

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 402/2015 IN CP ST. 1406/2015 IN OA 236/2014
(Shri Adhikrao S. Mane Vs. The State of Maharashtra & Ors.)

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

Date : 26.07.2017

ORAL ORDER:-

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The learned P.O. files on record the copy of communication received to him from the concerned respondent, which would show that the proposal regarding grant of pensionary benefits is already forwarded to the Accountant General. He also files on record the copy of the communication along with sanction accorded by the Accountant General to the pensionary benefits to the applicant. The said documents are taken on record and marked as document 'X collectively'. He seeks some time to place on record further compliance in the matter. At his request, S.O. to 23.8.2017, for placing on record further compliance in the matter.

3. The learned P.O. to act upon the steno copy of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 26.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 111/2017 IN OA 641/2015

(Shri Bhagatsing P. Patil (Pawar) Vs. The State of Maharashtra
& Ors.)

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

Date : 26.07.2017

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 learned Advocate for the applicant submits that the applicant has already personally submitted a representation to the res. no. 2 on 11.7.2017 itself in view of the order passed by the Tribunal on 11.7.2017 in M.A. 238/2017 in O.A. no. 641/2015. The learned Advocate for the applicant also served a copy of the said representation dated 11.7.2017 to the learned Chief Presenting Officer for onward transmission to the res. no. 2.

3. In the circumstances, the res. no. 2 is hereby directed to decide the said representation of the applicant dated 11.7.2017 within a period of 4 weeks from the date of this order and to communicate the decision thereof to the applicant in writing. The res. no. 2 is hereby further directed to submit the report regarding compliance of the order dated

13.2.2017 passed by this Tribunal in M.A. 238/2017 in O.A. no. 641/2015, by the next date. Upon failure to comply the directions by the res. no. 2 as contained in the present order, this Tribunal may be constrained to take coercive action against the res. no. 2 including calling him personally in the Court hall and / or imposing heavy costs on him.

4. In the circumstances, S.O. to 28.8.2017.

5. The learned C.P.O. to act upon the steno copy of this order.

VICE CHAIRMAN

ARJ ORAL ORDERS 26.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 157/2017 IN CP ST. 328/2017 IN OA 46/2015
(Shri Nikhil D. Chavan Vs. The State of Maharashtra & Ors.)

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

Date : 26.07.2017

ORAL ORDER:-

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

2. The learned C.P.O. files on record affidavit in reply of res. no. 2, which is taken on record and copy thereof has been served upon the learned Advocate for the applicant. He further files on record the communication dated 24.7.2014 received to him from the concerned respondent, which would show that the proceedings challenging the order of the Tribunal passed in O.A. no. 46/2015 before the Hon'ble Bombay High Court, Bench at Aurangabad, is under process. The said document is taken on record and marked as document 'X' for the purpose convenience.

3. In the circumstances, at the request of learned C.P.O., S.O. to 28.8.2017.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 216/2017 IN CP ST. 801/2017 IN OA 548/2016
(Shri Dadasaheb B. Warule Vs. The State of Maharashtra &
Ors.)

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

Date : 26.07.2017

ORAL ORDER:-

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

2. The learned P.O. submits that, he has received telephonic message that the order in question is complied with by the concerned respondents, however, he seeks time for confirmation thereof.

3. The learned Advocate for the applicant also submits that he would take instructions from the applicant in this regard. At the request of both the sides, S.O. to 21.8.2017, for reporting the compliance.

VICE CHAIRMAN

ARJ ORAL ORDERS 26.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 278/2017 WITH M.A. 443/2016 IN OA 453/2011
(Shri Sopan B. Adkine Vs. The State of Maharashtra & Ors.)

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

Date : 26.07.2017

ORAL ORDER:-

Heard Shri (Dr.) R.J. Godbole, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. The applicant has filed M.A. no. 278/2017 for restoration of M.A. no. 443/2016 in O.A. no. 453/2011, which has been dismissed in default by the Tribunal vide its order dated 13.6.2017.

3. Perused the application. Considered the contentions.

4. For the reasons stated in the misc. application, it is hereby allowed and disposed of without any order as to costs and the M.A. no. 443/2016 in O.A. no. 453/2011 stands restored to its original position.

VICE CHAIRMAN

ARJ ORAL ORDERS 26.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A. 443/2016 IN OA 453/2011

(Shri Sopan B. Adkine Vs. The State of Maharashtra & Ors.)

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

Date : 26.07.2017

ORAL ORDER:-

Heard Shri (Dr.) R.J. Godbole, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. Today by passing separate order in M.A. no. 278/2017 in O.A. no. 453/2011 this Tribunal has restored the present M.A. no. 443/2016 in O.A. no. 453/2011 to its original position, which was dismissed in default by the Tribunal vide order dated 13.6.2017.

3. The M.A. no. 443/2016 has been filed by the applicant for restoration of O.A. no. 453/2011 to its original position, which was dismissed in default by the Tribunal vide its order dated 26.2.2016.

4. Perused the application. Considered the contentions.

5. For the reasons stated in the misc. application, it is hereby allowed and disposed of without any order as to costs and the O.A. no. 453/2011 stands restored to its original position.

VICE CHAIRMAN

ARJ ORAL ORDERS 26.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

OA 453/2011

(Shri Sopan B. Adkine Vs. The State of Maharashtra & Ors.)

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

Date : 26.07.2017

ORAL ORDER:-

Heard Shri (Dr.) R.J. Godbole, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in original application, returnable on 28.8.2017.

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

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

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

7. S.O. 28.8.2017.

8. Steno copy & hamdust allowed to both the parties.

VICE CHAIRMAN

ARJ ORAL ORDERS 26.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 440/2017

(Shri Vijay R. Gaikwad Vs. The State of Maharashtra & Ors.)

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

Date : 26.07.2017

ORAL ORDER:-

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

2. During the midst of hearing, the learned Advocate for the applicant submits that, the applicant is not pressing for any interim relief.

3. Issue notices to the respondents in original application, returnable on 24.8.2017.

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

5. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. 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. 24.8.2017.

9. Steno copy & hamdust allowed to both the parties.

VICE CHAIRMAN

ARJ ORAL ORDERS 26.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 498/2017

(Shri Bhagwan R. Kurundkar Vs. The State of Maharashtra &
Ors.)

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

Date : 26.07.2017

ORAL ORDER:-

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

2. It seems from the record that, the present applicant has wrongly recorded in his application for the post that, he is an employee of the State Government. In the circumstances, the res. nos. 2 & 3 allowed him to participate in the process of selection. However, at the time of oral interview, the applicant placed before the competent authority the documents, which would show that, the applicant is not a Government of Maharashtra's employee, but of a society and, as such, the competent authority came to the conclusion that the relaxation of age could not be granted to the applicant in view of the rules and in view of the conditions mentioned in the advertisement. Hence, there is no case for grant of interim relief in favour of the applicant.

3. In the circumstances, the learned Advocate for the applicant seeks time to take instructions from the applicant regarding withdrawal of the present original application, if any. At his request, S.O. to 10.8.2017 for taking instructions from the applicant.

VICE CHAIRMAN

ARJ ORAL ORDERS 26.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 244/2017

(Shri Amol R. Salve Vs. The State of Maharashtra & Ors.)

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

Date : 26.07.2017

ORAL ORDER:-

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. The learned P.O. submits that, she has received oral communication to the effect that the applicant was disqualified because of the defects created by him. She seeks time to file affidavit in reply of the respondents in the matter. The learned Advocate for the applicant also seeks time to place on record certain documents. At the request of both the sides, S.O. to 8.8.2017 for compliance.

VICE CHAIRMAN

ARJ ORAL ORDERS 26.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 254/2016 IN OA ST. 558/2016

(Shri Ramesh B. Kandke Vs. The State of Maharashtra & Ors.)

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

Date : 26.07.2017

ORAL ORDER:-

Heard Shri C.S. Gawai, learned Advocate holding for Shri R.S. Sadaphule, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent nos. 1 & 2 and Shri G.N. Patil, learned special Counsel for respondent no. 3.

2. Shri Patil, learned special Counsel points out from para 6 of the affidavit in reply of res. no. 3 (paper book page 10) that the select list is prepared by the respondents. He further points out that the applicant himself has filed copy of order dated 24.7.2012 (page 37 of the O.A.) along with the original application, which would show that the selected candidates are appointed and those are not made party respondents in the present proceedings.

3. The learned Advocate for the applicant seeks time to clarify all above facts. At his request, S.O. to 27.8.2017, for clarification from the side of the applicant.

VICE CHAIRMAN

ARJ ORAL ORDERS 26.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NOS. 279, 280, 281 & 282 ALL OF 1998

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

Date : 26.07.2017

ORAL ORDER:-

None appears for the applicants in all these matters. S/shri D.R. Patil, I.S. Thorat, S.K. Shirse & V.R. Bhumkar, learned Presenting Officers for the respective respondents in respective matters.

2. The learned P.Os. submit that the writ petition reference of which is made by the Tribunal in the order dated 11.7.2017 is still pending. In the circumstances, the present original applications are removed from the board.

VICE CHAIRMAN

ARJ ORAL ORDERS 26.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 491/2013

(Shri Devidas T. Patil Vs. The State of Maharashtra & Ors.)

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

Date : 26.07.2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant seeks time to file misc. application for permission to amend the original application suitably. In the circumstances, S.O. to 1.8.2017 before the Division Bench.

VICE CHAIRMAN

ARJ ORAL ORDERS 26.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 590/2013

(Smt. Kaveri d/o Vithalrao Chavan @ Smt. Kaveri wd/o
Santoshrao Bagal Vs. The State of Maharashtra & Ors.)

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

Date : 26.07.2017

ORAL ORDER:-

Heard Shri P.C. Gunale, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 to 5, Shri S.K. Mathpati, learned Advocate for respondent no. 6, Shri M.P. Kale, learned Advocate for respondent no. 7 and Shri K.G. Salunke, learned Advocate for respondent no. 8.

2. The learned Advocates for res. no. 6, 7 & 8 submit that they are adopting the affidavit in replies filed by respondent authorities and, therefore, it is not necessary to file separate affidavit in replies on behalf of these respondents. In the circumstances, the present original application be proceeded further without having on record the affidavit in replies of res. nos. 6, 7 & 8. Hence, the present matter be placed before the Division Bench for hearing on 3.8.2017.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 285/2016 WITH MA 144/2016 IN OA ST. 1950/2015
(Shri Nagnath G. Jadhav & Ors. Vs. The State of Maharashtra
& Ors.)

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

Date : 26.07.2017

ORAL ORDER:-

Heard Shri Suresh D. Dhongde, learned Advocate for the applicants and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time. At his request, S.O. to 28.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 26.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 409/2016 IN OA ST. 1662/2016

(Shri Mohan Y. Sanap Vs. The State of Maharashtra & Ors.)

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

Date : 26.07.2017

ORAL ORDER:-

Heard Shri K.B. Jadhav, 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 21.8.2017.

VICE CHAIRMAN

ARJ ORAL ORDERS 26.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 436/2016 IN OA ST. 1871/2016

MA 437/2016 IN OA ST. 1869/2016

MA 438/2016 IN OA ST. 1867/2016

MA 440/2016 IN OA ST. 1873/2016

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

Date : 26.07.2017

ORAL ORDER:-

None appears for the applicants in all these matters. Smt. Priya R. Bharaswadkar, S/shri N.U. Yadav & V.R. Bhumkar, learned Presenting Officers for the respective respondents in all these matters, are present.

2. The respective P.Os. seek time to file affidavit in replies in respective misc. applications. At their request, S.O. to 29.8.2017 for filing replies of the respective respondents in M.As.

VICE CHAIRMAN

ARJ ORAL ORDERS 26.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA 441/2016 IN OA ST. 1841/2016

(Shri Madhukar R. Dusane Vs. The State of Maharashtra &
Ors.)

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

Date : 26.07.2017

ORAL ORDER:-

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

2. The present misc. application has been filed by the applicant for condonation of delay of 11 months caused in filing the original application before the Tribunal.

3. Perused the application. Considered the contentions.

4. For the reasons stated in the misc. application it is allowed and disposed of without any order as to costs and the delay of 11 months caused in filing the original application is condoned. The office is directed to register the original application on due scrutiny.

VICE CHAIRMAN

ARJ ORAL ORDERS 26.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

OA ST. NO. 1841/2016

(Shri Madhukar R. Dusane Vs. The State of Maharashtra &
Ors.)

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

Date : 26.07.2017

ORAL ORDER:-

Heard Shri Suresh D. Dhongde, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in original application, returnable on 9.9.2017.

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

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

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

7. S.O. 6.9.2017.

8. Steno copy & hamdust allowed to both the parties.

VICE CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 623/2015

(Shri Premsing R. Rathod Vs. The State of Maharashtra &
Ors.)

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

Date : 26.07.2017

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. submits on record copy of the order dated 23.3.2017 issued by the res. no. 3 – the Collector, Jalna – in which the applicant is granted time bound promotion w.e.f. 22.11.1995, which is taken on record and marked as document 'X' for the purpose of identification.

3. The learned Advocate for the applicant submits that nothing survives in the present original application for further adjudication in view of the order dated 23.3.2017 issued by the res. no. 3 (document 'X').

4. In the circumstances, the present original application is disposed of as such without any order as to costs with a further direction to the concerned respondents to expedite further process of actual disbursement of financial benefits to the applicant.

VICE CHAIRMAN

ARJ ORAL ORDERS 26.7.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 499 OF 2017
(Shri Gokulsing E. Patil Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Shri Chetan T. Jadhav – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Issue notices to the respondents, returnable on 29th August, 2017.
3. Tribunal may take the case/s for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 29th August, 2017.
8. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 500 OF 2017
(Shri Vijaysing P. Rathod Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Shri V.G. Pingle – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. The applicant has challenged the impugned orders dated 11th January, 2017 and 4th February, 2017; thereby ordering the recovery from his pension on the ground that excess payment of salary was made to him. The applicant is retired from the Government service on 31st August, 2015 as an Assistant Plantation Officer (Group 'C'). The applicant never misrepresented for grant of first and second Assured Career Progression Scheme. The respondents without giving an opportunity of being heard to the applicant, started recovery of Rs. 2,45,923/- from his monthly pension in the installment of Rs. 10,000/- per month.

3. Learned Advocate for the applicant has placed reliance on the judgment of Hon'ble Bombay High Court Bench at Nagpur delivered in the case of **LATA GAJANAN WANKHEDE VS. STATE OF MAHARASHTRA, WRIT PETITION NO. 2648/2016 decided on 01.07.2016 reported in ALL M.R. 2017 (2) Page-177**, wherein the case of **STATE OF PUNJAB AND OTHERS VS. RAFIQ MASIH reported in ALL SCR 2961 : AIR 2015 SC 696 is referred** and submitted that in view of the guidelines given by the

O.A. NO. 500 OF 2017

Hon'ble Apex Court in the above cited case the recovery cannot be made from the pension amount payable to the applicant, since he is retired on 31st August, 2015 from the post of Assistant Plantation Officer (Group 'C'). Therefore, he prayed to grant stay to the execution of the impugned order.

3. Learned Presenting Officer has submitted that he wants to file detailed affidavit in reply and, therefore, he sought time.

4. On going through the documents placed on record, it reveals that the applicant was retired as an Assistant Plantation Officer (Group 'C'). Prima facie, it seems that there was no fault on the part of the applicant in getting excess amount on account of benefit given to him under Assured Career Progression Scheme. The applicant has already been retired from Government Service as an Assistant Plantation Officer (Group 'C') on 31st August, 2015.

5. In these circumstances, it is just and proper to stay the execution of the impugned order of recovery till filing of the affidavit in reply by the respondents. Therefore, the execution of impugned order of recovery is stayed till filing of the affidavit in reply by the respondents.

6. Issue notices to the respondents, returnable on 29th August, 2017.

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

O.A. NO. 500 OF 2017

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

9. 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.

10. 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.

11. S.O. to 29th August, 2017.

12. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**O.A.ST.505/2017 WITH M.A.NO. 190/2017
(Shri Trimbak D. Susar Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Shri S.P. Dhoble, learned Advocate holding for Shri N.L. Choudhari – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks leave of this Tribunal to withdraw the present Original Application with liberty to file fresh original application as and when cause of action arises.

3. In view of the aforesaid submissions made by the learned Advocate for the applicant, the present Original Application stands disposed of as withdrawn with liberty as prayed for by the applicant.

4. As the Original Application itself stood disposed of as withdrawn today, nothing survives in the M.A. No. 190/2017 and same also stands disposed of.

5. There shall be no order as to costs.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 840 OF 2016
(Shri Hiralal L. Bhatewale Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Shri Avinash Deshmukh – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.
2. It transpires from the proceedings that the separate affidavit in replies on behalf of respondent Nos. 1 to 3 and 4 have already been filed on record.
3. In that view of the matter and considering the cause made out in the present Original Application, the same is admitted with liberty to the applicant to file rejoinder affidavit, if any.
4. This case be kept for final hearing on 24th August, 2017.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 38/2017 IN O.A.ST.NO.3051/2016
(Shri Farouqi Sahed Latif Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Shri Mohsin Khan – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.
2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 in the Miscellaneous Application No. 38/2017 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.
3. Learned Advocate for the applicant has submitted that he wants to go through the reply filed on behalf of respondent Nos. 1 to 3 and prays for time. Time granted.
4. S.O. to 17th August, 2017.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 409 OF 2017
(Shri Bhujang R. Rithe Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Ms. Preeti R. Wankhade – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer prays for time for filing affidavit in reply. Time granted.
3. S.O. to 11th August, 2017.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 179 OF 2017
(Smt. Vidya B. Eghare Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Shri S.P. Dhoble, learned Advocate holding for Shri N.L. Choudhari – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant seeks leave of this Tribunal to correct the address of respondent No. 2.
3. Leave to amend the O.A. is granted. The applicant shall carry out the necessary amendment in the O.A. within a period of one week.
4. After carrying out the necessary amendment in the O.A. by the applicant, issue fresh notice to the respondent No. 2, returnable on 31st August, 2017.
5. Tribunal may take the case/s 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 O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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O.A. NO. 179 OF 2017

7. 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.

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 31st August, 2017.

10. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 373 OF 2017
(Shri Kashinath G. Pawar Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Shri Kakasaheb B. Jadhav – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer prays for time for filing affidavit in reply. Time granted.
3. S.O. to 16th August, 2017.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 317 OF 2017
(Shri Shatrughna P. Pailwad Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Shri K.G. Salunke – learned Advocate for the applicant, Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for respondent Nos. 1 & 5 and Shri S.B. Mene – learned Advocate for respondent Nos. 2 to 4.
2. Learned Advocate for respondent Nos. 2 to 4 prays for time for filing affidavit in reply. Time granted.
3. S.O. to 16th August, 2017.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 290 OF 2017
(Shri Sanjay S. Maske Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Shri Rajendra J. Godbole – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. At the request of learned Presenting Officer for the respondents, S.O. to 9th August, 2017. Interim relief granted earlier to continue till then.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 261 OF 2017
(Shri Shivram Y. Surwase Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Shri S.K. Mathpati – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Chief Presenting Officer prays for time for filing affidavit in reply. Time granted.
3. S.O. to 16th August, 2017.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 158 OF 2017
(Dr. Surekha V. More Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

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

2. Learned Presenting Officer has filed a copy of communication dated 26th July, 2017 received from Dr. Umesh D. Rathod, Desk Officer, Health Services, Mumbai, and sought 2 weeks' time as a last chance. The copy of the said communication is taken on record and marked as document 'X' for identification purposes.

3. It transpires from the proceedings that ample opportunities are already given to the respondents to file affidavit in reply as a most last chance on 06.07.2017. Thereafter the present case was posted on 14.07.2017. However, on that date also most last chance was granted and this case was posted to today's date i.e. on 26.07.2017 to file affidavit in reply. In spite of that the respondents failed to file affidavit in reply today also.

4. In view of the aforesaid situation, it is just to grant one more most last chance to the respondents to file affidavit in reply, subject to payment of costs of Rs. 5,000/-. The amount of costs shall be deposited in the registry of this Tribunal on or before the next date.

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O.A. NO. 158 OF 2017

5. S.O. to 9th August, 2017. Interim relief granted earlier to continue till then.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 116 OF 2017
(Dr. Dhanraj W. Kendre Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Shri S.K. Sawangikar – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time for filing affidavit in reply.
3. It transpires from the proceedings that on 21.04.2017 this case was adjourned at the request of learned Presenting Officer for filing affidavit in reply. Thereafter, this case was adjourned to 21.06.2017. However, on that date also learned Presenting Officer had sought time to file affidavit in reply and this case was posted to today's date i.e. on 26.07.2017. However, today also learned Presenting Officer sought time for filing affidavit in reply.
4. In view of the above situation, it is just to grant time as a last chance to the respondents to file affidavit in reply.
5. Hence, S.O. to 24th August, 2017.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 57 OF 2017
(Shri Kiran S. Mashale Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Shri S.S. Dambe – learned Advocate for the applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time for filing short affidavit on behalf of respondent No. 2, who has passed the impugned order. Time granted.
3. S.O. to 9th August, 2017.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 763 OF 2016
(Shri Santosh B. Ghorpade Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Shri Arun S. Shejwal – learned Advocate for the applicant (**absent**). Shri Santosh B. Ghorpade, the applicant in person and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents, were present.

2. Learned Presenting Officer for the respondents 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 the party in person.

3. S.O. to 17th August, 2017.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 632 OF 2016
(Shri Narayan R. Nirval Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Smt. Amruta Paranjape, learned Advocate holding for Shri P.S. Paranjape – learned Advocate for the applicant and Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant sought one week's time to take necessary instructions from the applicant as to whether he wants to proceed with the present Original Application or not ? Time granted.
3. S.O. to 2nd August, 2017.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 237 OF 2016
(Shri Mohmmad Salim Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Shri S.R. Pande – learned Advocate for the applicant, Shri I.S. Thorat – learned Presenting Officer for respondent Nos. 1 & 2 and Shri R.S. Rahman, learned Advocate holding for Shri U.D. Dalvi – learned Advocate for respondent No. 3.

2. Learned Advocate for the applicant has submitted that in view of communication dated 20th June, 2017 sent by the District Agricultural Superintendent, District Agricultural Office, Aurangabad i.e. respondent No. 2, had decided about the eligibility of the applicant to get family pension in view of the provisions of Rule 116 (b) (4) of Maharashtra Civil Services (Pension) Rules, 1982. He has submitted that the applicant is satisfied with the said communication and he has produced necessary documents before the competent authority for processing the papers for family pension. Therefore, he prayed to dispose of the present Original Application.

3. Since, the respondent No. 2 had held that the applicant is entitled to get the family pension in view of the Maharashtra Civil Services (Pension) Rules, 1982 and he called upon the applicant to produce necessary documents

for processing the papers for family pension, the purpose of the applicant for filing the present Original Application has been served. Hence, the present Original Application is disposed of with no order as to costs.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST. NO. 942 OF 2017
(Supadu V. Bhalerao Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Shri B.R. Kedar – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. Learned Advocate for the applicant sought leave of this Tribunal to add respondent No. 1, the State of Maharashtra Through its Secretary for Finance Ministry, Maharashtra, Mumbai-32.
3. Leave to amend the Original Application is granted. The applicant shall carry out the necessary amendment forthwith.
4. S.O. to 9th August, 2017.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 615 OF 2016
(Shri Narayan R. Nirval Vs. The State of Maha. and Ors.)**

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Shri Vishal Bakal, learned Advocate holding for Shri V.S. Kadam – learned Advocate for the applicant, Shri S.K. Shirse – learned Presenting Officer for respondent Nos. 1 & 2 and Shri G.N. Patil – learned Advocate for respondent No. 3
2. Learned Advocate for the applicant has submitted that he has received copy of the affidavit in reply filed on behalf of respondent Nos. 1 & 2, today itself, and therefore, he prays for time to go through the affidavit in reply. Time granted.
3. S.O. to 23rd August, 2017.

MEMBER (J)

ORAL ORDERS 26.07.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

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

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

DATE : 26.07. 2017.

ORAL ORDER:

1. Heard Shri Kakasaheb B. Jadhav – learned Advocate for the applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.
2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 3 & 5 and the same is taken on record and the copy thereof has been served on the learned Advocate for the applicant.
3. Learned Advocate for the applicant has submitted that the respondents along with the affidavit in reply, filed a copy of communication dated 07.07.2017 sent by the Deputy Commissioner (E.G.S.), Aurangabad, in which it has been mentioned that the case of the applicant is pending with the Government and the Government will take the decision in the case finally within a period of one month. He has submitted that in view of the said communication dated 07.07.2017, it would be just and proper to dispose of the present Original Application with direction to the respondents to decide the appeal preferred by the applicant against the impugned order dated 12.1.2010 within a stipulated time.
4. Learned Presenting Officer has no objection to dispose of the present Original Application by giving reasonable time to respondent No. 1 to decide appeal preferred by the applicant.

O.A. NO. 353 OF 2017

5. On perusal of the documents placed on record, it reveals that vide impugned order dated 12.1.2010 the applicant was punished in departmental enquiry. Against the said impugned order the applicant has preferred an appeal on 17.2.2010 (Page-62 of paper book of O.A.) before the Appellate Authority. The said appeal is still pending. Considering the fact that the appeal is pending since the year 2010, it is just and proper to direct the respondent No. 1 to decide it within a period of two months from the date of this order.

6. In these circumstances, the present Original Application is disposed of with the direction to respondent No. 1 to decide an appeal filed by the applicant on 17.2.2010 within a period of two months' from the date of this order and communicate the decision thereof to the applicant in writing.

There shall be no order as to costs.

MEMBER (J)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO.372/2017
(Chandrakala Gaikwad V/s. The State of Mah. & Ors.)

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

DATE : 26-07-2017

ORAL ORDER:-

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

2. At the request of learned Advocate for the applicant,
S.O.11-08-2017.

MEMBER (J)

YUK ORAL ORDER 26-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.320/2016

(Meena d/o Narayanrao Bengal V/s.
The State of Maharashtra & Ors.)

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

DATE : 26-07-2017

ORAL ORDER:-

Heard Shri V.P.Golewar learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for the respondent nos.1 to 4 and Shri R.P.Bhumkar learned Advocate holding for Shri M.S.Dhapate learned Advocate for respondent no.5.

2. Learned Advocate for the applicant requested for adjournment for arguing the matter finally. Adjournment granted.

3. S.O.18-08-2017.

MEMBER (J)

YUK ORAL ORDER 26-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.353/2016

(Shri Ladappa Chikale V/s. The State of Mah. & Ors.)

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

DATE : 26-07-2017

ORAL ORDER:-

Heard Shri Amol Wasmatkar learned Advocate holding for Shri U.B.Bilolikar learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for the respondents.

2. Learned P.O. files a short affidavit on behalf of respondent no.5. It is taken on record. Copy thereof has been served on the other side.

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

MEMBER (J)

YUK ORAL ORDER 26-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.132/2017

(Shri Dattu R. Sonawane V/s. The State of Mah. & Ors.)

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

DATE : 26-07-2017

ORAL ORDER:-

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

2. At the request of both sides, S.O.10-08-2017.
3. Interim relief granted earlier to continue till then.

MEMBER (J)

YUK ORAL ORDER 26-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.571/2016

(Shri Vishnu Hagwane V/s. The State of Mah. & Ors.)

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

DATE : 26-07-2017

ORAL ORDER:-

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

2. Arguments of both sides are heard. Case is reserved for order.

MEMBER (J)

YUK ORAL ORDER 26-07-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.404/2016

(Dr. Avinash Landge V/s. The State of Mah. & Ors.)

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

DATE : 26-07-2017

ORAL ORDER:-

Heard Shri A.S.Shelke learned Advocate for the applicant, Smt. Resha Deshmukh learned Presenting Officer for the respondents and Shri A.A.Nimbalkar learned Advocate for respondent no.4.

2. Learned Advocate of the applicant has placed reliance on the G.R. dated 28-08-2012 and submitted that Chief Office, Zilla Parishad is not empowered to pass suspension order so far as the Government employees deputed on the service of Zilla Parishad are concerned. At the most, he can make enquiry and submit report to the Government or to the appointing authority for necessary action along with recommendations but the said G.R. is not placed on record.

3. Learned Advocate for the applicant seeks time till tomorrow to produce copy of the said G.R. on record.

4. S.O. to 27-07-2017.

MEMBER (J)

YUK ORAL ORDER 26-07-2017

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

ORIGINAL APPLICATION NO.83/2017.

(Smt Sd. Jarinabi & 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 : 26-07-2017

ORAL ORDER:-

Heard Shri P. A. Kulkarni learned Advocate for the applicants and Shri S. K. Shirse learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time. At his request, S. O. to 28.07.2017. Interim relief granted earlier to continue till next date.

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.321/2017.
(Smt Manisha P. Jagtap 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 : 26-07-2017

ORAL ORDER:-

Heard Shri P. A. Kulkarni learned Advocate for the applicants and Shri I. S. Thorat learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time.
At his request, S. O. to 28.07.2017.

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.218/2015.
(Shri K. M. Sharma 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 : 26-07-2017

ORAL ORDER:-

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

2. The learned P. O. submits that, he would take the necessary instructions from the Respondent no.3 regarding the letter from Respondent no.3 dated 09.05.2017 which is part of the record and also would see that the reply would be filed. At his request, S. O. to 23.8.2017.

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

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.211/2016.
(Smt Jayshri N. More & 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 : 26-07-2017

ORAL ORDER:-

Heard Shri S. A. Nandure learned Advocate holding for Shri V. B. Anjanwatikar learned Advocate for the applicants and Shri I. S. Thorat learned Presenting Officer for the respondents.

2. Shri S. A. Nandure learned Advocate holding for Shri V. B. Anjanwatikar learned Advocate for the applicants seeks time. Considering the fact that the present application was adjourned from time and again for having instructions from the applicants, in view of the order dated 27.6.2017. Time granted as a last chance.

3. S. O. to 08.08.2017 for taking instructions from the applicants.

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.08/2017.

(Dr. Aruna G. Dahiphale 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 : 26-07-2017

ORAL ORDER:-

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

2. At the request of the learned P.O. for the
respondents, S. O. to 10.08.2017. Be tagged with OA
No. 488/13, O.A. Nos. 1/2015 & 626/2015. and OA
Nos.618, 619, 621 of 2016.

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.259/2016.
(Shri R. M. Shete 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 : 26-07-2017

ORAL ORDER:-

None present for the applicant. Heard Shri I. S. Thorat learned Presenting Officer for the respondents.

2. Nobody has appeared on the last date also. Vide order dated 15.6.2017 the applicant was required to satisfy this Tribunal on the facts placed by the learned P.O. on that day.

3. In view of the absence of the learned Advocate for the applicant and applicant without any comments on merits, the application is dismissed in default.

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.212/2017.
(Mrs. Ahilya R. Masram 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 : 26-07-2017

ORAL ORDER:-

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

2. The learned Advocate for the applicant submits that, the applicant was convicted for the offenses punishable under Sections 7, 13 (1) (d) read with 13 (2) of the Prevention of Corruption Act by the Special Court in the criminal Court. However, appeal against the said judgment is admitted by the Hon'ble High Court. The copy of the order can be seen at Exh.B (page no.16).

3. It is however, an admitted fact that the appeal is yet to be heard on merit. In the circumstances, the learned

Advocate for the applicant seeks time to satisfy this Court as to how the present O.A. for reinstatement of the applicant would be maintainable. At his request, S. O. to 10.8.2017 for satisfying the query.

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.341/2017.

(Dr. S. S. Bhosale Vs. The 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 : 26-07-2017

ORAL ORDER:-

Heard Shri J. B. Choudhary learned Advocate for the applicant and Shri D. R. Patil learned Presenting Officer for the respondents, with consent.

2. The learned Advocate for the applicant submits that, the applicant would be satisfied if the Respondent no.1 is directed to decide the representation dated 13.2.2017 (Annexure A-1, page 12) within a reasonable period.

3. In the circumstances, there is no need to file reply. The Respondent no.1 is directed to decide the representation dated 13.2.2017 (Annexure A-1, page 12) within a period of three months from the date of this order. The application is disposed of, without any order as to costs.

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.177/2017.
(Shri A. V. Ganjewar 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 : 26-07-2017

ORAL ORDER:-

Heard Shri A. S. Deshmukh 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 Respondents no.1 & 2. The same is taken on record. Its copy is served on the other side.

3. S. O. to 22.8.2017. Interim relief to continue till next date.

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.105/2017.
(Shri N. S. Mapari 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 : 26-07-2017

ORAL ORDER:-

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

2. The office note would show that, nobody has turn up to collect the notice. The matter is pending since February, 2017. In the circumstances, S. O. to 22.8.2017 either for taking steps by the applicant or for passing necessary orders.

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.402/2017.
(Shri B. R. Chitrak & 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 : 26-07-2017

ORAL ORDER:-

None present for the applicant. Heard Shri D. R. Patil learned Presenting Officer for the respondents.

2. The office note would show that, nobody has turn up to collect the notice. The matter is pending since June, 2017. In the circumstances, S. O. to 22.8.2017 either for taking steps by the applicant or for passing necessary orders.

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.258/2013 IN OA 124/2003 IN OA 622/2003.
(Shri R. B. Virulkar 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 : 26-07-2017

ORAL ORDER:-

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

2. Upon hearing both sides it appears that, instead of hearing present M.A. for interim relief since the OA. Is of the year 2003 it would be better that the O.A. itself is heard by the Division Bench if the time permits. In the circumstances, S. O. to 03.08.2017. Be placed before the Division Bench.

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.182/2017.
(Shri S. B. Gaikwad 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 : 26-07-2017

ORAL ORDER:-

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

2. Notice through Registrar is already issued. Service affidavit is also filed on record.

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

4. At the request of the learned Advocate for the applicant, S. O. to 09.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.282/2017 IN OA ST.No.1008/2017.
(Shri M. S. Jadhav & 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 : 26-07-2017

ORAL ORDER:-

Heard Shri S. S. Deve learned Advocate for the applicants and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicants the matter be placed before the Division Bench on 03.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.462/2017.
(Smt. Meera Musane & 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 : 26-07-2017

ORAL ORDER:-

Heard Shri Vaibhav Pawar learned Advocate holding
for Shri R. J. Nirmal learned Advocate for the applicant
and Smt P. R. Bharaswadkar learned Presenting Officer
for the respondents.

2. Shri Vaibhav Pawar learned Advocate holding for
Shri R. J. Nirmal learned Advocate for the applicant
seeks time. At his request, S. O. to 10.8.2017 for
preliminary hearing.

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.816/2016.
(Dr. Deshmukh Mohammed Shahir Abdul Wahed &
Ors. Vs. The 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 : 26-07-2017

ORAL ORDER:-

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

2. Nobody has appeared for the applicants for last two
dates. In the circumstances, S. O. to 22.8.2017 either
for hearing on admission or for passing necessary orders.

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.88/2017.

(Dr. Shaikh Faiz Mohammad 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 : 26-07-2017

ORAL ORDER:-

Heard Shri I. D. Maniyar learned Advocate for the applicant and Shri D. R. Patil learned Presenting Officer for the respondents.

2. The learned P. O. seeks time to take instructions on the line those were directed vide order dated 04.07.2017. Steno copy of the order dated 04.07.2017 as well as present order be also given to the learned P.O.

3. S. O. to 21.08.2017.

4. The learned P.O. to act on the Steno copy.

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.139/2017.
(Shri Shaikh Liyakat 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 : 26-07-2017

ORAL ORDER:-

None present for the applicant. Heard Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. At the request of the learned P.O., as a last chance, S. O. to 23.8.2017 for filing affidavit in reply by the respondents.

VICE CHAIRMAN.

ORAL ORDERS 26.07.2017-ATP