

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

*List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench
Before: - THE HON'BLE JUSTICE SHRI. P.R. BORA, VICE CHAIRMAN*

And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Date:- 01/02/2024

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	OA89/24	A'bad	Adv.K G Salunke (Dnyaneshwar P Sirsat)	Selection Process	04.03.2024	
2	OAS170/24	A'bad	Adv. Dhananjay Mane (Anil S Burkul)	Promotion	12.03.2024	
3	OA872/23	Nanded	Adv.Krishna P Rodge (Rajratan N Kamble & Ors.) <u>Adv.Nitin Munde For</u> <u>R.Nos.6 & 7</u>	Promotion	14.03.2024	
Order Matters						
4	MA51/21 In OAS184/21	Hingoli	Adv.Preeti R Wankhade (Sangameshwar M Kadam)	M.A. For Condonation of Delay	07.02.2024	
5	MA362/21 In OA745/21	A'bad	Adv.V B Wagh (Arvind D Gaikwad & Ors.)	M.A. For adding Co Applicants in MA	01.03.2024	
6	MA336/23 In OA185/21	Beed	Adv.V B Wagh (Subhash J Khote)	M.A. For Direction	09.02.2024	
7	MA439/23 In MA194/23 In OA326/16	A'nagar	Adv.V B Wagh (Changdeo G Sawant)	MA439/23 for Condonation of Delay MA194/23 For Amendment	09.02.2024	
8	MA496/23 In OA222/23	A'bad	Adv.A S Deshpande (Vijay U Awadhane & Ors.)	M.A. For Direction/ I.R.	15.02.2024	

9	MA537/23 In OA385/19	Dhule	Adv.P B Rakhunde (Suresh U Nande)	M.A. For Amendment	12.02.2024	
Due Admission Matters						
10	CP61/23 In OAS1185/19	A'bad	Adv.Ajay S Deshpande (Amit S Swami)	Contempt Petition	07.02.2024	
11	OA709/17	P'bhani	Adv.P B Rakhunde (Ramesh M Sonawane)	Departmental Enquiry/ Show Cause Notice/ Punishment	12.02.2024	
12	OA409/19	A'nagar	Adv.Sandeep B Gorde (Hanumantrao B Bhongale)	Departmental Enquiry	04.03.2024	
13	OA811/19	Dhule	Adv.Deepak D Choudhari (Bhushan D Kagane)	Dismissal From Service	04.03.2024	
14	OA1024/19	Beed	Adv.G K Kshirsagar (Lata S Sanap)	Promotion/ Charge Sheet		
15	OA27/21	Nanded	Adv.Dhananjay A Mane (Mohan G Wadajkar)	Major Punishment/ Quashing Chargesheet/ Pension	16.02.2024	
16	OA28/21	A'bad	Adv.Dhananjay A Mane (Gorakh B Dhakane)	Major Punishment/ Quashing Chargesheet/ Pension	16.02.2024	
17	OA30/22	O'bad	Adv.Sushant B Choudhari (Mahesh S Vaidya)	Selection	11.03.2024	
18	OA300/22 with	A'bad	Adv.P J Bharad (Dr. Santosh R Kote)	Eligibility	12.03.2024	
19	OA397/22	A'bad	Adv.Pratibha J Bharad (Prajakta D Khairnar & Ors.)	Eligibility/ Interview	12.03.2024	

20	OA932/22	O'bad	Adv.K G Salunke (Rahul K Gaikwad)	Major Punishment		
21	OA933/22	O'bad	Adv.K G Salunke (Manisha S Shinde)	Major Punishment		
22	OA315/23	A'bad	Adv.Jiwan J Patil (Gajanan B Dandge)	Non Selection	26.02.2024	
Final Hearing Matters						
23	OA633/12	A'bad Beed	Adv.H A Joshi (Sachin S Unawane & Ors.)	Selection/ Appointment	23.02.2024	
24	OA736/12	Nanded	Adv.Sudhir Patil (Devidas R Jadhav)	Extention of Age of Retirment	23.02.2024	
25	OA556/14	A'bad	Adv.A S Deshpande (Sanjay R Patange)	Promotion	23.02.2024	
26	OA345/17	P'bhani	Adv.V G Pingle (Abhiman M Kale) <u>Adv.Shamsunder B Patil</u> <u>for R.Nos.2 to 6</u>	Termination	21.02.2024	
27	OA517/17	Dhule	Adv.M V Bhamre (Anup S Kulkarni)	Direction/ Selection/ Appointment	22.02.2024	
28	OA189/18	A'nagar	Adv.Rahul O Awsarmal (Dhiraj A Salve) <u>Adv.V.B. Wagh for R.No.4</u> <u>to 8</u>	Seniority	21.02.2024	
29	OA383/18	A'bad	Adv.Shamsunder B Patil (Meraj Begum Syeed Abdul Khalak)	Seniority	21.02.2024	

30	OA399/18	A'bad	Adv.Santosh S Dambe (Kantilal K Golwal)	Termination	22.02.2024	
31	OA272/20 With	Nashik	Adv.Vivek G Pingle (Umesh L Dargode)	Appointment	05.03.2024	
32	OA273/20 With	Nashik	Adv.Vivek G Pingle (Kunal D Vadnere)	Appointment		
33	OA274/20 With	Wardha	Adv.Vivek G Pingle (Rushabh D Gadkari)	Appointment		
34	OA275/20 With	O'bad	Adv.Vivek G Pingle (Ganesh R Panchal)	Appointment		
35	OA276/20 With	Nashik	Adv.Vivek G Pingle (Monika B Khode)	Appointment		
36	OA277/20 With	Jalgaon	Adv.Vivek G Pingle (Dimpal I Patil)	Appointment		
37	OA278/20 With	Solapur	Adv.Vivek G Pingle (Sambhaji H Shinde)	Appointment		
38	OA279/20 With	Sangali	Adv.Vivek G Pingle (Vinayak V Satale)	Appointment		
39	OA280/20 With	Satara	Adv.Vivek G Pingle (Ravina A Patil)	Appointment		
40	OA281/20 With	Satar	Adv.Vivek G Pingle (Sumesh B Madane)	Appointment		
41	OA282/20 With	Jalgaon	Adv.Vivek G Pingle (Ankita P Nannaware)	Appointment		
42	OA283/20	Nagpur	Adv.Vivek G Pingle (Divya R Wankhede)	Appointment		

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

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench

Before: - **THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN**

And

THE HON'BLE SHRI VINAY KARGAONKAR, MEMBER (A)

Date: -01/02/2024

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	CP34/22 In OA78/21	A'nagar	Adv K B Jadhav (Shubhangi Y Pawale) <u>Adv Anuradha S Mantri For R-2</u>	Contempt Petition	09.02.2024	
2	CP37/22 In OA138/19	P'bhani	Adv.D.T.Devane (Dnyanoba K Ovhal)	Contempt Petition	01.03.2024	
3	CP04/23 In OA304/18	Hingoli	Adv J S Deshmukh (Sudhakar Mangalkar & 2 Ors.)	Contempt Petition	01.03.2024	
4	OA700/21	Latur	Adv.Avinash S Deshmukh (Somnath S Reddy) <u>Adv.Ajay Deshpande for R.No.7</u>	Seniority Lists/ Promotion	20.02.2024	
5	OA930/22	Beed	Adv.P.D. Suryawanshi (Shagir Rustum Pathan)	Termination	16.02.2024	
6	OA931/22	Nanded	Adv.P.D. Suryawanshi (Jubirruddin Hamidoddin Shaikh)	Termination	16.02.2024	
7	OA1097/22	A'bad	Adv S G Kulkarni (Bhupendra A Rathod)	Seniority/ Service Benefits	21.03.2024	

8	OA49/23	Dhule	Adv.K.B. Jadhav (Sagar S Patil)	Departmental Enquiry	15.02.2024	
9	OA225/23	Jalgaon	Adv C V Dharurkar (Nilesh B Rathod)	Dismissal From Service	18.03.2024	
10	OA291/23	N'bar	Adv C V Dharurkar (Vikrant R Kachare)	Preliminary Enquiry	18.03.2024	
11	OA366/23 With Caveat No.12/23	Nanded	Adv A S Deshmukh (Nitin B Kolekar) <u>Adv Ajay S Deshpande Caveator Filed By R- 3 & R-4</u>	Seniority List Reversion	20.02.2024	
12	OA913/23	Beed	Adv Ajay S Deshpande (Bhausahab R Sarawade)	Departmental Enquiry	21.02.2024	
13	OA1101/23	Jalna	Adv S A Deshmukh (Balkrishna B Kalkumbe)	Seniority List	14.03.2024	
Order Mattes						
14	MA422/22 In OAS1440/22	Jalgaon	Adv S R Patil (Harichandra D Patil)	M.A For Condonation of Delay	06.03.2024	
15	MA55/23 In OA982/22	A'bad	Adv.A.D. Sugdare (Dr. Sanjitkumar M Sant)	M.A. For Direction	16.02.2024	
16	MA198/23 In OA139/20	Jalgaon	Adv C C Deshpande (Shravan P Pawara)	M.A For Condonation of Delay	06.03.2024	

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

List of Cases set down for Physical Hearing/Admission/Order/etc.before Hon'ble Single Bench
Before: - THE HON'BLE JUSTICE SHRI V. K. JADHAV, MEMBER (J)

Date: -01/02/2024

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	OA298/20	O'bad	Adv K G Salunke (Ramraje G Pawar)	Transfer	For Reporting Compliance Ref Order Dtd.0 09.11.2022	9.5.2024
2	OA489/20	Jalgaon	Adv H P Randhir (Subhash O Ghodke)	Continuation/ Benefit of Old Pension Scheme	For Filing Affidavit in Reply	9.2.2024
3	OA406/21	Beed	Adv Avinash S Deshmukh (Sajed M Siddiqui)	Transfer	For Filing Affidavit in Rejoinder	20.2.2024
4	OA636/22	Jalna	Adv A N Patil- Barhate (Kavita S Khokhale)	Directions/ Compassionate Appointment Dispute between Legal Heirs	For Filing Affidavit in Rejoinder	20.2.2024
5	OA772/22	A'nagar	Adv A S Khedkar (Moreswar D Nawale)	Withdrawal of Benefit of T.B. P	For Filing Affidavit in Rejoinder	20.2.204
6	OA798/22	Nanded	Adv Kakasahab B Jadhav (Vitthal D Gire)	Counting of Service for Pension & Other Benefits	Reply Filed By R-1 to R-4 & For Filing Affidavit in Rejoinder	20.2.2024

7	OA04/23	Beed	Adv K B Jadhav (Sunil L Jadhav) <u>Adv D T Devane For R-4</u>	Compassionate Appointment Delay	For Filing Affidavit in Reply	15.2.2024
8	OA136/23	A'bad	Adv S K Labde (Ramesh B Burud)	Interest on Unpaid Salary	For Filing Affidavit in Reply	15.3.2024
9	OA219/23	Nanded	Adv M V Ghatge/ Adv M S Taur (Pathan Haider Ali Khan S/o Umarkhan)	Pay Fixation/ Recovery	For Filing Affidavit in Reply	20.2.2024
10	OA586/23	Nanded	Adv Kakasaheb B Jadhav (Umesh R Kavle)	Transfer	As a Last Chance For Taking instructions	15.2.2024
11	OA618/23	Jalgaon	Adv K B Jadhav (Kishor A Salunke)	Transfer	As a Last Chance For Taking instructions	15.2.2024
12	OA813/23	Latur	Adv Preeti R Wankhade (Shahuraj D Patil) <u>Adv S B Patil For R-1</u>	Pension	As a Last Chance For Filing Affidavit in Reply R-2	26.2.2024
13	OA834/23	P'rbn	Adv S S Thombre (Dr. Balasaheb S Nagargoje)	Suspension	As a Last Chance For Filing Affidavit in Reply	14.2.2024
14	OA1005/23	Dhule	Adv Ajit B Kale (Hemant R Devkar)	Suspension	For Filing Affidavit in Reply	1.3.2024
15	OA1012/23	Jalgaon	Adv R A Shinde (Mahendra S Sangle)	Police Patil	For Filing Affidavit in Reply	5.2.2024

16	OA1031/23	Nanded	Adv Santosh S Dambe (Dr. Pradeep M Thakkarwad)	Suspension	For Filing Affiavit in Reply	12.2.2024
17	OA1116/23	A'bad	Adv D T Devane (Yogesh N Pawar)	The Payment of Remaining amount of Medical bill	Await Service	14.2.2024
18	OA55/24	P'rbn	Adv J M Murkute (Shivaji D Sanap)	Police Patil	For Filing Affidavit in Reply	28.2.2024
19	OA56/24	Nanded	Adv Gorakhnath Kendre/ Adv J M Murkute (Sandeep S Pawar)	Police Patil	For Filing Affidavit in Reply	
20	OA57/24	Nanded	Adv Gorakhnath Kendre/ Adv J M Murkute (Gulab J Taywade)	Police Patil	For Filing Affidavit in Reply	
Order Matters						
21	MA437/22 In OAS1552/22	Nanded	Adv B G Deshmukh (Balaji G Harale)	M.A For Condonation of Delay	By Way of Last Chance For Filing Affidavit in Reply R-1 & R-3	18.3.2024
22	MA133/23 In OAS1264/23	A'bad	Adv A S Bayas (Yashoda A Rathod & Ors.)	M.A For Condonation of Delay	Reply Filed By R-1 to R-4	9.2.2024
23	MA135/23 In OAS1266/23	A'bad	Adv A S Bayas (Sahebjaan Gulab@ Babu Tadvi & Ors.)	M.A For Condonation of Delay	Reply Filed R-1 to R-4	
24	MA137/23 In OAS1306/23	A'bad	Adv A S Bayas (Chaya K Avhad & Ors.)	M.A For Condonation of Delay	Reply Filed By R-1 to R-4	

25	MA164/23 In OAS467/23	A'bad	Adv Umesh S Gadsing (Ganesh M Bade) <u>Adv S B Mene For R-2</u> <u>& R-3</u> <u>Adv V P Sawant For</u> <u>R-4</u>	M.A For Condonation of Delay	Await Service & For Filing Affidavit in Reply R-2 & R-3 R-4	19.3.2024
26	MA270/23 In OAS806/23	P'rbn	Adv R.G Nirmal (Amol R Kulthe)	M.A For Condonation of Delay	Await Service R-3	18.3.2024
27	MA361/23 In OAS1150/23	N'bar	Adv S A Kulkarni (Arvind N Patil)	M.A For Condonation of Dealy	Await Service	20.2.2024
28	MA424/23 In OAS1520/23	Nanded	Adv S K Mathpati (Shaikh Yousuf Shaikh Saber)	M.A For Condonation of Delay	For Filing Affidavit in Reply	19.3.2024
29	MA530/23 In OAS2216/23	Beed	Adv K B Jadhav (Shaikh Mumtaj Shaikh Ibrahim)	M.A For Condonation of Delay	For Filing Affidavit in Reply	20.3.2024

M.A.NO.496/2023 IN O.A.NO.222/2023
(Vijay U. Awadhane & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 01.02.2024
ORAL ORDER :

Shri Ajay Deshpande, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. When the present matter is taken up for consideration, learned P.O. has tendered communication dated 29-01-2024 received to the office of Divisional Commissioner, Chhatrapati Sambhajnagar from the State Government. Same is taken on record. In the context of the said communication, learned P.O. has sought 2 weeks' time. Time is granted.

3. S.O. to 15-02-2024. Till then the interim arrangement shall continue.

MEMBER (A)
YUK ORAL ORDER 01.02.2024

VICE CHAIRMAN

M.A.NO.55/2023 IN O.A.NO.982/2022
(Dr. Sanjtkumar M. Sant Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 01.02.2024

ORAL ORDER :

Heard Shri A.D.Sugdare, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. In the present M.A., the applicant has prayed for direction against MPSC to declare the result of his interview taken by the committee constituted by MPSC under the orders of this Tribunal. Respondents have not filed any say to the present M.A. Having considered the order passed by the Tribunal in the O.A. on 09-11-2022, that the result of the applicant be kept in sealed cover which would be subject to outcome of the present O.A., request of the applicant to declare the result cannot be accepted.

3. MPSC is, however, directed to submit the result in the sealed cover before this Tribunal within 2 weeks from the date of this order. M.A.No.55/2023 stands disposed of accordingly. No costs.

4. O.A. to come up on 16-02-2024.

MEMBER (A)
YUK ORAL ORDER 01.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.49/2023
(= Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 01.02.2024

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 4. It is taken on record. Copy thereof is given to learned Counsel for applicant.

3. S.O. to 15-02-2024 for filing rejoinder. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 01.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.930/2022
(Shagir R. Pathan Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 01.02.2024
ORAL ORDER :

Shri P.V.Suryawanshi, learned Counsel holding for Shri P.D.Suryawanshi, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks time to file affidavit in reply on behalf of respondent nos. 1 to 3, 5 & 6. Granted.
3. S.O. to 16-02-2024.

MEMBER (A)
YUK ORAL ORDER 01.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.931/2022
(Jubiroddin H. Shaikh Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 01.02.2024
ORAL ORDER :

Shri P.V.Suryawanshi, learned Counsel holding for Shri P.D.Suryawanshi, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks time to file affidavit in reply on behalf of respondent nos. 1 to 3, 5 & 6. Granted.
3. S.O. to 16-02-2024.

MEMBER (A)
YUK ORAL ORDER 01.02.2024

VICE CHAIRMAN

M.A.NO.537/2023 IN O.A.NO.385/2019
(Suresh Nande Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 01.02.2024
ORAL ORDER :

Shri P.B.Rakhunde, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. M.A. and O.A. be heard together.
3. S.O. to 12-02-2024.

MEMBER (A)
YUK ORAL ORDER 01.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.366/2023
(Nitin Bhimrao Kolekar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 01.02.2024
ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant, Shri M.P.Gude, learned Presenting Officer for the respondent authorities and Shri Ajay Deshpande, learned Counsel for respondent nos.3 and 4, are present.

2. Learned Counsel for the applicant tenders affidavit in rejoinder. It is taken on record. Copy thereof be provided to the other side.

3. List the matter for hearing on 20-02-2024.

MEMBER (A)
YUK ORAL ORDER 01.02.2024

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 04 OF 2023
(Sunil L. Jadhav Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No.4, are present.

2. At the request of learned P.O. and learned counsel appearing for respondent No.4, time granted as a last chance for filing affidavit in reply.

3. S.O. to 15.02.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 586 OF 2023
(Umesh R. Kavle Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer for the respondents, time granted as a last chance for filing affidavit in reply.

3. S.O. to 15.02.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 618 OF 2023
(Kishor A. Salunke Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer for the respondents, time granted as a last chance for filing affidavit in reply.

3. S.O. to 15.02.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 813 OF 2023
(Shahuraj D. Patil Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned counsel for respondent Nos 1 & 2, are present.

2. Though the last chance is granted, no affidavit in reply is filed on behalf of the respondent Nos. 1 & 2.

3. List the matter for admission hearing on 26.02.2024 with liberty to respondent Nos. 1 & 2 to file the affidavit in reply, if any till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1005 OF 2023
(Hemant R. Devkar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri Ajit B. Kale, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer for the respondents, time granted for filing affidavit in reply.

3. S.O. to 01.03.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1012 OF 2023
(Mahendra S. Sangle Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri R.A. Shinde, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

None appears for respondent No.4, though duly served.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 2 & 3 and submits that the respondent No.1 is adopting the affidavit in reply filed by respondent Nos. 2 & 3. The same is taken on record and copy thereof is already given to learned counsel for the applicant.

3. Learned counsel for the applicant submits that the applicant is not willing to file any rejoinder.

4. Pleadings completed. List the matter for admission hearing on 05.02.2024.

MEMBER (J)

**M.A.ST.NO. 07 OF 2024 IN O.A.ST.NO. 08 OF 2024
(Vilas S. Kotkar & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 08.02.2024.

MEMBER (J)

ORAL ORDER 01.02.2024 sas

**M.A.NO. 26 OF 2024 IN O.A.ST.NO. 1722 OF 2022
(Sampat R. Warbhuwan Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Heard Ms. Megha Mali, learned counsel holding for Shri A.P. Avhad, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents in M.A., returnable on 21.03.2024.
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.

//2// M.A. 26/2024 in
O.A.St.1722/2022

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. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 21.03.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**M.A.NO. 99 OF 2023 IN O.A.ST.NO. 390 OF 2023
(Pritam R. Bansode & Anr. Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicants has pointed out that on earlier occasion this Tribunal has passed order to the effect that the Misc. Application seeking condonation of delay be heard along with O.A.

3. In view of above, list the M.A. with O.A. for hearing on 23.02.2024. The respondents are at liberty to file affidavit in reply to O.A.

MEMBER (J)

ORAL ORDER 01.02.2024 sas

**ORIGINAL APPLICATION NO. 103 OF 2022
(Tushar V. Veldandi Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri S.B. Kakde, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. At the request of learned counsel for the applicant, S.O. to 09.02.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 621 OF 2022
(Dattatray A. Kakade Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Ms. P.C. Kale, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. By consent of both the sides, S.O. to 09.02.2024 for further hearing.

MEMBER (J)

ORAL ORDER 01.02.2024 sas

ORIGINAL APPLICATION NO. 781 OF 2021
(Afroz Khan Karim Khan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri A.B. Rajkar, learned counsel holding for Shri A.R. Tapse, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the sides, S.O. to 23.02.2024 for hearing.

MEMBER (J)

ORAL ORDER 01.02.2024 sas

**ORIGINAL APPLICATION NO. 584 OF 2022
(Balaji T. Kedare Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

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

2. This is a part heard matter.

3. S.O. to 15.02.2024 for production of citations by the applicant.

MEMBER (J)

ORAL ORDER 01.02.2024 sas

**M.A.NO. 392 OF 2022 IN O.A.ST.NO. 78 OF 2022
(Ashru M. Kaldate Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Heard Prashant B. Jadhav, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. By order dated 15.01.2024 the permission was granted to the applicant to correct the name and address of respondent No. 4 in M.A. as well as in O.A. However, inadvertently the correction has not been carried out by the applicant within time.

3. Learned counsel for the applicant seeks one week's extension to carry out correction. Time is granted for the period of one week.

4. If the correction is carried out in the said period of one week, issue fresh notice to respondent No.4 in M.A. on the corrected name and address, returnable on 01.04.2024.

5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

//2// M.A. 392/2022 in
O.A.St. 78/2022

6. 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.
7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
9. S.O. to 01.04.2024.
10. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**M.A.NO. 164 OF 2023 IN O.A.ST.NO. 467 OF 2023
(Ganesh M. Bade Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024.

ORAL ORDER :

Shri Umesh S. Gadsing, learned counsel for the applicant, is **absent**. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3 and Shri V.P. Sawant, learned counsel for respondent No.4, are present.

2. Learned counsel appearing for respondent Nos. 2 & 3 and learned counsel appearing for respondent No. 4 seek time to file affidavit in reply on the of said respondents. Time granted.

3. S.O. to 19.03.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 27 OF 2023
(Sanjay M. Vyas Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri S.B. Jadhav, learned counsel for the applicant, is **absent**. Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits additional affidavit in reply on behalf of respondent Nos. 1 to 4 in view of amendment application allowed by this Tribunal along with spare copy for the other side. The same is taken on record.

3. S.O. to 01.03.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 387 OF 2021
(Shankar B. Ghogare Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks one week's time to file an application for addition of the parties. Time granted.

3. S.O. to 15.02.2024

MEMBER (J)

**M.A. NO. 164 OF 2022 IN O.A.ST.NO. 2280 OF 2019
(Govardhan H. Chavan Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Heard Shri P.H. Patil, learned counsel holding for Shri P.B. Patil, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. By this application the applicant is seeking condonation of delay caused in filing the accompanying Original Application.

3. There is a delay of 1347 days from the order dated 21.06.2013 to 14.02.2017 and the delay of 149 days from the last order dated 22.06.2018 for filing the accompanying Original Application.

4. Learned counsel for the applicant submits that the applicant was appointed as a Tahsildar on 11.07.1977 on vacant and sanctioned post and he was working as a Tahsildar Bhadgaon. However, by order dated 23.04.2008 the respondent No.4 has suspended the applicant and the respondent No.5 has initiated the departmental enquiry against the applicant on the ground that there was misconduct

//2// M.A. 164/2022 in
O.A.St. 2280/2019

and misbehavior on the part of the applicant while working as Tahsildar Bhadgaon.

5. Learned counsel for the applicant submits that though the criminal case was commenced against the applicant in this regard, the applicant came to be discharged by learned J.M.F.C. Bhadgaon by order dated 28.03.2013. Learned counsel for the applicant submits that even in the departmental enquiry, the applicant came to be exonerated. Learned counsel for the applicant submits that even in the year 2009 the Collector, Jalgaon has initiated the second departmental enquiry illegally on 15.12.2009 and withheld one increment of the applicant for the period of one year. The applicant has challenged the said order dated 15.12.2009 passed by Collector, Jalgaon by filing the administrative appeal, however, it was dismissed on 21.06.2013.

6. The applicant came to be retired on 31.10.2011. In terms of the Rule 72 of the Maharashtra Civil Services (General Condition of Services) Rules 1981, the applicant was not paid the retiral payments and as such, the applicant is

//3// M.A. 164/2022 in
O.A.St. 2280/2019

challenging the said order under the Original Application. Though the appeal was filed before the Governor of Maharashtra, the appeal came to be dismissed by respondent No.1 without any jurisdiction. Learned counsel for the applicant submits that there is one more order dated 24.05.2018 by which the order dated 14.02.2017 was confirmed.

7. Learned counsel for the applicant submits that the applicant is old aged person suffering from various age related ailments. However, he could not approach this Tribunal within time due to medical and financial problems. Learned counsel for the applicant submits that there is no inaction on the part of the applicant and there is no intentional and deliberate delay as such. Learned counsel for the applicant submits that the application seeking condonation of delay deserves to be allowed.

8. Learned Presenting Officer has strongly resisted the application on the ground that there is an inordinate delay for which no satisfactory explanation has been tendered by the applicant.

//4// M.A. 164/2022 in
O.A.St. 2280/2019

Learned P.O. submits that the applicant has challenged three different orders for which different delay has been caused in filing the Original Application. However, the applicant has attempted to explain the delay by giving one and same cause. Learned P.O. submits that there is no substance in the application and the same is liable to be rejected.

9. It appears that the applicant is retired employee fighting the litigation since 2008. Even though he came to be acquitted in criminal case and exonerated in the departmental enquiry, he was punished and departmental appeal preferred by the applicant came to be dismissed. The applicant is at present 66 years of age and suffering from various age related ailments. It is thus obvious that because of this long dragged litigation, the applicant is facing financial problems. There is no intentional or deliberate delay as such. The applicant is prevented from sufficient cause to approach this Tribunal within time. There is no inaction on the part of the applicant. However, the applicant is required to be saddled with costs. I compute the costs of

//5// M.A. 164/2022 in
O.A.St. 2280/2019

Rs. 2,000/- (Two Thousand only) on the applicant
and proceed to pass the following order: -

ORDER

The Misc. Application No. 164/2022 is allowed
in following terms:-

- (A) The delay of 1347 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 2000/- (Two Thousand only). The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.
- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 2280 OF 2019
(Govardhan H. Chavan Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Heard Shri P.H. Patil, learned counsel holding for Shri P.B. Patil, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 01.04.2024.
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.

//2// O.A.st. 2280/2019

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. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 01.04.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 613 OF 2021
(Digambar R. Deshpande Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer submits that inadvertently the annexures were not submitted along with the affidavit in reply, though referred to in it.

3. Learned counsel for the applicant submits that so far as grant of special leave is concerned, those powers are with the respondent No. 1 alone and as such, the respondent No. 2 i.e. the Special Director General of Police (Establishment), Mumbai has forwarded the proposal in this regard to respondent No. 1 by communication dated 15.09.2017. Even by communication dated 03.01.2018 (Annexure A-6), the Superintendent of Police, Parbhani has forwarded certain papers along with his opinion about the grant of said leave as directed by respondent No. 1. Learned counsel submits that the said proposal is still pending with the respondent No. 1 as on today.

//2//

O.A. No. 613/2021

4. On careful perusal of para No. 11 of the affidavit in reply filed on behalf of respondent No. 1, it appears that the incorrect reference has been given to the letter dated 28.12.2017 with the specification that the said proposal has been rejected vide letter dated 28.12.2017. However, the said letter dated 28.12.2017 (Annexure A-5) is the letter received from the Desk Officer, Home Department, Maharashtra State, wherein the respondent No. 2 is directed to submit certain documents along with proposal.

5. In view of above, learned Presenting Officer is hereby directed to take specific instructions from the concerned respondent/s about the present status of said proposal submitted by respondent No. 2 to respondent No. 1 in this regard.

6. Leave to file the annexures till the next date of hearing.

7. S.O. to 06.02.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 730 OF 2023
(Chetansing K. Rajput Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Heard Shri Ajit B. Kale, learned counsel for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri Sachin Deshmukh, learned counsel holding for Shri Sanket Suryawnashi, learned counsel for respondent No. 3.

2. The present matter is reserved for orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 734 OF 2023
(Girish S. Visave Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri Yogesh Bobade, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Smt. A.N. Ansari, learned counsel for respondent No. 4, are present.

2. Learned counsel for respondent No. 4 submits that the respondent No. 4 will not file separate affidavit in reply and he is adopting the affidavit in reply filed on behalf of respondent Nos. 1 to 3.

3. Learned counsel for the applicant seeks time to file rejoinder affidavit. Time granted.

4. S.O. to 20.02.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 772 OF 2023
(Vijaya S. Nilewad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Heard Smt. A.N. Ansari, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that before the Annual General Transfers of the year 2024, there is likelihood of vacancy on account of retirement of employee working at State Tax Department, Nanded.

3. In view of above, learned Presenting Officer is directed to take specific instructions in this regard and also to take instruction as to whether the applicant can be transferred in the Annual General Transfers of the year 2024 at State Tax Department, Nanded, as requested by her.

4. S.O. to 08.02.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 90 OF 2024
(Prakash W. Bhambre Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri Mayur Subhedar, learned counsel holding for Shri Harish Bali, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 18.03.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 01.02.2024

ORIGINAL APPLICATION NO. 580 OF 2018
(Amol R. Sakruskar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri H.A. Joshi, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent Nos. 2 and 3, are present.

2. By consent, S.O. to 08.02.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 01.02.2024

ORIGINAL APPLICATION NO. 82 OF 2020
(Sharad M. Panchange Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri A.D. Gadekar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Leave to correct the prayer clause (C) to the extent of date.

3. S.O. to 01.03.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 98 OF 2020 WITH
CAVEAT NO. 78/2019**

(Bhavana R. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri Manish Bhambre, learned counsel for respondent No. 2 (Caveator), are present.

2. By consent, S.O. to 21.02.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 01.02.2024

ORIGINAL APPLICATION NO. 496 OF 2020
(Mohd Akif Abrar Mohd. Abdul Rauf Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 26.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 17 OF 2021
(Parashram S. Khetre Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Smt. Vidya Taksal, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 20.03.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 321 OF 2021
(Dr. Pramod U. Wawdhane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri S.V. Kurundkar, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present. Shri A.B. Shinde, learned counsel for respondent No. 4, is **absent**.

2. Leave to the applicant to file the latest calculation sheet of interest till the next date of hearing.

3. S.O. to 19.03.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 351 OF 2021
(Kautik Y. Kachole Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.03.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 361 OF 2021
(Madhukar G. Misal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri Mayur Subhedar, learned counsel holding for Shri C.V. Dharukar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.03.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 01.02.2024

ORIGINAL APPLICATION NO. 750 OF 2021
(Subhash B. Choudhary Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.03.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1100 OF 2023
(Dr. Sanjay M. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant, Shri Sanjeev B. Deshpande, learned Special Counsel for the respondent authorities and Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh along with Shri Shamsunder B. Patil, learned counsel for respondent No. 4.

2. Learned Special Counsel seeks short adjournment for filing affidavit in reply for the reason that today only he has received record and proceedings from the learned Presenting Officer.

3. Shri M.P. Gude, learned Presenting Officer is also present before this Tribunal and states that the record and proceedings of the aforesaid matter has been handed over to the learned Special counsel today itself.

4. Though the learned counsel for the applicant has strongly opposed the adjournment for more than two weeks, however considering the difficulty

//2//

O.A. No. 1100/2023

as faced by the learned Special Counsel, S.O. to 12.02.2024 for filing affidavit in reply. It is expected from the learned Special Counsel that the affidavit in reply will be filed positively on 12.02.2024 and in that event, copy of the said affidavit in reply shall be served on the other side a day before of the date fixed for hearing, if possible.

MEMBER (J)

KPB ORAL ORDER 01.02.2024

ORIGINAL APPLICATION NO. 89 OF 2018
(Sayeda Khalida Md. Nadeem Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present. Shri S.R. Pande, learned counsel for respondent No. 3, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 05.02.2024 for final hearing.

3. Learned counsel for the applicant to inform about the next date of hearing to Shri S.R. Pande, learned counsel for respondent No. 3.

MEMBER (J)

ORIGINAL APPLICATION NO. 834 OF 2023
(Dr. Balasaheb S. Nagargoje Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Though the last chance is granted, no affidavit in reply has been filed.

3. Learned Presenting Officer submits that draft reply is already forwarded for approval and the same will be received within a week.

4. In view of the same, list the matter for admission hearing on 14.02.2024 with liberty to the other side to file the affidavit in reply, if any till then.

MEMBER (J)

**M.A. St. No. 196/2024 in O.A. St. No. 1148/2021
(Manoranjan M. Gatkal Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Shri Sunil Nimbalkar, learned counsel holding for Shri Amol Gandhi, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks time to correct the prayer clause 11(A) of the M.A. to the extent of period of delay in terms of the office objection, if it is so required.

3. S.O. to 09.02.2024.

MEMBER (J)

KPB ORAL ORDER 01.02.2024

ORIGINAL APPLICATION NO. 89 OF 2024
(Dnyaneshwar P. Sirsat Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 01.02.2024
ORAL ORDER :

Heard Shri K.G. Salunke, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The applicant had applied for the post of Senior Clerk in pursuance of the advertisement No. 02/2022 published on 16.02.2023. The applicant claims to be belonging to OBC Category and also claims to be a disabled candidate. Total 270 posts are advertised of the Senior Clerk out of which 48 posts are reserved for OBC and out of that 06 posts are reserved for disabled OBC candidates. The applicant appeared for the written examination and has secured 136 marks out of 200. He was also called for document verification, however, after verification of the documents his name has been included in the list of not eligible candidates. The reason as is shown in the remark column demonstrates that the applicant is not holding the

requisite qualification as prescribed in the advertisement.

3. Learned counsel submitted that the applicant is possessing degree of B.E. (Computer) and has also passed MS-CIT examination. Applicant possesses certificates of Marathi & English Typewriting having speed of 30 wpm & 40 wpm respectively. The applicant also possesses the requisite experience as prescribed in the advertisement. Learned counsel submitted that, though, the applicant is eligible and holds the requisite qualification, he has been declared ineligible.

4. Learned counsel further submitted that the recruitment process is in progress and within few days the respondents are likely to issue the appointment orders to the candidates, who are eligible and fall in the order of merit. Learned counsel, in the circumstances, has prayed for interim relief, thereby directing the respondents to provisionally include the name of the applicant in the list of eligible candidates and to consider him for appointment on the post of Senior Clerk. In the alternative it is prayed that the respondents be

directed to keep one post vacant of the Senior Clerk from OBC Handicap category.

5. Shri V.R. Bhumkar, learned Presenting Officer appearing for the respondent authorities brought to our notice that the candidate concerned is expected to possess the Bachelor's degree in any faculty of Arts or Commerce or Science or Law from a recognized institution approved by the statutory University or any other equivalent qualification declared by the Government in that behalf. Learned P.O. submits that the qualification which the applicant is possessing does not satisfy the criteria prescribed in the advertisement and, as such, the respondents have rightly held the applicant to be not eligible for want of requisite qualification. Learned P.O. in the circumstances prayed for rejecting the request of interim relief made by the applicant.

6. We have duly considered the submissions made on behalf of the applicant, as well as, the State authorities. It is true that in the qualification prescribed in the advertisement, there is no express

mention of the degree in Engineering as requisite qualification, however, it has been argued by the learned counsel appearing for the applicant that the degree of B.E. (Computer) is equivalent to the degree in Science. He further submitted that Science is a broad field and the degree of Engineering falls within its swiipe and, therefore, cannot be kept out of consideration. We see substance in the submissions made by the learned counsel. The issue so raised is worth considering. In the circumstances, we find that the applicant has made out a *prima facie* case for grant of interim relief. We are, therefore, inclined to pass the following order: -

ORDER

- i) Issue notice to the respondents, returnable on 04.03.2024. **In the meanwhile if the appointments are made, 01 post reserved for OBC Handicap category shall be kept vacant till the decision of the present O.A.**
- ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- iii) 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.

iv) 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.

v) 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.

vi) S.O. to 04.03.2024.

vii) Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 170 OF 2024
(Anil Suresh Burkul Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 01.02.2024

ORAL ORDER :

Heard Shri Dhananjay Mane, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel seeks leave of this Tribunal to add persons, who may be aggrieved by the order of this Tribunal in the present O.A., as party respondents.

3. Leave granted as prayed for. The necessary amendment be carried out by the next date.

4. Issue notices to the existing respondents, returnable on 12.03.2024.

5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

6. 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.

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

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O.A. ST. NO. 170/2024

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

9. S.O. to 12.03.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 01.02.2024-HDD

ORIGINAL APPLICATION NO. 872 OF 2023
(Rajratan N. Kamble & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 01.02.2024
ORAL ORDER :

Shri Krishna P. Rodge, learned counsel for the applicants and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

Shri Nitin Munde, learned counsel for respondent Nos. 6 & 7 (**absent**).

2. S.O. to 14.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 932 OF 2022
(Rahul K. Gaikwad Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 933 OF 2022
(Manisha S. Shinde Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 01.02.2024

ORAL ORDER :

Heard Shri K.G. Salunke, learned counsel for the applicants and S/Shri V.R. Bhumkar & M.P. Gude, learned Presenting Officers for the respective respondents in respective matters.

2. Arguments of both the parties are concluded.
Reserved for orders.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 01.02.2024-HDD

C.P.NO. 61/2023 IN O.A.ST.NO. 1185/2019
(Amit Shivanand Swami Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 01.02.2024
ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant has filed additional affidavit along with certain documents annexed with the said affidavit. Affidavit and documents annexed thereto are taken on record. Learned Presenting Officer submits that he will go through the contents of the additional affidavit and will take instructions on the facts which are revealed from the said additional affidavit. He has, therefore, sought one week's time to make the submissions accordingly. Time granted as prayed for.

3. S.O. to 07.02.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1024 OF 2019
(Iata Sakharam Sanap Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 01.02.2024
ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel holding for Shri G.K. Kshirsagar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Arguments of both the sides complete. Matter is reserved for orders.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 51/2021 IN O.A. ST. NO. 184/2021
(Sangameshwar Manoharrao Kdam Vs. State of Maharashtra &
Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 01.02.2024

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. S.O. to 7.2.2024. To be treated as part heard.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 01.02.2024-HDD/ARJ

ORIGINAL APPLICATION NO. 1097 OF 2022
(Bhupendra Atmaram Rathod Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 01.02.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. On request of learned counsel for the applicant issue fresh notice to all the respondents, returnable on 21.03.2024.
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 21.03.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 168 OF 2022
(Shirish R. Yadav Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 01.02.2024
ORAL ORDER :

Shri Jiwan J. Patil, learned counsel for the applicant and Shri Shailesh S. Chapalgaonkar, learned Special Counsel for the respondent authorities.

2. In the present matter since the judgment could not be pronounced within the period of 03 months, we deem it appropriate to briefly rehear the parties. List the matter for hearing on 02.02.2024.

MEMBER (A)

VICE CHAIRMAN

**M.A. NO. 348 OF 2023 IN O.A.ST.NO. 1387 OF 2023
(Sana Parvin Aslam Shaikh & Anr. Vs. State of
Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Heard Shri A.N. Suryawanshi, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. By this application the applicants are seeking condonation of delay caused in filing the accompanying Original Application.

3. There is a delay of 448 days caused in filing the accompanying Original Application.

4. Learned counsel for the applicants submits that the father of the applicant No.1 was working as a Police Constable in the office of District Superintendent of Police, Head Quarters, Jalna. He died on 15.11.2011 while in service. Though the applicant No.2 i.e. the mother of the applicant No.1 has filed an application seeking compassionate appointment on 30.06.2017 it was rejected on the ground that the application was not filed within time and also on the ground of 3rd child. Learned counsel for the applicants submits that the applicant No.1 has attained the age of majority in the year 2019

//2// M.A. 348/2023 in
O.A.St. 1387/2023

and she has approached to the department in the year 2021 by filing an application for compassionate appointment. However, by order dated 27.04.2021, the said application came to be rejected mainly on the ground that after attaining the age of majority, the applicant had to file an application within the period of one year.

5. Learned counsel for the applicants submits that after rejection of the said application by order dated 27.04.2021, the applicant No.2 i.e. the mother of applicant No.1 immediately approached one advocate practicing at Jalna and requested him to file a petition. However due to outbreak of pandemic Covid-19 and consequential announcement of the lockdown in the region and the said lockdown period was extended several times, the applicants could not approach this Tribunal within time. However, thereafter, the applicants have approached this Tribunal by taking legal advice in this regard. There is no inaction on the part of the applicants nor there is intentional and deliberate delay as such. Learned counsel for the applicants submits that the delay may be condoned.

//3// M.A. 348/2023 in
O.A.St. 1387/2023

6. Learned Presenting Officer for the respondents has strongly resisted the application on the ground that there is an inordinate delay. The mother's application came to be rejected in the year 2017 on the ground of 3rd child born to the deceased employee after the cut-off date and in view of that there was no reason to the applicants to file an application in the year 2021 and to approach this Tribunal by challenging the recent order. Learned P.O. submits that there is no substance in the Misc. Application and the same is liable to be rejected.

7. It appears that the applicant No.1 has attained the age of majority in the year 2019. Learned counsel for the applicants pointed out that the applicant No.1 is educated and presently appeared for M.A. 2nd year. The father of the applicant No.1 was died while in service as a Police Constable. It further appears that due to the outbreak of the pandemic Covid-19 the applicant could not approach the Tribunal by filing the Original Application within prescribed period. The Hon'ble Supreme Court of India in **Suo Motu Writ Petition (C) No. 3 of 2020** has considered the outbreak of

//4// M.A. 348/2023 in
O.A.St. 1387/2023

the pandemic Covid-19 and further lockdown announced in the Country and extension of the lockdown period continued upto the year 2021 and thus directed that the delay if any caused in approaching the Courts/Tribunals or any other forum required to be considered from the date as specified in the said order.

8. Thus considering the same it appears that there is no inaction on the part of the applicants nor there is intentional and deliberate delay on their part. The applicants are prevented from sufficient cause to approach this Tribunal within time. However, the applicants are required to be saddled with costs. I compute the costs of Rs. 500/- (Five Hundred only) on the applicants and proceed to pass the following order: -

ORDER

The Misc. Application No. 348/2023 is allowed in following terms:-

- (A) The delay of 448 days caused in filing the accompanying O.A. under Section 19 of the Administrative

//5// M.A. 348/2023 in
O.A.St. 1387/2023

Tribunals Act, 1985 is hereby
condoned subject to costs of Rs. 500/-
(Five Hundred only). The amount
of costs shall be deposited in
the Registry of this Tribunal within a
period of one month from the date of
this order.

- (B) Upon satisfaction of the costs as above,
the accompanying O.A. be registered
and numbered by taking in to account
other office objection/s, if any.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1387 OF 2023
(Sana Parvin Aslam Shaikh & Anr. Vs. State of
Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 01.02.2024

ORAL ORDER :

Heard Shri A.N. Suryawanshi, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 02.04.2024.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicants are 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.

//2// O.A.st. 1387/2023

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. Applicants are directed to file affidavit of compliance and notice.
7. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 02.04.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORAL ORDER 01.02.2024 sas