

M.A.ST.NO.843/2021 IN O.A.ST.NO.844/2021
(Vivekanand Auti & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

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

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the M.A. and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid multiplicity of litigation, leave to sue jointly is granted, subject to payment of court fee stamps, unless it is paid already.

4. M.A. stands disposed of accordingly. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION ST.NO.844/2021
(Vivekanand Auti & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

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

2. The applicants have filed this Original Application Stamp No.844/2021 seeking relief stated in paragraph 10 of the said O.A. in following terms:

“A. The Original application may kindly be allowed.

B. This Hon'ble Tribunal further pleased to direct the Respondents to send the applicants for the training to the post of PSI in Rule of law laid down by Hon'ble Bombay High Court and Supreme Court by order Dated 26.09.2018 in SLP (Civil) No.30621 of 2011 with the order connected matters further in view of the order Dated 22.4.2021, 29.04.2021 passed by the Bombay High Court C. W.P. (St.) No.97384/2020, the Applicants undertakes to give bond that the training of the applicants shall be subject to the policy decisions framed by the State Government and further all the expenses incurred during the training, the applicants shall reimburse the same in equal installment.

C. This Hon'ble Court may be pleased to call for record and proceedings in the case of the present applicants and this Hon'ble Tribunal may further be pleased to issue appropriate directions to the respondent number 1 to adopt the similar necessary

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measures and corrective stapes in view of the Judgment dated 04.08.2017 passed by the Hon'ble High Court in Civil Writ Petition No.2797 of 2015 in case of the similar situated candidates by order Dated 05.03.2018 and thereby sending the meritorious candidates to undergo the training to the post of PSI without recalling back the candidates belonging to reserved category, till final outcome of SLP number 2836 of 2017 pending before Hon'ble Supreme Court.

D. This Hon'ble Tribunal may further be pleased to direct the Respondent No.1 to candidates to candidates on the basis of merit short-listed in select list prepaid by the selection commission of LDC 2007, for the post of Police Sub-Inspector for the purpose of training at MPA Nashik subject to outcome of SLP No.28306 of 2017 pending before Hon'ble Supreme Court.

E. Any other equitable relief, in favor of the applicants, as this Hon'ble Court deems fit, may kindly granted in the interest of justice.”

[reproduced as verbatim from p.29 & 30-A of p.b.]

3. The applicants have also prayed for interim relief in terms of paragraph 11-F & 11-G of said O.A. as follows:

“F. During the pendency of original applicants the respondent No.1 may direct to consider the case of present applicants another similarly placed candidates by an interim arrangement for sending the applicants to conduct the training at MPA Nashik to the post of PSI in view of the present application is similarly placed candidate to the candidates in the order Dated 05.03.2018, 16.03.2018 and 30.06.2021.

G. The applicant prays that the Respondent should verify the facts of applicants and the other candidates selected vide order dated 5.3.2018, & 30.06.2021 of Limited Departmental Competitive Examination 2016, 2006, 2007, 2008, 2010, 2011, 2013 and if the applicants are similarly situated then the Respondents shall consider the claim of petitioner and send the applicants to undergo the training by including their names in the list of candidates to be sent for training in the Batch 121 to starts from 02.08.2021.”

[reproduced as verbatim from p.30 & 30-A of p.b.]

4. The applicants have referred to following judgments of Hon'ble High Court of Judicature at Bombay in (a) Civil Writ Petition No.2797/2015 dated 04-08-2017, (b) Civil Writ Petition No.3945/2019, (c) W.P.(C) (St.) No.97384/2020 dated 22-04-2021 and 29-04-2021, (d) W.P.No.2438/2021 dated on 06-07-2021, and (e) W.P.(C)No.12319/2019 dated on 21-05-2021.

5. Further, the learned Advocate of the applicants has also cited following orders passed by the Tribunal:

(a) M.A.No.472/2018 in O.A.No.394/2018 dated 04-10-2018 Principal Bench of Maharashtra Administrative Tribunal, Mumbai.

(b) O.A.No.907/2018 dated 28-05-2021 passed by Principal Bench of Maharashtra Administrative Tribunal, Mumbai.

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(c) O.A.No.357/2021 dated 06-05-2021 by Maharashtra Administrative Tribunal, Nagpur.

(d) O.A.No.383/2021 dated 17-05-2021 Maharashtra Administrative Tribunal, Nagpur.

(e) O.A.No.353/2021 dated 17-06-2021 passed by Principal Bench of Maharashtra Administrative Tribunal, Mumbai.

6. The learned Advocate of applicants has also cited that by earlier order one Shri Ganesh Maruti Ganjure S.No.143 in LDCE 2007 has already been sent for training as per order in O.A.No.353/2021 dated 17-06-2021.

7. (a) Judgment dated 22nd April, 2021 in Writ Petition (St.) No.97384 of 2020 with Interim Application St. No.314 of 2021 the Hon'ble High Court of Judicature of Bombay directed the Respondents the State of Maharashtra and Ors. to permit the petitioner to undergo training by including them in the list of candidates for training (Batch No.119) scheduled to go for training from 26th April, 2021. The order had specific mention that it was not disputed by the parties that the petitioner in the Writ Petition was similarly situated as 154 candidates who were to be sent for training of Police Sub Inspector in the batch of PSI Limited Departmental Competitive Examination (LDCE)-2011 on

26th April, 2011 and petitioner would not claim any equity or seniority.

(b) This order was corrected on 29th April, 2021 by substituting the words “are to be sent for training of Police Sub Inspector in the batch of PSI Limited Departmental Competitive Examination-2011 on 26th April, 2021” by the words “who were sent and completed their training of Police Sub Inspector in terms of the order dated 05-03-2018.

(c) However, the Respondents failed to comply with above order. Therefore, the Hon’ble High Court of Bombay issued following order in Writ Petition No.2438 of 2021 dated 6th July, 2021:

“2. Prima facie, we find that there has been a breach of our order dated 22nd April, 2021. Before we issue notice of contempt, we would like to have an explanation in the form of affidavit from said Shri Sanjay Kumar, as to why despite our order dated 22 April, 2021, the petitioners were not sent for training in batch no.119.

[reproduced as verbatim from p.222 of p.b.]

(d) Hon’ble High Court of Judicature at Bombay vide its order dated 21st May, 2021 in W.P.No.12319 of 2019 in paragraph 3(i) ruled as follows:

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“3(i) Respondent No.1 shall within a period of one week from today ascertain whether the Petitioners are similarly placed with the Petitioner in Writ Petition (ST) No.97384 of 2021, and if they are found to be similarly placed, they shall be included in the training session for the post of Police Sub Inspector in Batch No.119, which training is scheduled to commence on and from 21st June, 2021. It is clarified that all rights and contentions of the parties are kept open, in case they are required to be addressed at the time of hearing of the above Writ Petition.”

[reproduced as verbatim from p.224 of p.b.]

8.(a) Maharashtra Administrative Tribunal Bench at Nagpur in O.A.No.357/2021 in order dated 6th May, 2021 has observed as follows:

“5. Similarly, if applicants are similarly placed as referred in para no.6 of letter dated 05-03-2018; then they should also be treated at par with other candidates and included in the training commencing from 21-06-2021.”

[reproduced as verbatim from p.228 of p.b.]

Nagpur Bench of Maharashtra Administrative Tribunal in O.A.No.383/2021 ordered as follows:

“2. The Respondents are directed that as the order passed on 6/5/2021 in O.A.357/2021 should be made applicable to first 11 applicants whose names are listed below. (those who were within territorial jurisdiction of Nagpur Bench of Maharashtra Administrative Tribunal)”

[reproduced as verbatim from p.230 of p.b.]

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(b) The Principal Bench of Maharashtra Administrative Tribunal at Mumbai in O.A.No.907/2018 and O.A.No.353/2021 passed orders on 2nd July 2021 and 17th June, 2021 respectively and thereby directed the respondents to verify whether the applicants are similarly situated at par with candidates selected vide order dated 5th March, 2018 and if the applicants are found similarly placed at par with candidates selected vide order dated 05-03-2018, the respondents shall send the applicants to undergo the training by including them in the list of candidates for training in Batch 119, which is scheduled to go for training from 21-06-2021. The said exercise should be completed within a week from the date of receipt of the order.

9. Based on above analysis it is clear that the case laws referred to above deal with order/letter from Deputy Secretary, Home Department, Government of Maharashtra addressed to Director General of Police dated 5th March 2018 which relates to LDCE 2016. However, the present petitioners are from LDCE 2007. Therefore, accepting to prayer of the applicants to club their case with those covered by above mentioned case laws or orders passed by MAT as cited by learned Advocate for the applicants and discussed above may not be fair and equitable. Rather, dealing with the matter in the light of judgment passed by Hon'ble High

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Court of Bombay in Civil Writ Petition No.2797 of 2015 passed on 04-08-2017 in piecemeal basis may lead to a number of complexities such as differential treatment to similarly situated candidates who turn out to be eligible for being sponsored for training at Maharashtra Police Academy. Moreover, there may be logistics related issue for accommodating the applicants in any one batch of training. Therefore, granting interim relief in terms of prayer clauses may be discriminatory. In view of this, interim order in following terms is passed:

(I) The respondents are directed to work out the list of eligible candidates for imparting training at Maharashtra Police Academy, Nashik based on result of different LDCEs conducted during relevant period in the given context and make a systematic plan for imparting training in different batches ensuring that similarly situated candidates are treated similarly and there is no discrimination by way of preferential treatment to one set of candidates.

(II) The Applicants to be sponsored for training accordingly.

10. Issue notices to the respondents, returnable on 01-09-2021.

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

12. 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.

13. 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.

14. 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.

15. S.O. to 01-09-2021.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.365/2021
(Prabhakar Jondhale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 03.08.2021

ORAL ORDER :

Heard Shri A.S.Khedkar, learned Advocate for the applicants, Shri V.R.Bhumkar, learned Presenting Officer for the respondents.

2. Applicant is seeking interim relief by way of stay to the further recovery from him. It is noticed that date of birth of applicant is not mentioned and the same is not made available during the hearing. At the same time there is a suo-motu revised pay fixation order dated 9th January, 2019 passed by Deputy Executive Engineer, Upper Pravara Project Division, Sangamner. Therefore, there is necessity of ascertaining whether the pay fixation by upward revision which has resulted into recovery was a contributory default or not.

3. Learned Advocate for the applicant has cited judgment of Hon'ble High Court of Judicature of Bombay Bench at Aurangabad in Writ Petition No.6716/2021 dated 18 June, 2021 which is taken on record.

4. Issue notices to the respondents, returnable on 24.08.2021.

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

9. S.O. to 24.08.2021.

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

MEMBER (A)

ORIGINAL APPLICATION ST. NO.610/2021
(Aziz Imaam Shaikh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 03.08.2021

ORAL ORDER :

Heard Shri G.L.Deshpande, learned Advocate for the applicants, Shri S.K.Shirse, learned Presenting Officer for the respondents.

2. Issue notice to the respondents keeping point of limitation open returnable on 31-08-2021.

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

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O.A.ST.NO.610/2021

produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.

7. S.O. to 31.08.2021.

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

MEMBER (A)

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ORIGINAL APPLICATION NO.89/2019
(Rajendra Jehurkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 03.08.2021

ORAL ORDER :

Heard Shri S.D.Joshi, learned Advocate for the applicants, Shri D.R.Patil, learned Presenting Officer for the respondents and Shri V.B.Wagh learned Advocate for respondent no.4.

2. Oral arguments of the parties heard at length.

3. Learned Advocate for respondent no.4 has also filed written notes of arguments alongwith some citations. Those are taken on record.

4. Learned Advocate for the applicant has submitted certain case laws. Those are taken on record. Since the case laws cited by the learned Advocate for the applicant are in public domain, learned P.O. and learned Advocate for respondent no.4 have stated that there is no need to supply copy of the same and the matter may be closed for order.

5. Matter is closed for order.

MEMBER (A)

**ORIGINAL APPLICATION NO.298/2019
(Sambhaji Suryavanshi Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 03.08.2021

ORAL ORDER :

Heard Shri Dilip J. Choudhari learned Advocate holding for Shri B.B.Bhise, learned Advocate for the applicants, Smt. Deepali Deshpande, learned Presenting Officer for the respondents.

2. Learned P.O. argued the matter in detail. Learned Advocate for the applicant has also argued the matter in detail and cited a case law which has been taken on record. Learned Advocate for the applicant has cited various orders and communications which are part of the O.A. as Annexures supporting prayer clause (C) whereby he has prayed for directions to the respondent no.3 to implement the G.R. dated 17-05-1994, 17-02-2007 and order dated 25-05-2006 and ensure that the applicant is allowed to discharge his duties as per Clause 1(i) to (viii) of the representation dated 12th March, 2019 in accordance with the provisions of law.

3. He has also tried to make out a point that various orders and Government Resolutions issued by the respondent nos.1 and 2 which are essential for maintaining internal administration of the department of higher education are not getting activated and Tribunal should exercise its jurisdiction to activate them for internal administration of the department.

4. Matter is closed for order.

MEMBER (A)

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

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 03.08.2021

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned Advocate for the applicants, Shri B.S.Deokar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that there is inadvertent error in prayer clause 9(D). Learned Advocate for the applicant prays for deleting prayer clause 9(D). Amendment is granted. Applicant to delete prayer clause 9(D) forthwith.

3. Learned Advocate for the applicant states that rejoinder is not necessary.

4. S.O. to 20-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO. 25 OF 2019
(Dnyaneshwar D. Kale Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

Heard Smt. Priya R. Bharaswadkar, learned Advocate holding for Shri R.N. Bharaswadkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit.
3. S.O. to 18.08.2021.
4. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 223 OF 2020
(Divya S. Nandi & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Presenting Officer submits that the present matter is relating to policy of the Government, as such time is being taken for filing affidavit in reply and she seeks short adjournment as a last chance.

3. In view thereof, short time is granted for filing affidavit in reply.

4. S.O. to 12.08.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 217 OF 2021
(Sunil T. Apte Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

Heard Shri Kalyan Patil, learned Advocate holding for Shri S.R. Barlinge, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of the respondents. Time granted.
3. S.O. to 03.09.2021.
4. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

M.A. No. 210/2020 in O.A. No. 57/2020
(Vrushali B. Tambe Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

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

2. While hearing arguments in M.A. No. 210/2020, we find that the scope of interim application is as good as main relief of the O.A. In view of the same, the O.A. itself be fixed for hearing at the stage of admission along with present M.A. No. 210/2020.

3. The present matter is to be treated as part heard.

4. S.O. to 27.08.2021.

MEMBER (A)

MEMBER (J)

**M.A. 141/2021 with M.A. 121/2021 in C.P.
03/2021 in O.A. 295/2019**

(State of Maharashtra & Ors. Vs. Mah. Rajya Hangami Hivtap Prayogshala
Karmachari Sangathana through its president B.M. Tangade)

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 03.08.2021

ORAL ORDER :

Heard Smt. M.S. Patni, learned Presenting Officer for the applicants in M.A. 141/2021 (respondents in O.A.), Ms. Preeti Wankhade, learned Advocate for the respondent in M.A. 141/2021 (applicant in O.A.) and Shri Vinod Patil, learned Advocate for the intervenor (M.A. No. 121/2021).

2. Learned Presenting Officer seeks time for filing affidavit in reply in C.P. No. 03/2021 contending that in fact common affidavit in reply on behalf of respondent Nos. 1 to 3 is ready, but being C.P. separate affidavit in reply of each respondent is necessary and therefore, she seeks time for filing affidavit in reply. Time granted.

3. S.O. to 17.08.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 178/2021 in O.A. St. No. 717/2021
(Sumit G. Dongre & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer submits that some time may be granted for filing written precipice in respect of requisite qualification of B.Com. Statistics. Time granted.

3. S.O. to 17.08.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 28/2018 in O.A. No. 516/2013
(Dr. Appasaheb S. Dhus Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer submits that the order in question is complied with by the respondents and in that regard he has already placed on record a copy of G.R. dated 22.10.2020.

3. As none present for the applicant, S.O. to 25.08.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 29/2018 in O.A. No. 511/2013
(Dr. Ramesh J. Dhapte Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

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

2. Learned Presenting Officer submits that the order in question is complied with by the respondents and in that regard she has already placed on record a copy of G.R. dated 13.10.2020.

3. As none present for the applicant, S.O. to 25.08.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 30/2018 in O.A. No. 510/2013
(Dr. Satish D. Londhe Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Presenting Officer submits that the order in question is complied with by the respondents and in that regard he has already placed on record a copy of G.R. dated 26.10.2020.

3. As none present for the applicant, S.O. to 25.08.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 10/2020 in O.A. No. 913/2017
(Dilipkumar R. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

Heard Shri S.V. Deshmukh, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed affidavit in rejoinder. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 03.09.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 06/2021 in O.A. No. 165/2019
(Supriya K. Deshpande & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

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

2. Record shows that affidavit in reply on behalf of respondent No. 2 is already filed on record.

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

4. S.O. to 06.09.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 05/2021 in O.A. No. 546/2019
(Pallavi D. Pavshe & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

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

2. Record shows that affidavit in reply on behalf of respondent No. 2 is already filed on record.

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

4. S.O. to 06.09.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 133 OF 2020
(Alka S. Mundhe Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

Heard Shri Avinash Khedkar, learned Advocate holding for Shri Sandeep D. Munde, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Record shows that affidavit-in-reply is filed on behalf of the Respondent No.4.

3. Learned C.P.O. for the Respondents seeks time for filing affidavit-in-reply on behalf of Respondent Nos.1 to 3. Time is granted.

4. Shri Avinash Khedkar, learned Advocate holding for Shri Sandeep D. Munde submits that Advocate for the Applicant is in personal difficulty and as such he also seeks time for addressing on the point of maintainability of this application as to whether the Applicant falls in the cadre of aggrieved person as mentioned in Section 19 of the Administrative Tribunal Act, 1985.

5. S.O. to 08.09.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 141 OF 2021

(Shubham A. Pagare Vs. State of Maharashtra & Ors.)

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 03.08.2021

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned P.O. for the Respondents seeks time for filing affidavit-in-reply.

3. Learned Advocate for the Applicant submits that considering the nature of proceedings for seeking direction to send the Applicant for medical examination, reply of Respondents is not necessary.

4. He submits that the Applicant sought for information as to why he was not sent for medical examination, but nothing is produced on record to show that.

5. Learned Advocate for the Applicant relies upon application dated 02.11.2020 (Annex. 'A-14' page no.31 of P.B.) made by Applicant.

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O.A.141/2021

6. The fact of the case would show that the Applicant was not sent for physical and medical examination. In view of disputed facts, in our considered opinion, reply of Respondents is necessary. Hence, time is granted for filing affidavit-in-reply on behalf of the Respondents.

7. S.O. to 02.09.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.220 OF 2021
(Sayyed Shoukatali Sabirali Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

Heard Shri H.M. Shaikh, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Affidavit-in-reply filed on behalf of the Respondent Nos.3 & 5 is taken on record and copy thereof has been supplied to other side.

3. S.O. to 03.09.2021.

MEMBER (A)

MEMBER (J)

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

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

DATE : 03.08.2021

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the Applicant, S.O. to 02.09.2021. Interim relief granted earlier to continue till next date.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 137 OF 2017
(Namdeo S. Arsale Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. S.O. to 13.08.2021. The present case be treated as part heard.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NOS.368 OF 2017
WITH
ORIGINAL APPLICATION NOS.369 OF 2017**

(Bapu R. Lad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

Heard Shri S.A. Deshmukh, learned Advocate for the Applicants in both the O.As. and Shri M.P. Gude, learned Presenting Officer for the Respondents in both the O.As.

2. S.O. to 13.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 946 OF 2017
(Namdeo L.More Vs. State of Maharashtra & Ors.)**

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

DATE : 03.08.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. S.O. to 10.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 57 OF 2018
(Uttam T. Dabhade & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned Advocate for the Applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. S.O. to 09.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 142 OF 2018
(Suresh L. Moholkar Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

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

2. S.O. to 13.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 213 OF 2018
(Balaji N. Sontakke Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. S.O. to 12.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 472 OF 2018
(Kishor G. Lalsare Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

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

2. S.O. to 06.09.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 105 OF 2017
(Nagesh S. Mapari Vs. State of Maharashtra & Ors.)

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

DATE : 03.08.2021

ORAL ORDER :

Heard Shri G.K. Kshirsagar, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos.1 & 2. Shri S.G. Kawade, learned Advocate for the Respondent Nos.4, 5 & 10 (**absent**). None appears for Respondent Nos.3, 6 to 9 and 11 to 15.

2. S.O. to 09.08.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 380/2021
(Prabhakar A. Bhagat Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 03.08.2021

ORAL ORDER :

Heard Shri S.S. Pidgewar, learned Advocate holding for Shri N.L. Choudhari, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Chief Officer for the respondents.

2. Shri Pidgewar, learned Advocate submits that Shri Choudhari, learned Advocate for the applicant has some personal problem today and, therefore, he is unable to attend the Court today. He, therefore, seeks time.

3. S.O. to 9.8.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 399/2021
(Dr. Shivaji J. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 03.08.2021

ORAL ORDER :

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

2. On the request of learned Advocate, S.O. to 4.8.2021 for enabling him to take necessary instructions from the applicant.

MEMBER (J)

ORIGINAL APPLICATION NO. 1106/2019
(Sanjay R. Koli Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 03.08.2021

ORAL ORDER :

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

2. On the request of learned Presenting Officer, S.O. to 13.8.2021 for filing affidavit in reply of the respondents.

MEMBER (J)

ORIGINAL APPLICATION NO. 132/2020
(Jayawant B. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 03.08.2021

ORAL ORDER :

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

2. Record shows that the affidavit in reply is earlier foiled by the respondent nos. 1 to 4, which is at page 91 to 95 of paper book.

3. Learned P.O. placed on record communication dtd. 27.7.2021 received to him from the respondent no. 4, whereby it is stated that 2 separate affidavit in replies dated 17.6.2020 and 31.5.2021 were prepared to the one and the same O.A. and out of which the affidavit in reply dated 17.6.2020 is already filed on record, however, it is appropriate to file affidavit in reply prepared by the authorities on 31.5.2021 in place of earlier affidavit in reply dated 17.6.2020.

4. In order to have effective adjudication of the present matter, permission is granted to the respondents to file on record the fresh affidavit in reply dated 31.5.2021, which is sworn in by Shri Dinkar

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O.A. NO. 132/2020

Murlidhar Pingale, Deputy Superintendent of Police, Dhule City Division, Dhule. Learned P.O. also supplied copy of fresh affidavit in reply of respondent nos. 1 to 4 to the learned Advocate for the applicant.

5. Accordingly, S.O. to 24.8.2021 for filing rejoinder affidavit, if any, by the applicant.

MEMBER (J)

**ORIGINAL APPLICATION NO. 141/2020
(Anil D. Sanap Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 03.08.2021**

ORAL ORDER :

Heard Shri S.B. Solanke, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. On the request of learned Presenting Officer, S.O. to 25.8.2021 for filing affidavit in reply of the respondents.

MEMBER (J)

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

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 03.08.2021

ORAL ORDER :

Heard Shri V.M. Maney, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Record shows that by the earlier order dated 6.7.2021 last chance was granted to the respondents for filing affidavit in reply. Moreover, by the order 15.6.2021, the learned P.O. was directed to verify the status report regarding payment of the subsistence allowance to the applicant.

3. Today, the learned P.O. placed on record the communication dated 3.8.2021 received to him from the respondent no. 3 and again seeks further one more chance for filing affidavit in reply of the respondents. The said communication is taken on record and marked as document 'X' for the purpose of identification. However, today the learned P.O. is unable to make submission about the status regarding payment of subsistence allowance to the applicant.

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O.A. NO. 99/2021

4. In the interest of justice one more last chance is granted to the respondents to file affidavit in reply. Respondents are also directed to place on record the status regarding payment of subsistence allowance to the applicant.

5. S.O. to 20.8.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 210/2021
(Lala M. Jadhavar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 03.08.2021

ORAL ORDER :

Heard Shri Shashikant T. Chalikwar, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent nos. 1 & 6 and Shri A.D. Gadekar, learned Advocate for respondent nos. 2 to 5.

2. Shri Gadekar, learned Advocate has placed on record communication dtd. 26.7.2021 received to him from the res. no. 4, thereby it is stated that the para-wise remarks are submitted to the Government for approval. He therefore, seeks time for filing affidavit in reply of respondent nos. 2 to 5.

3. Learned P.O. also seeks time for filing affidavit in reply of res. nos. 1 & 6. Time granted.

4. S.O. to 30.8.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 451/2019
(Suryakant Biradar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 03.08.2021**

ORAL ORDER :

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

2. With consent of both the sides, S.O. to 24.8.2021 for hearing at the stage of admission.

MEMBER (J)

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

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 03.08.2021

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Record shows that affidavit in reply is already filed by the respondent nos. 1 to 3 in the present case. The matter is pertaining to the suspension of the applicant.

3. In the circumstances, S.O. to 20.8.2021 for hearing at the stage of admission itself.

MEMBER (J)

ORIGINAL APPLICATION NO. 146/2021
(Chandrashekar S. Kulthe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 03.08.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Arguments of both the sides are heard at length.
The matter is closed for orders.

MEMBER (J)