

**M.A.NO.409/2023 IN O.A.NO.551/2022
M.A.NO.410/2023 IN O.A.NO.552/2022
M.A.NO.411/2023 IN O.A.NO.554/2022
M.A.NO.412/2023 IN O.A.NO.555/2022
M.A.NO.413/2023 IN O.A.NO.556/2022
M.A.NO.414/2023 IN O.A.NO.557/2022
M.A.NO.415/2023 IN O.A.NO.559/2022
M.A.NO.416/2023 IN O.A.NO.561/2022
M.A.NO.417/2023 IN O.A.NO.562/2022
M.A.NO.418/2023 IN O.A.NO.563/2022
M.A.NO.419/2023 IN O.A.NO.564/2022
M.A.NO.420/2023 IN O.A.NO.565/2022
M.A.NO.421/2023 IN O.A.NO.566/2022
M.A.NO.422/2023 IN O.A.NO.1110/2022
M.A.NO.446/2023 IN O.A.NO.550/2022
M.A.NO.447/2023 IN O.A.NO.553/2022
M.A.NO.448/2023 IN O.A.NO.560/2022
M.A.NO.449/2023 IN O.A.NO. 558/2022
M.A.NO. 486/2023 IN O.A.NO. 44/2021
ORIGINAL APPLICATION NO. 25/2024
(State of Maharashtra & Ors. V/s. Raghoji Bele & Ors.)**

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

DATE : 03.05.2024

ORAL ORDER :

S/Shri D.M. Hange, A.P. Basarkar and Smt. Resha Deshmukh, learned Presenting Officers for the respective applicants in respective M.As. (original respondents), Shri R.L. Chintalwar, learned counsel for the respondents (Original Applicants) in M.A. No. 409/2023 to M.A. No. 417 of 2023, M.A. No. 422/2023, M.A. 446/2023, M.A. 447/2023, M.A. 448/2023, M.A. 449/2023 & M.A. 486/2023 and for applicant in O.A. No. 25/2024 and Shri P.M. Shinde, learned counsel for the respondents (Original Applicants) in M.A. Nos. 418/2023 to M.A. 421/2023, are present.

2 At the request of learned Presenting Officers, as a last chance, S.O. to 14.06.2024 for filing affidavit in reply on behalf of the respondents to the Original Applications.

MEMBER (J)

ORIGINAL APPLICATION NO. 1030 OF 2023
(Radhey Raghunath Khetre Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer on instructions submits that the impugned order dated 04.12.2023 has been cancelled.

3. In view of above statement, learned counsel for the applicant on instructions seeks leave to withdraw the present Original Application.

4. Leave granted. Original Application stands disposed of as withdrawn. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 436 OF 2024
(Ashok R. Kashid Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 10.05.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 639 OF 2023
(Sandhya V. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present. Smt. Pooja Mundhe, learned counsel for respondent No. 4, is absent.

2. Learned counsel for the applicant seeks time to file rejoinder affidavit and requested to keep the present matter after summer vacation. Time granted.

3. S.O. to 04.07.2024.

MEMBER (J)

M.A. No. 03/2024 in O.A. St. No. 1973/2023
(Dr. Shilpa N. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present. Shri Kiran Jadhavar, learned counsel for respondent No. 4, is **absent**.

2. Learned counsel for the applicant submits that service report as against respondent No. 3 is still awaited. However, the respondent Nos. 1, 2 & 4 have been duly served.

3. Learned Presenting Officer appears for respondent No. 3 and seeks time to file affidavit in reply on behalf of respondent Nos. 1 to 3.

4. S.O. to 09.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 30 OF 2023
(Prahlad G. Ranveer Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 09.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 554 OF 2019
(Ashok V. Gade Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri Ashish Rajkar, learned counsel holding for Shri S.B. Pawar, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 and 3, are present.

2. At the request of learned counsel for respondent Nos. 2 and 3, S.O. to 25.06.2024 for hearing.

MEMBER (J)

M.A. No. 554/2023 in O.A. St. No. 2199/2023
(Rajaram C. Sevalikar Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri Onkar Joshi, learned counsel holding for Shri Jiwan Patil, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits that during the course of the day affidavit in reply will be filed in M.A.

3. List the matter for hearing on 10.07.2024.

MEMBER (J)

KPB ORAL ORDER 03.05.2024

ORIGINAL APPLICATION NO. 399 OF 2024
(Vijay L. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer submits that during the course of the day affidavit in reply will be filed.

3. List the matter for filing rejoinder affidavit, if any and for admission hearing on 10.05.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 400 OF 2024
(Arun M. Lakwal Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 10.05.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 435 OF 2024
(Ganesh P. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

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

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

3. S.O. to 10.05.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 03.05.2024

ORIGINAL APPLICATION NO. 544 OF 2023
(Umesh D. Palve Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Smt. Archana S. Jadhavar, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 10.05.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 03.05.2024

M.A. No. 303/2022 in O.A. St. No. 708/2022
(Nagnath M. Adamankar Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri S.A. Wakle, learned counsel holding for Shri S.M. Kamble, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 10.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 03.05.2024

ORIGINAL APPLICATION NO. 250 OF 2023
(Popat D. Sonwane Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri R.R. Wakekar, learned counsel holding for Shri A.D. Sugdare, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 03.05.2024

ORIGINAL APPLICATION NO. 470 OF 2022
(Prasad D. Mule Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri A.D. Gadekar, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent No. 3, are present.

2. At the request of learned counsel for respondent No. 3, S.O. to 13.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 03.05.2024

M.A. No. 457/2023 in O.A. St. No. 1897/2023
(Bibhishan R. Hinge Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

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

2. It appears that the present matter is wrongly listed on today's board. By order dated 02.05.2024, the application seeking condonation of delay and O.A. are disposed of as withdrawn.

3. In view of above, the present matter is removed from the board.

MEMBER (J)

KPB ORAL ORDER 03.05.2024

ORIGINAL APPLICATION NO. 147 OF 2022
(Bhaskar D. Nelte Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

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

2. It is a part heard matter. At the request of learned Presenting Officer, S.O. to 14.06.2024 for filing short affidavit as directed.

MEMBER (J)

ORIGINAL APPLICATION NO. 464 OF 2024
(Ankush C. Gavalwad Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Heard Shri A.L. Kanade, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, S.O. to 10.05.2024.

MEMBER (J)

KPB ORAL ORDER 03.05.2024

O.A. Nos. 498, 499, 500 & 501 all of 2024
(Kisanrao P. Patil & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Heard Shri A.R. Borulkar, learned counsel for the applicants in all these O.As. and S/shri A.P. Basarkar, D.M. Hange and Smt. Resha Deshmukh, learned Presenting Officers for the respondent authorities in respective O.As.

2. By prayer clause-B, the applicants in all these Original Applications are seeking quashing and setting aside the recruitment process for the post of Police Patil along with other consequential relief.

3. Office to examine all these Original Applications and submit report as to whether in all these O.As. since the recruitment process is under challenge, shall lay before the Single Bench or Division Bench of this Tribunal.

4. S.O. to 21.06.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 364 OF 2022
(Laxmibai U. Potdar Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri A.V. Patil (Indrale), learned counsel for the applicant (**Absent**).

Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. In compliance with the order dated 26.03.2024, learned Presenting Officer submits that the record and proceedings in connection with the case of deceased husband of the applicant are received. Learned P.O. is directed to keep the record and proceedings with him and make it available on the next date of hearing.

3. It is a part heard matter. As none present for the applicant, S.O. to 11.06.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1113 OF 2022
(Dinesh U. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

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

2. It is a part heard matter. At the request of learned counsel for the applicant, S.O. to 07.05.2024 for further hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

O.A. No. 118/2024 with M.A. St. No. 438/2024
(Utkarsh S. Gute Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicant in O.A., Shri A.N. Irpatgire, learned counsel for the applicant in M.A. / intervenor and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

I have heard learned counsel for the applicant in O.A. for some time.

2. Learned counsel for the applicant in O.A. is requested to place before this Tribunal charge-sheet of R.C.C. No. 375 of 2020, which is presently pending before the learned Chief Judicial Magistrate, Beed.

3. Part heard.

4. S.O. to 06.05.2024 for further hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

M.A. No. 363/2023 in O.A. St. No. 1497/2023
(Mukund G. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri Sushil Pandit, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 08.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 03.05.2024

O.A.NOS. 543/2019, 766/2021, 970/2022,
973/2022, 806/2022, 845/2022, 10/2022,
269/2022, 366/2022, 438/2022, 648/2022,
649/2022, 783/2022, 864/2022, 972/2022,
1089/2022, T.A. 12/2023 (W.P. 6494/2022),
33/2023, 214/2023, 39/2022, 44/2022, 99/2022,
173/2022, 273/2022, 81/2023, 427/2019,
381/2021, 686/2021, T.A. 06/2022 (W.P.
6466/2022), 410/2022, 522/2022, 577/2022,
603/2022, 1144/2022, 1154/2022, 591/2021,
01/2020, 781/2021, 275/2022, 1036/2022,
325/2023, 536/2020, 296/2021, 550/2021,
796/2021, 185/2023, 427/2023, 647/2023,
18/2024 AND M.A. 105/2024 In O.A. St. 549/2024
(Shivprasad C. Potpaliwar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

S/Shri G.J. Karne, Shri V.B. Wagh, Shri N.P. Bangar, K.B. Jadhav, M.K. Bhosale, S.D. Joshi, A.D. Aghav, A.S. Shelke, Smt. Sanjivani K. Deshmukh-Ghate, H.P. Jadhav, Smt. Vidya A. Taksal, R.P. Adgaonkar, A.V. Thombre holding for Shri S.S. Thombre, V.B. Dhage, Subhash Chilarge, V.P. Kadam, Shri P.S. Gaikwad, Shri M.B. Kolpe, K.M. More, N.P. Dube, B.G. Deshmukh, Avinash Deshmukh, S.D. Kotkar, R.I. Wakade, Mohit Deshmukh, S.B. Coudhari, Mujahed Hussain, A.R. Tapse, Avinash Khedkar, A.D. Gawale, M.R. Deshmukh, A.D. Gadekar, Amol S. Gandhi, C.V. Dharurkar, B.K. Patil, B.B. Kulkarni and Smt.

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Suchita Dhongde, learned counsel for the respective applicants in respective matters, Shri D.M. Hande, learned Presenting Officer for the respondent authorities in all these matters, Shri M.P. Gude, learned counsel for respondent No. 1 & 3 in O.A. 269/2022, Shri S.B. Mene, learned counsel for respondent No. 2 & 3 in O.A. 543/2019 & O.A. 973/2022, for respondent Nos. 3 to 6 in O.A. No. 970/2022 & for respondent Nos. 3 & 4 in O.A. 783/2022, are present.

2. Learned counsel appearing for the applicants have placed before this Tribunal a copy of order dated 08.03.2024 passed in **Civil Application No. 13097/2022 in Review Application St. No. 22946/2022**. The Division Bench of Hon'ble High Court of Bombay, Bench at Aurangabad has disposed of the aforesaid Civil Application observing as under :-

"7. We also observe that the direction set out in Clause 6-I of the judgment under review dated 11.03.2020, declaring Clause 1-C of the said Government Resolution as being arbitrary, would not be acted upon. We also record that, if Dnyaneshwar has already been given appointment by virtue of the judgment of this Court dated 11.03.2020, the same would not be interfered with."

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3. Learned counsel appearing for the applicants submit that the Review Application is still pending. Learned counsel further pointed out that on similar set of facts one W.P. No. 11697/2019 came to be filed before the Hon'ble High Court of Bombay, wherein the General Administration Department, State of Maharashtra has made a statement that the Government is thinking about formulating policy in this regard within a period of six months and on the basis of the said statement made by the responsible officer of the General Administration Department, State of Maharashtra, the Division Bench of the Hon'ble High Court of Bombay has expressed trust and hope for formulating policy at the earliest to avoid such types of petitions in future and disposed the said W.P. by order dated 24.09.2021. However, yet no policy has been formulated in this regard.

4. Learned Presenting Officer is hereby directed to take specific instructions in this regard from the General Administration Department, State of Maharashtra and make appropriate submissions on the next date of hearing.

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5. In view of above, learned counsel appearing for the applicants submits that all these matters may be listed for hearing after summer vacation.

6. S.O. to 05.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 03.05.2024

ORIGINAL APPLICATION NO. 618 OF 2019
(Dhondiram G. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri U.L. Momale, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.06.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 03.05.2024

**ORIGINAL APPLICATION NO. 644 OF 2021
(Dilip B. Wani Vs. State of Maharashtra & Ors.)**

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

DATE : 03.05.2024

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the sides, S.O. to 26.06.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 03.05.2024

ORIGINAL APPLICATION NO. 790 OF 2021
(Gajanan B. Aundhekar Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the sides, S.O. to 26.06.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 03.05.2024

ORIGINAL APPLICATION NO. 733 OF 2022
(Rahul R. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

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

2. None present for the applicant. Even on the several dates the applicant and his counsel remained absent. It appears that the applicant is no more interested in prosecuting this matter. The Original Application is thus dismissed in default. No costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 1155 OF 2022
(Sagar A. Zinzurde Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri L.V. Sangit, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Despite the order dated 03.04.2024, neither the reply has been filed on behalf of respondents nor the respondent No.2 or his authorized representative personally present before this Tribunal to explain about the non-filing of the reply.

3. In view of above, issue notice to respondent No.2 as to why the Contempt Proceedings should not be initiated against him.

4. S.O. to 20.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 211 OF 2023
(Dr. Nitin R. Agrawal Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 09.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 03.05.2024

ORIGINAL APPLICATION NO. 453 OF 2023
(Shamkumar V. Wallekar Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 12.06.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 03.05.2024

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

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

DATE : 03.05.2024

ORAL ORDER :

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

2. Heart learned counsel for the applicant at length.

3. Learned P.O. is directed to call the record and proceedings particularly the minutes of meeting of Civil Services Board recommending the transfer of the applicant and as per those recommendations, the impugned order came to be passed.

4. S.O. to 10.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 814 OF 2023
(Akansha A. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri Jagdish K. Ghanwat, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. seeks leave to file affidavit in reply on behalf of respondent No. 2 along with spare copy for the applicant. Leave granted. The affidavit in reply filed on behalf of respondent No.2 is taken on record.

3. S.O. to 05.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 963 OF 2023
(Shivkumar M. Mungilwar Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

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

2. Learned P.O. has placed before us the recent communication dated 30.04.2024. On perusal of the same particularly Sr.No. 2 wherein it is sated that the proposal for leave encashment amount has been re-submitted by respondent No.2 after removing the objection on 18.03.2024 to respondent No.3.

3. Learned P.O. is directed to take specific instructions in this regard and make positive statement on the next date.

4. S.O. to 20.06.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1006 OF 2023
(Ashok M. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 03.05.2024

ORAL ORDER :

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

2. In view of absence of learned counsel for the applicant, S.O. to 09.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 66 OF 2021
(Gajendra T. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri S.R. Patil, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 10.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 03.05.2024

ORIGINAL APPLICATION NO. 367 OF 2023
(Jagdish N. Karadpalle Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

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

2. Learned P.O. submits affidavit in reply on behalf of respondent No.2. The same is taken on record and copy thereof is given to learned counsel for the applicant.

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

4. S.O. to 05.07.2024.

MEMBER (J)

O.A. Nos. 117, 205, 396, 410, 416, 442, 453, 463, 479, 484, 542, 571, 590, 611, 613, 621, 686, 731, 594, 643 ALL OF 2015 & 2, 5, 171, 441, 258 & 519 ALL OF 2016 (Ganendrasingh B. Chandel & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 28.03.2024

ORAL ORDER :

Shri J.B. Choudhary, M.A. Kulkarni, S.B. Sant, A.M. Kulkarni, H.A. Joshi, respective learned Counsel for the applicants in respective matters and Shri A.P. Basarkar, learned Presenting officer for the respondent authorities in all these cases, are present. None present for applicant in O.A.No. 441/2016.

2. S.O. to 07.05.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 28.03.2024

ORIGINAL APPLICATION NO.308/2021
(Nita B. Magare Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Heard Shri S.S.Jadhavar, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned P.O. tenders affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Copy thereof has been served on the other side.

3. Arguments are concluded. Reserved for order.

MEMBER (A)
YUK ORAL ORDER 03.05.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.637/2023
(Sheshrao L. Wagatkar Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Heard Shri O.D.Mane, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. Arguments are concluded. Reserved for order.

MEMBER (A)
YUK ORAL ORDER 03.05.2024

VICE CHAIRMAN

C.P.NO.46/2018 IN O.A.NO.207/2018
(Balika D. Tawshikar Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri Vishnu Y. Patil, learned Counsel for the applicant is **absent**. Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities is present.

2. Learned CPO has tendered across the bar affidavit in reply on behalf of respondent no.2. It is taken on record. Learned CPO undertakes to serve copy of the reply on the other side.

3. S.O. to 25-06-2024.

MEMBER (A)
YUK ORAL ORDER 03.05.2024

VICE CHAIRMAN

M.A.NO.357/2023 IN O.A.NO.06/2023
(State of Maharashtra & Ors. Vs. Pandurang G. Lomole)

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

DATE : 03.05.2024

ORAL ORDER :

Shri M.B.Bharaswadkar, learned Chief Presenting Officer for applicants in M.A./respondent authorities in O.A. and Shri V.B.Wah, learned Counsel for respondent in M.A./applicant in O.A., are present.

2. S.O. to 14-06-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 03.05.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.988/2023
(Venkatesh V. Mundhe Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri G.R.Jadhav, learned Counsel holding for Shri A.S.Shelke, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 18-06-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 03.05.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.277/2021
(Shivaji N. Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18-06-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 03.05.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.641/2023
(Ranjeet N. Andhale Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18-06-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 03.05.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.828/2022
(Shailendra Gangadhar Sasane Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

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

2. S.O. to 19-06-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 03.05.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.782/2022
(Bhausahab Angad Shelke Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri S.B.Solanke, learned Counsel holding for
Shri Amol R. Gaikwad, learned Counsel for the
applicant and Shri M.B.Bharaswadkar, learned Chief
Presenting Officer for the respondent authorities, are
present.

2. S.O. to 18-06-2024. Interim relief granted
earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 03.05.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.147/2024
(Amit Shivanand Swami Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri S.G.Kulkarni, learned Counsel holding for Shri Ajay Deshpande, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 14-06-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 03.05.2024

VICE CHAIRMAN

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

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

DATE : 03.05.2024

ORAL ORDER :

Shri P.H.Sukale, learned Counsel holding for
Shri A. B. Chalak, learned Counsel for the applicant
and Shri M.B.Bharaswadkar, learned Chief
Presenting Officer for the respondent authorities, are
present.

2. S.O. to 19-06-2024. Interim relief granted
earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 03.05.2024

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.28/2022, 01/2022 &
02/2022**
(Girish Babave & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Heard Shri S.S.Jadhavar, learned Counsel for the applicants in O.A.No.28/2022, Shri K.G.Salunke, learned Counsel for applicants in O.A.No.01/2022 & 02/2022 and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. **Part Heard.**

3. S.O. to 21-06-2024. Interim relief granted earlier in O.A.No.01/2022 & 02/2022 to continue till then.

MEMBER (A)
YUK ORAL ORDER 03.05.2024

VICE CHAIRMAN

O.A. NOS. 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1006, 1097, 1098 AND 947 AL OF 2019, O.A. NO. 107/2020 WITH O.A. NO. 244/2022

(Dr. Ahmed Munibuddin & Ors. Vs. the State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri M.R. Kulkarni & Ms. Preeti Wankhade, learned counsel for the applicants in respective matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Arguments of both the sides are concluded. The matters are closed for orders. The interim relief granted in the respective matters to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 932 OF 2023

(Ku. Saraswati K. Makne & Anr. Vs. the State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 03.05.2024

ORAL ORDER :

Shri (Dr.) S.G. Nandedkar, learned counsel for the applicants, Shri Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri Avinash S. Deshmukh, learned counsel for respondent nos. 4 & 5, are present.

2. When the present matter was taken up for consideration today, the learned Presenting Officer tendered communication dated 22.04.2024 on record. The contents in the said letter reveal that in the affidavit in reply already filed on record the stand of the Government has been appropriately explained and, as such, no separate affidavit in reply requires to be filed. The matter was extensively heard, however, since the challenge was raised to the G.R., the government was asked to make specific submissions as about the said challenge.

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O.A. NO. 932 OF 2023

3. In view of the fact that now the Government is not inclined to file separate reply, the matter is closed for orders. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 03.05.2024

ORIGINAL APPLICATION NO. 180 OF 2024
(Goraksha B. Palve Vs. the State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri O.D. Mane, learned counsel for the applicant and Shri Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer sought time to file the affidavit in reply. Time granted.
3. S.O. to 10.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 518 OF 2024
(Arjun S. Gayakwad & Anr. Vs. the State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri Majit S. Shaikh, learned counsel for the applicant (**absent**). Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 18.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 03.05.2024-HDD

ORIGINAL APPLICATION NO. 233 OF 2024
(Sanjay Yogaji Bahadure Vs. the State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri P.B. Rakhunde, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. The present matter be removed from board.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 03.05.2024-HDD

M.A.NO. 18/2024 IN O.A.ST.NO. 1199/2023
(Piraji Shivram Amberao Vs. the State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri H.H. Padalkar, learned counsel for the applicant (**absent**). Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 26.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 03.05.2024-HDD

ORIGINAL APPLICATION NO. 611 OF 2023

(Syed Imran Ahmed S. Kalimullah Vs. the State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri C.R. Thorat, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 25.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 03.05.2024-HDD

C.P.NO. 10/2024 IN O.A.NO. 745/2022
(Karbhari Mohan Bahure Vs. the State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri D.K. Rajput, learned counsel for the applicant (**absent**). Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 25.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 03.05.2024-HDD

C.P.ST.NO. 799/2024 IN O.A.NO. 373/2019
(Gajendra Ramrao Patil Vs. the State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

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

2. Learned counsel for the applicant seeks time to work out the matter stating that one judgment delivered by the Hon'ble Allahabad High Court is to be cited and the same is not traced out. Time granted.

3. S.O. to 26.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 03.05.2024-HDD

C.P.NO. 43/2023 IN O.A.NO. 09/2022

(Prithviraj Kalyanrao Chavan Vs. the State of Maharashtra & Ors.)

WITH

C.P.NO. 44/2023 IN O.A.NO. 984/2019

(Prithviraj Kalyanrao Chavan Vs. the State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 03.05.2024

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. Learned Presenting Officer has tendered across the bar communication received on 02.05.2024. The same is taken on record.

3. Learned counsel for the applicant submits that he will take instructions from the applicant and will make statement, on the next date.

4. S.O. to 18.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 03.05.2024-HDD

M.A.NO. 319/2023 IN O.A.ST.NO. 1077/2023
(Khushal Bhagwan Nemade Vs. the State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri Mayur Subhedar, learned counsel holding for Shri H.S. Bali, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply to the M.A. Time is granted by way of last chance.

3. S.O. to 18.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 03.05.2024-HDD

ORIGINAL APPLICATION NO. 946 OF 2023
(Nivrutti Sayaji Jori Vs. the State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

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

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

3. List the matter for hearing on 24.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 03.05.2024-HDD

M.A.NO. 336/2023 IN O.A.NO. 185/2021
(Subhash Jijaba khote Vs. the State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant does not intend to file any rejoinder affidavit. In view of the same, list the matter for hearing on 13.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 03.05.2024-HDD

ORIGINAL APPLICATION NO. 1023 OF 2023
(Vinayak Uttamrao Banchod Vs. the State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply. The record shows that today was the last chance for filing affidavit in reply on behalf of the respondents. The request, therefore, stands rejected.

3. List the matter for hearing on 20.06.2024 without affidavit in reply of the respondents.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 216 OF 2024

(Dr. Sphoorti Pramod Bende Vs. the State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Shri Sudhir K. Chavan, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. In the present matter the following order was passed on 5th April, 2024: -

“2. Time is sought by the learned P.O. for respondents to file affidavit in reply. It is brought to our notice that result of the interview has not been declared in so far as the present applicant is concerned. MPSC is hereby directed to submit the result of the applicant before this Tribunal in sealed cover along with its affidavit in reply on 03-05-2024.

3. S.O. to 03-05-2024.”

3. Shri V.R. Bhumkar, learned Presenting Officer seeks time to file on record the result of the present applicant as directed in the aforesaid order. The aforesaid order was passed on 5th April, 2024 and sufficient time was available for MPSC to comply with the said order. However, it has not been complied with and the learned Presenting Officer, who is appearing for

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O.A. NO. 216 OF 2024

MPSC, is unable to state the reasons therefor. In the circumstances, one week's time is granted to comply the aforesaid order subject to costs of Rs. 2000/- (Rs. Two thousand only) as a condition precedent.

4. S.O. to 07.05.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 03.05.2024-HDD

ORIGINAL APPLICATION NO. 452/2024

(Dr. Dhruvraj Murlidhar Sonar Vs. The State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 453/2024

(Dr. Irfan Daga Tadvi Vs. The State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 454/2024

(Dr. Shivaji Jema Rathod Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 03.05.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicants in all these matters and S/shri M.B. Bharaswadkar, V.R. Bhumkar & V.G. Pingle, learned Chief Presenting Officer & Presenting Officers for the respondent authorities in respective matters.

2. The applicants have filed the present Original Applications seeking continuation in service till they attain age of 60 years as provided under amended rules of 2022. Learned counsel for the applicants pointed out that rule 10 of the M.C.S. (Pension) Rules, 1982 suffered amendment thrice and initially age of retirement was enhanced from 58 to 60 years, thereafter it was extended up to 62 years and

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O.A. NO. 452/24 & Group

thereafter it was again brought to 58 years. Learned counsel for the applicant further submitted that as per the aforesaid circular and the amendment proposed had the present applicants completed the age of 58 years any time before 31.05.2023 they would have been given the benefit to remain in service till attaining the age of 60 years. According to learned counsel, it was discriminatory and in the circumstances prayer has been made to grant interim relief thereby directing the respondents to continue the applicants to work till they attain age of 60 years or till the decision of the present original applications whichever may occur earlier.

3. The request made by the learned counsel appearing for the applicants is strongly opposed by the learned Chief Presenting Officer. Learned C.P.O. has relied upon the order passed by Hon'ble Division Bench of Bombay High Court, Bench at Nagpur in Writ Petition No. 753/2024 on 31.01.2024. Learned C.P.O. has brought to our notice that since the benefit under Rule 10 has remained in force till 31.03.2023 and now same has ceased to operate, no interim relief can be granted in favour of the applicants.

4. Learned counsel for the applicants placed on record the order passed by the Division Bench of Hon'ble Bombay High Court at Principal Seat in W.P. No. 1416/2024 passed on 31.01.2024, as well as, in W.P. No. 463/2024 passed on 01.02.2024, wherein the Hon'ble High Court has protected the services of the petitioners therein till they attain the age of 60 years or till the petition is decided whichever may occur earlier.

5. We have considered the submissions made on behalf of the applicants. We have also gone through the documents placed on record, as well as, judgments relied upon by the parties. In both the orders, one passed by Nagpur Bench and another at Principal Seat of Hon'ble Bombay High Court, Their Lordships have referred to the order passed by the Hon'ble High Court in W.P. No. 11453/2023 on 05.10.2023. Hon'ble Nagpur Bench of Hon'ble Bombay High Court has observed that the facts in the W.P. No. 11453/2023 cannot be said to be similar to that of the facts in the case before the said Bench, whereas Hon'ble Division Bench at Principal Seat of Bombay High Court has held the facts before

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O.A. NO. 452/24 & Group

it akin to the facts which existed in W.P. No. 11453/2023 and accordingly has granted same relief which was granted in W.P. No. 11453/2023.

6. After having gone through the pleadings in these OAs we find that the facts which are existing in the present OAs are identical to the facts which existed in W.P. No. 11453/2023. As per the interpretation made of the notification dated 23.02.2022 by the Finance Department of the State, the Medical Officers who do not attain the age of 60 years during the period from 01.06.2022 to 31.05.2023 shall be deemed to retire on the last day of the month in which Medical Officer attains the age of 60 years that is to say the Medical Officers who will complete 58 years of age on 24.04.2023 will retire on 30.04.2025 instead of retiring on 31.05.2023, whereas the Medical Officers, who will complete 58 years of age on 24.06.2023 will however, retire on 30.06.2023 as per the original provision of Rule 10 of the M.C.S. (Pension) Rules, 1982. In the instant matters also if we take the case of the applicant in O.A. No. 452/2024 he is completing the age of 58 years on 31.05.2024 and

he, therefore, apprehends that he would be retired on attaining the age of superannuation. Learned counsel for the applicant submitted that, had this applicant completed the age of 58 years in the previous year i.e. on 31.05.2023 as per the Notification dated 23.02.2022 he would have been permitted to serve till he completes the age of 60 years. Learned counsel pointed out that this anomaly has been taken into account by the Hon'ble Division Bench of Bombay High Court while passing order in W.P. No. 11453/2023. He, therefore, prayed for the interim relief as prayed in the O.As. Learned counsel pointed out that insofar as the applicants in O.A. Nos. 453/2024 and 454/2024 are concerned, the said applicants would also be retired on 31.05.2024 & 30.06.2024 respectively at the age of 58 years, if no interim relief is granted in their favour.

7. Learned C.P.O. submitted that no prejudice or loss is going to be caused to the applicants if the interim relief is not granted in their favour as if these applicants ultimately succeed they will be entitled for the monetary benefits of the entire past period.

Learned C.P.O. invited our attention to the observations made in paragraph 9 of the order passed in W.P. No. 463/2024. In the circumstances, it was the contention of the learned C.P.O. that there is no case for grant of interim relief.

8. We have noted hereinabove that Nagpur Bench of Hon'ble Bombay High Court declined the interim relief by observing that the facts in the W.P. before the said Bench were not similar to the facts which existed in W.P. No. 11453/2023. After having gone through the pleadings of the parties, we have earlier noted that the facts which existed in the present matters are identical to the facts which existed in W.P. No. 11453/2023. Further, we find *prima facie* substance in the submissions made on behalf of these applicants that had they completed the age of 58 years prior to 01 year, they would have got the benefit of the enhancement in age and must have been allowed to work till age of 60 years i.e. till 31.05.2026, 31.05.2026 and 30.06.2026 respectively. Moreover, it further appears to us that only on the ground that if the applicants ultimately succeed in substantiating their claim they would get

all the monetary benefits, it would be unjust to reject the prayer of interim relief made by the applicants. It has to be stated that in the orders passed by the Tribunal in similar matters it has been clarified that if the applicants fail to substantiate their claim it would be open for the respondents to pass necessary orders in respect of the recovery of the wages paid to them for the service rendered under the interim orders passed by the Tribunal. According to us, this could be the better option.

9. The applicants have claimed the continuation in service till they attain the age of 60 years on the basis of G.R. dated 23.02.2022. The amendment brought vide the said Notification is under challenge in the petitions before the Hon'ble Bombay High Court. It appears to us that if the aforesaid Notification is read and accepted as it is, it can extend the benefit of continuation in service till 31.05.2025 and not beyond that. Of course, if the matter before the Hon'ble High Court is decided before the said date, the decision which may be rendered by the Hon'ble High Court will be binding

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on all concern. In the circumstances, we deem it appropriate to pass the following order: -

O R D E R

(i) Issue notice to the respondents, returnable on 25.06.2024.

(ii) The respondents shall continue the present applicants in service till 31.05.2025 or till decision in the present OAs. whichever occurs earlier.

(iii) We make it clear that the continuation of the present applicants till 31.05.2025 will be subject to the outcome of the present O.As. The question of the Respondents' power, in case the applicants fail in their challenge, to pass necessary orders in respect of recovery/adjustment of the pay/wages paid to them for the services rendered under the interim order, is kept open. Similarly, the question of continuation of the applicants beyond 31.05.2025 till they attain the age of 60 years is also kept open.

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

(v) 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.

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

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

Applicants are directed to file affidavit of compliance and notice.

(viii) S.O. to 25.06.2024.

(ix) Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 03.05.2024 HDD

ORIGINAL APPLICATION NO. 70 OF 2024
(Dr. Prakash Sitaram Lalge Vs. the State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

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

2. Learned counsel appearing for the applicant seeks leave of this Tribunal to correct the date of retirement of the applicant. Leave as prayed for is granted. The necessary amendment be carried out forthwith.

3. When the present matter is taken up for consideration the learned Presenting Officer has sought time for filing affidavit in reply on behalf of the respondents. Learned counsel appearing for the applicant on the other hand has insisted for grant of interim relief as prayed for in the Original Application. Learned counsel submitted that since the present O.A. was filed in the month of January, 2024 and the notice was issued on 25.01.2024 making it returnable on 28.02.2024 with an understanding that the O.A. can be disposed of even before 31st March, 2024 that the request for interim relief was not considered. Since the

respondents have not filed affidavit in reply the learned counsel submits that now the prayer for interim relief deserves to be considered. Learned counsel has placed reliance on the orders passed by the Hon'ble Bombay High Court in W.P. No. 13114/2023 on 25.10.2023. He submitted that the identical facts are existing in the present matter and the applicant deserves the same relief.

4. Learned Presenting Officer has opposed for grant of any such relief stating that the applicant has been already retired and the pension papers are forwarded to the office of Accountant General, Nagpur, as well as, amount of GIS has been paid to the applicant, which the applicant has accepted without reserving any right to challenge the said order. In the circumstances, according to the learned Presenting Officer, the request for interim relief cannot be now granted in favour of the applicant.

5. The matter pertains to the age of retirement of Group 'A' Medical Officers. The issue is no more res integra. Hon'ble Bombay High Court in the order passed in W.P. No. 13114/2023 (cited supra) has passed an order thereby allowing the officers of Group 'A' to work till they complete the age of 60 years or till the petition filed by them are decided whichever is earlier by

obtaining the undertaking from the said officers that in case the final decision goes against them they will be entitled for refund of the salary amount received to them of the intervening period, if such action is initiated by the respondents. Learned counsel for the applicant submitted that the applicant is also ready to submit an undertaking as referred in the order passed in W.P. No. 13114/2023 by the Hon'ble Bombay High Court. In the said matter before the Hon'ble High Court the petitioner therein also had retired prior to making of the order passed by the Hon'ble High Court, however, considering that the petitioner had made out a *prima facie* case, an interim relief was granted by the Hon'ble High Court. While ordering the reinstatement of the said petitioner the Hon'ble High Court has observed that,

“we deem it appropriate to allow the petitioner to work and earn his salary rather than keeping him away from the work, because if he ultimately succeeds in this petition, he would be entitled for all monetary benefits, that too without working. It also cannot be ignored that the petitioner is a Doctor and in Government Medical service. His services can be utilized for the sake of humanity. We, therefore, grant interim relief to the petitioner, allowing him to report for duties till he completes the age of 60 years or till a decision in this proceeding, whichever is earlier.”

6. The applicants have claimed the continuation in service till they attain the age of 60 years on the

basis of G.R. dated 23.02.2022. The amendment brought vide the said Notification is under challenge in the petitions before the Hon'ble Bombay High Court. It appears to us that if the aforesaid Notification is read and accepted as it is, it can extend the benefit of continuation in service till 31.05.2025 and not beyond that. Of course, if the matter before the Hon'ble High Court is decided before the said date, the decision which may be rendered by the Hon'ble High Court will be binding on all concern.

7. In view of the order passed by the Hon'ble Bombay High Court as aforesaid, we are inclined to pass similar order. Hence, the following order: -

ORDER

(i) The respondents shall continue the present applicants in service till 31.03.2025 or till decision in the present OAs. whichever occurs earlier.

(ii) We make it clear that the continuation of the present applicant till 31.03.2025 will be subject to the outcome of the present O.As. The question of the Respondents' power, in case the applicants fail in their challenge, to pass necessary orders in respect of recovery/adjustment of the pay/wages paid to them for the services rendered under the interim order, is kept open. Similarly, the question of continuation of the

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applicant beyond 31.03.2024 till he attains the age of 60 years is also kept open.

(iii) The Original Application to come up for hearing on 25.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 03.05.2024-HDD

ORIGINAL APPLICATION NO. 582 OF 2020
(Muktar Fakira Tadvi Vs. the State of Maharashtra & Ors.)

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

DATE : 03.05.2024

ORAL ORDER :

Heard Shri D.B. Shinde, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. The present applicant was considered for his promotion to the cadre of Naib Tahsildar in DPC meeting held on 19.02.2014. For the selection year 2016-17 the applicant was held eligible in the said meeting, however, since the departmental enquiry, as well as, criminal prosecution was pending against the applicant actual promotion has not yet been given to the applicant. Learned counsel relying on the Government Resolution dated 15.12.2017 and more particularly referring to the clause 9 thereof submitted that since the period of more than two years has lapsed after the DPC meeting held in the year 2014 the case of the applicant required to be reconsidered by the respondents.

3. The applicant is facing criminal prosecution for the offences under Section 7, 13 (1) (D) read with 13 (2) of the Prevention of Corruption Act. The departmental

enquiry has also been initiated against him and the same is also pending. Clause 9 of the G.R. dated 15.12.2017 provides that,

“९) विभागीय पदोन्नती समितीच्या मूळ बैठकीच्या दिनांकापासून दोन वर्षे झाल्यानंतरही मोहोरबंद पाकीटात निष्कर्ष ठेवलेल्या अधिकारी/ कर्मचाऱ्यांच्या, शिस्तभंगविषयक / न्यायालयीन कार्यवाही प्रकरणी अंतिम निर्णय झालेला नसल्यास, अशा प्रकरणी नियुक्ती प्राधिकारी स्वविवेकानुसार संबंधीत अधिकारी/कर्मचाऱ्याला तदर्थ पदोन्नती देण्याबाबत जाणीवपूर्वक निर्णय घेईल. असा निर्णय घेताना नियुक्ती प्राधिकारी, खालील मुद्दे विचारात घेईल.

- अ) संबंधितांविरुद्धची शिस्तभंगविषयक/न्यायालयीन कार्यवाही बराच काळ प्रलंबित राहण्याची शक्यता,
- ब) दोषारोपाचे गाभीर्य,
- क) द्यावयाची पदोन्नती जनहिताच्या विरुद्ध जाईल का,
- ड) शिस्तभंगविषयक/न्यायालयीन कार्यवाही लांबण्यास संबंधीत अधिकारी/कर्मचारी जबाबदार आहे का?
- इ) संबंधित अधिकारी/कर्मचाऱ्यास तदर्थ पदोन्नती दिल्यानंतर, पदोन्नतीच्या पदावर काम केल्यामुळे, संबंधित अधिकारी/कर्मचाऱ्याच्या शिस्तभंगविषयक / न्यायालयीन कार्यवाहीच्या प्रकरणांवर परिणाम होण्याची शक्यता आहे का? किंवा संबंधीत अधिकारी/कर्मचारी पदोन्नतीच्या पदाचा त्यासाठी दुरुपयोग करण्याची शक्यता आहे का?
- फ) न्यायालयीन कार्यवाही बाबतची सद्यस्थिती / अभियोगाबाबतचे किती टप्पे पार पडले याबाबतची माहिती करून घ्यावी.

- ग) सेवानिवृत्तीस १ वर्ष शिल्लक असेल तर पदोन्नती न देण्याच्या अनुषंगाने सेवानिवृत्तीचा कालावधी विचारात घेणे (तदर्थ पदोन्नती दिल्यास वरिष्ठ वेतनश्रेणी प्राप्त झाल्यामुळे सेवानिवृत्तीनंतर मिळणारे सेवानिवृत्ती वेतनाचा ज्यादा लाभ प्राप्त होणार असल्यामुळे सेवानिवृत्तीस एक वर्ष शिल्लक असलेल्यांना तदर्थ पदोन्नती देण्यात येऊ नये याकरीता ही बाब तपासणे आवश्यक आहे.)

4. Having considered the provisions as above, the applicant has certainly made out a case for considering his case for granting him ad hoc promotion keeping in mind the guidelines issued for such consideration in clause 9. Clause 11 further provides that,

“११) विभागीय पदोन्नती समितीच्या पहिल्या बैठकीनंतर दोन वर्षांनी शिस्तभंगविषयक/न्यायालयीन कार्यवाहीच्या अंतिम निर्णयाच्या अधिन संबंधित अधिकारी/कर्मचाऱ्यास तदर्थ पदोन्नती देणे आवश्यक आहे, असे सक्षम प्राधिकाऱ्याचे मत झाल्यास मोहोरबंद पाकिट उघडण्यात येवू नये. विभागीय पदोन्नती समितीची बैठक बोलावून संबंधित अधिकारी / कर्मचाऱ्याची पात्रता/अपात्रता नव्याने तपासावी. पुन्हा नव्याने पात्रता तपासल्यानंतर संबंधित अधिकारी/कर्मचारी पदोन्नतीसाठी पात्र ठरल्यास, त्यांना ११ महिन्यांसाठी किंवा विभागीय चौकशी/न्यायालयीन कार्यवाही अंतिम होईल यापैकी जे अगोदर होईल तेवढ्या कालावधीसाठी खालील अटीच्या अधीन राहून निव्वळ तदर्थ पदोन्नती देण्यात यावी. खालील अटी व शर्ती तदर्थ पदोन्नतीच्या आदेशामध्ये सुस्पष्टपणे नमूद कराव्यात :

i) शिस्तभंगविषयक/न्यायालयीन कार्यवाहीच्या अधिन दिली जाणारी तदर्थ पदोन्नती केवळ तात्पुरती असेल व या तदर्थ पदोन्नतीमुळे नियमितपणाचे व ज्येष्ठतेचे कोणतेही लाभ अशा अधिकारी/कर्मचाऱ्यांना मिळणार नाहीत

ii) ही तदर्थ पदोन्नती "पुढील आदेशापर्यंत असेल". तसेच कोणत्याही वेळी दिलेली तदर्थ पदोन्नती रद्द करून मूळ पदावर पदावनत करण्याचा हक्क शासन राखून ठेवीत आहे."

5. In view of the provisions as above, the applicant has certainly made out a case for grant of reliefs as have been prayed by him in the Original Application.

6. Learned Presenting Officer has submitted that the applicant is facing serious charges of corruption and in the circumstances rightly he has not been promoted till date since the criminal prosecution is still pending against him. The pendency of criminal prosecution, as well as, departmental enquiry is undisputed. However, the fact remains that though both the proceedings are pending since long they have not yet attained finality, in such matters which methodology is to be adopted is provided in the Government Resolution dated 15.12.2017. Clauses 9 & 11 are relevant, which we have reproduced hereinabove.

7. In view of the aforesaid provisions the case of the applicant needs to be reconsidered and mere pendency of both the proceedings may not come in his way for reconsidering his case. Under clauses 9 and 11 sufficient safeguards are provided so that while promoting such person it shall not happen that the person who could not have been promoted gets promoted. We are, therefore, inclined to allow the present Original Application with the following order: -

ORDER

- (i) The respondents are directed to consider the case of the applicant for granting him provisional promotion as provided under clause 9 r/w clause 11 of the G.R. dated 15.12.2017 by following the procedure laid down therefor within six weeks from the date of this order.
- (ii) The Original Application stands allowed in the aforesaid term. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN