

ORIGINAL APPLICATION NO.530/2015.
(Dr.Bhima F. Dodke Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri JS Deshmukh, learned Advocate for the applicant and Shri MP Gude, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of Respondent no.1. The same is taken on record. Its copy is served on the applicant.

3. S.O. to 16.9.2016.

MEMBER (J)

26.08.2016-ATP

ORIGINAL APPLICATION NO.531/2015.
(Dr.AB Dhanorkar Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri JS Deshmukh, learned Advocate for the applicant and Shri SK Shirse, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of the Respondent no.1. The same is taken on record. Its copy is served on the applicant.

3. S.O. to 16.9.2016.

MEMBER (J)

26.08.2016-ATP

ORIGINAL APPLICATION NO.802/2015.
(RJ Mhaske Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri AS Shelke, learned Advocate for the applicant (Absent). Smt PR Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 29.9.2016.

MEMBER (J)

26.08.2016-ATP

ORIGINAL APPLICATION NO.3/2016.
(SR Tadavi Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri PD Suryawanshi, learned Advocate for the applicant and Smt RS Deshmukh, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 19.9.2016.

MEMBER (J)

26.08.2016-ATP

ORIGINAL APPLICATION NO.4/2016.
(BB Wasave Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri PD Suryawanshi, learned Advocate for the applicant and Shri SK Shirse, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of the Respondent no.3. The same is taken on record. Its copy is served on the applicant.

3. S.O. to 19.9.2016.

MEMBER (J)

26.08.2016-ATP

ORIGINAL APPLICATION NO.377/2016.
(NB Bhosle Vs. State of Maharashtra & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
DATE : 26.08.2016.
ORAL ORDER

Heard Shri KG Salunke, learned Advocate for the applicant and Shri MP Gude, learned Presenting Officer for the Respondents.

2. Vide impugned order dated 3.5.2016 the applicant has been transferred from Counter Terror Unit Osmanabad to Police Station, Paranda. Earlier his transfer was quashed and set aside in OA No.717/2015 and following observations were made in the said order dated 11.2.2016.

“13. Applicant be allowed to work in the Counter Terrorist Unit, Osmanabad till he completes his tenure or till the competent authority finds some administrative exigency to transfer him on administrative ground.

14. In case, the respondents find the continuation of the applicant in Counter Terrorist Unit as not suitable, on administrative ground, the competent authority will be at liberty to take decision in that regard. There shall be no order as to costs.”

3. It seems that due to administrative convenience the impugned order has been passed. Learned P.O. is therefore, directed to produce for

-2- **ORIGINAL APPLICATION NO.377/2016.**

perusal the minutes of the meeting vide which the applicant was transferred vide impugned order dated 3.5.2016.

4. S.O. to 19.9.2016.

5. Steno copy allowed to the learned P.O.

MEMBER (J)

26.08.2016-ATP

ORIGINAL APPLICATION NO.433/2016.
(SS Ansari Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri JS Deshmukh, learned Advocate for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents no.1 to 4.

2. Learned C.P.O. files reply affidavit on behalf of Respondents no.1 to 4. Same is taken on record. Its copy is served on the applicant.

3. None present for the Respondent no.5.

4. Learned Advocate for the applicant submits that he will go through the reply affidavit and file rejoinder, if necessary.

5. S.O. to 6.9.2016.

MEMBER (J)

26.08.2016-ATP

ORIGINAL APPLICATION NO.461/2016.
(GR Kharat Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

None present for the applicant. Shri DR Patil, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 19.9.2016.

MEMBER (J)

26.08.2016-ATP

ORIGINAL APPLICATION NO.517/2016.
(BR Sardar Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri AS Deshmukh, learned Advocate for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. files reply affidavit on behalf of Respondent no.1. Same is taken on record. Its copy is served on the applicant.

3. Learned Advocate for the applicant submits that he will go through it and will file rejoinder, if necessary.

4. S.O. to 26.9.2016.

MEMBER (J)

26.08.2016-ATP

ORIGINAL APPLICATION NO. 527/2016.

(Smt. PM Kathar Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri MB Kolpe, learned Advocate for the applicant and Smt SK Ghate Deshmukh, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 30.9.2016.

MEMBER (J)

26.08.2016-ATP

ORIGINAL APPLICATION NO. 528/2016.
(Smt. A.Z. Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri MB Kolpe, learned Advocate for the applicant and Smt DS Deshpande, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 30.9.2016.

MEMBER (J)

26.08.2016-ATP

ORIGINAL APPLICATION NO. 529/2016.

(Smt. SS Mugute Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri MB Kolpe, learned Advocate for the applicant and Shri DR Patil, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 30.9.2016.

MEMBER (J)

26.08.2016-ATP

ORIGINAL APPLICATION NO. 534/2016.
(L.B. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri MB Kolpe, learned Advocate for the applicant and Shri IS Thorat, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 12.9.2016.

MEMBER (J)

26.08.2016-ATP

ORIGINAL APPLICATION NO. 555/2016.
(MB Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri AD Sugdare, learned Advocate for the applicant, Shri DR Patil, learned Presenting Officer for the Respondents and Shri PG Patil, learned Advocate holding for Shri GN Patil, learned Advocate for the Respondents no.2.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 2.9.2016.

MEMBER (J)

26.08.2016-ATP

ORIGINAL APPLICATION No.569/2016.
(SC Dahale Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri DD Choudhari, learned Advocate for the applicant and Smt RS Deshmukh, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time for filing reply affidavit. Time granted.

3. S.O. to 27.9.2016.

MEMBER (J)

26.08.2016-ATP

ORIGINAL APPLICATION No.638/2016.
(G.R. Palwade Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri AS Deshmukh, learned Advocate for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned CPO seeks time to file reply affidavit. Time granted.

3. S.O. to 6.9.2016.

MEMBER (J)

26.08.2016-ATP

ORIGINAL APPLICATION No.648/2016.
**(Ahmednagar Zilla Van Kamgar Union &
oths. Vs. State of Maharashtra & Ors.)**

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

DATE : 26.08.2016.

ORAL ORDER

None present for the applicant. Smt PR Bharaswadkar, learned Presenting Officer for the Respondents no.1 and Shri KG Salunke, learned Advocate holding for Shri Vivek Bhavthankar, learned Advocate for the Respondent nos. 2 to 4.

2. Learned P.O. and Shri KG Salunke, learned Advocate holding for Shri Vivek Bhavthankar, learned Advocate for the Respondent nos. 2 to 4 seeks time to file respective reply affidavits. Time granted.

3. S.O. to 27.9.2016.

MEMBER (J)

26.08.2016-ATP

MA NO.97/2016 IN OA NO.454/2015.

(Ms. Shobha R. Choudhary Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

Shri AM Avhad, learned Advocate for the applicant has filed leave note. Shri IS Thorat, learned Presenting Officer for the Respondents.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 30.9.2016.

MEMBER (J)

26.08.2016-ATP

MA NO.263/2016 IN OA NO.207/2015.
(Smt. BD Tawshikar Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri SP Telgote, learned Advocate holding for Shri Anant Devkate, learned Advocate for the applicant and Shri DR Patil, learned Presenting Officer for the Respondents.

2. The O.A. No. 207/2015 was dismissed in default. For the reasons stated in the application the Misc. Application filed for restoration is allowed in the interest of justice and equity. Accordingly, MA No.263/2016 stands disposed of with no order as to costs.

MEMBER (J)

26.08.2016-ATP

OA NO.207/2015.
(Smt. BD Tawshikar Vs. State of Maharashtra & Ors.)

.....

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri SP Telgote, learned Advocate holding for Shri Anant Devkate, learned Advocate for the applicant and Shri DR Patil, learned Presenting Officer for the Respondents.

2. Shri SP Telgote, learned Advocate holding for Shri Anant Devkate, learned Advocate for the applicant seeks time. Time granted.

3. S.O.30.9.2016 for final hearing.

MEMBER (J)

26.08.2016-ATP

MA NO.292/2016 IN OA NO.263/2014.
(A.R. Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri KG Salunke, learned Advocate for the applicant and Smt RS Deshmukh, learned Presenting Officer for the Respondents.

2. The O.A. No. 263/2014 was dismissed in default. For the reasons stated in the application the delay caused in filing application for restoration is condoned in the interest of justice and equity. In the original O.A. the reply is already filed and therefore, the O.A. is restored and it shall be kept for final hearing. Accordingly, MA No.263/2016 stands disposed of with no order as to costs.

MEMBER (J)

26.08.2016-ATP

NO.263/2014.
(A.R. Wagh Vs. State of Maharashtra & Ors.)

.....

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri KG Salunke, learned Advocate for the applicant and Smt RS Deshmukh, learned Presenting Officer for the Respondents.

2. Shri KG Salunke, learned Advocate for the applicant seeks time. Time granted.

3. S.O.30.9.2016 for final hearing.

MEMBER (J)

26.08.2016-ATP

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.693/2016
(D.M.Borude V/s. State of Mah. & Ors)

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

DATE : 26-08-2016.

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 prays for adjournment till Monday i.e. 29-08-2016. Adjournment granted.

3. S.O.29-08-2016.

MEMBER (J)

YUK ORAL ORDER 26-08-2016

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.694/2016
(S.K.Gaikwad V/s. State of Mah. & Ors)

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

DATE : 26-08-2016.

ORAL ORDER :-

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

2. Applicant was appointed as Wireless Operator and was posted at Mumbai (Goregaon) in 2004. In 2006, he was transferred to the office of Superintendent of Police, Ahmednagar. Thereafter, in 2012, he was transferred to the office of Police Commissioner, Aurangabad. He made a representation for transfer at Ahmednagar on the ground of illness of his mother. Said representation was considered and he was transferred to the office of Superintendent of Police, Ahmednagar on 20-05-2016. Applicant was relieved on 31-07-2016 from Aurangabad and joined at S.P. Office at Ahmednagar on 01-08-2016.

3. Vide impugned order dated 12/20-08-2016 applicant has been transferred within 12-20 days from Ahmednagar to Dhule. From the impugned order, however, it seems that this is deputation for 5 years in Disaster Management Department. The applicant submits that he has not given willingness for the said deputation nor his name was recommended by the office. It is stated that he is still working at Ahmednagar and has not been relieved as yet.

4. Learned P.O. submits that he has no instruction in the matter and he will take instruction in this regard from the respondents.

5. In view thereof, respondents are directed not to relieve the applicant, in case, he is not yet relieved from his post on Wireless Operator in S.P. Office Ahmednagar, till reply affidavit is filed by the respondents.

6. In the meantime, issue notice to the respondents in the O.A., returnable on 16-09-2016.

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

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. Respondents are 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 questions 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. Steno copy and Hamdast is allowed to both parties.

12. S.O.16-09-2016.

MEMBER (J)

**M.A. 337/2016 in C.P. St. 1547/2016 in O.A. 519/2004
(Anil Bubasaheb Chavan Vs. State of Mah. & Ors.)**

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri M.B. Kolpe, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Vide order passed in O.A. No. 519/2014 on 14.07.2015 this Tribunal directed the respondents to reinstate the applicant in service with full back-wages.

3. The learned Advocate for the applicant submits that the applicant has been reinstated but no back-wages were paid to him till today. In view thereof, he is seeking permission to file contempt proceedings.

4. Hence, issue notices to the respondent nos. 2 to 4 in M.A., returnable on 29.09.2016.

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

MEMBER (J)

26.08.2016-KPB(DB)

**M.A. 338/2016 in C.P. St. 1572/2016 in O.A. 690/2015
(Rajshree Bhimrao Dabhade Vs. State of Mah. & Ors.)**

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri S.N. Pagare, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Vide order dated 15.01.2016 in O.A. No. 690/2015 the respondents were directed to take decision on the representation filed by the applicant within three months from the date of the order and till today no such decision is taken. In view thereof, the applicant wants to file contempt proceedings.

3. Hence, issue notices to the respondent no. 1 in M.A., returnable on 29.09.2016.

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

MEMBER (J)

26.08.2016-KPB(DB)

ORIGINAL APPLICATION NO. 641/2016
(Sau Neeta Parshuram Samudre Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench due to non-availability of Division Bench)

DATE : 26.08.2016.

ORAL ORDER

Heard Shri A.A. Nimbalkar, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Chief Presenting Officer for the Respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents.

3. The learned Advocate for the applicant submits that the interviews for the post of Lecturers are to be held in between 29.08.2016 to 8.9.2016 and he be allowed to appear for the interview. In the interest of justice time granted till 1.9.2016, for filing affidavit in reply. It is made clear that if, the reply is not filed on the next date the issue of allowing the applicant to appear for the interview will be considered on the next date.

4. S.O. to 01.09.2016.

MEMBER (J)

**M.A. 183/2016 in C.P. St. 686/2016 in O.A. 352/2014
(Rohidas Sadashiv Jadhav Vs. State of Mah. & Ors.)**

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

DATE : 26.08.2016.

ORAL ORDER

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

2. The learned Presenting Officer submits that the necessary bill has been submitted to the Treasury Office and the same will be passed within two weeks.

3. In view thereof, S.O. to 16.09.2016.

MEMBER (J)

26.08.2016-KPB(DB)

**M.A. 215/2016 in C.P. St. 370/2016 in O.A. 470/2015
(Dnyanoba Ramhan Rathod Vs. State of Mah. & Ors.)**

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

DATE : 26.08.2016.

ORAL ORDER

Shri V.R. Bhumkar, learned Advocate for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents, present.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents in M.A. Time granted.

3. S.O. to 28.09.2016.

MEMBER (J)

26.08.2016-KPB(DB)

**M.A. 305/2016 with M.A. St. No. 1483/2016 in O.A. 977/2010
(Bhagwat Pundlik Patil Vs. State of Mah. & Ors.)**

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

DATE : 26.08.2016.

ORAL ORDER

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

2. In this M.A., the applicant is claiming condonation of delay in filing restoration application. The delay is of 175 days.

3. Hence, issue notices to the respondents in M.A., returnable on 29.09.2016.

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 M.A. Respondents

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M.A. 305/2016 with
M.A. St. No. 1483/2016 in
O.A. 977/2010

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. to 29.09.2016.

MEMBER (J)

26.08.2016-KPB(DB)

**M.A. 198/2016 in C.P. St. 746/2016 in O.A. 318/2014
(Iqbal Abdul Aziz Patel Vs. State of Mah. & Ors.)**

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

DATE : 26.08.2016.

ORAL ORDER

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

2. As per order passed in O.A. No. 318/2014 on 24.02.2015, the respondents were directed to take proper steps as early as possible and in any case within three months from the date of order to prepare pension papers of the applicant.

3. Today, the learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 2 as well as on behalf of respondent no. 3. Same are taken on record and copies thereof, have been served upon the learned Advocate for the applicant.

4. It seems from the affidavit in reply filed by the respondent nos. 2 and 3 that the pension papers have been submitted to the Accountant General, Mumbai, who is also respondent no. 4 in this case.

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M.A. 198/2016 in C.P. St.
746/2016 in O.A. 318/2014

5. The respondent no. 4 therefore, is directed to file affidavit stating therein that as to within how many days the pension papers will be sanctioned. The learned Presenting Officer seeks time to file said affidavit. Time granted.

6. S.O. to 27.09.2016.

7. Steno copy allowed to the learned Presenting Officer at her request.

MEMBER (J)

26.08.2016-KPB(DB)

**M.A. 164/2016 in C.P. St. 605/2016 in O.A. 92/2015
(Anandrao Pandharinath Farkade Vs. State of Mah. & Ors.)**

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the Respondent Nos. 1 to 3. Shri D.G. Nagode, learned Advocate for respondent nos. 4, **absent**.

2. As per order passed in O.A. No. 92/2015 dated 12.10.2015 the respondents were directed to give benefit to the applicant within four months from the date of order. It is not disputed that all the benefits except some part of G.P.F. amount has been complied with and therefore, only question of non compliance is payment of some part of G.P.F. amount.

3. The learned Presenting Officer submits that the proposal has already been sent to the Accountant General, Nagpur as per letter dated 13.06.2016 i.e. Exhibit R-4 and the Accountant General has been requested to release the amount of Rs. 79,092/- towards G.P.F. amount and till today no action has been taken.

//2//

M.A. 164/2016 in
C.P. St. 605/2016 in
O.A. 92/2015

4. The respondent no. 4 has not filed affidavit in reply in the contempt petition, but they have filed affidavit in reply in M.A. and in paragraph no. 4 of the said affidavit in reply it is stated that the issue related to balance amount of G.P.F. has been raised now by the applicant and it was never pointed out in the O.A. However, the said statement cannot be accepted for the simple reason that G.P.F. is part of retiral benefit. In any case, the proposal was moved releasing said amount on 13.06.2016 and till today no reply is filed.

5. The respondent no. 4 is therefore, directed to release the amount within four weeks from the date of this order. The learned Presenting Officer is directed to sent the copy of this order to the Accountant General and see that the order is complied.

6. S.O. to 5.10.2016.

7. Steno copy allowed to the learned Presenting Officer at his request.

MEMBER (J)

26.08.2016-KPB(DB)

ORIGINAL APPLICATION NO. 309/2016
(Omprakash Dhondiram Mane Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench due to non-availability of Division Bench)

DATE : 26.08.2016.

ORAL ORDER

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. With the consent of both the sides the matter is being dispose of.

3. The applicant has prayed for following relief:-

“(B) By issue of an appropriate order or direction, the charge-sheet bearing Outward No. DE/PI-ODmane/7/2015/5919, dated 1st October, 2015 [also dated as __/9/2015] issued by respondent no. 3, thereby intending to initiate Departmental Enquiry against the applicant may kindly be quashed and set aside.”

4. The affidavit in reply was also filed by the respondent no. 4.

5. Today the learned Presenting Officer has placed on record copy of one communication dated 25.08.2016 received by him. It is taken on record and marked as Exhibit-X for the purposes of identification, from which it seems that the Departmental Enquiry against the applicant has been dropped. The copy of the order dated 30.04.2016 at paper book page no. 80 is also filed on record, wherein it clearly mentioned that the order of initiation of departmental enquiry has been cancelled. In view thereof, nothing survives in the Original Application and hence, the same stands disposed of accordingly with no order as to costs.

6. The learned Advocate for the applicant submits that the respondents may be directed to take steps to release pension of the applicant.

7. The learned Presenting Officer invited my attention to paragraph no. 4 of the communication dated 25.08.2016 (Exhibit-X) and submits that some amount has

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O.A. No. 309/2016

been paid in excess to the applicant and the same is required to be recovered. For whatever reasons stated therein, the respondents may take necessary steps to release the pension of the applicant as per Rules.

MEMBER (J)

26.08.2016-KPB(DB)

ORIGINAL APPLICATION ST. NO. 185/2015

(Umesh Bhaskar Modke and another Vs. State of Mah. & Ors.)

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

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

DATE : 26.08.2016.

ORAL ORDER

Shri R.N Bharaswadkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

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

3 S.O. to 22.9.2016.

MEMBER (J)

26.08.2016-KPB(DB)

**M.A. 74/2016 in M.A. St. 217/2016 in O.A. St.218/2016
(Marathwada Sarva Shramik Sanghatana and others Vs. State
of Maharashtra & Ors.)**

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

DATE : 26.08.2016.

ORAL ORDER

Shri M.B. Kolpe, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondent nos. 1 to 3 & 6. Shri Vivek Bhavthankar, learned Special counsel for respondent nos. 4 & 5, absent.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 6 in M.A. No. 74/2016. It is taken on record and copy thereof, has been served upon the learned Advocate for the applicant.

3 S.O. to 30.9.2016.

MEMBER (J)

26.08.2016-KPB(DB)

**M.A. 75/2016 in M.A. St. 220/2016 in O.A. St.221/2016
(Marathwada Sarva Shramik Sanghatana and others Vs. State
of Maharashtra & Ors.)**

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

DATE : 26.08.2016.

ORAL ORDER

Shri M.B. Kolpe, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondent nos. 1 to 3 & 6. Shri Vivek Bhavthankar, learned Special counsel for respondent nos. 4 & 5, absent.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 6 in M.A. No. 75/2016. It is taken on record and copy thereof, has been served upon the learned Advocate for the applicant.

3 S.O. to 30.9.2016.

MEMBER (J)

26.08.2016-KPB(DB)

**ORIGINAL APPLICATION NO. 514/2015
(Dr. Balaji Subhashrao Barure Vs. State of Mah. & Ors.)**

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted as a last chance.

3. S.O. to 19.9.2016.

MEMBER (J)

26.08.2016-KPB(SB)

**ORIGINAL APPLICATION NO. 420/2016
(Shivaji Pandurang Nikale Vs. State of Mah. & Ors.)**

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

2. The learned Presenting Officer submits that he will file affidavit in reply to the rejoinder affidavit file by the applicant during the course of the day.

3. S.O. to 31.8.2016.

MEMBER (J)

26.08.2016-KPB(SB)

**ORIGINAL APPLICATION NO. 347/2015
(Dipak D. Edke and others Vs. State of Mah. & Ors.)**

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

DATE : 26.08.2016.

ORAL ORDER

Heard Shri M.B. Kolpe, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. The learned Presenting Officer submits that he has received copy of the rejoinder affidavit and has to go through it. Hence, he seeks two weeks time. Time granted.

3. S.O. to 21.9.2016.

MEMBER (J)

26.08.2016-KPB(SB)