

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NOS. 196, 197, 203, 204 &
205 ALL OF 2016**

(Shri Dnyanoba L. Thakur & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 18.07.2017._

ORAL ORDER:-

Heard Shri H.K. Munde, learned Advocate for the applicants in all these O.As., Shri I.S. Thorat, Smt. Sanjivani K. Deshmukh-Ghate, Smt. Resha S. Deshmukh, Smt. Deepali S. Deshpande, learned Presenting Officers for the respondent nos. 1 to 3 in respective O.As., Smt. M.S. Savangikar, learned Advocate holding for Shri S.K. Sawangikar, learned Advocate for respondent no. 4 in O.A. No. 196/2016 and Shri D.M. Shinde, learned Advocate for respondent no. 4 in O.A. Nos. 197, 203 & 205 all of 2016. Shri V.D. Jadhav, learned Advocate for respondent no. 4 in O.A. No. 204/2016, **absent.**

2. Closed for orders.

MEMBER (J)

KPB ORAL ORDER 18-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

O.A. No. 443/2016 with O.A. No. 605/2016
(Shri Nandkishor K. Rathod & Shri Nitin Chavan Vs. State of
Maharashtra & Ors.)

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

DATE : 18.07.2017._

ORAL ORDER:-

Shri D.K. Rajput, learned Advocate for the applicant in O.A. No. 605/2016 (**Absent**). Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicants in O.A. No. 443/2016, Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 & 2 in O.A. No. 443/2016 & 1 to 3 in O.A. No. 605/2016 and Shri M.C. Syed, learned Advocate for respondent no. 3 & 4 in O.A. Nos. 443/2016 & 605/2016, respectively.

2. At the request of learned Advocate for the applicant in O.A. No. 443/2016, S.O. to 20.07.2017.

MEMBER (J)

KPB ORAL ORDER 18-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 766/ 2016
(Shri Rambhau T. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 18.07.2017._

ORAL ORDER:-

Heard Shri Kakasaheb B. Jadhav, learned Advocate holding for Shri A.D. Sugdare, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has submitted that the applicant has not served the copy of the amended O.A..

3. Learned Advocate for the applicant is directed to serve the copy of the amended O.A. on the learned Presenting Officer.

4. S.O. to 23.08.2017

MEMBER (J)

KPB ORAL ORDER 18-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 893/ 2016
(Shri Vijay N. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 18.07.2017._

ORAL ORDER:-

Shri B.G. Deshmukh, learned Advocate for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondents, present.

2. As none present for the applicant, S.O. to
23.08.2017

MEMBER (J)

KPB ORAL ORDER 18-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 475/ 2017
(Shri Chandrakant S. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 18.07.2017._

ORAL ORDER:-

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

2. Learned Advocate for the applicant has submitted that the applicant is serving as a Head Clerk in Police Training Centre, Babhulgaon since 15.11.2016. Previously he was working there as a Senior Clerk from 21.10.2016. He has also submitted that the applicant is suffering from throat Cancer and Heart diseases, but the respondents issued transfer order dated 12.07.2017 and transferred him in the office of S.P., Aurangabad Rural. He has submitted that the said transfer is a mid-term transfer. He has submitted that the applicant is relieved, but nobody was transferred in his earlier posting and therefore, he prayed to direct the respondents to maintain status-quo on the ground that the impugned

transfer order is not in accordance with the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short the 'Transfer Act 2005')

3. Learned Presenting Officer has submitted that by the impugned transfer order, the applicant has been transferred on administrative ground. She has submitted that initially, the applicant was transferred at S.P. Office, Aurangabad Rural, on promotion as a Head Clerk by order dated 21.10.2016, but thereafter, the said order has been modified on the request of the applicant. She has submitted that the applicant might have completed his tenure in the Police Training Centre, Babhulgaon. But she wants to take instructions from the respondents and wants to file detailed reply. Therefore, she seeks time.

4. On considering the arguments advanced by the learned Advocate for the applicant, it reveals that the applicant has been relieved from the present post and nobody has been posted on his earlier post. In these

circumstances, in my opinion, it is not a fit case to grant interim relief as prayed for by the applicant.

5. Issue notices to the respondents, returnable on 09.08.2017.

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.

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O.A. No. 475/2017

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 09.08.2017.

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

MEMBER (J)

KPB ORAL ORDER 18-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.689/2015
(Dr. Shrikant Bhanudas Tambe V/s.
The State of Maharashtra & Ors.)**

CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 18-07-2017

ORAL ORDER:

Heard Smt. Bhavana Panpatil learned Advocate holding for Shri S.B.Talekar learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondent nos.1 to 4 and Shri V.B.Wagh learned Advocate for respondent no.6. None appears for respondent no.5.

2. At the request of learned Advocate for the applicant,
S.O.21-07-2017.

CHAIRMAN

YUK ORAL ORDER 18-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**O.A.NOS. 47/2017, 84/2017 AND 281/2017
(Shri Dhananjay Sonune & Ors. V/s.
The State of Maharashtra & Ors.)**

**CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN
DATE : 18-07-2017
ORAL ORDER:**

Heard Shri V.B.Dhage learned Advocate for applicants in O.A.Nos.281/17 & 84/17 and Shri A.S.Deshmukh learned Advocate for the applicant in O.A.No.47/17 and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents in all the O.As.

2. It has transpired that the affidavit filed for and on behalf of Collector is drafted in such a fashion that it exhibits extreme casual approach or total lack of understanding. Various imputations are not attended to and have not been replied.

3. The officer who had affirmed earlier affidavit, namely, Shri Ramdas Kondiba Kolgane, Naib Tahsildar is present. He was asked to discuss with Collector, Parbhani and find out whether Collector, Parbhani is ready to file his own affidavit.

4. Shri Ramdas Kondiba Kolgane, Naib Tahsildar has taken time to consult the Collector, and requested to take the case after some time. Accordingly hearing was adjourned.

Later on Shri Ramrao Kondiba Kolgane, Naib Tahsildar has come back with instructions. He states that Collector, Parbhani is ready and willing to study the case thread bare and file fresh affidavit, and prays for reasonable time.

5. Collector, Parbhani is directed to file his own affidavit after reading all these O.As. and by answering each and every paragraph, point and sentence.

6. In view of the request of Collector, Parbhani, he is granted 4 weeks' time to read the O.As., understand each and every factual and legal aspect and to file affidavit in all these O.As. answering each para, ground, point and sentence of the O.A.

7. S.O. to 18-08-2017.

8. Steno copy may be provided to the learned P.O. on her request.

9. Learned P.O. shall communicate this order to Collector, Parbhani.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.23/2017 IN O.A.No.43/2015
(Shri Ramchandra Ganeshlal Pardeshi V/s.
The State of Maharashtra & Ors.)**

CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 18-07-2017

ORAL ORDER:

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 P.O., S.O. to 21-07-2017.

CHAIRMAN

YUK ORAL ORDER 18-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.No.24/2017 IN O.A.No.257/2015
(Shri Dnyanoba Gangaram Puri V/s.
The State of Maharashtra & Ors.)**

CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 18-07-2017

ORAL ORDER:

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 P.O., S.O. to 21-07-2017.

CHAIRMAN

YUK ORAL ORDER 18-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. No.256/2017 IN O.A.St.No.894/2017
(Shri Dnyaneshwar Balasaheb Sonawane & Ors. V/s.
The State of Maharashtra & Ors.)**

CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 18-07-2017

ORAL ORDER:

Heard Shri G.K.Kshirsagar learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Considering the fact that the cause pursued by the applicants is common, M.A. for sue jointly is allowed. M.A.No.256/2017 is disposed of accordingly. No costs.

CHAIRMAN

YUK ORAL ORDER 18-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO.894/2017
(Shri Dnyaneshwar Balasaheb Sonawane & Ors. V/s.
The State of Maharashtra & Ors.)**

CORAM : HON'BLE SHRI JUSTICE A.H. JOSHI, CHAIRMAN

DATE : 18-07-2017

ORAL ORDER:

Heard Shri G.K.Kshirsagar learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Admit.

3. Issue notice to the respondents, returnable on 31-08-2017.

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.

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.

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O.A.No.894/17

7. Affidavit answering each paragraph/averment be filed on the next date.
8. After removal of office objections, if any, registry shall register and number the O.A.
9. S.O.to 31-08-2017.
10. Steno copy and Hamdast is allowed to both parties.

CHAIRMAN

YUK ORAL ORDER 18-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 493 OF 2016
(Dr. Amol L. Kakad Vs. The State of Maha. and Ors.)**

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

DATE : 18.07.2017.

ORAL ORDER:

1. Shri J.S. Deshmukh – learned Advocate for the applicant (**absent**). Shri D.R. Patil – 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 & 5.

2. It transpires from the proceedings that the affidavit in reply on behalf of respondent Nos. 4 & 5 has already been filed on record.

3. Learned Presenting Officer prays for time for filing affidavit in reply on behalf of respondent Nos. 1 to 3. Time granted.

4. S.O. to 23rd August, 2017.

MEMBER (J)

ORAL ORDERS 18.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 69/2017 IN O.A.ST.NO. 223/2017
(Shri Bhaskar S. Patil Vs. The State of Maha. and Ors.)**

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

DATE : 18.07. 2017.

ORAL ORDER:

1. Heard Shri A.D. Sugdare – learned Advocate for the applicant, Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondent Nos. 1 & 2 and Smt. S.D. Shelke – learned Advocate for respondent Nos. 3 & 4.
2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and the copy thereof has been served on other side.
3. S.O. to 23rd August, 2017.

MEMBER (J)

ORAL ORDERS 18.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 342 OF 2017
(Shri Jitendrakumar K. Kundile Vs. The State of Maha.
and Ors.)**

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

DATE : 18.07. 2017.

ORAL ORDER:

1. Heard Shri Sachin G. Joshi – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents, present.
2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 5 and the same is taken on record and the copy thereof has been served on the learned Presenting Officer.
3. At the request of learned Advocate for the applicant, S.O. to 1st August, 2017.

MEMBER (J)

ORAL ORDERS 18.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 319 OF 2017
(Shri Parsharam W. Shinde Vs. The State of Maha. and
Ors.)**

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

DATE : 18.07. 2017.

ORAL ORDER:

1. Heard Shri K.G. Salunke – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.
2. Learned Presenting Officer for the respondents prays for time for filing affidavit in reply. Time granted.
3. S.O. to 10th August, 2017 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 18.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 142 OF 2017
(Shri Bajirao V. Chaudhari Vs. The State of Maha. and
Ors.)**

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

DATE : 18.07. 2017.

ORAL ORDER:

1. Heard Shri A.D. Sugdare – learned Advocate for the applicant, Shri M.P. Gude – learned Presenting Officer for the respondent Nos. 1 & 5 and Shri Sandip G. Kulkarni, learned Advocate holding for Shri S.D. Dhongde – learned Advocate for respondent Nos. 2 to 4.
2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted.
3. S.O. to 23rd August, 2017.

MEMBER (J)

ORAL ORDERS 18.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 159 OF 2017
(Shri Ajabrao R. Patil Vs. The State of Maha. and Ors.)**

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

DATE : 18.07. 2017.

ORAL ORDER:

1. Heard Shri A.D. Sugdare – learned Advocate for the applicant, Shri D.R. Patil – learned Presenting Officer for the respondent Nos. 1 & 2 and Shri Sandip G. Kulkarni, learned Advocate holding for Shri S.D. Dhongde – learned Advocate for respondent Nos. 3 & 4.

2. Learned Presenting Officer prays for time for filing affidavit in reply. Time granted.

3. S.O. to 23rd August, 2017.

MEMBER (J)

ORAL ORDERS 18.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 141 OF 2017
(Smt. Vijaya R. Jetty Vs. The State of Maha. and Ors.)**

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

DATE : 18.07. 2017.

ORAL ORDER:

1. Shri A.C. Deshpande – learned Advocate for the applicant (**absent**). Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents, present.

2. It transpires from the proceedings that the notices are issued on 3.3.2017, but the said notices are not served on the respondents since long by the applicant.

3. It further reveals from the proceedings that on the last occasion i.e. on 28.06.2017 nobody was present on behalf of the applicant. Thereafter, this case was adjourned to today's date i.e. on 18.07.2017, for passing necessary orders. However, in spite of this fact, today also nobody appears on behalf of the applicant.

4. Hence, S.O. to 1st August, 2017 for dismissal.

MEMBER (J)

ORAL ORDERS 18.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 10 OF 2017
(Shri Manaji V. Surose Vs. The State of Maha. and Ors.)**

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

DATE : 18.07. 2017.

ORAL ORDER:

1. Heard Shri Kakasaheb B. Jadhav – learned Advocate for the applicant, Shri I.S. Thorat – learned Presenting Officer for the respondent No. 1 and Shri G.N. Patil – learned Advocate for respondent No. 2.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 1. Learned Advocate for respondent No. 2 also filed affidavit in reply on his behalf. The copies of the same are taken on record and copies thereof have been served on the other side.

3. At the request of learned Advocate for the applicant, S.O. to 10th August, 2017.

MEMBER (J)

ORAL ORDERS 18.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 727 OF 2016
(Shri Sadashiv M. Sawai Vs. The State of Maha. and Ors.)**

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

DATE : 18.07.2017.

ORAL ORDER:

1. Heard Shri K.G. Salunke, learned Advocate holding for Shri A.D. Gadekar – learned Advocate for the applicant and Shri D.R. Patil – 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. At the request of learned Advocate for the applicant, S.O. to 23rd August, 2017.

MEMBER (J)

ORAL ORDERS 18.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 654 OF 2016
(Shri Murlidhar H. Suryawanshi Vs. The State of Maha.
and Ors.)**

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

DATE : 18.07. 2017.

ORAL ORDER:

1. Heard Shri R.P. Adgaonkar – 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. to 19th July, 2017.

MEMBER (J)

ORAL ORDERS 18.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 322 OF 2016
(Smt. Swati N. Joshi Vs. The State of Maha. and Ors.)**

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

DATE : 18.07. 2017.

ORAL ORDER:

1. Heard Shri V.B. Wagh, learned Advocate holding for Shri B.S. Kudale – learned Advocate for the applicant and Mrs. D.S. Deshpande – learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 18th August, 2017.

MEMBER (J)

ORAL ORDERS 18.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 266/2017 IN O.A.ST.NO. 517/2017

(Shri Ratanrao S. Shejwal Vs. The State of Maha. and Ors.)

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

DATE : 18.07. 2017.

ORAL ORDER:

1. Heard Shri S.K. Mathpati – learned Advocate for the applicant and Shri S.K. Shirse – learned Presenting Officer for the respondents.
2. This is an application filed by the applicant for condonation of delay of about 7 years and 1 month caused in filing accompanying Original Application.
3. Issue notices to the respondents in M.A. No. 266/2017, returnable on 22nd August, 2017.
4. Tribunal may take the case/s for final disposal at this stage and separate notice for final disposal shall not be issued.
5. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of M.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
8. S.O. to 22nd August, 2017.
9. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 18.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO. 258/2017 IN O.A.ST.NO. 910/2017

(Sau. Seema A. Patil Vs. The State of Maha. and Ors.)

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

DATE : 18.07. 2017.

ORAL ORDER:

1. Heard Shri Syed Zahed Ali, learned Advocate holding for Shri Gajanan Kadam – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. This is an application filed by the applicant for condonation of delay of about 110 days' caused in filing accompanying Original Application
3. Issue notices to the respondents in M.A. No. 258/2017, returnable on 22nd August, 2017.
4. Tribunal may take the case/s for final disposal at this stage and separate notice for final disposal shall not be issued.
5. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of M.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
8. S.O. to 22nd August, 2017.
9. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 18.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 351 OF 2016
(Shri Namdeo L. Pote Vs. The State of Maha. and Ors.)**

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

DATE : 18.07.2017.

ORAL ORDER:

1. Heard Shri Ganesh Jadhav, learned Advocate holding for Shri Avishkar S. Shelke – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. On instructions, learned Advocate for the applicant submitted that the applicant does not want to proceed with the present Original Application and wants to withdraw the same with liberty to approach this Tribunal on fresh cause of action.

3. In view of the aforesaid submissions made on behalf of the applicant and as the applicant does not want to proceed with the present Original Application, leave to withdraw the same is granted.

4. Accordingly, the present Original Application stands disposed of as withdrawn with liberty as prayed for by the applicant. No orders as to costs.

MEMBER (J)

ORAL ORDERS 18.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 799 OF 2016
(Shri Bhura R. Pawar Vs. The State of Maha. and Ors.)**

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

DATE : 18.07. 2017.

ORAL ORDER:

1. Heard Shri H.A. Joshi – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.
2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.
3. At the request of learned Advocate for the applicant, S.O. to 22nd August, 2017 to enable him to file affidavit in rejoinder, if any.

MEMBER (J)

ORAL ORDERS 18.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 838 OF 2017
(Dr. Deepak S. Thakare Vs. The State of Maha. and Ors.)**

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

DATE : 18.07. 2017.

ORAL ORDER:

1. Heard Shri J.B. Choudhary – learned Advocate for the applicant, Shri I.S. Thorat – learned Presenting Officer for the respondent Nos. 1 to 3 and Smt. Vaishali S. Choudhari – learned Advocate for respondent No. 4.

2. Learned Advocate for the applicant has submitted that Principal Seat of this Tribunal at Mumbai in case of **DR. NARENDER OMPRAKASH BANSAL VS. DEAN, GRANT MEDICAL COLLEGE AND SIR J.J. GROUP OF HOSPITAL MUMBAI & OTHERS [O.A.NO. 444/2015]** decided on 16.10.2015, has held that the Original Application cannot be entertained if the alterative remedy available against the impugned order is not availed by the applicant. He has submitted that while disposing of the said Original Application the Hon'ble Chairman in paragraph No. 58 has issued directions to the State “to proceed or withdraw the suspension. It is necessary in the interest of justice that if charge-sheet is not served on the Applicant within 15 days from the date of receipt of this order, the suspension order shall stand automatically stayed and applicant be permitted to join duty”. He has submitted that as the facts and circumstances are similar in the O.A. decided by the Principal Seat of this Tribunal at Mumbai and the present Original Application, it is just to dispose of the Original Application with the said direction to the respondents.

3. Learned Presenting Officer has submitted that the respondent No. 4 has sent the proposal for initiation of Departmental Enquiry against the applicant. He has placed on record a copy of communication dated 14.07.2017 addressed to the Deputy Director, Health Services, Nashik Circle, Nashik. The copy of the said communication dated 14.07.2017 is taken on record and marked as document 'X' for the purposes of identification. He has submitted that since the Departmental Enquiry is initiated, the suspension order is continued. Therefore, he prayed to pass the necessary orders accordingly.

4. Without entering into the merits of the present case, it is just to consider as to whether the directions as prayed for by the applicant can be issued in view of the decision of the Principal Seat of this Tribunal at Mumbai in O.A. No. 444/2015. I have gone through the said decision. In the said decision it has been explicitly held that the Original Application is not maintainable since the applicant has not availed alternative remedy available to him. While disposing the said Original Application, the Hon'ble Chairman has issued direction to the respondents in paragraph No. 58 as follows: -

“58. In the result, it is necessary to issue direction to the State to proceed or withdraw the suspension. It is necessary in the interest of justice that if charge-sheet is not served on the Applicant within 15 days from the date of receipt of this order, the suspension order shall stand automatically stayed and applicant be permitted to join duty.

5. In the present case also the applicant was suspended on 1.10.2016 and no charge-sheet was served on the applicant till today. Not only this but the Departmental Enquiry has not been initiated against him till today. Only proposal has been sent for initiation of Departmental Enquiry vide communication dated 14.7.2017. In these circumstances, considering the similar facts in the present Original Application and facts in O.A. No. 444/2015 decided by the Principal Seat of this Tribunal at Mumbai, it is just to dispose of the present Original Application by giving direction to the respondents to take decision as to whether to proceed or withdraw the suspension. It is also necessary to direct the respondents to serve charge-sheet on the applicant within one month from the date of this order and if the charge-sheet is not served, the suspension order stand automatically stayed and the applicant be permitted to join duty.

6. In the result, the present Original Application stands disposed of with direction to the respondents to proceed or withdraw the suspension. It is necessary in the interest of justice that if charge-sheet is not served on the Applicant within 15 days from the date of receipt of this order, the suspension order shall stand automatically stayed and applicant be permitted to join duty. The Government would be free to proceed with the enquiry as and when it opts to serve the charge-sheet in due course and at its own leisure.

7. In view of the above circumstances, parties shall bear their own costs.

MEMBER (J)

ORAL ORDERS 18.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 839 OF 2017
(Dr. Anil G. Valvi Vs. The State of Maha. and Ors.)**

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

DATE : 18.07. 2017.

ORAL ORDER:

1. Heard Shri J.B. Choudhary – learned Advocate for the applicant, Shri S.K. Shirse – learned Presenting Officer for the respondent Nos. 1 to 3 and Smt. Vaishali S. Choudhari – learned Advocate for respondent No. 4.

2. Learned Advocate for the applicant has submitted that Principal Seat of this Tribunal at Mumbai in case of **DR. NARENDER OMPRAKASH BANSAL VS. DEAN, GRANT MEDICAL COLLEGE AND SIR J.J. GROUP OF HOSPITAL MUMBAI & OTHERS [O.A.NO. 444/2015]** decided on 16.10.2015, has held that the Original Application cannot be entertained if the alterative remedy available against the impugned order is not availed by the applicant. He has submitted that while disposing of the said Original Application the Hon'ble Chairman in paragraph No. 58 has issued directions to the State “to proceed or withdraw the suspension. It is necessary in the interest of justice that if charge-sheet is not served on the Applicant within 15 days from the date of receipt of this order, the suspension order shall stand automatically stayed and applicant be permitted to join duty”. He has submitted that as the facts and circumstances are similar in the O.A. decided by the Principal Seat of this Tribunal at Mumbai and the present Original Application, it is just to dispose of the Original Application with the said direction to the respondents.

3. Learned Presenting Officer has submitted that the respondent No. 4 has sent the proposal for initiation of Departmental Enquiry against the applicant. He has placed on record a copy of communication dated 14.07.2017 addressed to the Deputy Director, Health Services, Nashik Circle, Nashik. The copy of the said communication dated 14.07.2017 is taken on record and marked as document 'X' for the purposes of identification. He has submitted that since the Departmental Enquiry is initiated, the suspension order is continued. Therefore, he prayed to pass the necessary orders accordingly.

4. Without entering into the merits of the present case, it is just to consider as to whether the directions as prayed for by the applicant can be issued in view of the decision of the Principal Seat of this Tribunal at Mumbai in O.A. No. 444/2015. I have gone through the said decision. In the said decision it has been explicitly held that the Original Application is not maintainable since the applicant has not availed alternative remedy available to him. While disposing the said Original Application, the Hon'ble Chairman has issued direction to the respondents in paragraph No. 58 as follows: -

“58. In the result, it is necessary to issue direction to the State to proceed or withdraw the suspension. It is necessary in the interest of justice that if charge-sheet is not served on the Applicant within 15 days from the date of receipt of this order, the suspension order shall stand automatically stayed and applicant be permitted to join duty.

5. In the present case also the applicant was suspended on 1.10.2016 and no charge-sheet was served on the applicant till today. Not only this but the Departmental Enquiry has not been initiated against him till today. Only proposal has been sent for initiation of Departmental Enquiry vide communication dated 14.7.2017. In these circumstances, considering the similar facts in the present Original Application and facts in O.A. No. 444/2015 decided by the Principal Seat of this Tribunal at Mumbai, it is just to dispose of the present Original Application by giving direction to the respondents to take decision as to whether to proceed or withdraw the suspension. It is also necessary to direct the respondents to serve charge-sheet on the applicant within one month from the date of this order and if the charge-sheet is not served, the suspension order stand automatically stayed and the applicant be permitted to join duty.

6. In the result, the present Original Application stands disposed of with direction to the respondents to proceed or withdraw the suspension. It is necessary in the interest of justice that if charge-sheet is not served on the Applicant within 15 days from the date of receipt of this order, the suspension order shall stand automatically stayed and applicant be permitted to join duty. The Government would be free to proceed with the enquiry as and when it opts to serve the charge-sheet in due course and at its own leisure.

7. In view of the above circumstances, parties shall bear their own costs.

MEMBER (J)

ORAL ORDERS 18.07.2017-HDD

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

ORIGINAL APPLICATION St. No.1004/2015.
(Smt Jaibunbee R. Shaikh Vs. State of Mah. & Ors.)

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

DATE : 18-07-2017

ORAL ORDER:-

Heard Shri H. U. Dhage learned Advocate for the applicant and Shri I. S. Thorat learned Presenting Officer for the respondents.

2. Upon hearing both sides it appears that, the learned Advocate for the applicant relied on the judgment delivered by Hon'ble Single Bench of the Maharashtra Administrative Tribunal, Mumbai in OA No.636/2016. The copy of which is filed on record and marked as "X" for the purpose of identification.

3. Upon going through the said decision it appears that, in the said case as well as cases quoted therein the original applicant, who sought appointment on compassionate ground had attained the age of 40 years after G.R. dated 6.12.2010 was issued by the Govt, and therefore, upon deletion of the name of the original

applicant from the waiting list the application of next of the legal representatives was held to be maintainable.

4. It is more specific in the judgment of the Division Bench of the Hon'ble High Court as is quoted at page nos.6 & 7.

5. In the present case however, the date of birth of the original applicant i.e. wife of deceased is 1.7.1966 as can be seen from the extract of the waiting list (Annexure A-3, page 14). Therefore, she attained the age of 40 years on 1.7.2006 and was thus became age barred. The G.R. of increase in age limit is of the year 2010, which is relied in by the Hon'ble Single Judge in the said O.A. However, in the said case as well as other cases relied in the said judgment the original applicant therein has not attained the age of 40 years till the issuance of the G.R. of 2010 and that was one of the reason mentioned in the said judgment for allowing the substitution.

-3- **ORIGINAL APPLICATION St. No.1004/2015**

6. The learned Advocate for the applicant in the circumstances seeks time to make further submissions in the matter. At his request, S. O. to 03.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

M. A. NO.300/2016 IN OA ST.NO.1459/2016.
(Shri K. D. Patil Vs. State of Mah. & Ors.)

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

DATE : 18-07-2017

ORAL ORDER:-

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

2. In view of the order dated 12.6.2017 the learned Advocate for the applicant files on record the copy of representation dated 24.7.2007 and the forwarding letter dated 21.8.2017 sent by Executive Engineer, Jalgaon to the Superintending Engineer, Jalgaon Irrigation Circle, Jalgaon. Both copies are taken on record. Filing of the said documents became necessary in view of the statement made on oath by Mr.Rajendra Sitaram Visave the then Executive Engineer of Jalgaon Irrigation Division that no such representation was made and therefore, there is no question of deciding the said representation.

-2- **M. A. NO. 300/2016 IN OA ST.NO.1459/2016**

3. The learned P.O. seeks time for clarification in this regard. The copies of documents filed on record is also supplied to him. At his request, S. O. to 7.8.2017 for clarification from the side of the Respondents.

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

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.601/2015.
(Shri S. M. Ture 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 : 18-07-2017

ORAL ORDER:-

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

2. Shri Avinash Deshmukh Advocate submits that, he has instructions to appear in the present Original Application along with Shri K. B. Jadhav Advocate, and Shri Avinash Deshmukh learned Advocate further submits that, the draft application for amendment is ready. At his request, S. O. to 25.7.2017.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.80/2016.
(Shri D. L. Ghuge 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 : 18-07-2017

ORAL ORDER:-

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

2. The learned P.O. files on record the communication received to him from concerned Respondent and Annexures to the said communication, which would show that, the meeting of the D.P.C. was held and present applicant was promoted.

3. The learned Advocate for the applicant seeks time to take instructions from the applicant in this regard. At his request, S. O. to 27.7.2017 for taking instructions.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.327/2016.
(Shri D. B. Thite 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 : 18-07-2017

ORAL ORDER:-

None present for the applicant. and Shri S. K. Shirse learned Presenting Officer for the respondents.

2. Since 23.2.2017 nobody is appearing for the applicant. In the order dated 2.2.2017 certain queries were made by this Tribunal which were required to be satisfied by the learned Advocate for the applicant.

3. In view of the absence of the learned Advocate for the applicant, S. O. to 8.8.2017 either for satisfying the queries or to pass necessary orders in default.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.715/2016.

(Shri Vijay Hari Patil & 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 : 18-07-2017

ORAL ORDER:-

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

2. The order dated 12.4.2017, which would show that, the learned P.O. was directed to take instructions regarding the receipt of the representation dated 4.2.2016, which was filed on record of the present proceeding at Exh.X.

3. The learned P.O. submits that, though in the mean time the case was fixed on 13.6.2017, he is yet to receive any instructions in this matter from the concerned Respondent.

4. Shri S. D. Dhongde learned Advocate for the applicants submits that, the applicants would be

satisfied if the concerned Respondent is directed to decide the said representation. The copy of which is already filed on record at page no.22 at Exh.X dated 4.1.2016.

5. In the circumstances, the present application is disposed of without any order as to costs with a direction to the Respondent no.1 Secretary, Water Resources Department, Mumbai to decide the said representation. The copy of which is at Exh.X (Page no.22) within a period of four months from the date of this order.

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

7. The O.A. is disposed of without any order as to costs.

VICE CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.85/2017.
(Miss Nikita K. Bhange 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 : 18-07-2017

ORAL ORDER:-

Heard Shri J. M. Murkute learned Advocate for the applicant and Shri S. K. Shirse learned Presenting Officer for the respondents.

2. The learned P.O. files on record the communication received to him from the Under Secretary of the Respondent no.2 dated 16.3.2017. It is taken on record and marked as "X" for the purpose of identification.

3. By the said communication the Under Secretary Shri M. P. Jadhav has communicated the C.P.O. that, the copy of the O.A. is not received by Respondent no.2 by the Commission.

4. The service affidavit filed by the applicant along with the postal communication would show that, the

copy of the O.A. along with the notice was already served on the Respondent no.2. Not only this, the learned Advocate for the applicant submits that, he received message from the Registrar of this office that, the Respondent no.2 had sent a letter to Registrar asking for copy and therefore, he has again placed one copy to Respondent no.2 for service.

5. On the face of the fact that the copy of the application along with notice was already served on Respondent no.2 by Registered Post. The communication marked as "X" is received by P.O. In the circumstances, Under Secretary, Shri M. P. Jadhav of Respondent no.2 is hereby directed to personally file affidavit within a period of two weeks explaining of the above facts. Upon failure heavy costs would be imposed personally against him and / or any coercive action which would be deemed fit according to law would be taken.

6. S. O. to 01.08.2017 for compliance by the Under Secretary.

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

8. Interim relief to continue till then.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.851/2016.
(Shri J. B. Pardeshi 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 : 18-07-2017

ORAL ORDER:-

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

2. The learned P.O. files on record the affidavit in reply on behalf of Respondents no.1,2 & 3. The same is taken on record. Its copy is served on the other side.

3. Upon hearing both sides, it appears that, as the amendment is only regarding decision of the appeal, which also was against the applicant, no separate reply to the amended application is required.

4. S. O. to 9.8.20127 for hearing on admission.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.18/2017.
(Smt Ranjana S. Kamble 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 : 18-07-2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant files affidavit in rejoinder. The same is taken on record. Its copy is served on the other side.

3. The learned Advocate for the applicant seeks time to make submissions as to under what rules the employee appointed on contractual basis can be regularized after his/her services for six years. At his request, S. O. to 25.7.2017.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.118/2017.
(Miss. Mansi K. Kulkarni 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 : 18-07-2017

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 P.O. files affidavit in reply on behalf of Respondent no.4. The same is taken on record. Its copy is served on the other side.

3. S. O. to 03.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.119/2017.
(Miss. Mansi K. Kulkarni 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 : 18-07-2017

ORAL ORDER:-

Heard Shri S. D. Joshi learned Advocate for the applicant and Smt D. S. Deshpande learned Presenting Officer for the respondents.

2. The learned P.O. files affidavit in replies on behalf of no.1 to 3, and Respondent no.4 separately. The same are taken on record. Its copies are served on the other side.

3. S. O. to 03.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.120/2017.
(Miss. Mansi K. Kulkarni 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 : 18-07-2017

ORAL ORDER:-

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

2. The learned P.O. files affidavit in replies on behalf of no.1 to 3, and Respondent no.4 separately. The same are taken on record. Its copies are served on the other side.

3. S. O. to 03.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.153/2017.
(Dr. R. B. Hemke 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 : 18-07-2017

ORAL ORDER:-

Heard Shri J. S. Deshmukh learned Advocate for the applicant, Smt P. R. Bharaswadkar learned Presenting Officer for the respondents no.1 to 3 and Shri P. K. Wagh learned Advocate holding for Shri A. D. Aghav learned advocate for the Respondents no.4 & 5.

2. The learned Advocate for the Respondents no.4 & 5 files the affidavit in reply. The same is taken on record. Its copy is served on the other side.

3. The learned P.O. seeks time to file affidavit in reply. As a last chance time is granted.

4. S. O. to 18.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.253/2017.

(Shri S. P. Jagtap & 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 : 18-07-2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant submit that, similar matter bearing O.A. No.659/2014 is pending with the present Tribunal be tagged with the said O.A.

3. The arguable case is made out.

4. Admit.

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

6. Liberty granted to the applicant to file rejoinder, if any, in the mean time.

7. Remove from Board. The matter may be circulated for final hearing as and when the Division Bench is available.

ORAL ORDERS 18-07-2017-ATP

VICE CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.165/2017.
(Dr. S. P. Bhamre 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 : 18-07-2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant seeks time to add the parties as directed vide order dated 14.6.2017. At his request, S. O. to 10.08.2017 for compliance.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.168/2017.
(Shri A. V. Hivrale 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 : 18-07-2017

ORAL ORDER:-

None present for the applicant. Shri M. P. Gude
learned Presenting Officer for the respondents.

2. The learned P.O. seeks time to file affidavit in reply.
At his request, S. O. to 22.8.2017.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.433/15 IN OA ST.NO.318/15.
(Dr. S. C. Harlayya 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 : 18-07-2017

ORAL ORDER:-

Heard Shri H. U. Dhage learned Advocate holding learned Advocate for the applicant and Shri M. P. Gude 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. Upon hearing it appears that, affidavit in reply on behalf of Respondent no.5 is not necessary, as Respondent no.4 is head of the District.

4. Learned P.O. seeks time to file reply on behalf of Respondent no.6. At his request, S. O. to 22.8.2017.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.16/2016 IN OA ST.NO.45/2016.
(Shri A. M. Tambe 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 : 18-07-2017

ORAL ORDER:-

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

2. Perused the application. Considered the contentions.

3. For the reasons stated in the misc. application, the same is allowed without any order as to costs and the delay of 706 days caused in filing the accompanying original application is condoned. The office is directed to register the original application after its proper scrutiny.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

OA ST.NO.45/2016.

(Shri A. M. Tambe 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 : 18-07-2017

ORAL ORDER:-

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

2. Issue notice to the respondents, returnable on 22.8.2017.

3. Applicant is authorized and directed to serve on all respondents notice of O.A. authenticated by Registry, along with complete paper book of O.A. stating that this Tribunal may take the case for final disposal at this stage and a separate notice for final disposal not be issued.

4. Authorization for service of notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.

5. The service of notice may be done by the applicant by hand delivery, speed post, courier and

acknowledgment be obtained and produced along with affidavit of compliance in the Registry as far as possible before the due date.

6. Affidavit of service be filed one week before due date.

7. Learned P.O. is directed to communicate this order.

8. Affidavit in reply be filed before due date.

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

10. S.O. to 28.8.2017.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.664/2013.
(Shri B. S. Naik 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 : 18-07-2017

ORAL ORDER:-

None present for the applicant. Smt R. S. Deshmukh learned Presenting Officer for the respondents is present. None present for Respondent no.5.

2. It appears that, the decision on merit is required. In the circumstances, remove from the board. Be placed before the Division Bench as and when available.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.670/2013.
(Shri J. J. Sathe 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 : 18-07-2017

ORAL ORDER:-

None present for the applicant. Smt D. S. Deshpande learned Presenting Officer for the respondents is present. None present for Respondent no.5.

2. It appears that, the decision on merit is required. In the circumstances, remove from the board. Be placed before the Division Bench as and when available.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.673/2013.
(Dr. D. P. Bhurke 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 : 18-07-2017

ORAL ORDER:-

Heard Shri M. R. Kulkarni learned Advocate for the applicant and Shri N. U. Yadav learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submitted that, the decision on merit is required. In the circumstances, remove from the board. Be placed before the Division Bench as and when available.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.873/2016.
(Shri M. P. Ladde & 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 : 18-07-2017

ORAL ORDER:-

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

2. The learned P.O. seeks time to file affidavit in reply. As a last chance time to file reply is granted.
3. S.O. to 28th July, 2017.
4. The learned P.O. to act on the Steno copy of this order.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.654/2013.
(Dr. A. S. Pawar 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 : 18-07-2017

ORAL ORDER:-

None present for the applicant. Smt R. S. Deshmukh learned Presenting Officer for the respondents is present.

2. It appears that, the decision on merit is required. In the circumstances, remove from the board. Be placed before the Division Bench as and when available.

VICE CHAIRMAN.

ORAL ORDERS 18-07-2017-ATP

