

T.A. NO. 05/2023 (W.P. NO. 4762/2020)
(Vinayak Ware & Ors. Vs. The State of Maharashtra & Ors.)

T.A. NO. 06/2023 (W.P. NO. 4765/2020)
(Ubale S. Suresh & Ors. Vs. The State of Maharashtra & Ors.)

T.A. NO. 16/2023 (W.P. NO. 5776/2021)
(Gajanan N. Tehare & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Heard S/shri Sachin Deshmukh & Sayyed Tauseef Yaseen, learned counsel for the applicants in respective matters and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities. Shri R.R. Bangar, learned counsel for respondent no. 01 in T.A. No. 16/2024 (**absent**).

2. Arguments are concluded. The matters are reserved for orders.

MEMBER (A)

VICE CHAIRMAN

C.P. 64/2024 IN O.A. NO. 1387/2000

(Prayagbai Gangadhar Ghule Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 01.08.2024

ORAL ORDER :

Heard Smt. Rakhi Sudale, learned counsel for the petitioner and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Issue notice before admission to respondent no. 02 at present, returnable on 10.09.2024.

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

4. Petitioner 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. Petitioner is directed to file affidavit of compliance and notice.

7. S.O. to 10.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 756/2024

(Shaikh Sadique Mahemood Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 01.08.2024

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. Issue notice before admission to respondents, returnable on 10.09.2024.

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 10.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 760/2024
(Mahendra O. Chavan Vs. The State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant seeks leave to delete the prayer clauses B, C and D and to replace the said clauses with new clauses as per the pursis submitted by the learned counsel. Leave granted as prayed for. The amendment be carried out within a week.

3. Keeping the office objections open, issue notice before admission to respondents, returnable on 12.09.2024.

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.

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O.A. NO. 760/2024

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 12.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 01.08.2024

C.P. NO. 73/2924 IN O.A. NO. 716/2023
(Kailas G. Datkhil Vs. The State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned counsel for the petitioner in respective matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The petitioner has preferred the present Contempt Petition alleging disobedience of the order passed by this Tribunal by the respondents and thereby committing contempt of the order passed by this Tribunal. The contempt is alleged in respect of the order passed by the Tribunal on 05.12.2023 in O.A. No. 716/2023, which was modified on 14.12.2023. The following order was passed by the Tribunal:-

“O R D E R

(i) Respondents are directed to issue the order of completion of probation period of the applicant if there is no other impediment in

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C.P. NO. 73/2924 IN
O.A. NO. 716/2023

that regard within 2 weeks from the date of this order.

(ii) Respondents are further directed to break open the sealed cover and if the applicant is recommended therein for his promotion, consider his case for promotion on merit in order of seniority and as per rules.

(iii) O.A. stands disposed of in the aforesaid terms, however, without any order as to costs.

(iv) M.A. also stands disposed of accordingly”

3. Learned counsel pointed that before filing the present petition seeking action of contempt against the respondents, the petitioner had served the respondents with a notice through his counsel requiring compliance of the order passed by this Tribunal in O.A. Learned counsel submitted that the reply received to the said notice is placed on record at Annex. A-7 and the learned counsel took us through the averments in the said reply. Learned counsel specifically pointed out that the officer concerned, while replying the notice, on behalf of the Government has taken a plea that since the petitioner did not complete the period of probation, there was no occasion or reason for keeping his

matter in the sealed cover. In light of the averments in the notice reply, learned counsel invited our attention to the affidavit in reply filed on behalf of respondent nos. 01 and 02 in O.A. No. 716/2023 and more particularly contentions in para no. 7 of the said reply. In para no. 7 it is specifically stated that on account of the facts, which are stated in the affidavit in reply in paragraph no. 6(8), 6(9) and 6(10) the name of the applicant was kept in the sealed envelope before the DPC meeting held in the years 2019 and 2021.

4. In view of the fact that no decision was taken in respect of the promotion to the petitioner even after expiry of 2 years of the DPC meeting, wherein case of the petitioner was first considered for his promotion, the O.A. came to be filed and resultantly the order came to be passed by the Tribunal, which we have reproduced hereinabove.

5. Two different stands are taken by the authority concerned. It appears that without going through the order passed by the Tribunal, different stand has been taken, which apparently appears to be in

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C.P. NO. 73/2924 IN
O.A. NO. 716/2023

defiance of the earlier submissions made by the respondents based on which the order, contempt of which is sought in the present petition, has been passed. Learned counsel has prayed for issuing notice in Contempt of Court Act instead of issuing simple notice as is being done in ordinary course.

6. Learned Presenting Officer submits that he will take necessary instructions from the concerned respondents and will make statement within a week. Time granted as prayed for.

7. S.O. to 12.8.2024.

MEMBER (A)

VICE CHAIRMAN

M.A. 326/2024 IN O.A. 798/2024

(Shubhangi Tambade & Ors. Vs. The State of Maharashtra & Ors.)

M.A. 333/2024 IN O.A. 812/2024

(Akshay M. Jadhav & Ors. Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 01.08.2024

ORAL ORDER :

Heard Shri A.B. Chalak, learned counsel for the applicants in both the matters and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. In view of the judgment of the Division Bench of Hon'ble High Court in writ petition No. 3228/2020, sue jointly applications are allowed.

3. Both the Misc. Applications stand disposed. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 01.08.2024

O.A. 798/2024

(Shubhangi Tambade & Ors. Vs. The State of Maharashtra & Ors.)

O.A. 812/2024

(Akshay M. Jadhav & Ors. Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 01.08.2024

ORAL ORDER :

Heard Shri A.B. Chalak, learned counsel for the applicants in both the matters and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants in O.A. No. 798/2024 seeks leave to delete name of applicant no. 5. Leave granted. Name of applicant be deleted forthwith.

3. Issue notice before admission to the respondents, returnable on 8.8.2024. **In the meanwhile, if the appointments are made, all such appointments shall be subject to outcome of the present Original Applications.**

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

5. 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.

6. 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.

7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due

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O.A. NO. 798 AND 812 OF 2024

date. Applicants are directed to file affidavit of compliance and notice.

8. S.O. to 8.8.2024.

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

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 01.08.2024

Rev. 3/2024 in O.A. 312/2019

(The MPSC Vs. The State of Maharashtra & Dr. Ashok Misal)

Rev. 4/2024 in O.A. 360/2019

(The MPSC Vs. The State of Maharashtra & Ors. and Dr. Atul A. Deshmukh)

Rev. 5/2024 in O.A. 67/2018

(The MPSC Vs. The State of Maharashtra & Anr. and Dr. Mohd. Feroj Iqbal)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 01.08.2024

ORAL ORDER :

Heard S/shri M.S. Kulkarni & M.B. Kolpe, learned counsel for the applicants in M.As./respondent in O.As., Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri J.S. Deshmukh, learned counsel for the respondents in M.As. / applicants in O.As.

2. S.O. to 9.8.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 789/2024
(Bappasaheb Lahu Kokat Vs. The State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Heard Shri R.A. Shinde, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. The applicant has applied from EWS category. It is his contention that in EWS he is second highest meritorious candidate. However, his claim has not been considered on the ground that he belongs to Maratha community and Maratha community candidates were required to opt reservation from SEBC or OBC or Open category. Learned counsel submits that process is at the final stage and the applicant is likely to lose the opportunity of getting selected from EWS category, since his name has been excluded from the list of the candidates to be considered for appointment. Learned counsel, therefore, prayed for interim relief, thereby directing

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O.A. NO. 789/2024

the respondents not to fill up the posts of the candidates to be recruited from EWS category.

3. Learned Chief Presenting Officer has opposed for grant of any interim relief. Learned CPO sought time for taking instructions from the respondents. The recruitment process is not yet reached to the final stage and the appointments are not likely to be issued within next couple of weeks. He therefore submitted that instead of granting interim relief time be granted to the respondents to file reply so that the respondents can bring on record all the relevant information.

4. After having considered the submissions, we pass the following order:-

ORDER

Issue notice before admission to respondents, returnable on 20.08.2024. **Request for interim relief is kept open.**

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

3. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with

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O.A. NO. 789/2024

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.

4. 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.

5. 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.

6. S.O. to 20.08.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 803/2024

(Pooja Babasaheb Jadhav Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 01.08.2024

ORAL ORDER :

Heard Shri Rohit Sarvadnya, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Issue notice before admission to respondents, returnable on 9.08.2024. **Issue of interim relief is kept open.**

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 9.08.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 928/2023

(Dr. Shashikant T. Vagge & Ors. Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 01.08.2024

ORAL ORDER :

Heard Shri D.S. Mutalik, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants submits on record the pursis on behalf of the applicant no. 2, Dr. Sunanda w/o P. Ghanegaonkar. As contended in the pursis, the applicant no. 2 is not interested in prosecuting the matter further. Hence, the following order:-

ORDER

The Original Application stands dismissed so far as applicant no. 2 is concerned.

MEMBER (A)

VICE CHAIRMAN

C.P. NO. 20/2024 IN O.A. 792/2023
(Jyoti R. Pawar Vs. The State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Heard Shri S.S. Thombre, learned counsel for the petitioner and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. For orders, S.O. to 6.8.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 01.08.2024

ORIGINAL APPLICATION NO. 559 OF 2024
(Anant R. Ratnaparkhi Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Smt. S.D. More, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the respondents have been duly served and the service affidavit will be filed in the office during course of the day.

3. Learned P.O. seeks time to file reply on behalf of respondents. Time granted.

4. S.O. to 28.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 310 OF 2024
(Rajesh D. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

Shri S.V. Deshmukh, learned counsel for respondent No.3, is **absent**.

2. Even though the last chance is granted, no reply has been filed on behalf of respondents.

3. List the matter for hearing on 19.08.2024 with liberty to other side to file reply, if any, till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 676 OF 2024
(Madhav A. Gawale Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri R.P. Bhumkar, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits affidavit in reply on behalf of respondent No.2 along with spare copy for the other side. Learned P.O. submits that the respondent Nos. 1 & 3 will adopt the affidavit in reply filed on behalf of respondent No.2.

3. Learned counsel Shri R.A. Joshi appeared for respondent No.4 and seeks time to file reply. Time granted.

4. S.O. to 26.08.2024.

MEMBER (J)

M.A.NO. 220/2024 IN O.A.ST.NO. 1274/2024
(Dr. Maroti P. Pote & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri P.S. Jadhav, learned counsel holding for Shri S.N. Pagare, learned counsel for the applicants and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks time to file reply on behalf of respondents. Time granted

4. S.O. to 21.08.2024.

MEMBER (J)

SAS ORAL ORDER 01.08.2024

ORIGINAL APPLICATION NO. 487 OF 2018
(Ramchandra L. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 12.08.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 01.08.2024

ORIGINAL APPLICATION NO. 88 OF 2023
(Dr. Sachin V. Nawale Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 19.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 01.08.2024

ORIGINAL APPLICATION NO. 937 OF 2022
(Bharat S. Khanderao Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 22.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 01.08.2024

ORIGINAL APPLICATION NO. 489 OF 2023
(Rekha B. Tathe Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned counsel for respondent Nos. 1 & 2, are present.

2. At the request of learned counsel for the applicant, S.O. to 05.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 596 OF 2024
(Abdul M. Saudagar Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri A.S. Bayas, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits affidavit in rejoinder. The same is taken on record and copy thereof is given to learned P.O. today itself.

3. S.O. to 08.08.2024 for hearing. Status quo granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 782 OF 2024
(Mahadeo M. Maske Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Heard Shri Joslyn Menezes, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 20.08.2024.

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.

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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 20.08.2024.

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

MEMBER (J)

SAS ORAL ORDER 01.08.2024

ORIGINAL APPLICATION NO. 804 OF 2024
(Sanjay B. Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Heard Shri V.U. Pawar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 05.09.2024.

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.No. 804/2024

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 05.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 01.08.2024

ORIGINAL APPLICATION NO. 395 OF 2017
(Shobha R. Pathak Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3, are present.

2. This is a part heard matter.

3. S.O. to 19.08.2024 for production of citations by the parties.

MEMBER (J)

SAS ORAL ORDER 01.08.2024

ORIGINAL APPLICATION NO. 830 OF 2018
(Shailendra H. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri S.B. Patil, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri M.V. Bhamre, learned counsel for respondent No.5, are present.

2. This is a part heard matter.
3. Learned Presenting Officer has shown the original record.
4. Learned P.O. is requested to place on record the Xerox copies of the answer sheet also the Xerox copy of the dotted paper, an unique method adopted by the department to check the answer sheet and allot the marks.
5. S.O. to 20.08.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 691 OF 2019
(Rajendra B. Potdar Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Heard Shri S.P. Dhobale, learned counsel holding for Shri A.N. Gaddime, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. By filing this Original Application, the applicant is seeking direction to the respondents to grant deemed date of promotion as 03.06.2016 with difference of salary, service benefits and other consequential benefits to the applicant.

3. Learned counsel for the applicant submits that during pendency of this Original Application the respondent No.1 –Government has issued the Government order dated 20.06.2024 wherein the deemed date of promotion is granted to the applicant as 03.06.2016 with the further directions that his pay shall be fixed notionally from deemed date of promotion. However, the applicant is not entitled for difference of pay and allowances so also the arrears. Learned counsel submits the copy of

//2//

O.A. 691/2019

said order dated 20.06.2024. The same is taken on record and marked as document 'X' for the purpose of identification.

4. It appears that in terms of Rule 32 of Maharashtra Civil Services (General Conditions of Services) Rules, 1981 particularly in terms of proviso, the department has correctly decided that if deemed date is given, then the Government servant's pay shall be fixed notionally from the date of deemed date given to him and accordingly pay shall be drawn from the date of actual holding the charge of that post.

5. In the instant case before holding the charge of the said post, the applicant came to be retired. However, in view of said order dated 20.06.2024 the applicant would be entitled for pensionary benefits in terms of deemed date of promotion.

6. In view of above, nothing survives for further consideration in this Original Application and the Original Application stands disposed of accordingly. No order as to costs.

MEMBER (J)

O.A.NOS. 457, 458 AND 462 ALL OF 2020
(Samba H. Sarpate & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Heard Shri G.D. Maske, learned counsel holding for Shri P.D. Jarare, learned counsel for the applicants in all these O.As., Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities in all these O.A. and Mrs. V.A. Shinde, learned counsel holding for Smt. Anuradha S. Mantri, learned counsel for respondent No.2.

2. The present matter is reserved for order.

MEMBER (J)

ORIGINAL APPLICATION NO. 104 OF 2024
(Vishnu S. Darade Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Heard Shri Gajanan Kadam, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri H.P. Jadhav, learned counsel for respondent Nos. 3 & 4.

2. The present matter is reserved for order.

MEMBER (J)

SAS ORAL ORDER 01.08.2024

**M.A.245/2023 IN M.A. 138/2023 IN O.A. 1157/2022
(Smita M. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 01.08.2024

ORAL ORDER :

Shri R.A. Joshi, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Even though learned P.O. on instructions has submitted that the respondents are not interested in filing the additional affidavit in reply, the matter is listed in the order matters.

3. List the matter for admission hearing on 09.08.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDER 01.08.2024

**M.A.NO. 272/2023 IN O.A.ST.NO. 1086/2023
(Ajaykumar S. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 01.08.2024

ORAL ORDER :

Heard Shri J.B. Choudhary, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. This is an application filed by the applicant seeking condonation of delay of 600 days caused in filing the accompanying Original Application.

3. By filing the Original Application, the applicant is challenging the order dated 08.09.2020 passed by respondent No. 1 with regard to the leave period of the applicant from 14.07.2016 to 30.12.2016 treating it as an extraordinary leave along with the direction to recover the salary for the said period.

4. Learned counsel for the applicant submits that the applicant was working as Principal, Industrial Training Institute, Dhule, District Dhule at the relevant time and he came to be retired on attaining the age of superannuation on 30.05.2021. Learned counsel submits that in respect of the leave period

//2// M.A. 272/2023 in
O.A.St. 1086/2023

of the applicant from 14.07.2016 to 30.12.2016 (170 days) came to be treated as extraordinary leave by impugned order dated 08.09.2020 of the Original Application. Learned counsel submits that the grievance of the applicant was considered by the respondent authorities after five years and being aggrieved by the same, the applicant has filed representation on 06.11.2020 (Annexure A-10 collectively of the O.A.) to review the impugned order. However, the said representation is still pending with the respondent authorities. Learned counsel submits that due to outbreak of Covid-19 pandemic and pronouncement of the lockdown and continuation thereof time to time in the country, disabled the applicant to approach this Tribunal immediately after passing of the impugned order. Furthermore the said representation filed in the year 2020 is yet not considered by the respondent authorities. Learned counsel submits that the delay is not intentional and deliberate one. There is no inaction on part of the applicant and the delay may be condoned.

//3// M.A. 272/2023 in
O.A.St. 1086/2023

5. Learned Presenting Officer strongly resisted the application on the ground that the delay caused in filing the accompanying Original Application is inordinate one and no satisfactory explanation has been tendered by the applicant. The applicant has slept over his right to approach this Tribunal and belatedly approached without any satisfactory reasons. There is no substance in the present Misc. Application seeking condonation of delay and the same is liable to be dismissed.

6. The applicant is retired employee and during his service tenure, there was certain issue about leave period. Though it was the period of the year 2016, after a long gap of 05 years, the respondent authorities have finally taken a decision after retirement of the applicant in the year 2020. Consequently, the applicant was constrained to approach the department again to review the said order by giving him an opportunity to explain. However, the said representation is yet not decided.

7. Hon'ble Supreme Court in **Suo Motu Writ Petition (C) No. 3 of 2020** has passed the orders

//4// M.A. 272/2023 in
O.A.St. 1086/2023

time to time in the backdrop of the outbreak of Covid-19 and the declaration of the lockdown in connection thereto and thus extended the period of limitation applicable to the proceedings before the Courts/ Tribunals. It appears that as per the order passed by the Hon'ble Supreme Court, the period from 15.03.2020 till 28.02.2022 has been excluded for the purpose of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.

8. There is no deliberate or intentional delay as such. There is no inaction on part of the applicant. In view of the same, I am inclined to condone the delay caused in filing the accompanying O.A. However, the applicant is required to be saddled with certain costs. Hence, the following order :-

ORDER

- (i) The Misc. Application No. 272/2023 is hereby allowed.
- (ii) The delay of 600 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs.

//5// M.A. 272/2023 in
O.A.St. 1086/2023

- (iii) 500/- (Five Hundred only) to be paid by the applicant. The amount of costs to be paid to the Bar Association of this Tribunal within one month and after depositing the said amount, the applicant shall produce the receipt before the office of this Tribunal.
- (iv) 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.
- (v) The M.A. accordingly disposed of.

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 1086 OF 2023
(Ajaykumar S. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Heard Shri J.B. Choudhary, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 05.09.2024.

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.No. 1086/2023

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. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 05.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 01.08.2024

**M.A.NO. 157/2024 IN O.A.ST.NO. 906/2024
(Lakhan K. Mukade Vs. State of Maharashtra & Ors.)**

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

DATE : 01.08.2024

ORAL ORDER :

Heard Shri G.J. Karne, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. There is a delay of 3 years, 5 months and 14 days caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that late father of the applicant was working as a Police Constable and died in harness on 12.03.2008. After the death of father, the mother of the applicant had filed an applications dated 09.06.2008 and 12.08.2009. However, the said applications came to be rejected by the respondent authorities.

4. Being aggrieved by the same, the mother of the applicant has filed O.A.No. 1105/2009 before this Bench. However, the said O.A. came to be rejected by this Tribunal on the ground of third issue.

//2// M.A. No. 157/2024 in
O.A. St. No. 906/2024

5. The applicant was minor at the time of death of the father and on attaining the age of majority, the mother of the applicant has filed an application on 14.02.2019 requesting therein to give appointment on compassionate ground to her son i.e. the present applicant. The said application also came to be rejected by order dated 01.04.2019 on the ground that this Tribunal has rejected the original application No. 1105/2009 filed by the mother of the applicant on the ground of third issue.

6. Learned counsel for the applicant submits that thereafter due to outbreak of pandemic Covid-19 the applicant could not approach this Tribunal in time. Learned counsel for the applicant submits that the Hon'ble Supreme Court has also directed to condone the delay occurred due to outbreak of Covid-19 pandemic and declaration of lockdown and extension of the same from time to time. Learned counsel for the applicant submits that there is no intentional or deliberate delay. Thus the delay caused in filing the accompanying Original Application may be condoned.

//3//

M.A. No. 157/2024 in
O.A. St. No. 906/2024

7. Learned P.O. for the respondents has strongly resisted the application on the ground that there is an inordinate delay for which no satisfactory explanation has been tendered by the applicants. There is no substance in the Misc. Application and the same is liable to be rejected.

8. The Original Application pertains to compassionate appointment. Though the mother's application seeking compassionate appointment was not considered and though the applicant who is son on attaining the age of majority has filed an application, the same also came to be rejected way back in the year 2019. Further, due to Covid-19 pandemic situation, the applicant could not approach this Tribunal. The Hon'ble Supreme Court in **Suo Motu Writ Petition (C) No. 3 of 2020** has passed the orders time to time in the backdrop of the outbreak of Covid-19 and the declaration of the lockdown in connection thereto and thus extended the period of limitation applicable to the proceedings before the Courts/ Tribunals. It appears that as per the order passed by the Hon'ble Supreme Court, the period from 15.03.2020 till 28.02.2022 has been

//4// M.A. No. 157/2024 in
O.A. St. No. 906/2024

excluded for the purpose of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.

7. In view of above, there is no intentional or deliberate delay as such. There is no inaction on the part of the applicant. Thus, considering the entire aspect of the case, I am inclined to condone the delay caused in filing the accompanying Original Application subject to payment of costs of Rs. 500/- by the applicant. Hence, the following order:-

ORDER

- (i) The Misc. Application No. 157/2024 is hereby allowed.
- (ii) The delay of 3 year, 5 months and 14 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 500/- (Five Hundred Only) to be paid by the applicant. The amount of costs shall be paid to the M.A.T. Bar

//5// M.A. No. 157/2024 in
O.A. St. No. 906/2024

Association within a period of one month
from the date of this order.

- (iii) 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.
- (iv) The M.A. accordingly disposed of.

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 906/2024
(Lakhan K. Mukade Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Heard Shri G.J. Karne, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 08.10.2024.
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.906/2024

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 08.10.2024.

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

MEMBER (J)

SAS ORAL ORDER 01.08.2024

ORIGINAL APPLICATION NO. 158 OF 2018
(Dr. Yogesh U. Sathe Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Shri A.S. Deshpande, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 14.08.2024 for final hearing.

MEMBER (J)

**M.A.NO. 366/2018 IN M.A.ST.NO. 1591/2018 IN
O.A.ST. 1592/2018**

**(Dr. Ravindra A. Daware & Ors. Vs. State of Maharashtra &
Ors.)**

WITH

M.A.NO. 295/2019 IN O.A.ST. 993/2019

**(Vaishali S. Sanap @ Vaishali A. Nagargoje Vs. State of
Maharashtra & Ors.)**

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

DATE : 01.08.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri A.S. Deshpande, learned counsel for the applicants in both the cases and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities in both the cases, are present.

2. At the request of learned counsel for the applicant, S.O. to 23.08.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 01.08.2024

ORIGINAL APPLICATION NO. 620 OF 2018
(Baban D. Gadekar Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Heard Shri V.M. Maney, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Heard both the sides for some time.

3. Learned counsel for the applicant so also learned P.O. referred the provisions of Rule 54 and 110 of Maharashtra Civil Services (Pension) Rules 1982 so also referred definition of Class-IV employee in the Pension Rules, 1982.

4. Learned counsel for the applicant has also brought to notice of this Tribunal that in the similar circumstances by referring the view taken by the Hon'ble High Court of Bombay, Bench at Aurangabad in writ Petition No. 2589/2012 and other connected Writ Petitions made an addition in the period of service of one Shri Bhausahab Ganpati Shinde who was holding the Class-III post and

//2//

O.A. 620/2028

completed the service period of 9 years and 5 days only granted the pension.

5. Learned counsel for the applicant seeks time to make appropriate submission on the ground that the applicant has completed temporarily service of 9 months prior to his regular appointment. Time granted.

6. S.O. to 22.08.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 01.08.2024

ORIGINAL APPLICATION NO. 653 OF 2022
(Mankha Gulab Tadvi Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri M.U. Shelke, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that this matter is fit to be placed before the **Lok Adalat**.

3. Learned P.O. has no objection to place it before the **Lok Adalat**.

4. Learned counsel for the applicant is requested to file the consent.

5. List the matter before the ensuing **Lok Adalat** scheduled to be held on 21.09.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 917 OF 2022
(Santosh P. Madane Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri C.R. Thorat, learned counsel for the applicant, is **absent**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

None present for respondent No.2, though duly served.

2. S.O. to 05.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1055 OF 2022
(Hemantkumar M. Sonawani & Ors. Vs. State of
Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

Shri A.S. Dhongde, learned counsel for respondent Nos. 4 & 6, is **absent**.

2. By consent of both the sides, S.O. to 23.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 175 OF 2023
(Ramesh B. Tekale Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits affidavit in rejoinder. The same is taken on record and copy thereof is given to other side.
3. S.O. to 26.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 591 OF 2023
(Sanjay P. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri P.B. Umrani, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the sides, S.O. to 09.08.2024 for hearing in **urgent admission category**.

MEMBER (J)

ORIGINAL APPLICATION NO. 766 OF 2023
(Omkar T. Pachpute Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri J.J. Patil, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. S.O.to 09.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 01.08.2024

ORIGINAL APPLICATION NO. 799 OF 2023
(Sheetal N. Ebitwar Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. In compliance with the order dated 25.07.2024 learned P.O. submits the copy of communication received from the respondent authorities dated 30.07.2024. The same is taken on record and marked as document 'X' for the purpose of identification.

3. On perusal of the same it appears that on sympathetic ground the respondent authority is not ready to consider the transfer of the applicant at Parbhani.

4. In view of above, learned counsel for the applicant seeks time to work out the matter on merit. Time granted.

5. S.O. to 13.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 809 OF 2023
(Rajashree N. More Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri S.R. Patil, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 25.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 01.08.2024

ORIGINAL APPLICATION NO. 26 OF 2024
(Chandrakant G. Ubale Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 20.08.2024 for hearing in **urgent admission category**.

MEMBER (J)

SAS ORAL ORDER 01.08.2024

ORIGINAL APPLICATION NO. 273 OF 2024
(Harsh M. Pitle Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri S.B. Patil, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 09.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 01.08.2024

ORIGINAL APPLICATION NO. 290 OF 2024
(Asha B. Garud Vs. State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 09.08.2024 for hearing. The interim relief granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDER 01.08.2024

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

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

DATE : 01.08.2024

ORAL ORDER :

Shri M.J. Sharma, learned counsel holding for Shri Shri Mohit Deshmukh, learned counsel for the applicants in all these O.As. except O.A. No. 885/2017 and 2017 and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As., are present.

Party in person in O.A. No. 885, Shri Vivek Deshmukh, learned counsel for the respondent No. 5 in O.A. Nos. 884, 888, 892 & 893 all of 2017, Shri N.K. Tungar, learned counsel for respondent No. 5 in O.A. Nos. 886 & 895 both of 2017, Shri Abhijit More, learned counsel for respondent No. 5 in O.A. No. 887/2017 and Shri B.R. Sontakke Patil, learned counsel for respondent No.5 in O.A. No. 891/2017, are **absent**.

2. At the request of learned counsel Shri M.J. Sharma holding for Shri Mohit Deshmukh, learned counsel for the applicants, two weeks time is granted subject to costs, which will be determined on the next date in presence of learned counsel Shri Mohit Deeshmukh.

3. S.O. to 20.08.2024 for final hearing.

MEMBER (J)

**M.A.NO.409/2023 IN O.A.NO.551/2022
M.A.NO.410/2023 IN O.A.NO.552/2022
M.A.NO.411/2023 IN O.A.NO.554/2022
M.A.NO.412/2023 IN O.A.NO.555/2022
M.A.NO.413/2023 IN O.A.NO.556/2022
M.A.NO.414/2023 IN O.A.NO.557/2022
M.A.NO.415/2023 IN O.A.NO.559/2022
M.A.NO.416/2023 IN O.A.NO.561/2022
M.A.NO.417/2023 IN O.A.NO.562/2022
M.A.NO.418/2023 IN O.A.NO.563/2022
M.A.NO.419/2023 IN O.A.NO.564/2022
M.A.NO.420/2023 IN O.A.NO.565/2022
M.A.NO.421/2023 IN O.A.NO.566/2022
M.A.NO.446/2023 IN O.A.NO.550/2022
M.A.NO.447/2023 IN O.A.NO.553/2022
M.A.NO.448/2023 IN O.A.NO.560/2022
M.A.NO.449/2023 IN O.A.NO. 558/2022
M.A.NO. 486/2023 IN O.A.NO. 44/2021**

Original Application No. 25 OF 2024

(State of Maharashtra & Ors. V/s. Raghoji Bele & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri A.P. Basarkar, learned Presenting Officer for the applicants in M.A. (original respondents), Shri R.L. Chintalwar, learned counsel for the respondents (Original Applicants) in M.A.No. 409/2023 to M.A.No. 417 of 2023, M.A. 446/2023, M.A. 447/2023, M.A. 448/2023, M.A. 449/2023, M.A. 486/2023 & O.A.25/2024 and Shri P.M. Shinde, learned counsel for the respondents (Original Applicants) in M.A.Nos. 418/2023 to M.A. 421/2023, are present.

2. At the request of learned P.O., SO. to 14.08.2024.

MEMBER (J)

T.A.NO. 21/2023 (W.P.NO. 4842/2021)
(Vithal Sheshrao Rathod Vs. The State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Heard Shri P.G. Tambade, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicant, issue fresh notice to the respondents, returnable on 18.09.2024.

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 18.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 67 OF 2024

(Vinod Uttamrao Jadhav & Suhas Chandrakant Karande Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 01.08.2024

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri A.S. Bayas, learned counsel for respondent Nos. 3 & 4.

2. Learned counsel appearing for the applicants tendered across the bar written communication dated 9th July, 2024 received to him from applicant No. 2 and the same is taken on record. On instructions, learned counsel appearing for the applicants seeks leave of this Tribunal to withdraw the present Original Application insofar as applicant No. 2 (**Suhas Chandrakant Karande**) is concerned. Hence, the following order is passed: -

ORDER

The Original Application stands disposed of insofar as applicant No. 2 is concerned. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 67 OF 2024
(Vinod Uttamrao Jadhav Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 01.08.2024

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri A.S. Bayas, learned counsel for respondent Nos. 3 & 4.

2. Learned counsel for the applicant submits that in view of the fact that today applicant No. 2 has withdrawn the present Original Application nothing remains against respondent No. 4. He has, therefore, sought leave to delete the name of respondent No. 4. Leave granted as prayed for. The necessary amendment be carried out forthwith.

3. Shri A.S. Bayas, learned counsel appearing for respondent Nos. 3 & 4 submits that affidavit in reply need not be filed on behalf of respondent No. 4 in view of subsequent development. He has tendered across the bar affidavit in reply on behalf of respondent No. 3 and the same is taken on record and copy thereof has been served on the other side.

:: - 2 - ::

O.A. NO. 67/2024

4. Learned Presenting Officer seeks time to file affidavit in reply on behalf of the State authorities. Time granted by way of last chance.

5. S.O. to 03.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 01.08.2024-HDD

ORIGINAL APPLICATION NO. 556 OF 2024

(Dr. Sachin Baburao Gumade & 3 Ors. Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 01.08.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 & 2 and the same is taken on record and copy thereof has been served on the other side. He has also filed affidavit in reply on behalf of respondent No. 3 (copy received on E.mail) and the same is taken on record. Learned P.O. submits that duly signed original copy of reply will be replaced after it is received.

3. S.O. to 12.08.2024 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 778 OF 2024
(Suchita d/o Shahaji More Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 01.08.2024

ORAL ORDER :

Shri C.V. Dharurkar, 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 counsel appearing for the applicant, S.O. to 09.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 01.08.2024-HDD

ORIGINAL APPLICATION NO. 72 OF 2023
(Vinod W. Rakh & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits that by 6th of August, 2024 some instructions are likely to receive. He has prayed for adjournment till 8th of August, 2024. Time granted.

3. S.O. to 08.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 867 OF 2022
(Shaikh Suraiyya Kamruddin Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 01.08.2024

ORAL ORDER :

Shri C.V. Dharurkar, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

Shri V.S. Kadam, learned counsel for respondent Nos. 2 & 3 (**absent**).

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 1 and the same is taken on record and copy thereof has been served on learned counsel for the applicant.

3. S.O. to 28.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 613 OF 2024
(Dattatraya Deorao Sonune Vs. The State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri Amol R. Gaikwad, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted.

3. S.O. to 27.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 01.08.2024-HDD

ORIGINAL APPLICATION NO. 345 OF 2021

(Suvarna Ramchandra Jadhav Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 01.08.2024

ORAL ORDER :

Heard Shri S.B. Solanke, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. On instructions, learned counsel appearing for the applicant seeks leave of this Tribunal to withdraw the present Original Application. Written pursis signed by the applicant is also placed on record. Pursis is also countersigned by the learned counsel appearing for the applicant.

3. In view of the submissions made, the following order is passed: -

ORDER

The Original Application stands disposed of since withdrawn. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 66/2023 IN O.A.NO. 502/2022

(Mohammad Siddique Mohammad Sarwar Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 01.08.2024

ORAL ORDER :

Heard Shri Girish Kulkarni, learned counsel for the petitioner and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The present contempt petition is not on board. It is taken on board at the request of learned counsel for the applicant.

3. Learned Presenting Officer has filed short affidavit on behalf of respondent No. 1 and the same is taken on record and copy thereof has been served on the other side.

4. Learned Presenting Officer has submitted that the order passed by this Tribunal on 20.12.2022 in O.A. No. 502/2022, a contempt of which is alleged in the present contempt petition has been complied with by the respondents. Learned counsel appearing for the petitioner is not disputing the fact that the order has been complied with.

5. In view of the above submissions, the following order is passed: -

**:: - 2 - :: C.P.NO. 66/2023 IN
O.A.NO. 502/2022**

ORDER

The contempt petition stands disposed of however,
without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 01.08.2024-HDD

C.P.NO. 16/2020 IN O.A.NO. 886/2018
(Baliram D. Waghmare Vs. The State of Maharashtra & Ors.)

WITH

C.P.NO. 17/2020 IN O.A.NO. 883/2018
(Sawairam D. Rathod Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 01.08.2024

ORAL ORDER :

Heard Shri Girish Kulkarni, learned counsel for the petitioners and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in both the petitions.

2. Learned Presenting Officer has filed short affidavit on behalf of respondent No. 1 in both the petitions and the same is taken on record and copy thereof has been served on the other side.

4. Learned Presenting Officer has submitted that the orders passed by this Tribunal on 26.08.2019 in O.A. Nos. 886 & 886 both of 2018, a contempt of which are alleged in the present contempt petitions have been complied with by the respondents. Learned counsel appearing for the petitioners is not disputing the fact that the orders have been complied with.

5. In view of the above submissions, the following order is passed: -

:: - 2 - ::

ORDER

The contempt petitions stand disposed of however,
without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 01.08.2024-HDD

ORIGINAL APPLICATION NO. 681 OF 2024
(Dinesh Ramesh Mangale Vs. The State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri Vishal S. Kadam, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Though the present matter is shown in 'await service category'. Learned counsel for the applicant submits that all the respondents are duly served and he will file service affidavit during the course of the day in the registry. Learned Presenting Officer to take instructions whether the service has been effected and if so file the affidavit in reply on behalf of all the respondents on the next date.

3. S.O. to 06.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 148 OF 2023
(Arun Uttreshwar Gholve Vs. The State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri P.G. Tambade, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel appearing for the applicant has tendered rejoinder affidavit and the same is taken on record and copy thereof has been served on the learned Presenting Officer appearing for the respondent authorities.

3. List the matter for hearing on 12.09.2021.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 01.08.2024-HDD

ORIGINAL APPLICATION NO. 105 OF 2023
(Vilas Kantappa Katkar Vs. The State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri Kiran G. Salunke, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08.08.2024. **High on board.**

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 01.08.2024-HDD

ORIGINAL APPLICATION NO. 76 OF 2024
(Abuzar Moshin Shaikh Vs. The State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Shri Kiran G. Salunke, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08.08.2024. **High on board.**

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 01.08.2024-HDD

ORIGINAL APPLICATION NO. 922 OF 2017
(Pandurang Ramdas Chinchale Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 01.08.2024

ORAL ORDER :

Heard Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent Nos. 2 & 3.

2. The present case is not on board. It is taken on record board at the request of learned counsel for the applicant.

3. On instructions, learned counsel for the applicant seeks leave of this Tribunal to withdraw the present Original Application. Hence, the following order is passed: -

ORDER

The Original Application stands disposed of since withdrawn. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 307 OF 2024
(Pravin D. Chaware & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Ms. Vishakha Patil, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicants, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri Avinash S. Deshmukh, learned counsel for respondent Nos. 4, 8, 9, 11 & 15, Shri V.B. Wagh, learned counsel for respondent Nos. 5, 6, 14, 16 & 17 and Shri A.D. Kaware, learned counsel for respondent No. 10, are present.

2. When the present matter is taken up for consideration, learned counsel appearing for the applicant submitted that the prosecuting counsel is not feeling well and hence, may not be able to attend the present proceedings today. Request is, therefore, made for adjourning the present matter to suitable date.

3. Learned Chief Presenting Officer has also tendered the communication dated 31.07.2024 received to his office, wherein it is informed that M.A. has been filed before the Hon'ble Chairperson for clubbing the matters having similar facts, wherein the present matter is also included. The communication is taken on record.

:: - 2 - ::

O.A. NO. 307/2024

Learned C.P.O. shall inform the further orders, if any passed in the said application.

4. By consent of all the parties, matter stands adjourned to 08.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 01.08.2024-HDD

ORIGINAL APPLICATION NO. 104 OF 2017
(Vitthal Shamrao Pawal Vs. The State of Maharashtra & Ors.)

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

DATE : 01.08.2024

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. The present case is not on board. It is taken on record board at the request of learned counsel for the applicant.

3. Learned counsel appearing for the applicant submits that by order dated 30.07.2024 passed in M.A. No. 162/2024 this Tribunal permitted the applicant to carry out amendment in the O.A. forthwith but inadvertently the amendment is not carried out. Today, learned counsel seeks extension of one week's time to carry out the amendment in the O.A. Time is extended. Learned counsel for the applicant shall carry out the necessary amendment in O.A. within a period of one week.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 313 OF 2024
(Vinayak V. Nakhate Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 01.08.2024

ORAL ORDER :

Shri Ajay S. Deshpande, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 08.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 01.08.2024-HDD