ORIGINAL APPLICATION NO.09/2022 (Dr. Prithviraj Chavan Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Heard Shri Shamsundar B. Patil, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities.

- 2. Only question which falls for determination in the present O.A. is whether the refusal or inaction on the part of the respondents, and more particularly, respondent no.5 in not considering the services rendered by the present applicant during the period from 27-07-1997 to 02-04-2002 for grant of annual increments can be sustained or otherwise.
- 3. Present applicant had earlier filed O.A.No.998/2005. This Tribunal was pleased to pass order in the said matter on 06-12-2005 while deciding the said O.A. along with certain other O.As. having common grievance, which is reproduced below:

"Present Original Application can, therefore, be disposed of by directing the respondents to ignore all the artificial technical breaks by condoning the same and/or by sanctioning E.L. in respect of such days of artificial/technical breaks. In result, the petitioner/s shall be entitled to annual increments and leave as is admissible to ad-hoc appointees. The respondents stand directed accordingly."

- 4. From the aforesaid order it is quite evident that this Tribunal had held the present applicant along with other applicants in a group of O.As. entitled for annual increments and leave as is admissible to the ad-hoc appointees. In view of the decision so rendered by the Tribunal which has not been challenged by the respondents, it is not understood as to why again and again the same objection is being raised by the respondent no.5.
- 5. In view of the fact that the aforesaid order has attained finality, the applicant is entitled for the annual increments of the said period as admissible to the ad-hoc appointees. Respondents are directed not to raise such an objection again and further directed to fix the pay of the applicant accordingly by reconsidering the annual increments admissible as per the aforesaid order and finalize the pension

payable to the applicant within 12 weeks from the date of this order. Accordingly, impugned orders dated 17-03-2020 and 16-04-2021 are set aside. O.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

YUK ORAL ORDER 21.12.2022

ORIGINAL APPLICATION NO.762/2022 (Pralhad s/o. Nivrutti Khade Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Heard Shri S.D.Joshi, learned Counsel for the applicant, Shri S.K.Shirse, learned Presenting Officer for respondent authorities and Shri A.S.Deshmukh, learned Counsel for respondent no.4.

2. Aggrieved by the order dated 24-08-2022 whereby the respondent no.1 has transferred the applicant from the post of Commandant, State Reserved Police Force (SRPF for short), Gut No.6, Dhule to the post of Commandant at Bharat Reserved Battalion No.V, Akola, SRPF Group No.18, the applicant has preferred the present O.A. It is the grievance of the applicant that there was no reason for the respondents to shift the applicant from the post of Commandant, SRPF, Gut No.6, Dhule to Akola and the applicant could have been very well retained at Dhule.

- 3. Shri Joshi, learned Counsel for the applicant submitted that when the applicant was posted at Dhule, according to the respondents, appointment on the said post was on ad-hoc basis. Learned Counsel further submitted that vide the impugned order, the applicant came to be appointed on regular basis on the said post. According to the learned Counsel, regular appointment cannot be said to be a promotional order so as to shift the applicant from the existing post and to appoint him on some different post. Learned Counsel further submitted that even if it is assumed that it was promotion, the applicant had given first option for his retention at Dhule and second option to post him at Aurangabad, which is the nearest place from his native place. Learned Counsel submitted that inspite of the aforesaid choices given by the applicant he has been transferred and posted at Akola.
- 4. Learned Counsel further submitted that respondent no.4 who had already spent longer period of his service at Dhule has been unduly favoured by the respondent authorities and vide the impugned order has been again posted at Dhule on

account of alleged regular promotion. Learned Counsel submitted that the applicant has been shifted from Dhule to Akola with the only object to accommodate respondent no.4 at Dhule. Learned Counsel taking me through the documents on record pointed out that in the past also respondent no.4 though was appointed or posted at some different place was given deputation at Dhule and thereby was given posting of his choice and was retained at Dhule. Learned Counsel further submitted that few months before respondent no.4 was posted at Hingoli and immediately he has been brought back at Dhule on the pretext that he is on the verge of his retirement stating that as per the rules if the employee is desirous, he can be posted at his native place or at the place nearest to his native place.

5. Learned Counsel further submitted that there were and there are valid reasons for the applicant for claiming retention on his post at Dhule, more particularly, on the ground that his son is studying in the 12th standard and has taken admission in an educational institution at Dhule. It is the grievance

of the applicant that when ordinarily care is taken while giving posting to the Government employees to ensure that Government employee whose ward is in the 12th standard or appearing in any final examination is accommodated or retained at the place for the said purpose, and when the aforesaid reason was specifically mentioned by the applicant, he has been shifted from Dhule and has been posted at Akola, which is a place far away i.e. about 400 km. from Dhule.

6. Learned Counsel submitted that favour which has been shown time and again to respondent no.4 is apparently visible from the record and inference therefore can be drawn that the present applicant was not treated at par with respondent no.4 and was discriminated while considering his request. Learned Counsel submitted that injustice caused to the applicant, therefore, needs to be removed. Learned Counsel pointed out that the applicant is to retire within 18 months in February, 2024. He has, therefore, prayed for allowing the application thereby directing the respondents to repost the applicant at Dhule.

- 7. Opposing the submissions made on behalf of the applicant, learned P.O. submitted that ordinarily when an employee is promoted, he has to join at the place of promotion and if he desires that he shall be retained at the existing post then he has to accept some inferior position or to refuse the promotion Learned P.O. submitted that granted to him. respondent no.4 has been posted at Dhule after his promotion by taking into account the fact that he is on the verge of retirement and will be retiring on attaining age of superannuation in June, 2023. Learned P.O. denied the allegation of favoritism levelled by the applicant against the respondents. Learned P.O. submitted that postings previously given to respondent no.4, may be on regular posting or on deputation at Dhule, cannot be questioned now as no such objection was raised at the relevant time. Learned P.O. in the circumstances has prayed for rejecting the O.A.
- 8. Shri Deshmukh, learned Counsel for respondent no.4 submitted that the allegations made against respondent no.4 are imaginary and unsustainable. Learned Counsel submitted that according to rules when it is permissible to give the

posting to a Government employee on the verge of retirement at his native place or near to his native place, no objection can be raised if the respondent no.4 is posted at Dhule having regard to the fact that he is due for retirement on 30-06-2023 on attaining the age of superannuation. Counsel adopted the submissions made by the learned P.O. as about the previous appointments of respondent no.4. Learned Counsel further submitted that the respondent authorities have not committed any illegality in posting the applicant at Dhule and the act of posting the applicant at Dhule by the respondents in any way cannot be said to be arbitrary action on the part of the respondents. Learned Counsel in the circumstances prayed for dismissal of the O.A.

9. I have duly considered the submissions advanced by the learned Counsel appearing for the parties. After having gone through the documents on record and the factual matrix in so far as the appointments made of respondent no.4 as well as the present applicant, it is apparent that respondent no.4 had been given posting at Dhule, may be on regular basis or by giving deputation time and

again, and that the respondent no.4 has spent a considerable long period of his service in Dhule district. From the record, it is evident that before passing the impugned order dated 24-08-2022 options were called from all the three officers who were promoted vide the said order. It is not in dispute that the applicant as well as respondent no.4 both have given first choice for their posting at Dhule. Reason for the applicant to ask retention at Dhule was that his son is studying in 12th standard and he is required to be near his son or his son is required to be with the family when he appears for 12th standard examination. As against it, reason which was assigned by respondent no.4 was that, he is retiring in June, 2023 and in the circumstances, he shall be given posting at Dhule which is his native place. Respondents having considered the choices given, preferred to post respondent no.4 at Dhule and applicant was posted at Akola. As I have noted hereinabove the facts and documents on record sufficiently reveal that previous to this also respondent no.4 was posted at Dhule on two occasions giving him posting on deputation, though he was posted at some different places. Merely on

this ground, it however, does not appear to me that any interference can be caused by the Tribunal in the present posting given by the respondents to respondent no.4 at Dhule when he is due for retirement in the month of June, 2023. In the circumstances, it is difficult to consider the request of the applicant to repost him at Dhule by shifting respondent no.4 at any other suitable post.

10. In the circumstances, though I am not inclined to grant any relief as has been prayed for by the applicant, I find it appropriate to observe that after retirement of respondent no.4, respondents shall positively consider the case of the applicant for his posting at Dhule, which is the native place of the applicant, till his retirement. With the observations as above, O.A. stands disposed of without any order as to costs.

VICE CHAIRMAN

Date: 21.12.2022 O.A. NO. 1137/2022

(Shri Ravindra G. Barde V/s State of Maharashtra &

Ors.)

Per :- Standing directions of Hon'ble Chairperson, M.A.T., Mumbai

- 1. Shri V.B. Wagh, learned Advocate for the applicant and Shri I.S. Thorat, learned P.O. for respondents, are present.
- 2. Circulation is granted. Issue notice to the respondents in M.A., returnable on **24.1.2023**. The case be listed for admission hearing on **24.1.2023**.
- 3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
- 6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

Date: 21.12.2022 O.A. NO. 1136/2022

(Shri Ramdas N. Jangle V/s State of Maharashtra &

Ors.)

Per :- Standing directions of Hon'ble Chairperson, M.A.T., Mumbai

- 1. Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
- 2. Circulation is granted. Issue notice to the respondents in M.A., returnable on **24.1.2023**. The case be listed for admission hearing on **24.1.2023**.
- 3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
- 6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

ORIGINAL APPLICATION NO. 799/2022 (Suresh Jadhav Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri KB Jadhav, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing the affidavit in reply on behalf of the respondents. Time granted.

3. S.O. to 31.1.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 800/2022 (Dilip B. Bhalekar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri KB Jadhav, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing the affidavit in reply on behalf of the respondents. Time granted.

3. S.O. to 31.1.2023.

VICE CHAIRMAN

O.A. NOS. 965, 966, 967, 968, 969, 880, 881 AND 1028 ALL OF 2022 (Prabhakar M. Kawathekar & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri Ganesh Kore, learned counsel for the applicants in all these matters and S/shri SK Shirse, NU Yadav, VR Bhumkar, MP Gude, DR Patil & Smt. Sanjivani Deshmukh Ghate, learned Presenting Officers for the respective respondents in respective matters, are present.

2. Await Service.

3. S.O. to 1.2.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1022/2022 (Jayshri B. Wakekar @ Jayshri L. Sathe Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri VG Pingle, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing the affidavit in reply on behalf of the respondents. Time granted.

3. S.O. to 31.1.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1024/2022 (Vitthal S. Bade Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri Ravi R. Bangar, learned counsel for the applicant (absent). Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Await Service.

3. S.O. to 31.1.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1031/2022 (Bharat B. Kadlaskar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri Avinash Khedkar, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing the affidavit in reply on behalf of the respondents. Time granted.

3. S.O. to 23.1.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1045/2022 (Rajendra V. Desale Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri Navin S. Shah, learned counsel for the applicant (**absent**). Smt. Sajivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, is present.

2. Await Service.

3. S.O. to 2.2.2023.

VICE CHAIRMAN

M.A. NO. 287/2022 IN O.A. ST. NO. 408/2022 (Krishna B. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri AD Gawale, learned counsel for the applicant (absent). Shri DR Patil, learned Presenting Officer for the respondent authorities, is present.

- 2. The learned Presenting Officer has sought time for filing the affidavit in reply on behalf of the respondents. Time granted.
- 3. S.O. to 2.2.2023.

VICE CHAIRMAN

M.A. NO. 453/2022 IN O.A. ST. NO. 1562/2022 (Vishwanath A. Diwate Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri AD Gadekar, learned counsel for the applicant (lave note). Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, is present.

- 2. The learned Presenting Officer has sought time for filing the affidavit in reply on behalf of the respondents. Time granted.
- 3. S.O. to 2.2.2023.

VICE CHAIRMAN

M.A. NO. 500/2022 IN O.A. ST. NO. 1954/2022 (Rahul S. Lokhande Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri VG Pingle, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing the affidavit in reply on behalf of the respondents. Time granted.

3. S.O. to 31.1.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 691/2021 (Amol V. Padale Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri RA Joshi, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22.12.2022. The matter be treated as Part Heard.

VICE CHAIRMAN

M.A. NO. 569/2022 IN O.A. ST. 583/2021 (Late Jitendra M. Panje through LRs Manjusha J. Panje & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri Swaraj S. Tandale, learned counsel for the applicants (**absent**). Shri DR Patil, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 8.2.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 99/2021 (Shrikant Mundhe Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri VM Maney, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 2.1.2023 for final hearing. **Part Heard. High on Board**.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 757/2022 (Sunil K. Rodge Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

The present Original Application is filed seeking main relief in terms of prayer clause XI-B and interim relief in terms of prayer clause-XII, which are as follows:-

- "XI. (B) The impugned order issued by respondent no.3 dated 25/07/2022 to the respondent no.5 thereby appointment order of the applicant is directed to be cancelled may kindly be quashed and set aside.
- XII During pendency and final disposal of the original application, the effect, implementation and execution of the impugned order dated 25/07/2022 may kindly be stayed and the parties hereto may kindly be directed to maintain statusquo."
- 2. The advertisement bearing No. 127/2019 dated 25.02.2019 (Exhibit-B) was issued by the respondent No. 4 i.e. the District Collector, Hingoli to fill up the post of Talathi in Hingoli Distirct. Apart from the social reservation, 5% reservation for

Sports category was stated therein. The applicant applied for the said post of Talathi from Sports After completion of process his name Category. appeared in the waiting list published by the respondent No. 5 i.e. the Sub Divisional Officer, Vasmat, Dist. Hingoli on 02.12.2019 (Exhibit-D). Thereby the candidates mentioned therein were directed to get verified their documents before the requisite committee. In that regard, the respondent No. 5 i.e. the Sub-Divisional Officer, Vasmat addressed a letter dated 23.01.2020 (Exhibit-E) to the respondent No. 3 i.e. the Deputy Director of Sport and Youth Services, Nagpur Division, Nagpur that the applicant, who is selected from Open Sports category has submitted his sports certificate and sought verification of the said document from the respondent No. 3. In turn, the respondent No. 3 by communication dated 27.01.2020 also at Exhibit-E informed the respondent No. 5 that on 18.05.2018 verification of sports certificate of the applicant was already done and as such, the applicant is eligible for the post of Talathi from Sports category. In view of that, the respondent No. 5 issued letter dated 29.01.2020 (Exhibit-F) to the applicant appointing

him on the post of Talathi from Open Sports category, therein the applicant was posted at Siddheshwar, Taluka Aundha, Dist. Hingoli. Since then the applicant has been working there.

3. However, to the utter shock of the applicant, he received copy of impugned communication dated 25.07.2022 (Exhibit-A) addressed by the respondent No. 3 to the respondent No. 5 by making the following observations:-

"संदर्भ क. ४ नुसार पॉवरिल फ्टींग हा खेळ ऑिलम्पीक कीडा स्पर्धा, एशियन गेम्स, कॉमनवेल्थ गेम्स या स्पर्धेत खेळला जात नाही त्यामुळे पॉवरिलफ्टींग खेळाचे खेळाडूंना या अगोदर देण्यात आलेले वैध प्रमाणपत्र पडताळणी अहवाल परिशिष्ट— क रद्द करण्याचे निर्देश मा. आयुक्त, क्रीडा व युवक सेवा संचालनालय, महाराष्ट्र राज्य, पुणे यांना या कार्यालयास दिले आहे.

करीता संदर्भ क. १ व ३ नुसार या कार्यालयाव्दारे देण्यात आलेले खेळाडू प्रमाणपत्र पडताळणी अहवाल परिशिष्ट — क रद्द करण्यात येत आहे. तरी खेळाडू आरक्षण अंतर्गत श्री. सुनिल केशव रोडगे यांना नियुक्ती देण्यात येऊ नये. अथवा नियुक्ती दिलेली असल्यास रद्द करण्यात यावे."

4. The applicant made M.A. No. 576/2022 seeking amendment in the O.A. By separate order passed today in the said M.A., the applicant is allowed to add two more respondents i.e. the respondent Nos. 6 and 7 and to bring on record the subsequent events i.e. receipt of show cause notice

dated 28.10.2022 issued by the respondent No. 5 as to why services of the applicant should not be terminated in view of the impugned communication dated 25.07.2022 (Exhibit-A) received by the respondent No. 5 from the respondent No. 3. Thereby the applicant also sought interim relief of stay of the said show cause notice dated 28.10.2022 issued by the respondent No. 5.

- 5. Heard Ms. Aditi Warjukar, learned Advocate holding for Shri S.S. Kulkarni, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.
- 6. Learned Presenting Officer opposed the prayer for grant of interim relief contenting that already notices have been issued to the respondents and the time may be granted for filing affidavit in reply.
- 7. Learned Advocate for the applicant however, submitted that the applicant has been appointed to the post of Talathi in view of recruitment process from Open Sports category. He is working on that post since 29.01.2020. He has completed more than two and half years unblemished service. No show

cause notice was issued to the applicant before issuance of the impugned communication dated thereby proposing termination 25.07.2022, services of the applicant. She submitted that in similar situation interim relief was granted by the Hon'ble High Court in W.P. No. 882/2022 on 30.08.2022, in the matter of Pradip Dnyanoba Zate Vs. The State of Maharashtra and Ors. and by the Nagpur Bench of this Tribunal as per order dated 18.11.2022 in O.A. No. 1123/2022, order dated 29.07.2022 in O.A. No. 775/2022 and order dated 26.09.2022 in O.A. No. 959/2022. In all these maters sports certificate pertaining to Power Lifting game was involved. The facts of the said cases and the facts of the present case are of similar nature.

8. The applicant has been working on the post of Talathi for more than two and half years. The sports certificate in question is held to be invalid, as the said game of Power Lifting is not being played in various world level events. However, it appears that the validity of certificate was earlier issued by the same authority i.e. the respondent No. 3 as per the guidelines given by the Government. Show cause

notice is not issued to the applicant before issuance of the impugned communication dated 25.07.2022 (Exhibit-A). No doubt the respondent No. 5 has issued show cause notice dated 28.10.2022 to the applicant, which is also challenged in this O.A., to which the applicant said to have given his written reply. The applicant, however, is facing show cause notice of termination from the regular service on the post of Talathi. In the circumstances, refusing to give interim relief is likely to defeat the cause of justice at the threshold. Hence, in our considered opinion, considering the facts and circumstances, prima-facie case is made out by the applicant for grant of interim relief of stay to the impugned communication dated 25.07.2022 (Exhibit-A) and impugned show cause notice dated 28.10.2022 till filing of the affidavit in reply by the respondents. It is ordered accordingly.

9. After amendment, issue notice to the newly added respondent Nos. 6 & 7, returnable on 23.01.2023.

- 10. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 11. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 12. 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.
- 13. 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.

- 14. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 5.
- 15. S.O. to 23.01.2023.
- 16. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 21.12.2022

ORIGINAL APPLICATION NO. 723 OF 2018 (Arjun N. Kolmare Vs. State of Maharashtra & Ors.)

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

DATE : 21.12.2022

ORAL ORDER:

Heard Shri D.T. Devane, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

- 2. The present matter has already been treated as part heard.
- 3. S.O. to 18.01.2023.

MEMBER (J)

KPB ORAL ORDERS 21.12.2022

ORIGINAL APPLICATION NO. 1007 OF 2022 (Sanjay S. Waghmare Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

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

- 2. Learned Advocate for the applicant submits that in view of deletion of name of the applicant Nos. 2 to 4, the respondent Nos. 5 and 7 are not required to be the parties to the present proceedings. On his request, the names of respondent Nos. 5 and 7 are allowed to be deleted and the respondents be renumbered.
- 3. Learned Advocate for the applicant further submitted that the private respondent Nos. 10, 11 & 15 are not served. According to the applicant they have left the service. Hence, he seeks permission to delete the names of said respondent Nos. 10,11&15.
- 4. Permission as prayed for by the applicant is granted. The applicant shall carry out the necessary amendment in the O.A. within a period of one week.

//2// O.A. No. 1007/2022

- 5. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 6. S.O. to 31.01.2023.

MEMBER (A)

MEMBER (J)

M.A. No. 576/2022 in O.A. No. 757/2022 (Sunil K. Rodge Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Ms. Aditi Warjukar, learned Advocate holding for Shri S.S. Kulkarni, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

- 2. The present Misc. Application is filed seeking to join the Commissioner, Sports and Youth Services, Directorate Mhalunge, Balewadi, Pune and the Joint Director of Sports and Youth Services, Directorate Mhalunge, Balewadi, Pune as party respondent Nos. 6 and 7 in O.A. and further seeking amendment in the O.A. by taking additional grounds, as well as, placing on record the alleged subsequent events.
- 3. The Original Application is filed challenging the impugned communication dated 25.07.2022 (Exhibit-A) addressed by the respondent No. 3 i.e. the Deputy Director of Sport and Youth Services, Nagpur Division, Nagpur to the respondent No. 5 i.e.

the Sub Divisional Officer, Vasmat, Dist. Hingoli, whereby the sports certificate on the basis of which the applicant got appointed to the post of Talathi is being cancelled. The O.A. is filed on or about 24.08.2022. The notices in the O.A. were issued to the respondents by the order dated 16.11.2022 making it returnable on today i.e. on 21.12.2022.

- 4. It is contended that meanwhile the respondent No. 4 issued show cause notice dated 28.10.2022 to the applicant as to why the appointment of the applicant to the post of Talathi should not be cancelled in view of the cancellation of sports certificate vide impugned order dated 25.07.2022 by the respondent No. 3. In the circumstances, the applicant is seeking to amend the O.A. by brining on record the subsequent events by raising additional pleadings and also seeking interim relief of stay to the execution and implementation of the impugned show cause notice dated 28.10.2022.
- 5. Upon enquiry, learned Advocate for the applicant on instructions stated that the applicant

//3// M.A. 576/2022 in O.A. 757/2022

has submitted written reply to the show cause notice dated 28.10.2022.

6. In the facts and circumstances, the proposed amendment is by way of subsequent developments, which has bearing on the O.A. The proposed amendment is not going to change the nature of original proceedings. In fact, the proposed amendment is just and necessary to determine the real question of controversy between the parties. Hence, we proceed to pass following order:-

ORDER

- (i) The M.A. No. 576/2022 is allowed.
- (ii) The applicant shall carry out the necessary amendment in the O.A. within a period of one week and to serve the amended copy of the O.A. on the other side.
- (iii) Accordingly, M.A. No. 576/2022 stands disposed of with no order as to costs.

MEMBER (A)

M.A. No. 540/2022 in O.A. St. No. 2016/2022 (Sanjay A. Gholave & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri A.B. Girase, learned Advocate for the applicants (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. As none present for the applicants, S.O. to 18.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 703 OF 2022 (Shivaji V. Galande Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri G.R. Jadhav, learned Advocate holding for Shri O.B. Boinwad, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

- 2. Issue notice to the respondents, returnable on 31.01.2023.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 31.01.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

ORIGINAL APPLICATION NO. 1096 OF 2022 (Aruna A. Mugutrao Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri A.R. Gaikwad, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

- 2. Issue notice to the respondents, returnable on 16.01.2023.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 16.01.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

ORIGINAL APPLICATION NO. 1149 OF 2022 (Dileep M. Devkate Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Smt. Vaishali R. Kalyankar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

- 2. Issue notice to the respondents, returnable on 30.01.2023.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 30.01.2023.
- 8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

ORIGINAL APPLICATION NO. 222 OF 2022 (Annasaheb M. Shinde & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri Jiwan Patil, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities. Shri P.R. Katneshwar, learned Special Counsel for respondents (**Absent**).

- 2. The present matter has already been treated as part heard.
- 3. Learned C.P.O. submits that he wants to place on record short affidavit explaining the effect of previous litigations and therefore, he seeks time. Time granted as a last chance. If the respondents failed to file short affidavit on or before the next date of hearing, the present matter will be closed for order on that day.
- 4. S.O. to 04.01.2023.

ORIGINAL APPLICATION NO. 818 OF 2022

(Dr. Pranita P. Patil & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri V.D. Dongre, Member (J)

and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Smt. Preeti Wankhade, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

- 2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 3. Same is taken on record and copy thereof has been served on the other side.
- 3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1, 2, 4 & 5.
- 4. S.O. to 06.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 819 OF 2022

(Dr. Dharmraj A. Dudde & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri V.D. Dongre, Member (J)

and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Ms. Preeti Wankhade, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

- 2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 3. Same is taken on record and copy thereof has been served on the other side.
- 3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1, 2, 4 & 5.
- 4. S.O. to 06.01.2023.

MEMBER (A)

C.P. No. 04/2020 in O.A. No. 333/2017 (Shital A. Soni Vs. State of Maharashtra & Ors.) WITH

C.P. No. 05/2020 in O.A. No. 336/2017 (Dr. Yogesh V. Solanke Vs. State of Maharashtra & Ors.) WITH

C.P. No. 06/2020 in O.A. No. 332/2017 (Dr. Anil B. Biradar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri J.S. Deshmukh, learned Advocate for the applicants in all these cases, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officers for the respondent authorities in all these cases and Shri M.S. Taur, learned Advocate for respondent No. 5 in C.P. 05/2020. Smt. M.S. Jagtap-Ware and Shri V.P. Narwade, learned Advocate for respondent No. 5 in C.P. 4/2020 & 6/2020 respectively, are **absent**.

- 2. Record shows that the affidavit in reply is filed on behalf of respondent Nos. 3 & 5 in all these cases.
- 3. S.O. to 25.01.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

C.P. No. 5/2022 in O.A. No. 69/2020 (Suresh G. Tandale Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri B.R. Kedar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 31.01.2023.

MEMBER (A)

MEMBER (J)

C.P. No. 17/2022 in O.A. No. 06/2021 (Dattu R. Raut Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

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

- 2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit.
- 3. S.O. to 30.01.2023.

MEMBER (A)

MEMBER (J)

C.P. No. 34/2022 in O.A. No. 78/2021 (Shubhangi Y. Pawale Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

- 2. Learned Advocate Smt. Anuradha S. Mantri, has filed **VAKALATNAMA** on behalf of respondent No. 2. Same is taken on record.
- 3. Learned Presenting Officer submits that during the course of the day affidavit in reply on behalf of respondent No. 1 would be filed.
- 4. S.O. to 30.01.2022 for filing affidavit in reply on behalf of respondent No. 2.

MEMBER (A)

C.P. No. 35/2022 in O.A. No. 697/2019 (Shobha B. Khade Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

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

- 2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 4 in C.P. Same is taken on record and copy thereof has been served on the other side.
- 3. S.O. to 30.01.2023 for filing affidavit in reply of remaining respondents.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 4 OF 2019 (Govind P. Gite Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri A.S. Kulkarni, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

- 2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 & 2.
- 3. S.O. to 27.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 97 OF 2019 (Mirkhan Iliyaskhan Pathan Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri Y.B. Pathan, learned Advocate for the applicant (**Absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

- 2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 to 3.
- 3. S.O. to 27.01.2023.

MEMBER (A)

MEMBER (J)

O.A. No. 380/2019 with O.A. 886/2019 (Bhanudas E. Ugale & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri C.A. Shingare, learned Advocate for the applicants in both the O.As. and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities in both the O.As.

- 2. Learned Advocate for the applicant filed rejoinder affidavit in O.A. No. 380/2019. Same is taken on record and copy thereof has been served on the other side.
- 3. At the request of learned Advocate for the applicants, time is granted for filing rejoinder affidavit in O.A. No. 886/2019.
- 4. S.O. to 27.01.2023.

MEMBER (A)

ORIGINAL APPLICATION NO. 707 OF 2019 (Rama M. Shinde Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri Megha Mali, learned Advocate holding for Shri S.K. Mathpati, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri G.N. Patil, learned Advocate for respondent No. 6.

- 2. Learned Advocate Shri S.B. Mene, has filed **VAKALATNAMA** on behalf of respondent Nos. 5 & 6. Same is taken on record.
- 3. At the request made on behalf of respondents, time is granted for filing affidavit in reply.
- 4. S.O. to 24.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 853 OF 2019 (Shriram C. Pachpute & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri R.N. Bharaswadkar, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

- 2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondent No. 1.
- 3. S.O. to 18.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 894 OF 2019 (Suman B. Wavdhane Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri G.L. Deshpande, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

- 2. Await service of notice upon the respondents.
- 3. S.O. to 30.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 81 OF 2021 (Sadashiv B. Gitte Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri J.M. Murkute, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

- 2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 23.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 230 OF 2021 (Vaidya Smt. Meenal P. Thosar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

- 2. Await service of notice upon the respondents.
- 3. S.O. to 27.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 378 OF 2021 (Raju Husen Sayyed Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri G.L. Deshpande, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. S.O. to 24.01.2023 as one more last chance for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 500 OF 2021 (Swapnil S. Jagtap Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri C.V. Dharurkar, learned Advocate for the applicant (**Absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondent authorities. Shri Avinash Shejwal, learned Advocate for respondent No. 4, **absent**. None present on behalf of respondent No. 5, though duly served.

2. S.O. to 23.01.2023 for filing affidavit in reply on behalf of respondent No. 4.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 595 OF 2021 (Indirakhan N. Bhalerao Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 24.01.2023 for filing rejoinder affidavit.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 774 OF 2021 (Ganesh L. Chavan Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri S.A. Kulkarni, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 3.
- 3. S.O. to 31.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 783 OF 2021 (Gulab S. Jondhle Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri V.N. Shelke, learned Advocate holding for Shri Avinash Khedkar, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 3 & 4.

2. At the request of learned Advocate for the applicant, S.O. to 31.01.2023 for filing rejoinder affidavit.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 787 OF 2021 (Raosaheb B. Gunjal Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri V.N. Shelke, learned Advocate holding for Shri Avinash Khedkar, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 3 to 5.

2. At the request of learned Advocate for the applicant, S.O. to 31.01.2023 for filing rejoinder affidavit.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 788 OF 2021 (Sunil D. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri V.N. Shelke, learned Advocae holding for Shri Avinash Khedkar, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 3 to 5.

2. At the request of learned Advocate for the applicant, S.O. to 31.01.2023 for filing rejoinder affidavit.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 812 OF 2021 (Kamlakar G. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Smt. Megha Mali, learned Advocate holding for Shri S.K. Mathpati, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned Advocate for respondent No. 4.

- 2. At the request of learned Presenting Officer and learned Advocate for respondent No. 4, time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1, 2 & 4.
- 3. S.O. to 24.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 827 OF 2021 (Sanjaykumar U. More Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri Mukul Deshmukh, learned Advocate holding for Shri H.P. Randhir, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 31.01.2023 for filing rejoinder affidavit.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 36 OF 2022 (Balasaheb N. Patharkar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri G.N. Patil, learned Advocate for respondent No. 4.

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 & 3.
- 3. S.O. to 31.01.2023 for filing rejoinder affidavit.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 80 OF 2022 (Nilesh S. Arke Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri C.V. Dharurkar, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri A.S. Kakade, learned Advocate for respondent No. 4.

- 2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondent Nos. 1 to 3.
- 3. S.O. to 02.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 143 OF 2022 (Dr. Amol K. Chavan Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

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

- 2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 01.02.2023.

MEMBER (A)

MEMBER (J)

O.A. Nos. 241/2022, 242/2022, 250/2022, 257/2022, 258/2022, 271/2022, 272/2022 and T.A. 03/2022 (W.P. No. 3432/2022) (Dr. Ravi K. Tale & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri A.A. Yadkikar, learned Advocate for the applicants in O.As. Nos. 272/2022 & T.A. 3/2022. S/shri G.K. Kshirsagar, N.K. Chaudhari & C.V. Dharurkar, learned Advocates for the respective applicants in respective cases (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases.

- 2. Learned C.P.O. filed affidavit in reply on behalf of respondent No. 4 in O.A. Nos. 241/2022 and 250/2022. Same is taken on record.
- 3. S.O. to 02.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 301 OF 2022 (Dattaram U. Rathod Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri V.B. Wagh, learned Advocate for the applicant (**Leave Note**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. S.O. to 02.02.2023 for filing rejoinder affidavit.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 474 OF 2022 (Anurath A. Lande Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri S.S. Kulkarni, learned Advocate for the applicant (**Absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. S.O. to 02.02.2023 for filing rejoinder affidavit.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 543 OF 2022 (Mohan N. Sawant Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri V.S. Kadam, learned Advocate for the applicant (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

- 2. Await service of notice upon the respondents.
- 3. S.O. to 02.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 655 OF 2022 (Madhav C. Padvi Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri F.R. Tandale, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

- 2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 and 2. Same is taken on record.
- 3. Learned Advocate for the applicant submits that he has already served the copy of affidavit in reply in advance.
- 4. S.O. to 23.01.2022 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 752 OF 2022 (Manish C. Panchal Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri A.B. Chalak, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 24.01.2023. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 772 OF 2022 (Moreswar D. Nawale Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri V.N. Shelke, learned Advocate holding for Shri Avinash Khedkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 03.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 784 OF 2022 (Jitesh P. Wagh Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri S.D. Munde, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for respondent No. 9.

- 2. At the request made on behalf of respondents, time is granted for filing affidavit in reply.
- 3. S.O. to 25.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 906 OF 2022 (Dr. Ratnakar D. Tandale Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

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

- 2. Await service of notice upon the respondents.
- 3. S.O. to 03.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 928 OF 2022 (Bhagwat L. Lagad Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri S.M. Shegaonkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 31.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 944 OF 2022 (Suresh D. Machal Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri J.M. Murkute, learned Advocate for the applicant (**Absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

- 2. Await service of notice upon the respondents.
- 3. S.O. to 03.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1004 OF 2022 (Nashiket S. Jadhav Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

None present for the applicant. Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

- 2. Await service of notice upon the respondents.
- 3. S.O. to 03.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1011 OF 2022 (Vinodkumar N. Kamble & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri I.D. Maniyar, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 03.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1030 OF 2022 (Ashok B. Pawar & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri K.B. Jadhav, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 06.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1038 OF 2022 (Prakash S. Jain Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri A.D. Sonar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

- 2. Await service of notice upon the respondents.
- 3. S.O. to 31.01.2023.

MEMBER (A)

MEMBER (J)

M.A. No. 611/2019 in O.A. St. No. 2374/2019 (Rambhau A. Nikam Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

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

- 2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondents in M.A.
- 3. S.O. to 23.01.2023.

MEMBER (A)

MEMBER (J)

M.A. No. 05/2021 in O.A. St. No. 778/2020 (Shridhar R. Kundatwad Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri R.D. Biradar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

- 2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents in M.A.
- 3. S.O. to 23.01.2023.

MEMBER (A)

MEMBER (J)

M.A. No. 53/2022 in O.A. St. No. 99/2022 (Gorakh R. Limaji Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri P.S. Mantri, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 & 3 in M.A.
- 3. S.O. to 24.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 250 OF 2014 (The Karyakari Adhikari Sanghatna (RTO) Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri Avinash Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 575 OF 2014 (Deepak B. Patil Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J)
and
Han'hla Shri Bijar Kramer, Member (A)

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri A.D. Gadekar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 583 OF 2014 (Bhausaheb S. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J)
and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present. Shri A.C. Deshpande, learned Advocate for respondent Nos. 5 & 6, **absent**.

2. S.O. to 18.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 201 OF 2016 (Sayyed Habib Sayyed Abudl Rahim & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri V.B. Wagh, learned Advocate for the applicants (**Leave Note**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 19.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 223 OF 2016 (Krishnakumar G. Kachawar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri S.K. Chavan, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present. Shri D.Y. Nandedkar, learned Advocate for respondent No. 4, **absent**.

2. S.O. to 23.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 661 OF 2017 (Sahilendra S. Kapse Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri V.N. Shelke, learned Advocate holding for Shri A.G. Ambetkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 20.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 291 OF 2018 (Sahebrao G. Tawade Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri Y.P Deshmukh, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 23.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

O.A. Nos. 519/2018 with O.A. No. 534/2018 (Vishwanath U. Choudhary & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri G.R. Jadhav, learned Advocate holding for Shri Avishkar Shelke, learned Advocate for the applicants in both the O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in both the O.As., are present.

2. S.O. to 24.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 666 OF 2018 (Laxmi S. Gadge Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri V.G. Pingle, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 24.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 690 OF 2018 (Pramod A. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 24.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 792 OF 2018 (Keshav R. Bankar Vs. State of Maharashtra & Ors.)

 $\frac{\text{CORAM}}{\text{CORAM}}$: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri J.M. Wagh Patil, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 24.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 359 OF 2019 (Shantaram M. Sonwane Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri S.D. Dhongde, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 27.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

O.A. 376/2019 with O.A. 122/2018 with O.A. 558/2018 (SB) (Manik T. Takalkar & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri R.P. Bhumkar, learned Advocate for the applicants in all these O.As. and Shri D.R. Patil, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. S.O. to 19.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 561 OF 2019 (Ramesh P. Barhe Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri S.D. Dhongde, learned Advocate holding for Smt. Scuhita Dhongde, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and S.S. Chillarge, learned Advocate for respondent No. 3, are present.

2. S.O. to 31.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 26 OF 2020 (Sanjay D. Salunke Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri Yogesh Jadhav, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri D.A. Madake, learned Advocate for respondent No. 19, are present.

2. S.O. to 31.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 22 OF 2021 (Muktyarsing R. Theng Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri Avinash Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 31.01.2023 for final hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

M.A. No. 99/2021 in O.A. St. No. 350/2021 (Mohammad Asgar Mohammad Moosa Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri A.B. Rajkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 30.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

O.A. NOS. 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894 AND 895 ALL OF 2017 (Prabhakar D. Mali & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

None for the applicants in all these O.As.

Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these O.As.

Shri Vivek Deshmukh, learned Advocate for the respondent No.5 in O.A.No. 884, 888, 892 & 893 all of 2017, Shri N.K. Tungar, learned Advocate for the respondent No.5 in O.A. No. 886 & 895 both of 2017, Shri Abhijit More, learned Advocate for the respondent No.5 in O.A. No. 887/2017 and Shri B.R. Sontakke Patil, learned Advocate for the respondent No.5 in O.A.No.892/2017, are **absent**.

2. S.O. to 31.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

M.A.NO.561/2022 IN M.A.NO.562/2022 IN O.A.ST.NO.3052/2022 (Sandhya Rathod & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Heard Shri K.G.Salunke, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. M.A.No.561/2022 is preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, since the cause and the prayers are identical and applicants have prayed for same relief, to avoid the multiplicity of litigation, leave to sue jointly is granted, subject to payment of court fee stamps, if not paid. M.A.No.561/2022 is disposed of. No costs.

VICE CHAIRMAN

M.A.NO.562/2022 IN O.A.ST.NO.3052/2022 (Sandhya Rathod & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Heard Shri K.G.Salunke, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. M.A.No.562/2022 is preferred by applicants seeking condonation of delay occasioned for filing the accompanying O.A.

3. For the reasons stated in the application, delay caused for filing the accompanying O.A. is condoned. O.A. be registered and numbered as per rules after removal of office objections, if any, M.A.No.562/2022 is disposed of accordingly. No costs.

VICE CHAIRMAN

ORIGINAL APPLICATION ST.NO.3052/2022 (Sandhya Rathod & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Heard Shri K.G.Salunke, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

- 2. After registration of O.A., issue notice to the respondents, returnable on 06-02-2023.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 06-02-2023.
- 8. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO.407/2019

(Sadhana U. Borse @ Sadhna S. Pachpol Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Smt. Amruta Paranjape-Menezes, learned

Counsel for the applicant, Smt. Sanjivani Ghate,

learned Presenting Officer for the respondent

authorities and Shri H.P.Deshmukh, learned

Counsel for respondent no.4, are present.

2. On request of learned Counsel for respondent

no.4, S.O. to 05-01-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.775/2017 (Dilip Sangle & Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO.940/2017 (Chandrashekhar Gangurde Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Dr. Kalpalata Patil-Bharaswadkar, learned Counsel for the applicants has filed **leave note** on record. Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities is present.

2. In view of leave note of learned Counsel for the applicants, S.O. to 07-02-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.835/2021 (Vadilal Rathod Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Shri A.R.Gaikwad, learned Counsel holding for Shri S.B.Solanke, learned Counsel for the applicant, Shri S.K.Shirse, learned Presenting Officer for the respondent authorities and Shri S.B.Mene, learned Counsel for respondent nos.3 and 4, are present.

2. Despite availing due opportunities respondents have failed to file affidavit in reply in the matter.

3. Hence, list the matter for hearing on S.O. to 31-01-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.228/2022 (Dr. Saurabh P. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Heard Shri M.B.Kolpe, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities.

2. S.O. to 19-01-2023 for filing affidavit in reply on behalf of the respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.246/2022 (Dilip Rupekar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Shri D.K.Dagadkhair, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 19-01-2023 for filing rejoinder.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.513/2022 (Vikram Vairale Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Shri Akshay Kulkarni, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 06-01-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.595/2022 (Dr. Dinesh S. Ravtale Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Shri S.D.Joshi, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities.

2. Despite availing due opportunities respondents have failed to file affidavit in reply in the matter. Learned PO submits that he will take necessary instructions and make a statement tomorrow. Matter stands adjourned till tomorrow.

3. S.O. to 22-12-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.622/2022 (Sharda Pawar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Smt. Priya Bharaswadkar, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Despite availing due opportunities, respondents have failed to file affidavit in reply in the matter. Learned CPO has sought time by way of last chance.

3. Though request made by learned PO is opposed by the learned Counsel for the applicant, last chance is granted for filing affidavit in reply.

4. S.O. to 12-01-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.634/2022 (Somnath Baviskar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Shri S.D.Joshi, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12-01-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.708/2022 (Sayyed Abeda Begum Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Shri Angad L. Kanade, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 and 4. It is taken on record. Learned P.O. shall provide copy of the reply to the other side.

3. S.O. to 01-02-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.709/2022 (Jyoti Ghadoje Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Shri M.R.Kulkarni, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Applicant has tendered affidavit in rejoinder. It is taken on record. Copy thereof has been provided to the learned P.O.

3. List the matter for hearing on 08-02-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.996/2022 (Jyoti Shete Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Shri S.D.Joshi, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has sought time for filing affidavit in reply. Time is granted by way of last chance.

3. S.O. to 18-01-2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1051/2022 (Dr. Nilima Patil Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Shri D.T.Devane, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 10-01-2023 for filing affidavit in reply.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1090/2022 (Ashok Kakade Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21-12-2022

ORAL ORDER:

Shri Shamsundar B. Patil, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned P.O. by way of last chance, S.O. to 03-01-2023 for filing affidavit in reply.

VICE CHAIRMAN

O.A.NOS.825, 864, 865, 866, 867 ALL OF 2016 (Prakash A. Gaikwad & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri V.B. Jogdand Patil, learned Advocate for the applicants in all these O.A.s, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these O.As and Shri H.A. Joshi, learned Advocate for the respondent Nos.7 to 9 in O.A.No.852/2016.

Shri Pradeep Patil, learned Advocate for respondent No.5 in O.A.No.864/2016 and Shri Satyajit Bora/P.P. Kothari, learned Advocate for the respondent No.5 in O.A.Nos.865, 866 & 867 all of 2016, **are absent.**

2. The present matters are closed for order.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 859 OF 2019 (Kalpesh R. Patil Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

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

2. The present matter is closed for order.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 486 OF 2017 (Vijeta M. Ade Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri V.D. Dongre, Member (J)

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri M.D. Godhamgaonkar, learned Advocate for the applicant, is **absent**. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents, is present.

2. S.O. to 25.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 786 OF 2017 (Kailash A. Pardeshi Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. S.O. to 25.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 872 OF 2018 (Arun M. Gir Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri V.N. Shelke, learned Advocate holding for Shri A.G. Ambetkar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. S.O. to 27.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 402 OF 2019 (Sayed Salim Sayed Yaqub Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri Suhas P. Urgunde, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the respondent No.4, are present.

- 2. The present matter be treated as part heard.
- 3. S.O. to 06.01.2023.

MEMBER (A)

MEMBER (J)

M.A.NO. 68/2020 IN O.A.ST.NO. 2452/2019 (Swati P. Patil Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 23.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

M.A.NO. 199/2022 IN O.A.ST.NO. 837/2022 (Arjun B. Koli Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri Suresh Dhongde, learned Advocate holding for Smt. Suchita Dhongde, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. S.O. to 24.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

O.A.NOS. 179, 180, 279, 280 & 346 ALL OF 2019 (Dr. Suryakant D. Sonkhedkar & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri J.S. Deshmukh, learned Advocate for the applicants in all these O.As. and Shri M.P. Gude, learned Presenting Officer for the respondent authorities in all these O.As., are present.

Shri C.D. Biradar, learned Advocate for the respondent Nos.3 & 4 in O.A.No. 279/2019, is **absent**.

2. S.O. to 27.01.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 724 OF 2019 (Kailas I. Khandagale & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri Ajay S. Deshpande, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 12.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 956 OF 2019 (Rajendra M. Chaudhari Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

None present on behalf of the applicant.

Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.

2. S.O. to 27.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1013 OF 2019 (Sandeep J. More & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 23.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1020 OF 2019 (Deepak B. Patil Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 30.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1029 OF 2019 (Suraj S. Bavat Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri M.S. Chaudhari, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

Shri V.B. Wagh, learned Advocate for the respondent No.4 has filed a **leave note**.

2. S.O. to 30.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 62 OF 2020 (Dr. Maheshkumar L. Mane Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri K.G. Salunke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 30.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 136 OF 2020 (Rameshwar G. Kadam Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri V.D. Dongre, Member (J)

and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri P.D. Suryawanshi, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. S.O. to 30.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

O.A.NOS. 149, 150 AND 151 ALL OF 2020 (Vitthal S. Ambatwad & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri S.L. Bhapkar, learned Advocate for the applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As., are present.

2. S.O. to 31.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 354 OF 2020 (Suresh L. Kamthane Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri Girish L. Awale, learned Advocate for the applicant, is **absent**. Shri S.K. Shirse, learned Presenting Officer for the respondents, is present. Shri V.B. Wagh, learned Advocate for the respondent Nos.4, 6 & 7 has filed a **leave note**.

- 2. Shri Avinash Deshmukh, learned Advocate submits that he would file **VAKALATNAMA** on behalf of the applicant during the course of the day.
- 3. S.O. to 09.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 426 OF 2020 (Sunil S. Pagare Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri A.S. Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. S.O. to 18.01.2023 for admission. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 427 OF 2020 (Rahul B. Chaudhare Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

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

2. S.O. to 18.01.2023 for admission. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 490 OF 2020 (Vivek S. Sonawane Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri V.G. Pingle, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. S.O. to 01.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 491 OF 2020 (Rajnikant D. Patil Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri V.G. Pingle, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 01.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 29 OF 2021 (Vijay N. Khawane Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri S.S. Dambe, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. S.O. to 31.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 559 OF 2021 (Swapnil P. Holkar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri R.K. Ashtekar, learned Advocate for the applicant, is **absent**. Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.

2. S.O. to 01.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 607 OF 2021 (Sachin K. Pawar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

: 21.12.2022

ORAL ORDER:

DATE

Shri V.G. Pingle, learned Advocate holding for Shri Pushpak U. Gujrathi, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. S.O. to 01.02.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 633 OF 2021 (Sunil H. Nirmal Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri A.R. Gaikwad, learned Advocate holding for Shri Shri S.B. Solanke, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 31.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 468 OF 2022 (Smita S. Ingle Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri S.B. Talekar, learned Advocate for the applicant, is **absent**. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.

2. S.O. to 02.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.249 OF 2021
(Dr. Pandit R. Rathod & Ors. Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO.251 OF 2021
(Dr. Swapnil S. Ajabe & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 21.12.2022 ORAL ORDER :

Shri J. S. Deshmukh, learned Advocate for the applicants in both the O.As., Shri D.R. Patil, learned Presenting Officer for the respondent authorities in both the O.As. and Shri N.U. Yadav, learned Advocate for the respondent No.10 in O.A.No.251/2012, are present.

Shri Rakesh Jain, learned Advocate for the respondent No.6 in O.A.No.249/2021, Shri B.S. Shinde, learned Advocate for the respondent No.2 in O.A.No.249/2021, Shri C.D. Biradar, learned Advocate for the respondent No.5 in O.A.No.249/2021, Smt. Ashwini Hoge Patil, learned Advocate for the respondent No.4 in O.A.No.251/2021 and Shri Sahebrao G. Nandedkar, learned Advocate for the respondent No.11, are **absent**.

2. S.O. to 01.02.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 181 OF 2022 (Sahebrao B. Chavhan Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri V.B. Wagh, learned Advocate for the applicant has filed a **leave note**. Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.

2. S.O. to 02.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

T.A.NO. 07/2022 (W.P.NO. 6055/2022)
(Dr. Sunita C. Dalvi Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. S.O. to 31.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 108 OF 2022 (Sitaram K. Zodage Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Shri V.N. Shelke, learned Advocate holding for Shri A.S. Khedkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. S.O. to 01.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

O.A.NOS.47, 48, 49 & 59 ALL OF 2020 (Damodhar B. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.12.2022

ORAL ORDER:

Heard Shri A.S. Deshmukh, learned Advocate for the applicants in all these O.As., Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these O.As and Shri G.N. Patil, learned Advocate for the respondent No.4 in O.A.No.49/2020 and for respondent Nos.3 & 4 in O.A.No.59/2020.

2. S.O. to 31.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 843 OF 2022 (Krishna Eknathrao Ghuge Vs. State of Maha. & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Heard Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the State authorities, Shri. S.D. Joshi, learned counsel for respondent No. 4 and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3.

2. When the present matter is taken up for consideration today, learned Chief Presenting Officer submits that Under Secretary, Smt. Rakhi Chavan had informed him that within next 4 days the decision will be taken in respect of posting to be given to the present applicant. The record shows that the present matter has been time to time adjourned only for this reason that the posting order is likely to be issued of the applicant. Though learned C.P.O. has made such statement, I am afraid appointment will be made within 4 weeks, having regard to the fact that the Assembly Session is going on at Nagpur. However, by way of last chance I deem it appropriate to adjourn the hearing in the present matter with the direction to the respondents to issue posting

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order of the present applicant on or before 10th January, 2023 or else the matter will be heard on its own merits.

- 3. S.O. to 10.1.2023. Interim relief granted earlier to continue till then.
- 4. Steno copy be provided to both the parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 03 OF 2020 (Anil V. Lad Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri M.S. Karad, learned counsel for the applicant, Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the State authorities and Shri A.S. Deshmukh, learned counsel for respondent No. 5, are present.

2. Due to paucity of time, this matter cannot be taken up for hearing. S.O. to 17.2.2023.

VICE CHAIRMAN

M.A.NO. 573/2022 IN O.A.NO. 431/2019 (State of Maharashtra & Ors. Vs. Ashabai Wd/o. Mukundrao Suradkar)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Heard Shri V.R. Bhumkar, learned Presenting Officer for the applicants in M.A. / respondents in O.A. and Shri Kakasaheb B. Jadhav, learned counsel for the respondent in M.A. / applicant in O.A.

- 2. The present M.A. is filed with the following prayers:-
 - "A) This Miscellaneous Application may kindly be allowed.
 - B) The extension of further two months period from 12.12.2022 may kindly be granted in favour of present applicants (Original Respondents).
- 3. On 12.10.2022 this Tribunal has passed the order in O.A. No. 431/2019. It would be appropriate to reproduce the operative part of the said order, which reads as under: -

"The Original Application is allowed in following terms:-

(A) The respondents are directed to pay the amount of interest on the delayed payment of

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Leave Encashment of Rs. 3,70,230, G.I.S. of Rs. 4,33,920/-, Gratuity of Rs. 5,36,580/- and G.P.F. of Rs. 6,96,677/- for the period beyond three months from the date of death of the deceased husband of the applicant dated 31.01.2017 till respective dates of actual payments as per Rule 129-A of M.C.S. (Pension) Rules, 1982 within the period of two months from the date of this order.

(B) No order as to costs."

4. In the present M.A. extension of further two months period from 12.12.2022 has been sought. When a query was made with the learned P.O. as to why for extension of time is sought, learned P.O. submitted that the time is sought for preferring the Writ Petition before the Hon'ble High Court against the order passed by this Tribunal in O.A. No. 431/2019. If this would be the reason for seeking extension, the present M.A. cannot be even entertained. When the order passed in O.A. No. 431/2019 was declared in the Open Court, no prayer was made on behalf of the respondent State to stay the execution of the said order for certain period to challenge the said order before the Hon'ble High Court. Had it made and had this Tribunal stayed been implementation of the order for particular period, the request for extension of the said period could have been considered. However, when there is no such order the

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present Misc. Application has to be rejected and it is accordingly rejected. No order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 712 OF 2018 (Sandipan A. Gavali Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri Deepak K. Rajput, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the State authorities, are present.

2. S.O. to 8.2.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 712 OF 2018 (Sandipan A. Gavali Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri Deepak K. Rajput, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the State authorities, are present.

2. S.O. to 8.2.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 75 OF 2020 (Jitendra V. Sarde Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri K.B. Bhise, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the State authorities, are present.

2. S.O. to 2.1.2023. **High on board**.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 225 OF 2020 (Subhash M. Rathod Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri K.B. Jadhav, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the State authorities and Shri K.J. Suryawanshi, learned counsel for respondent Nos. 4 & 6, are present.

2. S.O. to 10.2.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 542 OF 2020 (Rajaram S Shendge Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the State authorities, are present.

2. S.O. to 13.2.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 20 OF 2021 (Ramraje S. Chandane Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Ms. Preeti R. Wankhade, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the State authorities, are present.

2. S.O. to 2.1.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 129 OF 2021 (Dr. Sheshrao P. Lohgave Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Shri J.S. Deshmukh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the State authorities, are present.

2. S.O. to 4.1.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 329 OF 2022 (Suresh M. Jagtap Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Justice P.R. Bora,

Vice Chairman

DATE : 21.12.2022

ORAL ORDER:

Heard Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the State authorities.

- 2. Aggrieved by the recovery made by the respondents from the amount of gratuity payable to the applicant on the account of excess payment made to the applicant because of wrong fixation of pay, the applicant has preferred the present Original Application. The respondents have recovered amount of Rs. 59,894/-from the amount of gratuity payable to the applicant.
- 3. There seems no dispute that the applicant retired on 31.8.2016 after attaining the age of superannuation from the post of ASI. It is also not in dispute that the post of ASI is a Class-III post. There is further no dispute that the recovery was directed of the aforesaid amount after retirement of the applicant. The recovery is directed admittedly on the ground of alleged excess payment made to the applicant during the period between 1.1.1993 and 1.7.2015 because of the wrong

:: - 2 - ::

fixation of pay. It is the contention of the applicant that in view of the law laid down by the Hon'ble Apex Court in the case of **State of Punjab and others Vs. Rafiq Masih (White Washer) etc., AIR 2015 SC 596**, such recovery was impermissible. In the circumstances, the applicant has fled the present O.A. seeking refund of the said amount recovered by the respondents from the applicant.

4. According to the respondents, before final pay verification was done at the time of retirement of the applicant for the purpose of determining his pension it was revealed that the pay of the applicant was wrongly fixed on higher side and thus, excess payment has been made to the applicant for which he was not entitled. Learned Presenting Officer submitted that at the relevant time before the pay verification the applicant has given an undertaking that if in the said pay verification he is noticed to have received excess payment than his entitlement because of some mistake in his pay fixation, he will be liable to refund the said excess amount from the amount of retiral benefits payable in his favour. Learned P.O. submitted that in view of the

undertaking so given by the applicant he is estopped from challenging the recovery so made and learned P.O. therefore, has prayed for dismissal of the Original Application.

5. I have duly considered the submissions advanced by the parties. As noted hereinabove, there is no dispute about most of the facts involved in the matter. Admittedly, the applicant is a Class-III employee. The recovery is directed against the applicant after his retirement on account of excess payment allegedly made to him during the period between 1996 and 2015. It is not the case of the respondents that in wrong fixation of pay in the year 1996 or any time thereafter any active role was played by the present applicant or alleged excess payment was consequence of any misrepresentation made by the applicant. The Hon'ble Apex Court in the case of State of Punjab and others Vs. Rafiq Masih (White Washer) etc. (cited supra), in the following circumstances recoveries by the employers are held impermissible in law:

- (i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).
- (ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.
- (iii) Recovery from the employees when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.
- (iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.
- (v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employees, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."
- 6. Having considered the law laid down as above by the Hon'ble Apex Court it is quite evident that it was impermissible for the respondents to direct the recovery of the amount as aforesaid after retirement of the present applicant. The applicant, therefore, has to be held entitled for refund of the said amount. In the result, the following order is passed:-

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ORDER

- (i) The respondents shall refund the amount of Rs. 59,894/- so recovered from the applicant within 12 weeks from the date of this order.
- (iii) The O.A. stands allowed in the aforesaid terms without any order as to costs.

VICE CHAIRMAN