ORIGINAL APPLICATION NO.249/2019 (Ashok Rohidas Khandagale V/s. State of Maharashtra & Ors.)

OFFICE ORDER TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 02-08-2022

**ORAL ORDER:** 

Heard Shri Sandeep R. Sapkal, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents.

- 2. It is the grievance of the applicant that though the letter of resignation submitted by him was withdrawn by him, by another letter within the period of two weeks, ignoring the said letter, his resignation has been accepted by respondent no.2.
- 3. Few facts are relevant to be mentioned since earlier also one O.A. was filed by the applicant bearing O.A.No.202/2018 making therein the same prayer as has been made in the present O.A. Said O.A. was disposed of by this Tribunal by setting aside the order dated 18-12-2015 whereby the resignation of the applicant was accepted by respondent no.2 and the

said respondent was directed to reconsider the matter, and more particularly, by taking into account withdrawal letter dated 05-12-2015 submitted by the applicant. According to the directions given by this Tribunal, respondent no.2 has considered the request of the applicant, however, has confirmed earlier decision of accepting the resignation.

4. It is the contention of the learned Counsel for the applicant that on 26-11-2015, application was submitted by the applicant declaring his intention to resign from the post on which he was working and requesting the respondent authorities to accept his On 05-12-2015, applicant submitted resignation. another application to the said authority praying therein for permitting him to withdraw the application submitted by him on 26-11-2015 or to reject his resignation since he was willing to resume duties and continue to work on the establishment of the It is the case of the applicant that respondents. ignoring the letter dated 05-12-2015, whereby the applicant had withdrawn his resignation, respondent no.2 vide order passed on 18-12-2015 accepted his

resignation. It is the further contention of the applicant that the said order was challenged by the applicant before this Tribunal by filing O.A.No.202/2018. As stated hereinabove, the said O.A. came to be allowed with direction to the respondents to reconsider the request of the applicant.

- 5. Learned Counsel for the applicant has submitted that respondent no.2 has confirmed the earlier order without considering the order passed by the Tribunal in O.A.No.202/2018 as well as ignoring applicant's letter dated 05-12-2015 whereby he has withdrawn his letter of resignation. Learned Counsel submits that in view of the aforesaid facts, the decision of respondent no.2 to accept the resignation of the applicant and consequently to relieve the applicant from services be set aside and the consequential reliefs be given in the matter.
- 6. The contentions raised in the O.A. and the prayers made therein have been resisted by the respondents by filing their affidavit in reply. Only contention in the affidavit in reply is that the applicant is having tendency of submitting such applications

and subsequently withdrawing the same. Having considered the said attitude of the applicant, respondents have rightly refused to consider his request for withdrawal of the resignation application and have accepted the resignation submitted by the applicant.

7. Learned P.O. in his arguments reiterated the contentions raised in the affidavit in reply filed on behalf of the respondents. Learned P.O. invited our attention to the orders earlier passed in the matter and tried to canvass that at least there are 2-3 instances showing indecisiveness of the applicant and that has resulted in accepting resignation of the applicant by respondent no.2. It has been also contended that after filing of the letter dated 05-12-2015 whereby the applicant alleges to have withdrawn the letter of resignation dated 26-11-2015, at the subsequent stage, the applicant, by making necessary compliance resubmitted the letter of resignation and as such now the applicant is estopped from saying that request made by him vide letter dated 05-12-2015 has not been considered.

We have considered the submissions advanced 8. on behalf of the applicant as well as the respondents. There seems no much dispute on two facts that the applicant submitted his letter of resignation on 26-11-2015 and that by forwarding another letter dated 05-12-2015, communicated to the respondents that the resignation was submitted by him out of frustration because of some domestic difficulties, however, he was repenting for his said decision and further that he was willing to resume his duties. The applicant had, therefore, prayed for not accepting his resignation and to reject the same. Respondents, however, accepted the resignation and communicated the said decision vide letter dated 18-12-2015 under the signature of respondent no.2. It is also not in dispute that the applicant had earlier filed O.A.No.202/2018 with request that the order dated 18-12-2015, whereby the respondent no.2 had accepted the resignation of the applicant be quashed and set aside. The said O.A. was allowed by this tribunal vide order passed on 22-01-In the said order, the Tribunal directed the 2019. respondent no.2 to take a fresh decision on the

application of the applicant dated 05-12-2015 within a period of 3 months from the date of said order and to pass necessary order regarding acceptance or non-acceptance of the resignation application of the applicant according to law and communicate the order to the applicant in writing.

9. As is revealing from the record, respondent no.2 vide its communication dated 28-02-2019 informed the applicant that his request for withdrawal of his resignation cannot be accepted. We deem it appropriate to reproduce hereinbelow the entire text of the said order which reads thus:

"डाकनोंद पत्राने जा.क्र.मिवका/आस्था/अ—३(४)/२०१९/१६२६ औरंगाबाद, दिनांक :— २८ फेब्रूवारी २०१९

प्रति,

श्री खंडागळे अशोक रोहीदास, सिध्दी विनायक निवास अनघा रो हौसींग कॉलनी, (देवगावकर कन्स्ट्रक्शन) सर्व्हे नं.४/१ बी—७ फॉट न—२२ ते २/६, ढवण वस्ती, तपोवन रोड, भिस्तबाग, अहमदनगर—४१४ १११.

### विषय :— राजीनामा नामंजूर विषयी व पुर्ननियूक्ती बाबत O.A.No.२०२/२०१८

- संदर्भ:—(१) श्री अशोक रोहीदास खंडागळे, यांचे राजीनामा पत्र दिनांक २६/११/२०१५
  - (२) प्राचार्य औद्योगिक प्रशिक्षण संस्था, फुलंब्री जि. औरंगाबाद यांचे पत्र क.औप्रसं/फु/आस्था/२०१५/६१०, दि. २६/११/२०१५.
  - (३) या कार्यालयाचे प.क्र.मविका/आस्था/अ—३(११)/ २०१५/७२८६, दि. ०२.१२.२०१५.

- (४) श्री अशोक रोहीदास खंडागळे, यांचा दिनांक ०५.१२.२०१५ रोजीचा अर्ज
- (५) प्राचार्य औ. प्र. संस्था, फुलंब्री जि. औरंगाबाद यांचे पत्र क्र.औप्रसं/फु/आस्था/२०१५/६५१, दि.१५.१२.२०१५ च्या पत्रासोबत श्री खंडागळे यांनी दि. २६.११.२०१५ पासून दिलेला राजीनामा पत्र.
- (६) या कार्यालयाचे राजीनामा मंजुर पत्र क.मविका/आस्था/ अ—३(११)/२०१५/७७९८, दि. १८.१२.२०१५.
- (७) श्री अशोक रोहीदास खंडागळे, यांचा दिनांक १०.०१.२०१६ रोजीचा अर्ज
- (८) या कार्यालयाचे राजीनामा मंजुर पत्र क.मविका/आस्था/ अ—३(११)/२०१६/७८३, दि. ०३.०२.२०१६.
- (९) श्री अशोक रोहीदास खंडागळे, यांचा दिनांक २८.१२.२०१६ रोजीचा अर्ज
- (१०) शासन निर्णय क.एसआरव्हि/१०९२/१०३३/प्र.क. ३३/९२/८, दि. ०२.१२.१९९७.
- (११) प्रस्तुत कार्यालयाचे न्यायालयीन विभागाचे पत्र क.१०४५ दि.७/२/२०१९ सोबत प्राप्त O.A.No.२०२/२०१८ बाबत दिनांक २२/१/२०१९ रोजीचा घोषीत निकाल.

मा. महाराष्ट्र प्रशासकीय न्यायाधिकरण मुंबई खंडपीठ औरंगाबाद यांनी O.A.No.२०२/२०१८ बाबत दिनांक २२/१/२०१९ रोजीच्या निर्णयानुसार आपणास कळिवण्यात येते की, संदर्भ क.०१ नुसार शिल्प निदेशक टुल ॲड डायमेकर (J&F) या पदाचा राजीनामा दिनांक २६.११.२०१५ पासून दिलेला होता. तथापी, या कार्यालयाने संदर्भ क.०३ नुसार राजीनामा पत्रात त्रुटीची पुर्तता करण्यात व राजीनामा देणे बाबत पुर्नरिवचार व्हावा असे कळिवले असताना आपण प्राचार्य औद्योगिक प्रशिक्षण संस्था, फुलंब्री जि. औरंगाबाद या संस्थेचे संदर्भ क.०५ च्या पत्रा सोबत आपण राजीनामातील त्रुटीची पुर्तता करून दिनांक २६.११.२०१५ पासुन स्वीकृत करून दिनांक २६.११.२०१५ (म.नं.) सेवेतून कार्यमुक्त करण्यांत यावे, अशी विनंती केल्यामूळे या कार्यालयाने आपला शिल्प निदेशक टुल ॲड डायमेकर (J&F) या पदाचा राजीनामा दिनांक २६.११.२०१५ पासून महाराष्ट्र शासन सामान्य प्रशासन विभाग शासन निर्णय क.एसआरव्ही—१०९२/१०३३/प्र. क.३३/९२/८, मंत्रालय मुंबई दिनांक ०२ डिसेबर १९९७ मधील तरतुदी नुसार संदर्भ क.८ नुसार स्वीकारलेला आहे. राजीनामा देण्याची व मागे घेण्याची धरसोड प्रवृत्ती असल्यामुळे आपला राजीनामा मागे घेण्याची विनंती मान्य करता येत नाही.

आपला,

स्वाक्षरी/— बी. आर. शिंपले, सहसंचालक, व्यवसाय शिक्षण व प्रशिक्षण, प्रादेशिक कार्यालय, औरंगाबाद" 10. In the common affidavit in reply filed on behalf of the respondent nos.1, 2 and 3, the main contention is that the applicant is having indecisive mind and he frequently goes on changing his own decisions. In the order dated 28-02-2019, though there is a reference of the letter dated 05-12-2015 by which the applicant had withdrawn his resignation and as about the order passed in O.A.No.202/2018, wherein this Tribunal had directed the respondent no.2 to consider the request so made by the applicant in the said letter dated 05-12-2015, respondent no.2 does not seem to have looked into the contents of the said application. Respondent no.2 also does not seem to have understood the import of the order passed by this Tribunal in O.A.No.202/18. Respondent no.2 has mechanically confirmed the earlier order passed by it. In the impugned order, there is reference of the Government Resolution dated 02-12-1997. Copy of the said G.R. is there on record. We have gone through the contents of the said G.R. It does not appear to us that based on the said G.R., the resignation of the applicant could have accepted by the respondents and the request for its

reconsideration could have been rejected on the basis of the said resolution.

- 11. Admittedly, resignation was withdrawn within reasonable period i.e. within 2 weeks of its submission to the appointing authority. Admittedly, by that time no decision was taken by the said authority of accepting the resignation submitted by the applicant. In the first order dated 18-12-2015 whereby the resignation of the applicant was accepted, though there is reference of application submitted by the applicant on 05-12-2015, the same was not even considered by respondent no.2 and completely ignoring the said letter it was communicated to the applicant that his resignation was accepted from the date on which it was submitted. The said order was an arbitrarily exercise of power by respondent no.2.
- 12. When the resignation was withdrawn before it was accepted, it could not have been accepted. Respondent no.2 must have given reasons for not accepting the request of the applicant for withdrawing his resignation. Since it was not done by respondent

no.2, this Tribunal while allowing the O.A.No.202/2018 filed by the applicant directed the respondent no.2 to take a fresh decision on the application of the applicant dated 05-12-2015 within a period of 3 months and then to pass necessary order. directions Inspite of such from the Tribunal. respondent no.2 vide order dated 03-02-2016 has again rejected the request of the applicant to permit him to withdraw his resignation. In the said order, respondent no.2 has not even considered the contents in the application dated 05-12-2015. In the said order, it is contended that since on the basis of the letter dated 15-12-2015 issued by respondent no.2, the applicant removed the discrepancy in the letter of resignation, his resignation was accepted and he was relieved from the duties.

13. The reason as has been assigned is unconscionable. It appears that the respondents, more particularly, respondent no.2 did not even read the order passed by this Tribunal in O.A.No.202/2018.

O.A.No.202/2018 was undoubtedly filed by the applicant after 15-12-2015. In the circumstances, on

the basis of the alleged contention that the applicant made correction in his letter of resignation, respondent no.2 could not have rejected his request for withdrawal of his resignation. On the contrary, by filing O.A.No.202/2018 the applicant has ratified his request made in the application date 05-12-2015. Moreover, we have perused the said document which is much emphasized by the respondents. From the said document, it does not appear that any such letter or endorsement was made by the applicant on 15-12-2015. It does not bear signature of the applicant below the inserted portion. In any case, when the applicant filed the O.A., his intention was writ large to resume the duties and to take back the resignation given by him. In that circumstance, the Tribunal had directed the respondent no.2 to reconsider the said request made in application dated 05-12-2015. conduct of respondent no.2, as is revealing from the facts on record, has to be held the arbitrary exercise of power by him. We reiterate that when the resignation given was withdrawn before a decision was taken on

the said resignation, the respondent no.2 should not have passed the order accepting the said resignation.

14. In the circumstances, orders dated 18-12-2015 and order dated 28-02-2019 cannot be sustained and deserve to be set aside. The logical consequence of setting aside the orders must lead to the order of reinstatement with all consequential benefits i.e. full back wages, increments etc. However, in the order passed by this Tribunal in O.A.No.202/2018, it has been observed by this Tribunal that the applicant would not claim any monetary benefits for the period during which he was out of employment. This order has not been challenged further. It is the matter of record that in pursuance of the order passed by this O.A.No.202/2018, respondent no.2 in Tribunal reconsidered request of the applicant but again rejected the same vide order passed on 28-02-2019 and confirmed the earlier order passed by him accepting the resignation of the applicant. We have held the order dated 28-02-2019 passed by respondent no.2 to be unsustainable and have quashed and set

aside the said order. In the circumstances, it appears to us that the applicant cannot be deprived of the backwages of the entire period without any fault on his part. It cannot be denied that in the relevant period the applicant did not actually perform his duties. In the circumstances, according to us if the respondents are directed to pay him half backwages of the period from 22-01-2019 till the date of his reinstatement that would meet the ends of justice.

15. For the reasons stated, following order is passed:

#### ORDER

- (i) Orders passed by respondent no.2 on 18-12-2015 and 28-02-2019 are quashed and set aside. Consequently, the respondents are directed to reinstate the applicant in service with continuity of service within 4 weeks from the date of this order i.e. from the date on which the present order will be uploaded on the website of the Tribunal.
- (ii) Respondents are directed to pay 50% back wages to the applicant of the period from 22-01-2019 till the

date of his reinstatement within 8 weeks from the date of his reinstatement in service. The applicant will be entitled for increments and other consequential benefits which may have accrued in his favour during the intervening period.

(iii) O.A. stands allowed in the aforesaid terms without any order as to costs.

### MEMBER (A)

**VICE CHAIRMAN** 

YUK (!) ORAL ORDERS 02-08-2022

ORDER IS SIGNED AND UPLOADED ON 12-09-2022

### ORIGINAL APPLICATION NO.691/2022 (Dr. Vasant s/o. Machhindra Garudkar V/s. State of Maharashtra & Ors.)

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**OFFICE ORDER** 

#### TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 02-08-2022

**ORAL ORDER:** 

Heard Shri A.S.Deshmukh, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents.

- 2. It is the grievance of the applicant that though the selecting body has recommended name of the applicant for appointment to the post of Nodal Officer, SMART Project, the Government has issued order of appointment in favour of the candidate who was in the select list shown as wait list candidate no.1. learned Counsel inviting our attention to order dated 07-07-2022 whereby respondent no.3 came to be appointed, submitted that no reason has been assigned by the State for not selecting the candidate i.e. applicant, who is at Sr.No.1 in the merit list and selecting the candidate in the wait list. Learned Counsel in the circumstances has prayed for staying the effect and operation of the said order dated 07-07-2022 till the decision of the present O.A.
- 3. Learned CPO has sought time for filing affidavit in reply. It is submitted by the learned CPO that the

possibility of respondent no.3 resuming the duties cannot be ruled out and if that be so, it may not be proper at this stage to grant any interim relief as has been prayed by the applicant.

4. Learned Counsel for the applicant was fair enough in submitting that the respondent no.3 has already joined the subject post. In the circumstances, we deem it appropriate to issue notice to the respondents by keeping open the issue of interim relief. Hence, the following order:

### ORDER

- (i) Issue notice to the respondents, returnable on 30-08-2022.
- (ii) The issue of interim relief is kept open. We expect that the respondent no.1 and 2 shall file their separate affidavits, since from record, it is apparent that, recommendation made by respondent no.2 has been overruled by respondent no.1 while giving appointment to respondent no.3.
- (iii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- (iv) 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.

- (v) 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.
- (vi) 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.
- (vii) S.O. to 30-08-2022.
- (viii) Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

**VICE CHAIRMAN** 

C.P.NO.30/2019 IN O.A.NO.526/2011 (Mohd. Azizullah Khan V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 02-08-2022

**ORAL ORDER:** 

Shri A.S.Deshmukh, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents, are present.

- 2. Learned P.O. today has tendered across the bar affidavit in reply filed by respondent no.1. Same is taken on record. Copy is provided to the other side.
- 3. After receiving copy of the reply and after knowing that the present Deponent is now holding the post of Principal Secretary, School Education and Sports Department, applicant has sought leave for substituting his name in place of Dr. Vandana Krishna, the erstwhile Principal Secretary, School Education and Sports Department. Leave as prayed for is granted. Necessary amendment be carried out forthwith.
- 4. Learned P.O. sought time for taking appropriate instructions from the respondents. Time is granted.
- 5. S.O. to 11-08-2022.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO.232/2019 (Maruti Kamble & Ors. V/s. State of Maharashtra & Ors.)

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OFFICE ORDER

TRIBUNAL'S ORDERS

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

Vice Chairman

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AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 02-08-2022

**ORAL ORDER:** 

Heard Shri V.G.Pingle, learned Counsel for the applicants and Shri I.S.Thorat, learned Presenting Officer for the respondents.

- 2. Arguments are heard in the matter for some time. The matter be treated as part heard. Information is required as about the breaks in service given to the applicants.
- 3. Learned Counsel for the applicants and learned P.O. both have assured to submit the said information on record.
- 4. S.O. to 17-08-2022.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO.546/2020 (Vinayak Pundlik Patil V/s. State of Maharashtra & Ors.)

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**OFFICE ORDER** 

TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 02-08-2022

**ORAL ORDER:** 

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Counsel on instructions seeks leave to withdraw the present O.A. Learned Counsel for the applicant has tendered across the bar communication dated 02-08-2022 received to him from the applicant today. Same is taken on record. Learned Counsel in view of the said communication, on instructions, has sought leave to withdraw the O.A. Hence, the following order:

#### ORDER

O.A. stands disposed of since withdrawn without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

M.A.NO.109/2020 IN O.A.NO.927/2020 (Sunil Shankarrao Kuvar V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 02-08-2022

### **ORAL ORDER:**

Shri S.G.Kulkarni, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents, are present.

2. Learned Counsel on instructions seeks leave to withdraw the O.A. Hence, the following order:

#### ORDER

O.A. stands disposed of since withdrawn without any order as to costs. M.A. in the O.A. also therefore stands disposed of.

MEMBER (A)

**VICE CHAIRMAN** 

C.P. NO. 4/2020 IN O.A. 333/2017 (Smt. Shital A. Soni V/s. State of Maharashtra & Ors.) WITH

C.P. NO. 5/2020 IN O.A. 336/2017 (Dr. Yogesh V. Solanke V/s. State of Maharashtra & Ors.) WITH

C.P. NO. 6/2020 IN O.A. 332/2017 (Dr. Anil S. Biradar V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

**DATE**: 2-8-2022

#### **ORAL ORDER:**

Shri J.S. Deshmukh, learned Counsel for the applicants in all these matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present. Shri M.S. Jagtap-Ware, learned counsel for respondent no. 5 in all these matters (absent).

- 2. The learned C.P.O. has tendered across the bar the affidavit in reply of respondent no. 3 in all these matters. The same are taken on record and copies thereof are supplied to the learned counsel for the applicants.
- 3. S.O. to 14.9.2022.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 318/2021 (Shri Prakash M. Deshmukh V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE**: 2-8-2022

### **ORAL ORDER:**

Shri Amol A. Kakade, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

- 2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.
- 3. S.O. to 16.9.2022.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 747/2021 (Dr. Deepak V. Vasave V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE**: 2-8-2022

#### **ORAL ORDER:**

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

- 2. The learned counsel has sought time for filing rejoinder affidavit of the applicant as per order dated 28.3.2022. Time granted.
- 3. S.O. to 19.9.2022.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 441/2022 (Shri Gajanan A. Taralkar V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 2-8-2022

### **ORAL ORDER:**

Shri P.S. Anerao, learned Counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

- 2. The learned Presenting Officer has tendered across the bar the affidavit in reply of respondent nos. 1 to 3. It is taken on record. The learned P.O. undertook to supply copy of affidavit in reply of respondent nos. 1 to 3 to the learned counsel for the applicant.
- 3. S.O. to 19.9.2022 for filing rejoinder affidavit, if any, by the applicant.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 445/2022 (Smt. Shilpa S. Dhanmane & Ors. V/s. State of Maharashtra & Ors.)

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**OFFICE ORDER** 

TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE**: 2-8-2022

**ORAL ORDER**:

Shri R.A. Joshi, learned Counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

- 2. Await service of notice.
- 3. S.O. to 15.9.2022.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 456/2022 (Shri Narsappa S. Birajdar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 2-8-2022

**ORAL ORDER:** 

Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

- 2. The learned Chief Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.
- 3. S.O. to 20.9.2022.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 545/2022 (Shri Vitthal T. Chaudhari V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

### **ORAL ORDER:**

Shri A.S. Khedkar, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

- 2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.
- 3. S.O. to 26.8.2022.

MEMBER (A)

**VICE CHAIRMAN** 

M.A. 90/2020 IN O.A. 1067/2019 (Shri Prakash J. Pawara V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE**: 2-8-2022

### **ORAL ORDER:**

Shri D.M. Mane, learned Counsel for the applicant (**absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

- 2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.
- 3. S.O. to 7.9.2022.

MEMBER (A)

**VICE CHAIRMAN** 

M.A. 27/2021 IN O.A. ST. NO. 47/2021 (Shri Ramesh L. Kamble V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE**: 2-8-2022

**ORAL ORDER:** 

Shri Sajitkhan M. Pathan, learned Counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

- 2. Await service.
- 3. S.O. to 8.9.2022.

MEMBER (A)

**VICE CHAIRMAN** 

M.A. 57/2021 IN O.A. ST. NO. 118/2021 (Shri Bhalchandra S. Waghule V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 2-8-2022

#### **ORAL ORDER:**

Shri V.G. Pingle, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

- 2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.
- 3. S.O. to 8.9.2022.

MEMBER (A)

**VICE CHAIRMAN** 

M.A. 402/2021 IN O.A. ST. NO. 1631/2021 (Shri Prakash H. Bhamare V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

### **ORAL ORDER:**

Shri P.S. Gaikwad, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

- 2. It reveals from the record that the affidavit in reply of respondent nos. 1 & 2 is already filed on record.
- 3. S.O. to 12.9.2022 for hearing.

MEMBER (A)

**VICE CHAIRMAN** 

M.A. 85/2022 IN O.A. ST. NO. 1790/2021 (Shri Anil B. Chavan V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE**: 2-8-2022

### **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. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.
- 3. S.O. to 15.9.2022.

MEMBER (A)

**VICE CHAIRMAN** 

M.A. 86/2022 IN O.A. ST. NO. 1792/2021 (Shri Sanjay P. Tarte V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 2-8-2022

**ORAL ORDER:** 

Shri A.V. Thombre, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

- 2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.
- 3. S.O. to 15.9.2022.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 614/2018 (Dr. Minakshi B. Pathak V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 2-8-2022

#### **ORAL ORDER:**

Shri V.B. Wagh, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present. Shri Rahul Pawar, learned counsel for respondent nos. 4 & 5 (absent).

2. In view of absence of learned counsel for respondent nos. 4 & 5, S.O. to 26.8.2022 for hearing.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 891/2018 (Dr. Uddhav S. Khaire V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 2-8-2022

#### **ORAL ORDER:**

Shri V.B. Wagh, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 26.8.2022 for hearing.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 670/2019 (Smt. Kaushalya B. Jadhav V/s. State of Maharashtra & Ors.)

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**OFFICE ORDER** 

TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

**DATE**: 2-8-2022

**ORAL ORDER:** 

S/shri A.S. Tilve / S.B. Tilve, learned Counsel for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 19.9.2022 for hearing.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 757/2019 (Dr. Munna Afreen Abdul Gaffar V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

### TRIBUNAL'S ORDERS

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

### **ORAL ORDER:**

Shri J.S. Deshmukh, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 6.9.2022 for hearing.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 1021/2019 (Dr. Prashant D. Warkari V/s. State of Maharashtra & Ors.)

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**OFFICE ORDER** 

TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

**ORAL ORDER:** 

Shri Mayur Subhedar, learned counsel holding for Shri C.V. Dharurkar, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

- 2. Though last chance was granted to the respondents to file the affidavit in reply, the same has not been filed. The learned C.P.O. has again sought time for filing the affidavit in reply. Time granted as a final chance.
- 3. S.O. to 15.9.2022.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 1027/2019 (Shri Arjun D. Sonwane V/s. State of Maharashtra & Ors.)

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OFFICE ORDER

TRIBUNAL'S ORDERS

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

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 2-8-2022

**ORAL ORDER:** 

Smt. Suchita A. Dhongde, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present. Shri Ajay D. Pawar, learned counsel for respondent no. 3 (absent).

2. S.O. to 15.9.2022 for hearing.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 1029/2019 (Sri Suraj S. Bavat V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 2-8-2022

### **ORAL ORDER:**

Shri M.S. Chaudhari, learned Counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri V.B. Wagh, learned counsel for respondent no. 4, are present.

2. With the consent of both the sides, S.O. to 16.9.2022 for hearing.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 84/2020 (Shri Chunilal M. Yawalkar V/s. State of Maharashtra & Ors.)

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**OFFICE ORDER** 

TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

**ORAL ORDER:** 

Shri A.D. Sugdare, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

- 2. The learned P.O. has tendered across the bar the affidavit in reply of respondent nos. 1 & 2. The same is taken on record and copy thereof has been supplied to other side.
- 3. S.O. to 26.8.2022 for filing the rejoinder affidavit, if any, by the applicant and for hearing.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 521/2020 (Shri Laxman B. Jadhav V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

### **ORAL ORDER:**

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 5.9.2022 for hearing.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 122/2021 (Shri Mohan B. Rathod V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

### TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

**DATE**: 2-8-2022

### **ORAL ORDER:**

Shri M.K. Bhosale, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 12.9.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 818/2021 (Dr. Ashwini A. Patil V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

**ORAL ORDER:** 

Shri S.D. Joshi, learned Counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, Shri G.M. Ghongde, learned counsel holding for Shri S.G. Chapalgaonkar, learned counsel for respondent no. 6, Shri Akshay H. Joshi, learned counsel for respondent no. 7 and Shri S.G. Kulkarni, learned counsel for respondent no. 8, are present. Shri Amol Jagtap, learned counsel for respondent no. 9 (absent).

- 2. Shri Akshay Joshi, learned counsel has tendered across the bar the affidavit in reply of respondent no.7. The same is taken on record and copy thereof has been supplied to other side.
- 3. S.O. to 30.8.2022 for hearing.

MEMBER (A)

**VICE CHAIRMAN** 

M.A. 210/2022 IN O.A. 12/2022 (Dr. Ganesh G. Kalyankar & Ors. V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 2-8-2022

### **ORAL ORDER:**

Shri M.R. Kulkarni, learned Counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 7.9.2022 for hearing.

MEMBER (A)

**VICE CHAIRMAN** 

M.A. 219/2022 IN O.A. 810/2021 (The Divisional Commissioner, Nashik & Ors. V/s Shri Ganesh B. Agale)

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**OFFICE ORDER** 

TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

**ORAL ORDER:** 

Shri M.S. Mahajan, learned Chief Presenting Officer for the applicants in M.A. / respondents in O.A. and Shri V.B. Wagh, learned counsel for the respondent in M.A. / applicant in O.A., are present.

- 2. Shri Wagh, learned counsel has tendered across the bar the rejoinder affidavit in O.A. It is taken on record and copy thereof has been supplied to other side.
- 3. S.O. to 13.9.2022 for hearing.

MEMBER (A)

**VICE CHAIRMAN** 

M.A. 220/2022 IN O.A. 381/2022 (The Divisional Commissioner, Nashik & Ors. V/s Smt. Manjushree S. Deokar)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 2-8-2022

**ORAL ORDER:** 

Shri M.S. Mahajan, learned Chief Presenting Officer for the applicants in M.A. / respondents in O.A. and Shri V.B. Wagh, learned counsel for the respondent in M.A. / applicant in O.A., are present.

- 2. Shri Wagh, learned counsel has tendered across the bar the rejoinder affidavit in O.A. It is taken on record and copy thereof has been supplied to other side.
- 3. S.O. to 13.9.2022 for hearing.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 583/2014 (Shri Bhausaheb S. Gaikwad V/s. State of Maharashtra & Ors.)

OFFICE ORDER TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

**ORAL ORDER:** 

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present. Shri A.C. Deshpande, learned counsel for respondent nos. 5 & 6 (absent).

2. In view of absence of learned counsel for respondent nos. 5 & 6, S.O. to 5.9.2022 for final hearing.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 201/2016 (Sayyed Habib Sayyed Abdul Rahim & Ors. V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 2-8-2022

### **ORAL ORDER:**

Shri V.B. Wagh, learned Counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 5.9.2022 for final hearing.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 510/2016 (Shri Vijaykumar H. Gade V/s. State of Maharashtra & Ors.)

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OFFICE ORDER

TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

**ORAL ORDER**:

Shri M.U. Shelke, learned Counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri M.S. Shaikh, learned counsel for respondent no. 3, are present.

2. In view of absence of learned counsel for the applicant, S.O. to 6.9.2022 for final hearing.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 876/2016 (Smt. Anuradha R. Gavane V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

### TRIBUNAL'S ORDERS

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

### **ORAL ORDER:**

Shri M.S. Bhosale, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 22.8.2022 for final hearing. **High on Board**.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NOS. 103 & 104 BOTH OF 2017 (Shri Navnath A. Matsagar & Anr. V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE**: 2-8-2022

### **ORAL ORDER:**

Shri S.D. Joshi, learned Counsel for the applicants in both the matters and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities in both the matters, are present.

2. With the consent of both the sides, S.O. to 7.9.2022 for final hearing.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 184/2018 (Shri Swamidas V. Chobe V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE**: 2-8-2022

### **ORAL ORDER:**

Shri V.B. Wagh, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 8.9.2022 for final hearing.

MEMBER (A)

**VICE CHAIRMAN** 

O.A. NO. 112, O.A. NO. 214 AND O.A. 215/2018 (Shri Ashok G. Labde & Ors. V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

### TRIBUNAL'S ORDERS

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

Vice Chairman

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

### **ORAL ORDER:**

Ms. Preeti Wankhade, learned Counsel for the applicants in all these matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters, are present.

2. With the consent of both the sides, S.O. to 8.9.2022 for final hearing.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 471/2018 (Shri Raosaheb K. Pangre V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 2-8-2022

### **ORAL ORDER:**

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

2. With the consent of both the sides, S.O. to 8.9.2022 for final hearing.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 854/2018 (Shri Bhima S. Chakale V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 2-8-2022

### **ORAL ORDER:**

Shri M.P. Tripathi, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 19.8.2022 for final hearing. **High on Board**.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 866/2018 (Shri Venkat M. Methe V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

### TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

### **ORAL ORDER:**

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 12.9.2022 for final hearing.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NOS. 558 & 559 BOTH OF 2019 (Shri Udalsingh A. Bohara & Anr. V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 2-8-2022

### **ORAL ORDER:**

Shri A.L. Kanade, learned Counsel for the applicants in both the matters and Shri D.R. Patil & Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities in both the matters, are present.

2. With the consent of both the sides, S.O. to 6.9.2022 for final hearing. **High on Board**.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 37/2021 (Shri Shriram B. Jadhav & Ors. V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 2-8-2022

### **ORAL ORDER:**

Shri S.D. Joshi, learned Counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 14.9.2022 for final hearing.

MEMBER (A)

**VICE CHAIRMAN** 

M.A. 313/2020 IN O.A. 246/2020

M.A. 314/2020 IN O.A. 238/2020

M.A. 315/2020 IN O.A. 239/2020

O.A. NOS. 240, 241, 242, 243, 244, 245, 248 AND 249

**ALL OF 2020** 

(Vinod V. Jaware & Ors. Vs. State of Maharashtra & Ors.)

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### OFFICE ORDER

### TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

### **ORAL ORDER:**

Shri S.Y. Shinde, learned Counsel for the applicants in M.A./respondents in O.A., Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri S.R. Sapkal, learned Counsel for applicants in O.A.s, are present.

2. With the consent of both the sides, S.O. to 15.9.2022 for final hearing. **High on Board**.

MEMBER (A)

**VICE CHAIRMAN** 

### ORIGINAL APPLICATION NO. 502 OF 2018 (Bansilal C. Jaiswal V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Shri A.D. Raut, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondent No. 1, Shri S.D. Joshi, learned Advocate for respondent No. 2 and Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for respondent No. 3.

- 2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent No. 1.
- 3. S.O. to 06.09.2022.

MEMBER (J)

### ORIGINAL APPLICATION NO. 672 OF 2019 (Mahesh D. Tipale V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

DATE: 02.08.2022.

### **ORAL ORDER:**

Shri V.G. Salgare, learned Advocate for the applicant (**Absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 06.09.2022 for filing rejoinder affidavit, if any.

**MEMBER (J)** 

### ORIGINAL APPLICATION NO. 796 OF 2019 (Laxmibai U. Bahirwad V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

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**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri G.N. Kulkarni, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

- 2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 2 and 3.
- 3. S.O. to 06.09.2022.

MEMBER (J)

### ORIGINAL APPLICATION NO. 1070 OF 2019 (Suryabhan B. Nagre V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Shri V.G. Salgare, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri U.S. Mote, learned Advocate for respondent No. 3.

2. As none present for the applicant, S.O. to 06.09.2022 for filing rejoinder affidavit, if any.

**MEMBER (J)** 

### ORIGINAL APPLICATION NO. 76 OF 2020 (Shantbai G. Kulkarni V/s. State of Maharashtra & Ors.)

OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri R.B. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

- 2. Learned Advocate for the applicant submits that during the course of the day he would file service affidavit.
- 3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 4. S.O. to 07.09.2022.

MEMBER (J)

### ORIGINAL APPLICATION NO. 705 OF 2021 (Balwant S. Mukhade V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

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

- 2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit, if any.
- 3. S.O. to 07.09.2022.

MEMBER (J)

### ORIGINAL APPLICATION NO. 38 OF 2022 (Dilip B. Bharaskar V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

DATE : 02.08.2022.

### **ORAL ORDER:**

Shri P.G. Tambade, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 07.09.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

### ORIGINAL APPLICATION NO. 148 OF 2022

(Dr. Rajendra R. Dharmadhikari V/s. State of Maharashtra & Ors.)

OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

DATE : 02.08.2022.

### **ORAL ORDER:**

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

- 2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 24.08.2022.

MEMBER (J)

### ORIGINAL APPLICATION NO. 500 OF 2022 (Jaganala B. Kewat V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

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

- 2. Await service of notice on the respondents.
- 3. At the request of learned Advocate for the applicant, S.O. to 12.08.2022 for taking necessary steps.

MEMBER (J)

### ORIGINAL APPLICATION NO. 603 OF 2022 (Sachin G. Shelke V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Shri A.D. Kotkar, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 07.09.2022.

MEMBER (J)

### ORIGINAL APPLICATION NO. 611 OF 2022

(Sultana Begum Shaikh Gafoor V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 02.08.2022.

**ORAL ORDER:** 

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

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 06.09.2022.

MEMBER (J)

## ORIGINAL APPLICATION NO. 612 OF 2022 (Vishwanath M. Tondewad V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri S.B. Solanke, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

- 2. Await service of notice of the respondent No. 2.
- 3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1, 3 & 4.
- 4. S.O. to 06.09.2022.

MEMBER (J)

## ORIGINAL APPLICATION NO. 615 OF 2022 (Kiran A. Jadhav V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

DATE: 02.08.2022.

### **ORAL ORDER:**

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

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 06.09.2022.

MEMBER (J)

## ORIGINAL APPLICATION NO. 617 OF 2022 (Amol N. Manore V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

DATE : 02.08.2022.

### **ORAL ORDER**:

Shri T.K. Sant, learned Advocate for the applicant (**Absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

- 2. Await service of notice of the respondents.
- 3. As none present for the applicant, S.O. to 07.09.2022 for taking necessary steps.

MEMBER (J)

M.A. No. 407/2019 in O.A. St. No. 1458/2019 (Savita U. Gaikwad @ Sangita S. Wagh V/s. State of Maharashtra & Ors.)

OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

DATE : 02.08.2022.

### **ORAL ORDER:**

Shri V.G. Salgare, learned Advocate for the applicant (**Absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 06.09.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

M.A. No. 217/2021 in O.A. St. No. 598/2021 (Vitthal S. Lokhande & Anr. V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

DATE: 02.08.2022.

### **ORAL ORDER:**

Heard Shri V.B. Wagh, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

- 2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents in M.A.
- 3. S.O. to 06.09.2022.

MEMBER (J)

M.A. No. 79/2022 in O.A. St. No. 216/2022 (Sahebrao C. Shinde & Ors. V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

DATE : 02.08.2022.

### **ORAL ORDER:**

Heard Shri V.G. Pingle, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

- 2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents in M.A.
- 3. S.O. to 07.09.2022.

MEMBER (J)

M.A. No. 84/2022 in O.A. St. No. 124/2022 (Govind B. Rathod V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

DATE : 02.08.2022.

### **ORAL ORDER:**

Shri P.S. Dighe, learned Advocate for the applicant (**absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 08.09.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

M.A. No. 289/2022 in O.A. St. No. 1064/2022 (Vijay G. Palaskar V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

DATE : 02.08.2022.

### **ORAL ORDER:**

Shri P.V. Ambade, learned Advocate for the applicant (**absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

- 2. Await service of notice of the respondents.
- 3. As none present for the applicant, S.O. to 08.09.2022 for taking necessary steps.

MEMBER (J)

M.A. No. 291/2022 in O.A. St. No. 1070/2022 (Karima Begum Shaikh Daud V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri S.B. Solanke, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.
- 3. S.O. to 26.08.2022.

MEMBER (J)

M.A. No. 292/2022 in O.A. St. No. 1116/2022 (Shaikh Imran Shaikh Ahmed V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

DATE : 02.08.2022.

### **ORAL ORDER:**

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

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.
- 3. S.O. to 26.08.2022.

MEMBER (J)

M.A. No. 295/2022 in O.A. St. No. 910/2022 (Nanda S. Nagare & Ors. V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### ORAL ORDER:

Heard Shri V.G. Pingle, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.
- 3. S.O. to 07.09.2022.

MEMBER (J)

O.A. No. 491/2022 with M.A. St. 1235/2022 with M.A. St. 1243/2022 with O.A. No. 536/2022

(Ranjeetsingh B. Rajput & Ors. V/s. State of Maharashtra & Ors.)

**OFFICE ORDER** 

### TRIBUNAL'S ORDERS

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

DATE : 02.08.2022.

### **ORAL ORDER:**

Heard Shri Avinash Deshmukh, learned Advocate for the applicants in both the O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in both the O.As. S/shri S.S. Kulkarni & C.V. Thombre, learned Advocates for the proposed intervenors in respective M.As. In O.A. No. 491/2022 are **absent**.

- 2. Record shows that both the M.A. St. Nos. 1235/2022 1243/2022 filed & are seeking intervention in O.A. No. 491/2022. Record further shows that the applicant in O.A. No. 491/2022 is the respondent No. 1 in M.A. St. No. 1235/2022, whereas he is respondent No. 3 in M.A. St. No. 1243/2022. The applicant in the O.A. No. 491/2022 filed his affidavit in reply in M.A. St. No. 1235/2022 on last date of hearing i.e. on 29.07.2022, whereas he filed affidavit in reply in M.A. St. No. 1243/2022 today.
- 3. Learned Advocate for the applicant in O.A. No. 491/2022 submitted that un-affirmed copy of the affidavit in reply is served on the learned Advocate for intervenor in M.A. St. No. 1235/2022 on 28.07.2022,

which is filed on 29.07.2022. He submitted that so far as the service of copy of affidavit in reply in M.A. St. No. 1243/2022 is concerned, he has sent the same through Email to the learned Advocate yesterday and also dropped the hard un-affirmed copy thereof in the bag of learned Advocate for intervenor on 01.08.2022. However, none is present on behalf of intervenors in both the M.As., when called out.

- 4. Learned Advocate for the applicant in O.A. No. 491/2022 further submitted that both the intervenors are not the Government servants and they are private persons, which can be seen from the contents of the applications, which position is not disputed by the learned C.P.O. In view of that there is office objection of maintainability of both the said Misc. Applications.
- 5. Perusal of the O.A. No. 491/2022 would show that the notices were issued in that matter on 09.06.2022 keeping open the points of interim relief and maintainability. Thereafter, affidavit in reply is filed on behalf of respondent No. 1 separately, as well as, on behalf of respondent Nos. 1 to 3 jointly and the rejoinder affidavit is filed by the applicant to the affidavit in reply filed on behalf of respondent No. 1.
- 6. The O.A. No. 491/2022 is pertaining to the suspension of the applicant and considering the nature of the reliefs sought, the interim relief was kept open along with maintainability. Considering the

//3// OA 491/22 with MA St. 1235 & 1243 of 22 with OA 536/22

urgency in the matter and as the pleadings are complete in the said O.A., the same is fixed for hearing at the stage of admission.

- 7. Though two intervention applications are pending, however, nobody is present on behalf of respective interventions / applicants in both the M.As. In these circumstances, the O.A. together with both the M.As. are kept tomorrow.
- 8. Learned Advocate for the applicant in O.A. No. 536/2022 filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side. Pleadings of this O.A. No. 536/2022 are complete and the matter is pertaining to suspension. Hence, it is kept for hearing at the stage of admission.
- 9. S.O. to 03.08.2022 for hearing at the state of admission itself.

MEMBER (J)

## ORIGINAL APPLICATION NO.1105 OF 2019 (Shrikant D. Mitkari V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri J.M. Murkute, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

- 2. At the request of the learned Advocate for the applicant, time is granted for taking necessary steps for removal of office objection.
- 3. S.O. to 25.08.2022.

MEMBER (J)

## ORIGINAL APPLICATION NO.126 OF 2020 (Dr. Sushilkumar V. Kendre V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Shri Sybhash V. Mundhe, learned Advocate for the applicant, is **absent**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Record shows that nobody is appearing on behalf of the applicant since last two dates i.e. on 07.06.2022 and 01.07.2022. In view of the same, it appears that the applicant is not interested in prosecuting the matter. Hence, the O.A. stands dismissed in default.

MEMBER (J)

## ORIGINAL APPLICATION NO.654 OF 2022 (Shivanand D. Koli V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

DATE : 02.08.2022.

### **ORAL ORDER:**

Heard Shri M.S. Chaudhari, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

- 2. Issue notice to the respondents, returnable on 06.09.2022.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 06.09.2022.
- 8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

## ORIGINAL APPLICATION NO.667 OF 2022 (Dr. Pradip N. Vaishnav V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

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**DATE** : 02.08.2022.

### **ORAL ORDER:**

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

- 2. Learned Advocate for the applicant submitted that the applicant retired on superannuation on 30.09.2019. The applicant was getting provisional pension initially for two years. However, since October, 2021 he is not getting even provisional pension as stated in paragraph No.5.
- 3. In view of the said grievance, the respondent authorities are directed to pay provisional pension regularly in accordance with law during pendency of this Original Application.
- 4. Issue notice to the respondents, returnable on 30.08.2022.
- 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.
- 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 30.08.2022.
- 10. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

### ORIGINAL APPLICATION NO.686 OF 2022 (Shaikh Musa Shaikh Mohioddin V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

### TRIBUNAL'S ORDERS

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

DATE: 02.08.2022.

### **ORAL ORDER:**

Heard Shri H.M. Shaikh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

- 2. The prayer clauses would show that the applicant is seeking to quash and set aside the impugned order of suspension dated 03.12.2019 (Annex. 'A-2') together with reliefs of regularization of suspension period.
- 3. The suspension of the applicant is already revoked by order dated 30.06.2022 (Annex. 'A-6'). By prayer clause 'B', the applicant is seeking to quash and set aside the order of suspension dated 03.12.2019 (Annex. 'A-2') as well as revocation of suspension order dated 30.06.2022 (Annex. 'A-6').
- 4. Moreover, the impugned suspension order dated 03.12.2019 seems to be beyond the period of limitation. Perusal of the limitation clause of the Original Application does not show any explanation regarding the continuous cause of action. In view of the same, the leaned Advocate for the applicant seeks time for seeking appropriate amendment in the O.A.
- 5. In view of the above, time is granted for filing amendment application, if any.
- 6. S.O. to 30.08.2022.

MEMBER (J)

O.A.NOS.820 TO 832, 837 TO 839 AND 915 ALL OF 2019 (Yogesh B. Sonawane & Ors. V/s. State of Maharashtra & Ors.)

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OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri S.R. Sapkal, learned Advocate for the applicants in all these O.As. and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in all these O.A.

- 2. Record shows that the pleadings are complete. The matters are pertaining to recovery/pay fixation as per G.R. The same are admitted and fixed for final hearing.
- 3. S.O. to 05.09.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.580 OF 2018 (Amol R. Sakruskar V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri H.A. Joshi, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent No.1 and Shri Shamsundar B. Patil, learned Advocate for the respondent Nos.2 & 3.

- 2. Learned Advocate for the applicant submits that during the course of the day he would file affidavit-in-rejoinder.
- 3. S.O. to 06.09.2022 for admission.

MEMBER (J)

## ORIGINAL APPLICATION NO.111 OF 2020 (Rajendra S. Buwa V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Shri Anand S. Deshpande, learned Advocate for the applicant, is **absent**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 06.09.2022 for admission.

MEMBER (J)

## ORIGINAL APPLICATION NO.178 OF 2020 (Prashant E. Supekar V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Shri Mahesh K. Bhosale, learned Advocate for the applicant, is **absent**. Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 06.09.2022 for admission.

MEMBER (J)

## ORIGINAL APPLICATION NO.514 OF 2020 (Kamlakar B. Kulkarni V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

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

- 2. Record shows that the pleadings are complete. The matter is pertaining to increment/re-fixation of pension. It is admitted and fixed for final hearing.
- 3. S.O. to 19.08.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.302 OF 2021 (Hitendra P. Chaudhari V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Shri M.V. Thorat, learned Advocate for the applicant, is **absent**. Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 06.09.2022 for admission.

MEMBER (J)

## ORIGINAL APPLICATION NO.303 OF 2021 (Rajendrakumar G. Baviskar V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Shri M.V. Thorat, learned Advocate for the applicant, is **absent**. Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 06.09.2022 for admission.

MEMBER (J)

## ORIGINAL APPLICATION NO.732 OF 2021 (Dashrath D. Jadhav V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

COPAM · Hon'hle Shri V D Dongre Member (I)

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

- 2. Learned Advocate for the applicant submits that during the course of the day he would file affidavit-in-rejoinder.
- 3. S.O. to 26.08.2022 for admission.

MEMBER (J)

## ORIGINAL APPLICATION NO.173 OF 2022 (Ajay G. Dawane & Ors. V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri V.P. Kadam, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

- 2. Record shows that the pleadings are complete. The matter is pertaining to compassionate appointment. It is admitted and fixed for final hearing.
- 3. S.O. to 07.09.2022 for final hearing.

MEMBER (J)

M.A.NO.39 OF 2021 IN O.A.ST.NO.37 OF 2021 (Azizkhan Yusufkhan Pathan V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri N.D. Sonavane, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

- 2. The present matter be treated as part heard.
- 3. By consent of both the sides, S.O. to 24.08.2022.

MEMBER (J)

M.A.NO.419 OF 2021 IN O.A.ST.NO.1799 OF 2021 (Nilabai P. Mamulwar & Ors. V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri H.P. Jadhav, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The present matter is closed for order.

MEMBER (J)

## ORIGINAL APPLICATION NO.89 OF 2018 (Sayeda Khalida Md. Naeem V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri Shritej Surve, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos.1 & 2 and Shri S.R. Pande, learned Advocate for the respondent No.3.

- 2. The present matter has already been treated as part heard.
- 3. At the request of the learned Advocate for the applicant, time is granted for filing affidavit-in-rejoinder.
- 4. S.O. to 10.08.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.543 OF 2020 (Gaurav C. Randive V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

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

- 2. The present matter has already been treated as part heard.
- 3. At the request of the learned P.O., time is granted for compliance of direction.
- 4. S.O. to 17.08.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.236 OF 2021 (Vikram B. Garje V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

- 2. The present matter has already been treated as part heard.
- 3. At the request of the learned Advocate for the applicant, S.O. to 12.08.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.712 OF 2021 (Syed Khaja Syed Meeran V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

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

- 2. The present matter has already been treated as part heard.
- 3. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent No.5.
- 4. S.O. to 24.08.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.116 OF 2017 (Dr. Dhanraj W. Kendre V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri S.R. Sapkal, learned Advocate holding for Shri Vijay V. Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 07.09.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.28 OF 2019 (Suresh G. Sadavarte V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

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

2. At the request of the learned Advocate for the applicant, S.O. to 06.09.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.900 OF 2019 (Arvind R. Bhingardive V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

DATE: 02.08.2022.

### **ORAL ORDER:**

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

2. The present matter is closed for order.

MEMBER (J)

## ORIGINAL APPLICATION NO.422 OF 2019 (Syed Khaja Syed Meeran V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri Suresh Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 07.09.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.908 OF 2019 (Shaikh Nisar Ahmed Shaikh V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri G.N. Kulkarni, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 07.09.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.965 OF 2019 (Ashok S. Birajdar V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri Shamsundar B. Patil, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

- 2. The present matter be treated as part heard.
- 3. By consent of both the sides, S.O. to 26.08.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.43 OF 2020 (Baliram M. Malhare V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri Girish N. Kulkarni, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 07.09.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.507 OF 2020 (Anil S. Burkul V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

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

2. By consent of both the sides, S.O. to 07.09.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.229 OF 2021 (Balbir Singh Jagannath Prasad Tyagi V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri K.G. Salunke, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 12.08.2022 for final hearing

MEMBER (J)

## ORIGINAL APPLICATION NO.319 OF 2021 (Netaji G. Shinde V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

#### **ORAL ORDER:**

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Smt. Deepali S. Deshpnade, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 05.09.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.425 OF 2021 (Kirtimal M. Sonwale V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

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

2. By consent of both the sides, S.O. to 29.08.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.514 OF 2021 (Gautam G. Dhule V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

DATE: 02.08.2022.

### **ORAL ORDER:**

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

2. By consent of both the sides, S.O. to 26.08.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.609 OF 2021 (Nitin A. Mohane & Ors. V/s. State of Maharashtra & Ors.)

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### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri K.B. Jadhav, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

- 2. The present matter be treated as part heard.
- 3. By consent of both the sides, S.O. to 25.08.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.616 OF 2021 (Mayus L. Sonawane V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

- 2. The present matter be treated as part heard.
- 3. By consent of both the sides, S.O. to 25.08.2022 for final hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.117 OF 2020 (Shivaji V. Kale V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

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

- 2. At the request of the learned P.O., last chance is granted for filing affidavit-in-reply on behalf of the respondents.
- 3. S.O. to 06.09.2022.

MEMBER (J)

## ORIGINAL APPLICATION NO.251 OF 2020 (Sandu R. Magar V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri D.K. Dagadkhair, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

- 2. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit-inrejoinder.
- 3. S.O. to 05.09.2022 for admission.

MEMBER (J)

## ORIGINAL APPLICATION NO.353 OF 2020 (Shivraj V. Kangale V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri Sandip C. Swami, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

- 2. At the request of the learned P.O., one more last chance is granted for filing affidavit-in-reply on behalf of the respondents to the amended O.A.
- 3. S.O. to 29.08.2022.

MEMBER (J)

## ORIGINAL APPLICATION NO.753 OF 2021 (Shankar P. Dhupe & Ors. V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri P.V. Suryawanshi, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

- 2. At the request of the learned P.O., one more last chance is granted for filing affidavit-in-reply on behalf of the respondents.
- 3. S.O. to 05.09.2022.

MEMBER (J)

## ORIGINAL APPLICATION NO.757 OF 2021 (Jayashri S. Bhokre & Ors. V/s. State of Maharashtra & Ors.)

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### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

- 2. Affidavit-in-reply filed on behalf of the respondent Nos.1 to 4 is taken on record and copy thereof has been served on the other side.
- 3. S.O. to 17.08.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

## ORIGINAL APPLICATION NO.777 OF 2021 (Mohd Usman Khan Mohd Jafarkhan V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri G.J. Dahad, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

- 2. At the request of the learned P.O., last chance is granted for filing affidavit-in-reply on behalf of the respondents.
- 3. S.O. to 22.08.2022.

MEMBER (J)

## ORIGINAL APPLICATION NO.298 OF 2022 (Baban G. Tadvi V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

#### **ORAL ORDER:**

Heard Shri Swaraj Tandale, learned Advocate for the applicant and Shri Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos.1 & 2. Shri N.R. Dayama, learned Advocate for the respondent No.3, is **absent**.

- 2. Short affidavit-in-reply filed on behalf of the respondent Nos.1 & 2 is taken on record and copy thereof has been served on the learned P.O.
- 3. S.O. to 24.08.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

## ORIGINAL APPLICATION NO.583 OF 2022 (Shivling M. Sakhare V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri P.G. Rodge, learned Advocate holding for Shri K.P. Rodge, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent Nos.1 & 2.

- 2. Await service of notice on the respondent No.3.
- 3. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 & 2.
- 4. S.O. to 05.09.2022 for taking necessary steps in respect of respondent No.3.

MEMBER (J)

## ORIGINAL APPLICATION NO.635 OF 2022 (Sanjaykumar S. Kokane V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

#### **ORAL ORDER:**

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

- 2. Learned C.P.O. for the respondents submits that during the course he would file affidavit-in-reply.
- 3. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit-inrejoinder.
- 4. S.O. to 25.08.2022 for admission.

MEMBER (J)

## ORIGINAL APPLICATION NO.669 OF 2022 (Vivek T. Bade V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

#### **ORAL ORDER:**

Heard Shri Shritej Surve, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos.1 & 2 and Shri J.B. Choudhary, learned Advocate for the respondent No.3.

- 2. Affidavit-in-reply filed on behalf of the respondent No.3 is taken on record and copy thereof has been served on the other side.
- 3. Learned C.P.O. submits that he would file affidavit-in-reply on behalf of the respondent Nos.1 & 2 during the course of the day.
- 4. S.O. to 12.08.2022 for filing affidavit-in-rejoinder, if any. Interim relief granted earlier to continue till then.

MEMBER (J)

M.A.NO.04 OF 2021 IN O.A.ST.NO.1401 OF 2020 (Sampat B. Jadhav V/s. State of Maharashtra & Ors.)

OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

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#### **ORAL ORDER:**

Heard Shri P.G. Gunale, learned Advocate for the applicant, Shri D.R. Pati, learned Presenting Officer for the respondent Nos.5 & 6 and Shri S.P. Pandit, learned Special Counsel for the respondent Nos.1 to 4.

- 2. Record shows that in spite of grant of several opportunities, affidavit-in-reply is not filed on behalf of the respondents. In view of the same, the matter will proceed further without reply in accordance with law.
- 3. S.O. to 24.08.2022 for hearing.

MEMBER (J)

## ORIGINAL APPLICATION NO.353 OF 2020 (Shivraj V. Kangale V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

**DATE** : 02.08.2022.

### **ORAL ORDER:**

Heard Shri Sandip C. Swami, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

- 2. At the request of the learned P.O., one more last chance is granted for filing affidavit-in-reply on behalf of the respondents to the amended O.A.
- 3. S.O. to 29.08.2022.

MEMBER (J)

M.A.NO. 60/2020 IN O.A.ST.NO. 2451/2019 (Priti V. Sangolkar V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 2-8-2022

### **ORAL ORDER:**

Heard Shri A.V. Thombre, learned counsel holding for Shri R.D. Khadap, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

- 2. At the request of learned counsel appearing for the applicant reissue notice to the respondents in M.A. No. 60/2020, returnable on 8.9.2022.
- 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 8.9.2022.
- 8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 190 OF 2017 (Dattatraya J Zombade V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 2-8-2022

**ORAL ORDER:** 

Shri Shamsunder B. Patil, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

- 2. Amendment has been allowed to be carried out. However, the same could not be carried out by the applicant. Hence, learned counsel appearing for the applicant has sought one week's time to carry out the amendment. Time granted as prayed for.
- 3. S.O. to 10. 8.2022.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 531 OF 2022 (Sachin G. Lassure V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 2-8-2022

**ORAL ORDER:** 

Shri Tushar Shinde, learned counsel holding for Shri C.K. Shinde, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned counsel appearing for the applicant submits that all the respondents are served and he has also filed service affidavit. However, today no one has caused appearance on behalf of the private respondents. Learned Presenting Officer shall take necessary instructions and file affidavit in reply, as early as possible, since it is submitted by the learned counsel appearing for the applicant that in the next month exams are likely to be held. The matter, therefore, stands adjourned to 29.8.2022.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 257 OF 2020 (Sambhaji S. Pawar V/s. State of Maharashtra & Ors.)

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#### OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 2-8-2022

#### **ORAL ORDER:**

Shri Ganesh Gadhe, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. When the present matter is taken up for consideration no one has caused appearance for the applicant. The record shows that on 16.3.2022, thereafter on 5.4.2022 then on 14.6.2022 no one was present for the applicant. On the previous date i.e. on 15.7.2022 adjournment was sought by the applicant and on his request the matter is posted for consideration today. However, today also no one has caused the appearance in the matter. It appears that the applicant has lost the interest in prosecuting the matter further. Hence, the following order: -

#### ORDER

The present O.A. is dismissed for want of prosecution however, without any order as to costs.

### MEMBER (A)

#### **VICE CHAIRMAN**

#### LATER ON

Shri Jitendra V. Patil, learned counsel appeared before the Tribunal and submitted that he has instructions to appear in the matter on behalf of the applicant. Learned counsel submits that on the next date he will file **VAKALATNAMA** and will make submissions, so that first order can be passed by this Tribunal. In the interest of justice, the request is accepted. Since the submissions are made today itself by the learned counsel the order passed earlier of dismissing the matter in default is recalled.

2. List the matter on 10.8.2022.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 704 OF 2021 (Sanjay G. Mali V/s. State of Maharashtra & Ors.)

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OFFICE ORDER

TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

**ORAL ORDER:** 

Shri P.A. Pisal, learned counsel for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. Since filing of the present matter no one has attended the matter. On 16.3.2022, then on 11.4.2022 thereafter on 17.6.2022 and lastly on 4.7.2022 absence of the applicant, as well as, his counsel has been recorded. Today also no one has caused appearance for the applicant. It appears that the applicant has lost the interest in prosecuting the present matter further. Hence, the following order: -

#### ORDER

The present Original Application is dismissed for want of prosecution however, without any order as to costs.

MEMBER (A)

**VICE CHAIRMAN** 

M.A. 317/22 IN M.A.318/22 IN O.A.ST.1225/22 (Sujay S. Gaydhane & Ors. V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

**ORAL ORDER:** 

Heard Shri R.R. Karpe, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

- 2. This is an application preferred by the applicants seeking leave to sue jointly.
- 3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.
- 4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

**VICE CHAIRMAN** 

M.A.NO. 318/2022 IN O.A.ST.NO. 1225/2022 (Sujay S. Gaydhane & Ors. V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

#### **ORAL ORDER:**

Heard Shri R.R. Karpe, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

- 2. In view of the fact that the delay caused in filing the accompanying O.A. is of the period of 22 days. We deem it appropriate to condone the delay without issuing notice to the other side.
- 3. Learned Presenting Officer has submitted for passing appropriate order in the matter.
- 4. It appears that the matter needs to be decided on merits instead of throwing it on technicality. Hence, the following order: -

#### ORDER

The application is allowed. The delay of about 22 days caused in filing accompanying O.A. stands condoned. The O.A. be registered in accordance with law.

MEMBER (A)
ORAL ORDERS 2.8.2022-HDD

**VICE CHAIRMAN** 

### ORIGINAL APPLICATION ST.NO. 1225 OF 22

(Sujay S. Gaydhane & Ors. V/s. State of Maharashtra & Ors.)

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OFFICE ORDER

#### TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 2-8-2022

**ORAL ORDER:** 

Heard Shri R.R. Karpe, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

- 2. After registration of O.A., issue notices to the respondents, returnable on 7.9.2022.
- 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.
- 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 7.9.2022.
- 8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 702 OF 2019 (Ismail@Raju Moinodin Tamboli V/s. State of Maharashtra & Ors.)

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OFFICE ORDER

TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

**ORAL ORDER:** 

Heard Shri Jitendra V. Patil. learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

- 2. Today when the present matter is taken up for consideration, learned counsel appearing for the applicant has tendered across the bar prospectus IASE deemed university and the copy of Gazette of India dated 31st December, 2018. Both the documents are taken on record.
- 3. Arguments of learned counsel appearing for the applicant are heard. It is informed that learned Presenting Officer, Shri N.U. Yadav, who is appearing in the matter is not available today. For his arguments the matter is fixed for tomorrow i.e. on 3.8.2022.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 490 OF 2018 (Bhaudas S/o. Dhannodas Vaishnav V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

**AND** 

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 2-8-2022

### **ORAL ORDER:**

Ms. Angha Pandit, learned counsel holding for Shri S.B. Talekar, 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 parties, S.O. to 3.8.2022. **Part heard**.

MEMBER (A)

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 472 OF 2022 (Pandhari Gopalrao Devershe V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

**DATE** : 2-8-2022

### **ORAL ORDER:**

Shri Sanjay Kolhar, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. Though the present Original Application has been filed on 2.5.2022 no one has attended the present matter. On 16.6.2022 the applicant, as well as, his counsel both were absent. The matter was, therefore, adjourned to 7.7.2022. On that date also learned counsel for the applicant was absent. The applicant also did not record his presence. In the interest of justice the matter was adjourned till today. However, today also no one has caused appearance in the matter. It appears that the applicant has lost interest in prosecuting the matter further. Hence, the following order: -

#### ORDER

The present Original Application stands dismissed for want of prosecution however, without any order as to costs.

MEMBER (A)
ORAL ORDERS 2.8.2022-HDD

**VICE CHAIRMAN** 

ORIGINAL APPLICATION NO. 203 OF 2020 (Babu S/o. Hauserao Nagargoje V/s. State of Maharashtra & Ors.)

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#### **OFFICE ORDER**

#### TRIBUNAL'S ORDERS

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

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 2-8-2022

### **ORAL ORDER:**

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. The applicant was working as Primary Teacher in Municipal Corporation at Aurangabad. He started serving with the Corporation w.e.f. 11.6.1999. In the year 2012 the applicant was selected through Maharashtra Public Service Commission for the post of District Women and Child Welfare Officer, Class-II. After having selected for the aforesaid post, the applicant was relieved by the Municipal Corporation. Accordingly, the applicant joined the new posting on On 16.3.2016 the applicant made a 13.3.2012. representation to the respondents for counting past service and praying for pay protection. The respondent department of the applicant accepted the request of the applicant insofar as counting his past service is concerned for the purposes of pension etc., however, rejected the pay protection request. In circumstances, the applicant has preferred the present

Original Application praying for direction against the respondents for pay protection of the applicant.

- 3. Learned counsel for the applicant submitted that the proposal was duly submitted by respondent No. 1 to the Finance Department to consider the request of the applicant and to grant him pay protection. Finance Department has rejected the request so made on the ground that since the applicant was erstwhile in the employment of the Corporation and was governed by the service conditions applicable to the Corporation employees meaning thereby not to the Government servants, cannot be granted the pay protection. It is the grievance of the applicant that when for the purpose of length of his service the period of service rendered by the applicant in the Corporation as Primary Teacher is directed to be taken into account applying the same criteria his pay also needs to be protected.
- 4. The contention so raised by the applicant has been opposed by the respondents. Affidavit in reply has been filed by respondent Nos. 1 & 2. Respondent No. 3 however, has not filed any separate affidavit in reply, nor any such document is placed on record or any pursis to the effect that the reply filed by respondent Nos. 1 & 2 shall be considered as reply on behalf of respondent No. 3 also. In the circumstances, learned counsel appearing for the applicant was pursuing his submissions that the affidavit in reply of Finance Department is must in the present matter.

while Learned Presenting Officer opposing the made on behalf of the applicant submissions submitted that the request of the applicant has been rejected by the Finance Department itself and that is the reason the impugned order has been passed and in the said order also the things are clarified. According to the learned Presenting Officer, in the circumstances, the affidavit in reply of the Finance Department though may not be on record the ultimate rejection is in consultation with the said department.

5. We have carefully considered the submissions advanced on behalf of the applicant, as well as, respondents. We have gone through the relevant rules and more particularly the Maharashtra Civil Services After having considered the (Pay) Rules, 1981. submissions and on perusal of the pay rules it does not appear to us that any error has been committed by the respondents in rejecting the request made by the applicant. It is not in dispute that before joining new post in the State Government the applicant was in the employment of the Municipal Corporation, Aurangabad. It is further not in dispute that there are separate rules governing the service conditions of the Corporation employees and Corporation employees cannot be said to be employees of the State Government. In the circumstances, according to us, the reason as has been assigned cannot be termed to be unreasonable or arbitrary. The applicant has preferred to join the new post after having undergone

### :: - 4 - :: O.A. NO. 203/2020

the recruitment process. It is to be therefore, presumed that consciously and knowingly the applicant has decided to relinquish the job with the Municipal Corporation and to accept the post in the State Government. For the reasons as aforesaid we see no reason for causing any interference in the impugned order. The Original Application being devoid of any substance deserves to be dismissed and is accordingly dismissed however, without any order as to costs.

MEMBER (A)

**VICE CHAIRMAN**