. It is taken on record. Copy thereof has been served on the other side.

4. Learned P.O. seeks time to file affidavit in reply on behalf of the respondent nos.1 & 2. Time granted as a last chance.

5. S.O.07-08-2017.

MEMBER (J)

YUK ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.820/2016

(Shri Surendra Todewale V/s. The State of Mah. & Ors.)

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

DATE : 13-07-2017

ORAL ORDER:-

Heard Shri J.S.Deshmukh learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for the respondent nos.1 to 3 & 6. Smt. Rekha Laddha learned Advocate for respondent nos.4 and 5 is **absent**.

2. Affidavits in reply of respondent nos.4, 5 and 6 are already on record.

3. Learned P.O. files affidavit in reply on behalf of respondent no.3. It is taken on record. Copy thereof has been served on the other side.

4. Learned P.O. seeks time to file affidavit in reply on behalf of the respondent nos.1 & 2. Time granted as a last chance.

5. S.O.07-08-2017.

MEMBER (J)

YUK ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.821/2016

(Smt. Basanti Mundhe V/s. The State of Mah. & Ors.)

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

DATE : 13-07-2017

ORAL ORDER:-

Heard Shri J.S.Deshmukh learned Advocate for the applicant, Shri I.S.Thorat learned Presenting Officer for the respondent nos.1 to 3 and Shri P.K.Wagh learned Advocate holding for Shri A.D.Aghav learned Advocate for respondent nos.4 and 5.

2. Affidavits in reply of respondent nos.4, 5 and 6 are already on record.

3. Learned P.O. seeks time to file affidavit in reply on behalf of the respondent nos.1 to 3. Time granted as a last chance.

4. S.O.07-08-2017.

MEMBER (J)

YUK ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.822/2016

(Dr. Subhash Jadhav V/s. The State of Mah. & Ors.)

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

DATE : 13-07-2017

ORAL ORDER:-

Heard Shri J.S.Deshmukh learned Advocate for the applicant, Smt. Sanjivani Ghate learned Presenting Officer for the respondent nos.1 to 3 and Shri P.K.Wagh learned Advocate holding for Shri A.D.Aghav learned Advocate for respondent nos.4 and 5.

2. Affidavits in reply of respondent nos.4, 5 and 6 are already on record.

3. Learned P.O. seeks time to file affidavit in reply on behalf of the respondent nos.1 to 3. Time granted as a last chance.

4. S.O.07-08-2017.

MEMBER (J)

YUK ORAL ORDER 13-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 367 OF 2017
(Smt. Aruna G. Suryawanshi @ Aruna P. Jadhav Vs. The
State of Maha. and Ors.)**

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

DATE : 13.07. 2017.

ORAL ORDER:

1. Heard Ms. Preeti R. Wankhade – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted.
3. S.O. to 8th August, 2017.

MEMBER (J)

ORAL ORDERS 13.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 213 OF 2017
(Shri Kaniram M. Jadhav Vs. The State of Maha. and Ors.)**

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

DATE : 13.07.2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh, learned Advocate holding for Shri D.T. Devane – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 & 2 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.

3. It transpires from the proceedings that applicant has not served the notice on the respondent No. 3 till today. However, learned Advocate for the applicant prays for time to take instructions in that regard. Time granted.

4. S.O. to 3rd August, 2017.

MEMBER (J)

ORAL ORDERS 13.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 86 OF 2017
(Shri Badrinath Y. Ghongade and Ors. Vs. The State of
Maha. and Ors.)**

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

DATE : 13.07. 2017.

ORAL ORDER:

1. Heard Shri S.D. Joshi – learned Advocate for the applicants and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted as a last chance.
3. S.O. to 31st July, 2017.

MEMBER (J)

ORAL ORDERS 13.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 167/2017 IN O.A.NO. 647/2013
(The State of Maha. and Ors. Vs. Shri D.M. Kulkarni)**

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

DATE : 13.07. 2017.

ORAL ORDER:

1. Heard Shri S.K. Shirse – learned Presenting Officer for the miscellaneous applicants/original respondents and Shri V.B. Wagh – learned Advocate for the respondent/ original applicant.
2. At the request of learned Presenting Officer, S.O. to 7th August, 2017 to enable him to file short affidavit as directed by this Tribunal by an order dated 03.05.2017.
3. S.O. to 7th August, 2017.
4. Learned Presenting Officer to act upon steno copy.

MEMBER (J)

ORAL ORDERS 13.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 631 OF 2016
(Smt. Vidya U. Ashokrao Jadhao Vs. The State of Maha.
and Ors.)**

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

DATE : 13.07. 2017.

ORAL ORDER:

1. Heard Shri T.M. Venjane – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant sought time to produce documents on record. Time granted.
3. S.O. to 8th August, 2017. Interim relief granted earlier to continue till then.

MEMBER (J)

ORAL ORDERS 13.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 781 OF 2013
(Shri Sudarshan D. Shinde Vs. The State of Maha. and
Ors.)**

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

DATE : 13.07. 2017.

ORAL ORDER:

1. Heard Shri Ajay S. Deshpande – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. Learned Presenting Officer has submitted that the proposal has been sent to the Government on the basis of office note, for termination of other employees appointed along with the applicant on the different post. He has submitted that he has to take instructions from the respondents as regards the present status of the proposal sent to the Government. Therefore, he sought time. Time granted.

3. S.O. to 28th July, 2017.

MEMBER (J)

ORAL ORDERS 13.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 894 OF 2016
(Dr. Narhari R. Shelke Vs. The State of Maha. and Ors.)**

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

DATE : 13.07. 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 applicant has challenged the impugned order dated 23.11.2016 issued by respondent No. 1, transferring him from the post of Deputy Collector (General), Jalna to Special Land Acquisition Officer, UPP-2, Hingoli, on the ground that he has been transferred in midterm and mid-tenure, as he was not due for transfer in the year 2016. According to him, he will complete his normal tenure of posting in the month of April or May, 2017. Accordingly, interim relief has been granted by this Tribunal on 29.11.2016 and the impugned order of transfer was stayed. The applicant has claimed the relief that he be retained on the present post till completion of his normal tenure of posting.

3. Learned Advocate for the applicant has submitted that as per the instructions, the applicant has been transferred in general transfer of the year 2017. Therefore, he has submitted that the present Original Application may be disposed of as the purpose of filing the present Original Application has been served.

4. In view of the submissions made on behalf of the applicant and since the purpose of filing the present Original

:: - 2 - ::

O.A. NO. 894 OF 2016

Application has been served, the O.A. is disposed of accordingly with no order as to costs.

MEMBER (J)

ORAL ORDERS 13.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 234/2017 IN O.A.NO. 419/2017
(Smt. Ashwini V. Kanhadkar Vs. The State of Maha. and
Ors.)**

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

DATE : 13.07. 2017.

ORAL ORDER:

1. Heard Shri Avinash Deshmukh – learned Advocate for the miscellaneous applicant (Intervenor), Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondent Nos. 2 to 6 and Shri V.B. Wagh – learned Advocate for the respondent No. 1 in M.A./ applicant in O.A.

2. At the request and by consent of both the parties, S.O. to Monday i.e. 17th July, 2017.

MEMBER (J)

ORAL ORDERS 13.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 241/2017 IN O.A.NO. 468/2016
(Smt. Minakshi B. Sakhare Vs. The State of Maha. and
Ors.)**

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

DATE : 13.07. 2017.

ORAL ORDER:

1. Heard Shri P.R. Solanke – learned Advocate for the applicant, Shri V.R. Bhumkar – learned Presenting Officer for the respondent Nos. 2 to 7 and Shri Nilesh Patil – learned Advocate for respondent No. 1 in M.A./ applicant in O.A.

2. Learned Advocate for the applicant in M.A. has submitted that since the O.A. is likely to be disposed of in view of communication filed by the respondents, the present applicant does not want to proceed with the M.A. and may be disposed of.

3. In view of the submissions made on behalf of the applicant, the present Miscellaneous Application No. 241/2017 is disposed of with no order as to costs.

MEMBER (J)

ORAL ORDERS 13.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 468 OF 2016
(Shri Padmakar S. Ghodke Vs. The State of Maha. and
Ors.)**

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

DATE : 13.07. 2017.

ORAL ORDER:

1. Heard Shri Nilesh J. Patil – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.
2. Learned Presenting Officer has produced a copy of order dated 12.07.2017 issued by the Sub-Divisional Officer, AUSA-Renapur and the same is taken on record and marked as document 'X-1' for the purposes of identification.
3. On perusal of the aforesaid order dated 12.07.2017, it reveals that the suspension order of the applicant has been cancelled and he has been reinstated on the post of Police Patil of village Karla, Tq. AUSA.
4. Learned Advocate for the applicant has submitted that since the impugned order has been cancelled by the Sub Divisional Officer, AUSA-Renapur, the applicant does not want to proceed with the Original Application and, therefore, he submits that the same may be disposed of.
5. In view of the aforesaid submission made on behalf of the applicant, the present Original Application is disposed of with no order as to costs.

MEMBER (J)

ORAL ORDERS 13.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 23/2017 IN O.A.NO. 43/2015
(Shri Ramchandra G. Pardeshi Vs. The State of Maha. and
Ors.)**

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

DATE : 13.07. 2017.

ORAL ORDER:

1. Heard Shri T.G. Gaikwad – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 18th July, 2017.

MEMBER (J)

ORAL ORDERS 13.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 24/2017 IN O.A.NO. 257/2015
(Shri Dnyanoba G. Puri Vs. The State of Maha. and Ors.)**

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

DATE : 13.07. 2017.

ORAL ORDER:

1. Heard Shri T.G. Gaikwad – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 18th July, 2017.

MEMBER (J)

ORAL ORDERS 13.07.2017-HDD

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

OA No. 326/2012 with OA No.555/2015.

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 : 13-07-2017

ORAL ORDER:-

Heard Shri F. R. Tandale learned Advocate for the applicants in both matters and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents in both matters.

2. At the request of the learned C.P.O., S. O. to 28.7.2017 for compliance of the order dated 1.7.2017. As a last chance time is granted, since the present O.A. No.326/12 is of the year 2012.

3. S.O. to 28.07.2017.

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

VICE CHAIRMAN.

ORAL ORDERS 13-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.924/2016.
(Smt. U. Z. Bahure 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 : 13-07-2017

ORAL ORDER:-

Heard Smt Sumedha Thombre, learned Advocete holding for Shri C. V. Thombre, learned Advocate for the applicant and Shri M.S. Mahajan learned Chief Presenting Officer for the respondents.

2. Upon hearing both the sides, it appears that, the issue is as to whether the postal delay in communication of the call letter to the present applicant has caused the difficulty. It is pointed out by the learned C. P.O. that, in the on-line application the applicant was required to give his E-mail ID as well as Mobile number. Not only this the result of the earlier examination were also published in Loksatta dated 05.09.2016 and the result were also published on the website. The notice of which was also given in the advertisement.

3. It appears from the record that, the applicant has not filed print of the on-line application which has been submitted by him to find out as to whether he has given E-mail ID or Mobile No. in the said application.

4. In the circumstances, the applicant is directed to file print of the on-line application on record by the next date.

5. S. O. to 03.08.2017 for compliance by the applicant.

VICE CHAIRMAN.

ORAL ORDERS 13-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

REV NO.3/2017 IN OA NO.341/2014.
(Shri S. K. Suryawanshi 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 : 13-07-2017

ORAL ORDER:-

Heard Shri Santosh B. Narwade learned Advocate holding for Shri R. B. Narwade Patil learned Advocate for the applicant and Shri S. K. Shirse learned Presenting Officer for the respondents.

2. Upon hearing the learned Advocate for the applicant it appears that, he is assailing the order in the O.A. on the ground that, the Respondent no.3 has played a fraud when he obtained the licenses for various vehicles on various dates (page 91) by showing his date of birth as 18.05.1981. While in the application form (page 45) for the post he has shown his age as 18.05.1984.

3. However, the documents would show that, the applicant was major at the time of obtaining each of the

licenses and even also at the time of filing of the application for the post.

4. The next of the submission of the learned Advocate for the applicant is regarding the qualification, which is reproduced in the impugned judgment at page no.80 and more particularly clause-(ii), as under :-

“(ii) Possess an effective driving license to drive a heavy vehicle or a motor car or a jeep under the Motor Vehicles Act, 1939.”

5. The learned Advocate for the applicant submit that, as per Motor Vehicle Act, 1939 that, the Respondent no.3 should have possessed L.M.V. Transport license.

6. He further submit that, as per Motor Vehicles Act the condition must be read that the license should be of LMV Transport. He seeks time to go through the Motor Vehicle Act, 1939 in this regard. At his request, S. O. to 25.07.2017 for making further submission on the above line.

VICE CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.128/2017.
(Shri G. B. Ma;awade 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 : 13-07-2017

ORAL ORDER:-

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

2. Upon hearing both the sides, it appears that, the order was passed by this Tribunal on 5.4.2017 under the impression that, the provisions of Rule 27 of M.C.S. (Pension) Rules would apply. It appears that, it is necessary to take into consideration the dates of events in order to find out as to whether the present O.A. needs to be admitted or not.

3. In the circumstances, the application be placed for hearing on admission on 03.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 13-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.249/2017.

(Shri R. V. Lakkamwad 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 : 13-07-2017

ORAL ORDER:-

Heard Miss Preeti Wankhade learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. Upon hearing the learned Advocate for the applicant it appears that, while in the intimation given by the Respondent regarding the vacant posts (Annexure A-2(iii), page 23, Sr.No.29)] it was communicated that the 3 posts of Senior Assistant are available with Chatrapatil Shivaji Sarwaupchar Rugnalaya, Solapur and therefore, the present applicant had given an option for posting upon promotion on that post. He was given posting on promotion on that post vide order dated 13.02.2017 (Annexure A-4, page no.27, relevant page 29). However, the communication of the Dean of Sarwaupchar Rugnalaya, Latur where presently the applicant is working on lower post dated 28.2.2017 (page 32) would show that, he has been informed that, no such post is available at Solapur.

3. The learned Advocate for the applicant further points that, vide communication dated 3.11.2016 (Annexure A-9, page 39) Mr. Shaikh A. Jaweed A. Sayed had refused regular promotion to the post of Senior Clerk, he ought not to have been considered for regular promotion according to relevant Govt. Resolution dated 12.09.2016 (page 42). Vide order dated 27.3.2017 Mr. Shaikh A. Jaweed is posted on the very same place i.e. at Sarwaupchar Rugnalaya, Latur.

4. The learned P.O. is therefore, directed to point all these facts to the concerned Respondent and it is hereby directed that, corrective steps, if any, in the situation would be taken on or before the next date, and report regarding the same be filed.

5. S. O. to 04.08.2017.

6. The learned P.O. is directed to act on the Steno copy of this order.

VICE CHAIRMAN.

ORAL ORDERS 13-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.274/2017.

(Shri A. A. Beedkar & Ors. 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 : 13-07-2017

ORAL ORDER:-

Heard Shri Y. P. Deshmukh learned Advocate for the applicants and Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. The learned P. O. files affidavit in reply on behalf of Respondents no.1 to 4. The same is taken on record. Its copy is served on the other side.

3. The affidavit alleges that, in fact the present applicants were not orally terminated as alleged, but they have refused to accept written order of termination, copies of which are at Exh. R-1, page no.58 onwards. These copies are received by the learned counsel for the petitioners today as annexures to the affidavit in reply.

4. The learned Advocate for the applicant seeks time to take instructions and / or to file rejoinder.

5. S. O. to 24.07.2017 for compliance.

VICE CHAIRMAN.

ORAL ORDERS 13-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.163/15 IN CP ST.623/15 IN OA 447/2009.
(Shri P. P. Tayde 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 : 13-07-2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant submits that, writ petition is pending in the Hon'ble High Court and the learned counsel for the Petitioner in the Hon'ble High Court has made oral submission that, present application would not be pressed for the time being.

3. In the circumstances, S. O. to 14.09.2017 for awaiting decision.

VICE CHAIRMAN.

ORAL ORDERS 13-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

M.A. NO. 426/2015 IN OA ST.NO.1577/2015.
(Shri T. D. Kubade 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 : 13-07-2017

ORAL ORDER:-

Heard Shri S. D. Dhongde learned Advocate for the applicant and Smt S. K. Ghate Deshmukh learned Presenting Officer for the respondents with consent.

2. Perused the misc. application. Considered the contentions.

3. For the reasons stated in the misc. application it is allowed and disposed of without any order as to costs and delay of four years and some months caused in filing the accompanying O.A. is hereby condoned.

4. The Office to register the O.A. after due scrutiny.

VICE CHAIRMAN.

ORAL ORDERS 13-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

OA ST.NO.1577/2015.

(Shri T. D. Kubade 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 : 13-07-2017

ORAL ORDER:-

Heard Shri S. D. Dhongde learned Advocate for the applicant and Smt S. K. Ghate Deshmukh learned Presenting Officer for the respondents with consent.

2. The contentions raised in the O.A. is that, as the applicant was appointed belatedly by the Respondents he seeks declaration that, his date of appointment is 01.09.2004 i.e. date of validity of caste certificate decided by Scrutiny Committee, with all consequential benefit.

3. It is to be noted that, the applicant was in fact appointed vide letter dated 13.11.2009, (Annexure A-6, page nos.27 & 28).

4. Upon hearing Mr. Dhongde learned Advocate for the applicant it appears that, the Respondents were

negligent in not giving appointment to the applicant from 1.9.2004 onwards. However, no declaration can be granted in law that any earlier date shall be deemed date of appointment.

5. In the circumstances, the O.A. is dismissed in limine without any order as to costs.

VICE CHAIRMAN.

ORAL ORDERS 13-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.857/2016.
(Shri B. P. Sonar & Ors. 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 : 13-07-2017

ORAL ORDER:-

Heard Shri S. D. Dhongde learned Advocate for the applicant and Smt S. K. Ghate Deshmukh learned Presenting Officer for the respondents.

2. The affidavit in reply as per the direction dated 26.4.2017 is filed on record. Its copy is served on the other side.

3. S. O. to 3.8.2017 for hearing on admission.

VICE CHAIRMAN.

ORAL ORDERS 13-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.80/2017.
(Shri S. 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 : 13-07-2017

ORAL ORDER:-

Heard Shri K. B. Jadhav learned Advocate for the applicant and Shri D. R Patil learned Presenting Officer for the respondent no.1. None present for the Respondents no.2 ,3 and 4.

2. At the request of the learned Advocate for the applicant, S. O. to 28.7.2017. Interim Relief to continue till then.

VICE CHAIRMAN.

ORAL ORDERS 13-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.64/2017.
(Dr. Snehal I. Nagre 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 : 13-07-2017

ORAL ORDER:-

Heard Shri F. R. Tandale learned Advocate holding
for Shri J. G. Toshniwal learned Advocate for the
applicant and Shri I. S. Thorat learned Presenting Officer
for the respondents.

2. Shri F. R. Tandale learned Advocate holding for
Shri J. G. Toshniwal learned Advocate for the applicant
seeks time. At his request, S. O. to 02.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 13-07-2017-ATP