

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.888/2016

(D.D.Parte V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

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

2. Learned Advocate for the applicant submits that Registrar has raised objection and orally asked him to file Contempt Petition, and therefore, he is before the Tribunal.

3. Registrar is directed to put his objection in writing.

MEMBER (J)

YUK ORAL ORDER 25-11-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.444/2016 IN O.A.St.No.1865/2016

(D.N.Mule & Ors. V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

Heard Shri S.K.Mathpati learned Advocate holding for Shri R.P.Bhumkar learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. M.A.No.444/2016 has been filed for sue jointly. Since identical cause is agitated by the applicants and relief is also similar and also for the reasons stated in the application, M.A. for sue jointly is allowed.

3. Accordingly, M.A.No.444/2016 stands disposed with no order as to costs.

MEMBER (J)

YUK ORAL ORDER 25-11-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

Original Application St.No.1865/2016

(D.N.Mule & Ors. V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

Heard Shri S.K.Mathpati learned Advocate holding for Shri R.P.Bhumkar learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Issue notices returnable on 18-01-2017.
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 O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. Steno copy and Hamdast is allowed to both parties.
8. S.O. 18-01-2017.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.No.445/2016 IN O.A.St.No.1876/2016

(S.J.Pawar V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

Shri D.K.Rajput learned Advocate for the applicant is **absent**. Shri D.R.Patil learned Presenting Officer for respondents is present.

2. Since none present for the applicant, S.O.18-01-2017.

YUK ORAL ORDER 25-11-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.555/2015

(M.C.Padvi V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

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

2. Since pleadings are complete, matter is admitted. It be kept for final hearing on 23-01-2017.

YUK ORAL ORDER 25-11-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.695/2015

(A.L.Supekar V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

Heard Shri S.K.Mathpati learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for 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. Since pleadings are complete, matter is admitted. It may be kept for final hearing on 20-01-2017.

MEMBER (J)

YUK ORAL ORDER 25-11-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.784/2015

(M.P.Shendule V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

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

3. Since pleadings are complete, matter is admitted. It may be kept for final hearing on 20-01-2017.

YUK ORAL ORDER 25-11-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.284/2016

(Dr. U.N.Bholane V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

Heard Shri K.A.Ingle learned Advocate for the applicant, Smt. Priya Bharaswadkar learned Presenting Officer for respondents and Shri B.S.Deshmukh learned Advocate for respondent no.5.

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

3. Time granted to the respondents to file reply subject to payment of costs of Rs.1000/-, which may be paid to M.A.T. Bar Association.

4. S.O.19-01-2017.

MEMBER (J)

YUK ORAL ORDER 25-11-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.381/2016

(N.M.Chingalwar V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

Shri S.B.Ghute learned Advocate for the applicant is **absent**. Shri M.P.Gude learned Presenting Officer for respondents is present.

2. 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.

3. S.O.17-01-2017.

YUK ORAL ORDER 25-11-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 386/2016

(G.D.Tarkase V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

Heard Ku. Bhavana Panpatil learned Advocate holding for Shri S.B.Talekar learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for respondents.

2. On consent of the parties, S.O.28-11-2016 for hearing.

MEMBER (J)

YUK ORAL ORDER 25-11-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.415/2016

(I.R.Gaikwad V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

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

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

3. Since pleadings are complete, matter is admitted. It may be kept for final hearing on 23-01-2017.

MEMBER (J)

YUK ORAL ORDER 25-11-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.481/2016

(V.R.Bangar V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

Heard Shri M.R.Kulkarni learned Advocate for the applicant and Smt. D.R.Patil learned Presenting Officer for respondents.

2. Since pleadings are complete, matter is admitted.

O.A. be fixed for final hearing on 23-01-2017.

MEMBER (J)

YUK ORAL ORDER 25-11-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.494/2016

(L.G.Ratnaparkhi V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

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

2. On consent of both sides, S.O.27-01-2017.

YUK ORAL ORDER 25-11-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.538/2016

(S.V.Navthar V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

Heard Shri A.D.Sugdare learned Advocate for the applicant has filed **leave note** on record. Smt. Sanjivani Ghate learned Presenting Officer for respondents is present.

2. Since pleadings are complete, matter is admitted. It be kept for final hearing on 24-01-2017.

YUK ORAL ORDER 25-11-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.593/2016

(N.T.Chavan & Ors. V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

Heard Shri A.S.Shelke learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. Learned P.O. seeks time to file reply. Time is granted to file reply subject to the condition that amount as claimed in the order dated 07-05-2016 shall not be recovered from the applicant till further order.

3. S.O.18-01-2017.

MEMBER (J)

YUK ORAL ORDER 25-11-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.613/2016

(R.B.Dinde V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

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

2. Learned Advocate for the applicant submits that he has been instructed by his client to withdraw the O.A. Accordingly, he prays leave of the Tribunal to withdraw the O.A.

3. Leave as prayed is granted. O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

YUK ORAL ORDER 25-11-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.700/2016

(A.G.Shinde V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

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

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

3. S.O.19-01-2017.

YUK ORAL ORDER 25-11-2016

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.168/2016

(M.J.Khetre V/s. The State of Mah. & Ors.)

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

DATE : 25-11-2016

ORAL ORDER:-

Heard Smt. Sonal Bali learned Advocate holding for Shri H.S.Bali learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. Applicant claims to be legally wedded wife of the deceased employee Jagannath Khetre, who was serving as Peon in the office of the respondents. It is her case that she is entitled to appointment on compassionate ground as her husband died on 24-02-2003. It is stated that she has approached the respondents' office from time to time but her claim was not considered. Therefore, she is compelled to approach this Tribunal.

3. Respondents have filed reply affidavit and stated that as per office record one Mangal Jagannath Khetre is legally wedded wife of the deceased Jagannath. Late Jagannath has filed nomination form with the office, in which it is stated that his wife's name is Sangita and he has one son namely Ravindra. It is nowhere stated that the present applicant is in any manner related to the deceased employee. It is further stated that the applicant has applied for compassionate appointment for the first time on

07-01-2014 i.e. after 11 years of death of Jaganath Khetre, and therefore, applicant was informed accordingly.

4. Applicant has placed on record impugned communication issued by Principal, Government Polytechnic College, Aurangabad whereby the applicant's claim has been rejected on the ground that she has filed application after 11 years after death of the deceased Jagannath and that such application should have been filed within one year from the date of death of the employee. As per said letter, the date of death of late Jagannath is 07-01-2004 and not 24-02-2003 as stated by the learned Advocate for the applicant. The Government has issued one G.R. as regards provisions for appointment on compassionate, and prior to that similar G.R. was issued on 26-10-1994 (Page 19, A-6). Vide G.R. dated 22-08-2015 (page 25-28, A-6), earlier period of 5 years for making application for appointment on compassionate appointment has been reduced to one year.

5. Even if it is accepted that late Jagannath died on 07-01-2004 and earlier G.R. is applicable to the applicant still the application should have been filed within 5 years from the date of death and the present application has been filed after 11 years. Applicant has filed applications for appointment on compassionate ground on 07-01-2014, 16-01-2014 and 06-02-2014. In the application dated

07-01-2014, it is stated that she has visited office of the respondents frequently but her request was not considered. Such vague statement after 11 years of the death of late Jagannath cannot be accepted. There is no evidence that the applicant has filed application for compassionate appointment within 5 years from the date of death of her so-called husband i.e. deceased Jagannath. As already stated applicant has not been nominated by late Jagannath.

6. Considering all these aspects, I feel that rejection of the applicant's claim by the respondents is perfectly legal and proper and needs no interference. Hence, O.A. stands dismissed with no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 732 OF 2016
[Dr. Surekha Shyamlal Totala Vs. The State of Mah. & Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande – learned Advocate for the Applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. It is reported that learned Advocate Shri Ajay Deshpande for the applicant has filed leave note.

3. The learned Chief Presenting Officer seeks time to file affidavit in reply. Time granted.

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

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 765 OF 2016
[Shri Bansilal Harischandra Tarte & Ors. Vs. The State of
Maharashtra & Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri P.V. Suryawanshi – learned Advocate for the Applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 and also separate affidavit in reply on behalf of respondent No. 6 and they are taken on record and the copies thereof have been served upon learned Advocate for the applicant.

3. The learned Advocate for the applicant submits that identical matters are kept on board on 3rd December, 2016 and the present matter be kept on the said date. His request is granted.

4. **Hence, S.O. to 1st December, 2016.** The learned Presenting Officer may file affidavit in reply on behalf of other respondents, on or before the next date.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 804 OF 2016
[Shri Sunil Gajananrao Gadhe Vs. The State of Mah. & Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

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 claimed the directions to respondent No. 2 to relieve him from the post of Sub Divisional Officer, Nandurbar, so as to enable him to join on the transferred post i.e. Sub Divisional Officer, Khed-Rajgurunagar, in view of Otransfer order dated 14.09.2016.

3. The learned Advocate for the applicant submits that the applicant has been relieved and has joined at the transferred place i.e. at Khed-Rajgurunagar, thus, the very purpose of filing the present Original Application has been served.

4. In view of the above, nothing survives in the present Original Application and the same stands disposed of as such with no order as to costs.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 840 OF 2016
[Hiralal Lalchand Bhatewale Vs. The State of Mah. & Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Smt. Vidya Taksal, learned Advocate holding for Shri Avinash Deshmukh – learned Advocate for the Applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply. Time granted.
3. S.O. to 9th January, 2017

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 875 OF 2016
[Akhil Ahemad Suleman Juneri Vs. The State of Mah. & Ors.]**

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

DATE : 25.11. 2016.

ORAL ORDER:

Heard Shri D.T. Devane – learned Advocate for the Applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. At the request and by consent of both the parties, S.O. to 30th November, 2016.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 190/2016 IN O.A.ST.NO.560/2016
[Dr. Surekha Shyamlal Totala Vs. The State of Mah. & Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri S.B. Mene, learned Advocate holding for Shri V.R. Bhumkar – learned Advocate for the Applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. Learned Advocate Shri V.R. Bhumkar appeared and submits that he has filed VAKALATNAMA on behalf of the applicant in the present case prior to his appointment as Presenting Officer, M.A.T. Bench at Aurangabad. He, therefore, requests that his appearance may kindly be discharged. His request is accepted and his appearance is discharged from this case.

3. The learned Advocate Shri S.B. Mene for the applicant submits that he has received the copy of the affidavit in reply today itself and seeks time. Time granted.

4. S.O. to 11th January, 2017.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 345/2016 IN O.A.ST.NO.1511/2016
[Shri Prabhakar Narsing Mule Vs. The State of Mah. & Ors.]**

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

DATE : 25.11. 2016.

ORAL ORDER:

Heard Shri N.S. Choudhary– learned Advocate for the Applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. The learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent No. 7 and the same is taken on record and the copy thereof has been served upon the learned Advocate for the applicant.

3. The learned Chief Presenting Officer seeks time to file affidavit in reply on behalf of the other respondents. Time granted.

4. S.O. to 9th January, 2017.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 382/2016 IN O.A.ST.NO. 1750/2016
[Shri Bhagwat Trimbak Chaudhari Vs. The State of Mah. &
Ors.]**

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

DATE : 25.11. 2016.

ORAL ORDER:

Shri A.D. Sugdare – learned Advocate for the Applicant has filed leave note. Shri D.R. Patil – learned Presenting Officer for the respondents, present.

2. In view of leave note filed by the applicant, S.O. to 11th January, 2017.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 405/2016 IN O.A.ST.NO.1784/2016
[Shri Vinayak Ramchandra Kulkarni Vs. The State of
Maharashtra & Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Smt. Suchita A. Dhongde (Updhyaya) – learned Advocate for the Applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. The applicant submits that the respondents are wrongly added in the Miscellaneous Application, and therefore, she wants to correct the name of the respondents as per O.A. St. No. 1784/2016.

3. She is permitted to do so forthwith.

4. After making necessary amendment, issue fresh notices to the respondents in M.A. No. 405/2016, returnable on 19th January, 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

M.A. 405/16 IN O.A.ST.1784/16

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

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

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

9. S.O.to 19th January, 2017.

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

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. NO. 406/2016 WITH O. A. ST. NO. 1785 OF 2016
[Prabhakar Pandharnath Deshpande Vs. The State of
Maharashtra & Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Mrs. Suchita Amit Dhongde – learned Advocate for the Applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks permission to add Chief Engineer, Command Area Development Authority as respondent No. 5 in the M.A. as well as in the O.A.

3. She is permitted to add Chief Engineer, Command Area Development Authority as respondent No. 5 in the M.A. as well as in the O.A.

4. The learned Advocate for the applicant undertakes to carry out necessary amendment forthwith.

5. After addition of the respondents, issue fresh notices to the duly added respondent No. 5 in M.A. as well as in the O.A., returnable on 19th January, 2017.

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

**M.A. NO. 406/2016 WITH O. A. ST.
NO. 1785 OF 2016**

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

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

9. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

10. S.O.to 19th January, 2017.

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

MEMBER (J)

25.11.2016-HDD(SB).doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 408/2016 IN O.A.NO. 204/2015
[Shri Sanjay Devidasrao Deshpande Vs. The State of
Maharashtra & Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri G.G. Suryawanshi – learned Advocate for the Applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.

2. This is an application filed by the applicant for restoration of the Original Application No. 204/2015, which was dismissed in default on 27.09.2016, since nobody was appeared for the applicant on the said date and even on the previous dates.

3. The learned Advocate for the applicant frankly submits that it was his mistake that he could not see the board.

4. Considering the fact that the Original Application is filed by the applicant for appointment on compassionate ground and also fact that the Original Application was for final hearing, the present M.A. No. 408/2016 is allowed in the interest of justice and equity and the O.A. No. 204/2015 is restored to its original file.

5. Accordingly, the present M.A. stands disposed of with no order as to costs.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 204 OF 2015
[Shri Sanjay Devidasrao Deshpande Vs. The State of
Maharashtra & Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri G.G. Suryawanshi – learned Advocate for the Applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.

2. Since this Original Application has been restored to its original file by this Tribunal by an order dated 25.11.2016 passed in M.A. No. 204/2015 and since it has already been admitted, the same be kept for final hearing on 26th January, 2017.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 219 OF 2012
[Shri Vasant Baburao Haral Vs. The State of Maharashtra &
Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri Kakasaheb B. Jadhav – learned Advocate for the Applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 13th December, 2016.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 421 OF 2012
[Shri Anant Madhavrao Thakur Vs. The State of Maharashtra
& Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay S. Deshpande – learned Advocate for the Applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 28th November, 2016.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 496 OF 2012
[Shri Sumedh S/o Dhondiba Waghmare Vs. The State of
Maharashtra & Ors.]**

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

DATE : 25.11. 2016.

ORAL ORDER:

Heard Shri D.P. Sathe, learned Advocate holding for Shri K.M. Nagarkar – 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 29th November, 2016.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 518 OF 2012
[Shri Vishwanath Fakirji Jondhale & Ors. Vs. The State of
Maharashtra & Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri A.D. Gadekar – learned Advocate for the Applicants and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that he has been instructed by his clients i.e. the applicants to withdraw the present Original Application. He has also filed withdrawal pursis to that effect, which is taken on record and marked as document 'X' for identification purpose.

3. Permission granted. Withdrawal is allowed. Accordingly, the present Original Application stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 919 OF 2012
[Shri Manik S/o Wamanrao Ghodekar & Anr. Vs. The State of
Maharashtra & Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri A.D. Gadekar – learned Advocate for the Applicants and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicants submits that he has received oral instruction from his clients i.e. the applicants to withdraw the present Original Application.

3. Permission granted. Withdrawal is allowed. Accordingly, the present Original Application stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 338 OF 2012
[Shri Hari Narayanrao Bhole & Ors. Vs. The State of
Maharashtra & Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri A.D. Gadekar – learned Advocate for the Applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that he has been instructed by his client i.e. the applicant to withdraw the present Original Application. He has also filed withdrawal pursis to that effect, which is taken on record and marked as document 'X' for identification purpose.

3. Permission granted. Withdrawal is allowed. Accordingly, the present Original Application stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 773 OF 2015
[Shri Walmik S/o Sitaram Shirsath Vs. The State of
Maharashtra & Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri A.D. Gadekar – learned Advocate for the Applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to take instruction from his client i.e. the applicant for withdrawal of the present Original Application. Time granted.

3. S.O. to 9th December, 2016.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 781 OF 2013
[Shri Sudarshan D. Shingde Vs. The State of Maharashtra &
Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande – learned Advocate for the Applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. It is reported that the learned Advocate Shri Ajay Deshpande for the applicant on record has filed leave note.

3. The learned Presenting Officer seeks time to file reply to the amended Original Application. Time granted as a last chance.

4. S.O. to 15th December, 2016.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 308 OF 2014
[Shri Ambadas Namdeorao Paikrao & Ors. Vs. The State of
Maharashtra & Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri D.P. Sathe, learned Advocate holding for Shri R.S. Shejule – learned Advocate for the Applicant and Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time. Time granted as a last chance.
3. S.O. to 29th November, 2016.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 616 OF 2014
[Shri Hari Narayanrao Bhole & Ors. Vs. The State of
Maharashtra & Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri S.D. Joshi – 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 2nd December, 2016.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 510 OF 2015
[Shri Abdul Rashid Sandalji Vs. The State of Maharashtra &
Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri S.B. Ghatol Patil – learned Advocate for the Applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 14th December, 2016.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 208 OF 2016
[Shri Sanket Prakash Sable Vs. The State of Maharashtra &
Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri K.B. Jadhav – learned Advocate for the Applicant, Shri V.R. Bhumkar – learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.T. Solunke, learned Advocate holding for Shri Kiran Kulkarni – learned Advocate for respondent No. 3.

2. The learned Advocate for respondent No. 3 seeks time. Time granted.

3. S.O. to 15th December, 2016.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 417 OF 2016
[Shri Raosaheb Bhausahab Kale Vs. The State of Maharashtra
& Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Shri J.M. Murkute – learned Advocate for the Applicant (**absent**). Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. None appears for the applicant. Even on the last date nobody appeared for the applicant. Hence, this matter be kept for dismissal on 16th December, 2016.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. 419/16 WITH M.A. 377/16 IN O.A. ST. 1693/16
[Shri Ajay Bhimrao Pawar & Ors. Vs. The State of
Maharashtra & Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri S.D. Tambat Dhupal – learned Advocate for the Applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. This is an application filed by the applicant for condonation of delay of about 1703 days caused in filing accompanying Original Application St. No. 1693/2016. It is necessary to obtain say of the respondents, hence, issue notices to the respondents in M.A. No. 419/2016, returnable on 17th January, 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 M.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

**M.A. 419/16 WITH M.A. 377/16
IN O.A. ST. 1693/16**

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 19th January, 2017.

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

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A. 421/16 WITH C.P. 6/98 IN O.A. 1/1998
[Shri Shrikant S/o Sudam Tupe Vs. The State of Maharashtra
& Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri P.V. Suryawanshi – learned Advocate for the Applicants and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. Issue notices to the respondents in M.A. No. 421/2016, returnable on 4th January, 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 M.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

**M.A. 421/16 WITH C.P. 6/98
IN O.A. 1/1998**

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 4th January, 2017.

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

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 847 OF 2016
[Shri Udalsing Ramsing Naglot Vs. The State of Maharashtra
& Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri V.G. Pingle – learned Advocate for the Applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks permission of this Tribunal to withdraw the present Original Application.
3. Permission granted. Withdrawal is allowed. Accordingly, the present Original Application stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 747 OF 2015
[Shri Sadhu S/o Kundlik Lohar Vs. The State of Maharashtra
& Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri Prafulla Bodade, learned Advocate holding for Shri J.B. Choudharye – learned Advocate for the Applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant has filed rejoinder affidavit and the same has been taken on record and the copy thereof has been served upon the learned Presenting Officer for the respondents.

3. Admit. To be heard in due course of time.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 574 OF 2016
[Smt. Jyoti Dilip Siddhewar & Anr. Vs. The State of
Maharashtra & Ors.]**

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

DATE : 25.11.2016.

ORAL ORDER:

Heard Shri Avinash Deshmukh – learned Advocate for the Applicants and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. The applicant No. 1 viz. Smt. Jyoti Dilip Siddhewar, is widow of the deceased Shri Dilip Siddhewar, who was serving as Police Constable with the respondents and died on 02.04.2008. Immediately after the death of the deceased employee Shri Dilip Siddhewar, applicant No. 1 has filed application for compassionate appointment. However, immediately on 6.11.2009 the applicant No. 1 requested the department that since he was under tremendous shock of death of her husband and her mental condition was not good/proper, claim of her minor son i.e. applicant No. 2 viz. Saurabh S/o Dilip Siddhewar, shall be considered whenever he becomes major. The applicant No. 2 has become major and thereafter he filed application for compassionate appointment, but no response has been given by the respondent No. 2. It is stated that the respondent No. 2 insisted the applicant No. 1 to accept appointment on compassionate ground ignoring her inability to accept the same.

O.A. NO. 574 OF 2016

3. From the reply affidavit and the arguments put-forth by the learned Presenting Officer, it seems that it is the case of the respondents that the applicant No. 1's name was included in the wait list and there is no provision to change the name in the said wait list.

4. From the facts and arguments put-forth by the learned Advocate for the applicant, it seems that admittedly the applicant No. 1 has immediately filed an application on 6.11.2009 informing that she was unable to serve due to her personal difficulty as already stated. She has also stated, under what circumstances the applicant No. 2 was unable to file application immediately and the fact that the applicant No. 2 has filed such application immediately after attaining the majority. This particular averments are not denied and on the contrary, the same are admitted in the reply affidavit filed by the respondents. The Original Application Form; whereby the applicant No. 1 has alleged to have claimed for appointment on compassionate ground is not on record. From the reply affidavit, it seems that till the finalization of wait list, no application was filed by the applicant No. 2.

5. In view of the above, it is necessary to see as to whether the application form was filed by the applicant No. 1 for compassionate appointment and on what date her name was included in the wait list.

6. The learned Presenting Officer is, therefore, directed to place on record a copy of the application form filed by the applicant No. 1 for compassionate appointment, which might

O.A. NO. 574 OF 2016

be prior to 6.11.2009 and shall also inform the date on which the name of the applicant No. 1 was included in the wait list.

7. However, the learned Presenting Officer seeks time till 7th December, 2016. Time granted as prayed for.

8. Hence, S.O. to 7th December, 2016.

9. Steno copy be provided to the learned Presenting Officer for the respondents at his request.

MEMBER (J)

YUK ORAL ORDER 25-11-2016 00.doc

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.868/2016.

(V. B. Nath Vs. State of Mah.& Ors.)

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

DATE: : 25.11.2016.

ORAL ORDER:-

Heard Miss. Preeti Wankhade, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents no.1 & 2 and Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande learned Advocate for the Respondent no.3 i.e. Caveator.

2. The applicant had challenged the impugned order of his transfer dated 2.9.2016 whereby he has been transferred from the post of Superintending Engineer (Minor Irrigation), Aurangabad to the post of Superintending Engineer M.S.S.I.D.C. Mumbai. It is stated that the order has been passed as per the provisions of Section 4 (5) of The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties act, 2005 (for short Transfer Act, 2005). The learned Advocate for the applicant pointed out that, the applicant was transferred on promotion from the post of Executive Engineer Mantralaya Mumbai to Superintending Engineer vide order dated 16.12.2015 and had joined at Aurangabad on 21.12.2015 and within 7 to 8 months he has been again transferred at Mumbai. The impugned transfer order is dated 2.9.2016. Thus, prima facie, it seems that, the said order is mid term as well as mid tenure. The applicant has made a statement that he has not yet been relieved and very much working at Aurangabad.

3. The learned Advocate Shri Mene for the Caveator submitted that the caveator has been transferred from Yavatmal to Aurangabad in the vacant post and had joined there on the vacant post. If it is so it is not known as to how he is interested to join in applicant's post.

4. Learned C.P.O. was directed to take instructions as to what is exact position in this regard. He, on instructions, submitted that since there are departmental examination going on today the caveator is not allowed to join. There is nothing on record to show that the applicant had been relieved. Considering this position, it is clear that, applicant is very much there at Aurangabad. The Respondents are therefore, directed not to relieve the applicant till the reply affidavit is filed in this case by the respondents.

5. The learned Advocate for the respondent no.3 Caveator Shri S.B. Mene submits that, the cavator has been relieved from Yavatmal and has been to the office from 11.00 a.m. at Aurangabad. It is to be noted that the order is passed on 24.11.2016 as regards the transfer of the caveator from Yavatmal to Aurangabad and it is surprising that on the very day the caveat has been filed and it is stated that, the applicant has been at Aurangabad since 11.00 a.m. This itself shows that, as to how the cavator is interested in joining at Aurangabad. In any case it is the fact that the applicant has not yet been relieved.

6. Learned Advocate for the applicant submits that she may be allowed to add the caveator as respondent no.3, since caveat

has been filed and also she may be allowed to amend the O.A. accordingly. She is permitted to do so forthwith.

7. Issue notices to the respondents, returnable on 11.1.2017.

8. 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.

9. 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.

10. 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.

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

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

13. Affidavit in reply be filed before due date.

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

15. S.O. to 11.01.2017.

MEMBER(J)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.805/2016.

(Firoz Kalekha Jamadar Vs. State of Mah.& Ors.)

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

DATE: : 25.11.2016.

ORAL ORDER:-

Heard Shri S.B. Mene, learned Advocate holding for Shri V. B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. At the request of the learned C.P.O., S.O. to 15.12.2016.

MEMBER (J).

25.11.2016-ATP