

C.P.NO.01/2022 IN M.A.NO.01/2022 IN
T.A.NO.02/2021 IN W.P.NO.2612/2021
(Smt. Samiksha Chandrakar & Anr. Vs. State of Maharashtra
& Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **04.01.2022**

ORAL ORDER :

C.P.NO.01/2022

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

2. It is alleged that in violation of the order passed by this Tribunal promotions have been effected to the post of Additional Collector Selection Grade. The learned Counsel brought to our notice order passed on 17-12-2021.

3. After having heard learned Counsel and on perusal of the order dated 22-12-2021, we are inclined to issue notice in C.P.No.01/2022 to the respondents to explain the situation, returnable on 21-01-2022.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

=2=

C.P.NO.01/2022 IN M.A.NO.01/2022 IN
T.A.NO.02/2021 IN W.P.NO.2612/2021

authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

8. S.O. to 21-01-2022.

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

MEMBER (A)

MEMBER (J)

C.P.NO.01/2022 IN M.A.NO.01/2022 IN
T.A.NO.02/2021 IN W.P.NO.2612/2021
(Smt. Samiksha Chandrakar & Anr. Vs. State of Maharashtra
& Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **04.01.2022**

ORAL ORDER :

M.A.No.01/2022

Heard Shri Ajay Deshpande, learned Advocate for the applicant, Shri M.S.Mahajan learned Chief Presenting Officer for the respondent nos.1 to 4 and Shri Ujjwal Patil learned Advocate for respondent nos.5 to 10.

2. Issue notices to the respondents in M.A.No.01/2022, returnable on 21-01-2022.

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

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

=2=

C.P.NO.01/2022 IN M.A.NO.01/2022 IN
T.A.NO.02/2021 IN W.P.NO.2612/2021

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 21-01-2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

C.P.NO.34/2019 IN O.A.NO.925/2017
(Mahadeo Khandare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.01.2022

ORAL ORDER :

Heard Smt. Amruta Paranjape-Menezes, learned Advocate for the applicant, Shri N.U.Yadav, learned Presenting Officer for the respondent nos.1 and 2, Shri Ashish Shinde learned Advocate for respondent no.3 and Shri A.R.Lukhe/Deepak Rajput learned Advocate for respondent no.4.

2. At the request of learned Advocate for the applicant, S.O. to 11-01-2022.

MEMBER (A)

MEMBER (J)

C.P.NO.02/2021 IN O.A.NO.984/2018
(Jaiprakash Waghmare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.01.2022

ORAL ORDER :

Smt. Anita A. Gadekar, learned Advocate for the applicant, Smt. M.S.Patni, learned Presenting Officer for the respondent nos.1 to 3 and Shri S.D.Dhongde learned Advocate for respondent no.4, are present.

2. At the request of learned Presenting Officer, S.O. to 02-02-2022.

MEMBER (A)

MEMBER (J)

C.P.NO.09/2021 IN O.A.NO.70/2018
(Dadabhau Trimbak Parte Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.01.2022

ORAL ORDER :

Ku. Preeti Wankhade, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents, are present.

2. Learned P.O. has prayed for one week's time to place on record report of compliance of the order passed by the Tribunal. Granted by way of last chance.

3. S.O. to 11-01-2022.

MEMBER (A)

MEMBER (J)

O.A.NO.825/2016, 864/2016, 865/2016, 866/2017 & 867/2016

(Prakash Gaikwad & Ors. Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND**

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.01.2022

ORAL ORDER :

Shri Vijay B. Jogdand Patil, learned Advocate for the applicants in all these cases, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these cases Shri H.A. Joshi, learned Advocate for respondent nos. 7 to 9 in O.A. no. 825/2016, are present.

Shri P.P. Kothari, learned Advocate for respondent no. 5 in O.A. nos. 865, 866 & 867 all of 2016, Shri Pradeep Patil, learned Advocate for respondent no. 5 in O.A. 864/2016 are **absent**.

2. At the request of learned Advocate for the applicant as well as the learned P.O., S.O. to 02-02-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.80/2020
(Dr. Md. Ashfaque Md. Ashraf Tinmaswala Vs. State of
Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **04.01.2022**

ORAL ORDER :

Shri Shamsundar B. Patil, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents, are present.

2. At the request of learned Advocate Presenting Officer, S.O. to 01-02-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.24/2021
(Dr. Vaishali Ganjewar Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **04.01.2022**

ORAL ORDER :

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

2. At the request of learned Advocate Presenting Officer, S.O. to 01-02-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.354/2020
(Suresh Kamthane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri Girish L. Awale, learned Advocate for the applicant is **absent**.

Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents and Shri V.B.Wagh learned Advocate for respondent nos.4, 6 and 7, are present.

2. Learned Advocate for the applicant is absent. In the interest of justice, S.O. to 03-02-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.366/2020
(Bharat Dhonde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri A.R.Muley, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent nos.1 and 2 and Shri M.B.Ubale learned Advocate for respondent no.3, are present.

2. At the request and consent of both the parties, S.O. to 08-02-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.438/2020
(Anil Chavan Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri N.K.Choudhari, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents, are present.

2. At the request and consent of both the parties, S.O. to 08-02-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.589/2020
(Anil Karbhari Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri R.B.Deshmukh, learned Advocate for the applicant is **absent**.

Smt. Sanjivani Ghate, learned Presenting Officer for the respondents is present.

2. Learned Counsel for the applicant is absent. Learned P.O. is also unable to make submissions for not having file with her.

3. S.O. to 04-02-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.154/2021
(Surendra Gandam Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

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

2. Arguments of the learned Advocate for the applicant are heard at some length.
3. Learned P.O. prays for time for filing sur-rejoinder.
4. S.O. to 31-01-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.196/2021
(Sandip More Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Heard Shri A.S.Deshmukh learned Advocate holding for Shri K.B.Jadhav, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents.

2. The O.A. has been amended by the applicant after the amendment application was allowed by the Tribunal. Learned CPO has sought some time to file affidavit in reply on behalf of the respondents to the said amended portion. Time is granted.

3. Interim relief to continue till then.

4. S.O. to 28-01-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.329/2021
(Somnath Ambar Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **04.01.2022**

ORAL ORDER :

Shri K.B.Jadhav learned Advocate holding for Shri Ashish B. Rajkar, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents, are present.

2. At the request and consent of both the parties, S.O. to 02-02-2022.

MEMBER (A)

MEMBER (J)

**O.A.NO.279/1998, 280/1998, 281/1998 & 282/1998
(Suresh Sathe & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri P.B.Shirsat, learned Advocate for the applicants and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. At the request and consent of both the parties, S.O. to 07-01-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.732/2018
(Akhtarkhan Pathan & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.01.2022

ORAL ORDER :

Smt. Suchita Dhongde, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents, are present.

2. At the request and consent of both the parties, S.O. to 27-01-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.171/2019
(Dr. Vaishali Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.01.2022

ORAL ORDER :

Shri J.S.Deshmukh, learned Advocate for the applicant and Shri M.S.Mahajan, learned Presenting Officer for the respondents, are present.

Shri B.N.Gadegaonkar learned Advocate for respondent no.4 is **absent**.

2. At the request and consent of both the parties, S.O. to 27-01-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.531/2019
(Nagnath Hatkar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.01.2022

ORAL ORDER :

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

2. At the request and consent of both the parties, S.O. to 31-01-2022.

MEMBER (A)

MEMBER (J)

M.A. No. 14/2020 in O.A. No. 1059/2019
(Kerba N. Jetewad Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

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

2. The present matter is closed for orders.

MEMBER (J)

KPB ORAL ORDERS 04.01.2022

**M.A. No. 288/2021 in O.A. No. 491/2019
(Satish S. More Vs. State of Maharashtra & Ors.)**

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

DATE : 04.01.2022

ORAL ORDER :

Heard Shri J.M. Murkute, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in M.A., returnable on 14.02.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 14.02.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

M.A. St. 889/2021 with M.A. St. 890/2021 in M.A. 111/2020 in O.A. St. No. 1964/2019
(Madhav B. Marde and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicants, Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 5 and Shri G.N. Patil, learned Advocate for respondent No. 6.

2. Both these Misc. Application St. Nos. 889/2021 and 890/2021 are filed by the applicants seeking condonation of delay of 413 days caused for making the application for restoration of M.A. No. 111/2020 in O.A. St. No. 1964/2019, which was made for condonation of delay for filing the accompanying O.A.

3. Notices in M.A. No. 111/2020 were issued on 06.03.2020, making it returnable on 17.04.2020. The order of dismissal in M.A. No. 111/2020 was passed on 03.12.2020 observing that the applicants had failed to file service affidavit before three days of returnable date i.e. on 17.04.2020.

4. It is the contention of the applicants that there is no deliberate delay during the Covid-19 pandemic

//2// MA St. 889/21 with MA St.
890/21 in MA 111/20 in OA
St. 1964/19

situation. Therefore, the applicants could not come to sworn affidavit for making the application for restoration of M.A. No. 111/2020 within time and thereafter.

5. Both the applicants are apposed by the respondents by making submission that no sufficient cause has been shown by the applicants for condonation of inordinate delay and therefore, they have prayed to dismiss both the M.As.

6. Perusal of the record would show that the deemed order of dismissal dated 17.04.2020, as well as, actual dismissal order dated 03.12.2020 were of Covid-19 pandemic period. The said Covid-19 pandemic situation has continued in the year 2021 also. Both the M.As. are made on or about 26.07.2021. In view of the same, delay cannot be said to be deliberate and intentional.

7. It is a settled principle of law that the expression “sufficient cause” is to be construed liberally. In the circumstances, in my opinion, this is a fit case to condone delay and to restore the M.A. No.

//3// MA St. 889/21 with MA St.
890/21 in MA 111/20 in OA
St. 1964/19

111/2020 in O.A. St. No. 1964/2019 by setting aside the order of dismissal dated 03.12.2020. Hence, I proceed to pass following order :-

ORDER

1. M.A. St. Nos. 889/2021 and 890/2021 are allowed.
2. The delay of 413 days caused for filing the application for restoration of M.A. No. 111/2020 in O.A. St. No. 1964/2018 is hereby condoned.
3. Consequently, the M.A. No. 111/2020 in O.A. St. No. 1964/2019 is restored to file under its original number by setting aside the order of dismissal dated 03.12.2020.
4. Accordingly, M.A. St. Nos. 889/2021 and 890/2021 are disposed of with no order as to costs.

MEMBER (J)

M.A. 111/2020 in O.A. St. No. 1964/2019
(Madhav B. Marde and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicants, Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 5 and Shri G.N. Patil, learned Advocate for respondent No. 6.

2. Learned Advocate for respondent No. 6 filed affidavit in reply in M.A. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 08.02.2022 for filing affidavit in reply of other respondents.

MEMBER (J)

KPB ORAL ORDERS 04.01.2022

ORIGINAL APPLICATION NO. 247 OF 2017
(Dr. Mohammed Fazalul Haq Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

Heard Shri Asif Ali, learned Advocate holding for Smt. A.N. Ansari, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 to 4, 6 & 8 and Shri S.V. Deshmukh, learned Advocate for respondent No. 5. Shri Sachin Deshmukh, learned Advocate for respondent No. 7, **absent**.

2. Learned Advocate for respondent No. 5 placed on record a copy of letter dated 08.12.2021, whereby the respondent No. 5 has submitted the proposal for revised pension of the applicant to the respondent No. 4 i.e. the Accountant General (A&E)-II, Nagpur and thereby complied with the letter dated 26.06.2019 issued by the respondent No. 5. Same is taken on record and marked as document 'X' for the purpose of identification.

3. S.O. to 07.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 900 OF 2018
(Bhika M. Pathare Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. As per the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The present matter is pertaining to benefit of time bound promotion/ACPS.

3. In view of the same, the present matter be placed before the Division Bench for further hearing.

4. S.O. to 14.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 907 OF 2018
(Prabhakar A. Satdive Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

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

2. As per the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The present matter is pertaining to benefits of ACPS.

3. In view of the same, the present matter be placed before the Division Bench for further hearing.

4. S.O. to 14.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 623 OF 2019
(Umesh B. Shahane Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 07.02.2022.

MEMBER (J)

KPB ORAL ORDERS 04.01.2022

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

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

DATE : 04.01.2022

ORAL ORDER :

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

2. Learned Presenting Officer file sur-rejoinder on behalf of respondent No. 2 to the rejoinder affidavit filed by the applicant. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 07.02.2022.

MEMBER (J)

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

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

DATE : 04.01.2022

ORAL ORDER :

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

2. At the request of learned Chief Presenting Officer for the respondents, S.O. to 12.01.2022.

MEMBER (J)

KPB ORAL ORDERS 04.01.2022

ORIGINAL APPLICATION NO. 565 OF 2021
(Anil V. Chatlawar Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

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

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

3. At the request of learned Advocate for the applicant, S.O. to 11.01.2022.

MEMBER (J)

KPB ORAL ORDERS 04.01.2022

ORIGINAL APPLICATION NO. 88 OF 2019
(Kashinath G. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

- 1.
2. At the request of learned P.O., time is granted as a last chance for filing affidavit-in-sur-rejoinder on behalf of the respondents.
3. S.O. to 07.02.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 405 OF 2019
(Shishupal S. Raut Vs. State of Maharashtra & Ors.)**

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

DATE : 04.01.2022

ORAL ORDER :

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

2. As none present on behalf of the applicant, S.O. to 16.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 575 OF 2020
(Kondabai R. Ghadge & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

Heard Smt. Dharti Gupta, learned Advocate holding for Shri K.M. Nagarkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, time is granted for filing affidavit-in-rejoinder.

3. S.O. to 16.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 593 OF 2020
(Yuvraj R. Giri Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

Shri U.P. Giri, learned Advocate for the applicant and Shri Yashwant P. Jadhav, learned Advocate for the respondent Nos.3 & 4 are **absent**. Heard Shri B.S. Deokar, learned Presenting Officer for the respondent Nos.1 & 2.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of respondent Nos.1 & 2.

3. S.O. to 11.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 52 OF 2021
(Dr. Rekha G. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

Heard Ms. P.S. Gondhalekar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos.1 & 2. Shri S.B. Solanke, learned Advocate for the respondent Nos.3 & 4 is **absent**. None appears on behalf of respondent No.5

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of respondent Nos.1 and 2.

3. S.O. to 24.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 112 OF 2021
(Gangadhar T. Belurkar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

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

2. Learned Advocate for the applicants submits that the applicants do not wish to file affidavit-in-rejoinder.

3. The matter is pertaining to seeking relief of five days week. It is admitted and fixed for final hearing on 11.02.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 190 OF 2021
(Pratibha M. Bankar Vs. State of Maharashtra & Ors.)**

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

DATE : 04.01.2022

ORAL ORDER :

Heard Shri R.M. Jade, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos.1 & 2 and Shri M.V. Narwade, learned Advocate for the respondent Nos.3 to 5.

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

3. At the request of learned Advocate for the applicant, time is granted for filing affidavit-in-rejoinder.

4. S.O. to 14.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.383 OF 2021
(Siddharth Y. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

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

2. Affidavits-in-reply filed on behalf of respondent Nos.3 & 5 separately are taken on record and copies thereof have been served on the other side.
3. Learned C.P.O. seeks time for filing affidavit-in-reply on behalf of other respondents. Time is granted.
4. S.O. to 15.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 389 OF 2021
(Baburao C. Mahire Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

Heard Shri Yoesh H. Jadhav, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent No.1. None appears on behalf of respondent Nos.2 to 5.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of respondent No.1.

3. S.O. to 15.02.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 457 OF 2021
(Sahil A. Kankal Vs. State of Maharashtra & Ors.)**

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

DATE : 04.01.2022

ORAL ORDER :

Heard Smt. M.R. Jamdhade, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos.1 to 4. Nobody is present on behalf of respondent No.5, though she is duly served.

2. Learned P.O. submits that the affidavit-in-reply is sent for approval and therefore, he seeks time.

3. In view of above, one more last chance is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 to 4.

4. S.O. to 02.02.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 458 OF 2021
(Mahendra K. Yangade Vs. State of Maharashtra & Ors.)**

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

DATE : 04.01.2022

ORAL ORDER :

Heard Smt. M.R. Jamdhade, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned P.O. for the respondents submits that the affidavit-in-reply is sent for approval and therefore, he seeks time.

3. In view of above, one more last chance is granted for filing affidavit-in-reply on behalf of the respondents.

4. S.O. to 02.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 638 OF 2021
(Ganesh R. Admankar Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

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

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of respondents.
3. S.O. to 11.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 674 OF 2021
(Pravin J. Rasal Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

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

2. Learned P.O. for the respondents submits that the office of respondent No.2 has received only the copy of notice and not received the copy of O.A. with annexures.

3. In view of above, issue fresh notice to the respondent No.2, returnable on 04.02.2022.

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

5. 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

//2//

O.A.674/2021

the case would be taken up for final disposal at the stage of admission hearing.

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

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

8. S.O. to 04.02.2022.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 744 OF 2021
(Dr. Suresh G. Dhakne Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant provided copy of amended O.A. to the learned P.O.

3. Learned P.O. for the respondents placed on record order dated 15.11.2021 issued by the respondent No.1 granting *post facto* sanction to the suspension of the applicant. It is marked as document 'X' for the purpose of identification.

4. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.

5. S.O. to 11.02.2022.

MEMBER (J)

**M.A.NO.197 OF 2018 IN O.A.ST.NO.945 OF 2018
(Musaddia Ahmed Madani Masood Ahmed Madni Vs. State of
Maharashtra & Ors.)**

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

DATE : 04.01.2022

ORAL ORDER :

Heard Shri Dilip Mutalik, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted as a last chance for filing affidavit-in-sur-rejoinder on behalf of the respondents in M.A.
3. S.O. to 07.02.2022.

MEMBER (J)

**M.A.NO.312 OF 2019 IN M.A.ST.NO.1336 OF 2019
IN O.A.NO.909 OF 2018
(Atmaram N. Mahide Vs. State of Maharashtra & Ors.)**

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

DATE : 04.01.2022

ORAL ORDER :

Shri S.M. Mundik, learned Advocate for the applicant is **absent**. Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Record shows that affidavit-in-reply on behalf of respondent Nos.2 & 3 is already filed.
3. As none present on behalf of the applicant, S.O. to 18.02.2022.

MEMBER (J)

**M.A.NO.232 OF 2020 IN O.A.ST.NO.321 OF 2020
(Bismilla D. Tadvi Vs. State of Maharashtra & Ors.)**

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

DATE : 04.01.2022

ORAL ORDER :

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

2. At the request of learned P.O., time is granted as a last chance for filing affidavit-in-reply on behalf of the respondents.
3. S.O. to 11.02.2022.

MEMBER (J)

SAS ORAL ORDERS 04.01.2022

**M.A.NO.297 OF 2020 IN O.A.ST.NO.1203 OF 2020
(Jayant S. Bhamare Vs. State of Maharashtra & Ors.)**

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

DATE : 04.01.2022

ORAL ORDER :

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

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

3. S.O. to 07.02.2022.

MEMBER (J)

SAS ORAL ORDERS 04.01.2022

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

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

DATE : 04.01.2022

ORAL ORDER :

Heard Shri N.D. Sonavane, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted as a last chance for filing affidavit-in-reply on behalf of the respondents.

3. S.O. to 09.02.2022.

MEMBER (J)

SAS ORAL ORDERS 04.01.2022

**M.A.NO.58 OF 2021 IN O.A.ST.NO.136 OF 2021
(Mogra G. Thakre Vs. State of Maharashtra & Ors.)**

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

DATE : 04.01.2022

ORAL ORDER :

Heard Shri Ajinkya S. Mirajgaonkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent No.1. Shri Amit Savale, learned Advocate for the respondent No.2 is **absent**.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent No.1.

3. S.O. to 09.02.2022.

MEMBER (J)

**M.A.NO.164 OF 2021 IN O.A.ST.NO.580 OF 2021
(Nilesh S. Salve Vs. State of Maharashtra & Ors.)**

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

DATE : 04.01.2022

ORAL ORDER :

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

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.

3. S.O. to 16.02.2022.

MEMBER (J)

**M.A.NO.204 OF 2021 IN O.A.ST.NO.848 OF 2021
(Yogesh G. Salunkhe Vs. State of Maharashtra & Ors.)**

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

DATE : 04.01.2022

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.
3. S.O. to 09.02.2022.

MEMBER (J)

SAS ORAL ORDERS 04.01.2022

**M.A.NO.360/2021 WITH M.A.ST.NO.1292/2021
WITH M.A.NO.459 OF 2019 IN O.A.NO.618 OF 2019
(Dhondiram G. Kamble Deceased, through his L.Rs. Shobha
D. Kamble & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 04.01.2022

ORAL ORDER :

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

2. As none present on behalf of the applicant, S.O. to 17.02.2022.

MEMBER (J)

SAS ORAL ORDERS 04.01.2022

ORIGINAL APPLICATION NO. 995 OF 2019
(Dr. Dagajirao P. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. As per the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The Original Application is pertaining to A.C.P.S.

3. In view of the same, the present matter be placed before the Division Bench for further hearing.

4. S.O. to 17.02.2022

MEMBER (J)

**ORIGINAL APPLICATION NO.128 OF 2020
(Pandit V. Sonwane Vs. State of Maharashtra & Ors.)**

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

DATE : 04.01.2022

ORAL ORDER :

Shri Manoj M. Kadtu, learned Advocate for the applicant is **absent**. Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. As none present on behalf of the applicant, S.O. to 18.02.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 483 OF 2020
(Bhagwan L. Dahale Vs. State of Maharashtra & Ors.)**

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

DATE : 04.01.2022

ORAL ORDER :

Shri D.T. Devane, learned Advocate for the applicant is **absent**. Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. As none present on behalf of the applicant, S.O. to 03.02.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 434 OF 2019
(Namdeo S. Ghone Vs. State of Maharashtra & Ors.)**

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

DATE : 04.01.2022

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, S.O. to 27.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 431 OF 2021
(Sabirabi H. Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 04.01.2022

ORAL ORDER :

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

2. Record shows that the affidavit-in-reply is already filed on behalf of the respondent Nos. 1 and 2.

3. Learned Advocate for the applicant seeks time for filing affidavit-in-rejoinder. Time is granted.

4. Issue fresh notices to the respondent Nos.3 to 6, returnable on 25.01.2022.

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

6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that

//2//

O.A.431/2021

the case would be taken up for final disposal at the stage of admission hearing.

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

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

9. S.O. to 25.01.2022.

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

MEMBER (J)

**M.A.NO.497 OF 2019 IN O.A.ST.NO.1727 OF 2019
WITH
M.A.NO.533 OF 2019 IN O.A.ST.NO.2011 OF 2019
WITH
M.A.NO.568 OF 2019 IN O.A.ST.NO.438 OF 2019
WITH
M.A.NO.569 OF 2019 IN O.A.ST.NO.1536 OF 2019
WITH
M.A.NO.572 OF 2019 IN O.A.ST.NO.440 OF 2019
WITH
M.A.NO.143 OF 2019 IN O.A.ST.NO.397 OF 2019
WITH
M.A.NO.159 OF 2019 IN O.A.ST.NO.429 OF 2019
WITH
M.A.NO.219 OF 2019 IN O.A.ST.NO.807 OF 2019
WITH
O.A.NO.317 OF 2019 IN O.A.ST.NO.1029 OF 2019
WITH
M.A.NO.318 OF 2019 IN O.A.ST.NO.1032 OF 2019
WITH
M.A.NO.329 OF 2019 IN O.A.ST.NO.914 OF 2019
WITH
M.A.NO.330 OF 2019 IN O.A.ST.NO.917 OF 2019
WITH
M.A.NO.341 OF 2019 IN O.A.ST.NO.1442 OF 2019
WITH
M.A.NO.480 OF 2019 IN O.A.ST.NO.1196 OF 2019
(Pramilabai B. Deshmukh & Ors. Vs. State of Maharashtra
& Ors.)**

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

DATE : 04.01.2022

ORAL ORDER :

Heard Shri V.G. Pingle & Shri P.M. Shinde,
learned Advocates for the applicants in respective

//2//

cases and Smt. Deepali S. Deshpande, Shri V.R. Bhumkar, Smt. Sanjivani K. Deshmukh-Ghate, Smt. M.S. Patni, Shri B.S. Deokar, Shri I.S. Thorat, Shri N.U. Yadav and Shri S.K. Shirse, learned Presenting Officers for the respondents in respective cases.

2. At the request of learned P.Os, last chance is granted for filing affidavit-in-reply on behalf of respondents in M.A.No.568 of 2019 in O.A.St.No.438 of 2019, M.A.No.569 of 2019 in O.A.St.No.1536 of 2019, M.A.No.572 of 2019 in O.A.St.No.440 of 2019, M.A.No.341 of 2019 in O.A.St.No.1442 of 2019 and M.A.No.480 of 2019 in O.A.St.No.1196 of 2019.

3. Copies of affidavits-in-reply already filed in other matters be served on the learned Advocates for the applicants.

4. S.O. to 04.02.2022.

MEMBER (J)

**C.P.NO. 7/2021 IN O.A.NO. 768/2017
(Rajan Anna Lengde & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Smt. Suchita Amit Dhongde, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent No. 1 and Shri S.B. Mene, learned counsel for respondent Nos. 2 to 4, are present.

2. At the request of learned counsel for respondent Nos. 2 to 4, S.O. to 20.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 04.01.2022 – HDD

**ORIGINAL APPLICATION NO. 946 OF 2019
(Dr. Subhash P. Pawar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.01.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 3, are present. Shri V.R. Sonwalkar, learned counsel for respondent Nos. 4 & 5 (**absent**).

2. Learned Presenting Officer sought time for filing affidavit in reply on behalf of respondent Nos. 1 to 3. Having regard to the fact that the present O.A. is of the year 2019, time is granted by way of last chance.

3. S.O. to 9.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 125 OF 2020
(Venkati B. Pawar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.01.2022

ORAL ORDER :

Shri S.V. Deshmukh, learned counsel for the applicant (**absent**). Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, present.

2. List the matter for hearing on 9.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 203 OF 2020
(Bapu H. Nagargoje Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent, are present.

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

3. List the matter for hearing on 10.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 28 OF 2021
(Gorakh B. Dhakane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri Dhananjay A. Mane, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Affidavit in reply is not filed.
3. List the matter for hearing on 11.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 27 OF 2021
(Mohan G. Wadajkar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri Dhananjay A. Mane, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Affidavit in reply is not filed.
3. List the matter for hearing on 11.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 100 OF 2021
(Manisha T. Gite Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.01.2022

ORAL ORDER :

Shri Dhananjay A. Mane, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. List the matter for hearing on 3.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 249 OF 2021
(Dr. Pandit R. Rathod & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1, 3 & 4 and Shri Rakesh Jain, learned counsel for respondent No. 6, are present. None appears for respondent Nos. 2 & 5.

2. Learned counsel for respondent No. 6 has tendered across the bar affidavit in reply on his behalf and the same is taken on record and copy thereof has been served on the learned counsel for the applicants and learned Presenting Officer.

3. Learned Presenting Officer sought time for filing affidavit in reply. Granted.

4. S.O. to 10.2.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 251 OF 2021

**(Dr. Swapnil S. Ajabe & 33 Ors. Vs. State of Maharashtra
& Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3, Ms. Vanita H. Sangale, learned counsel holding for Ms. Ashwini Hoge Patil, learned counsel for respondent No. 4 and Shri N.U. Yadav, learned counsel for respondent No. 10, are present. None appears for other respondents.

2. Learned counsel for the respondents sought time for filing affidavit in reply on behalf of respective respondents. Time granted.

3. S.O. to 10.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 250 OF 2021
(Riyajkhan A. Faruki Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.01.2022

ORAL ORDER :

Shri Taher Ali Quadri, learned counsel for the applicant and N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 11.2.2022. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 435 OF 2021
(Santosh N. Thakur Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.01.2022

ORAL ORDER :

Shri Deepak D. Chaudhari, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, present.

2. Learned Chief Presenting Officer sought time for filing affidavit in reply. Granted.

3. S.O. to 11.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 562 OF 2021
(Alka B. Naigaonkar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondents, present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Granted.

3. S.O. to 11.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 607 OF 2021
(Sachin K. Pawar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri Pushpak U. Gujrathi, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Granted.

3. S.O. to 7.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 637 OF 2021
(Ravindra G. Kulkarni Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri Dilip Mutalik, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Granted.

3. S.O. to 14.2.2022.

MEMBER (A)

MEMBER (J)

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

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Smt. Suchita Amit Dhongde, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Granted.

3. S.O. to 14.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 685 OF 2021
(Amol V. Chate & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri Sandeep D. Munde, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Granted.

3. S.O. to 11.2.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO. 380/2019 IN O.A.NO. 290/2019
(Rajesh L. Tangade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Smt. Vidya Taksal, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shi B.S. Deokar, learned Presenting Officer for the respondent No. 1, are present. Shri A.D. Aghav, learned counsel for respondent No. 2 (**absent**).

2. By consent, S.O. to 21.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 04.01.2022 – HDD

**M.A.NO. 109/2020 IN O.A.NO. 927/2019
(Sunil S. Kuvar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri Kiran G. Salunke, learned counsel holding for Shri Sandip G. Kulkarni, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 24.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 04.01.2022 – HDD

**M.A.NO. 1/2021 IN O.A.ST.NO. 1443/2020
(Ratnabai G. Gaikwad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri Vivek G. Pingle, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Granted.

3. S.O. to 7.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 04.01.2022 – HDD

**M.A.NO. 40/2021 IN O.A.ST.NO. 30/2021
(Ashok M. Prakashkar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri Dhananjay A. Mane, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Granted.

3. S.O. to 11.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 04.01.2022 – HDD

**M.A.NO. 74/2021 IN O.A.ST.NO. 293/2021
(Appasaheb B. Shinde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri M.V. Salunke, learned counsel for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondents, present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Granted.

3. S.O. to 14.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 04.01.2022 – HDD

**M.A.NO. 392/2019 IN O.A.ST.NO. 1257/2019
(Ramdas G. Gangadhare Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri P.P. Pangal, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 12.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 04.01.2022 – HDD

**ORIGINAL APPLICATION NO. 831 OF 2021
(Anand B. Gayake Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Heard Shri M.B. Bharaswadkar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notice to respondents, returnable on 14.2.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 14.2.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

**O.A.NO. 147/2018 WITH O.A.NO. 148/2018
(Dashrath G. Shinde & Anr. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Shri Nagesh G. Talekar, learned counsel for the applicants in both these cases and Shri N.U. Yadav, learned Presenting Officer for the respondents in both these cases, are present.

2. At the request of learned counsel for the applicants, S.O. to 11.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 04.01.2022 – HDD

**REV. APPLICATION NO. 2/1021 IN O.A. NO. 654/2018
(Somnath B. Bagul & Ors. Vs. State of Maharashtra & Ors.)**

AND

**REV. APPLICATION NO. 3/2021 IN O.A. NO. 653/2018
(Gorakshanath N. Londhe & Ors. Vs. State of
Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.1.2022

ORAL ORDER :

Shri S.D. Dhongde, learned Counsel for the applicants in both the matters and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents in both the matters, are present.

2. At the request of learned Counsel for the applicants, S.O. to 10.1.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 01/2022
(Shri Vishnu B. More Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **4.1.2022**

ORAL ORDER :

Heard Shri K.G. Salunke, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. It is the case of the applicant that though he is eligible and fulfills the criteria laid down for promotion to the post of Maharashtra Agriculture Services Group-B, the recommendations, which are made on 23.12.2021 for making such promotions, the name of the applicant has not been included in the said list. It is his further contention that the persons junior to him in the original select list have been recommended for promotion. In the circumstances, the applicant has also prayed for Interim Relief restraining the respondents from making any promotion based on the recommendation letter dated 23.12.2021.

3. We have gone through the documents filed on record. There appears substance in the contentions raised in the application. However, the reply may be required from the respondents so as to know on what basis the

recommendations of the candidates are made, whose names are included in the recommendation letter dated 23.12.2021. The learned Counsel for the applicant further submits that in the meantime the promotions are likely to be made and if that is done the applicant will be deprived of getting promotion.

4. **In the circumstances, while issuing notices to the respondents, we direct the respondents to keep one post of Maharashtra Agriculture Services Group-B vacant, if the promotions are effected on the basis of recommendation letter dated 23.12.2021, till the reply is filed by the respondents.**

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.

::-3-::

O.A. NO. 01/2022

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
9. S.O. to 15.2.2022.
10. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 02/2022
(Shri Shantilal D. Hiwarale Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **4.1.2022**

ORAL ORDER :

Heard Shri K.G. Salunke, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. It is the case of the applicant that though he is eligible and fulfills the criteria laid down for promotion to the post of Maharashtra Agriculture Services Group-B, the recommendations, which are made on 23.12.2021 for making such promotions, the name of the applicant has not been included in the said list. It is his further contention that the persons junior to him in the original select list have been recommended for promotion. In the circumstances, the applicant has also prayed for Interim Relief restraining the respondents from making any promotion based on the recommendation letter dated 23.12.2021.

3. We have gone through the documents filed on record. There appears substance in the contentions raised in the application. However, the reply may be required from the respondents so as to know on what basis the

recommendations of the candidates are made, whose names are included in the recommendation letter dated 23.12.2021. The learned Counsel for the applicant further submits that in the meantime the promotions are likely to be made and if that is done the applicant will be deprived of getting promotion.

4. **In the circumstances, while issuing notices to the respondents, we direct the respondents to keep one post of Maharashtra Agriculture Services Group-B vacant, if the promotions are effected on the basis of recommendation letter dated 23.12.2021, till the reply is filed by the respondents.**

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.

::-3-::

O.A. NO. 02/2022

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
9. S.O. to 15.2.2022.
10. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 686/2019
(Shri Brijlal H. Bibe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.1.2022

ORAL ORDER :

Shri S.D. Joshi, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 17.1.2022.

MEMBER (A)

MEMBER (J)

**M.A. 232/2021 IN O.A. ST. 932/2021
(Shri Mahendra K. Wadgaonkar Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 4.1.2022

ORAL ORDER :

Shri Mahendra K. Wadgaonkar, party in person and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 11.1.2022.

The matter be placed high on board.

MEMBER (A)

MEMBER (J)

M.A. 426/2021 IN O.A. 112/2020
(Smt. Shital B. Tarate Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.1.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 13.1.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 575/2016
(Shri Aniket N. Mundhe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.1.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 1 to 3 and Shri Amit S. Savale, learned Counsel for respondent no. 4, are present.

2. With the consent of both the sides, S.O. to 17.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 130/2017
(Smt. Priyanka A. Dongre Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.1.2022

ORAL ORDER :

Shri S.K. Chavan, learned Counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri S.S. Thombre, learned Counsel for respondent no. 5, are present.

2. With the consent of both the sides, S.O. to 17.1.2022 for final hearing. **The matter be placed high on board.**

MEMBER (A)

MEMBER (J)

T.A. 1/2018 W.P. 15249/2017
(Chandra R. Hingole Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.1.2022

ORAL ORDER :

Shri S.D. Joshi, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 18.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 66/2018
(Shri Dnyeneshwar P. Kadam Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.1.2022

ORAL ORDER :

Shri Kuldeep S. Patil, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 11.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 374/2019
(Dr. Mohammad Sharif Bismilla Khan Pathan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.1.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 21.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 22/2020
(Shri Santosh G. Rane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.1.2022

ORAL ORDER :

Shri P.B. Rakhunde, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 10.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 278 OF 2021
(Dr. Udaykumar D. Padhye Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 04.01.2022

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The present case has been argued in detail. Though the Under Secretary, Government of Maharashtra in the Department of Medical Education and Drugs Department, Mantralaya, Mumbai has vide his letter dated 28.07.2021 (marked as 'X-1' in paper book) conveyed to the Chief Presenting Officer that the applicant had availed benefit of physically handicapped certificate for availing promotion to the post of Sr. Assistant from the post of Sr. Clerk vide order dated 5.3.2002, no further action is being taken against him in view of medical certificate issued by J.J. Hospital, Mumbai pending final decision in W.P. No. 13136/2017 filed by the applicant before the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad, the learned Presenting Officer has not contested the submission made by the learned counsel for the applicant across the bar that the applicant has not availed benefit of

being physically handicapped category at any stage right from recruitment till various stages of promotion up to the position of office superintendent. However, it is admitted by the contesting parties that the applicant has claimed 100% exemption from payment of professional tax and also claimed Transportation Allowance on account of being physically handicapped and availed the same.

3. Learned Presenting Officer submitted that on receipt of some complaints regarding the applicant availing benefits of being physically handicapped though not being eligible for the same, the applicant was referred to J.J. Hospital for medical examination and the said hospital has certified that the applicant suffers from low vision of the degree of 30% and, therefore, he does not fall under the category of low vision under physically handicapped persons as per the provisions of *Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995*, as well as, in terms of the new Act namely the *Rights of Persons with Disabilities Act, 2016*. This may be material for the respondents for taking appropriate action against the applicant for claiming and availing exemption from payment of Professional Tax and availing Transport Allowance.

4. Learned counsel for the applicant, upon being asked, stated that the applicant apprehended adverse action against himself on the basis of medical examination report of J.J. Hospital dated 12.04.2017. In addition, the applicant has challenged the very basis of referring his case to J.J. Hospital by the respondents. Therefore, the applicant had filed W.P. No. 13136/2017 before the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad. Hon'ble Bombay High Court has granted interim relief vide order dated 13.11.2017 in following terms: -

“3. In the meanwhile, ad-interim relief in terms of prayer Clause ‘C’.

“(C) Pending hearing and final disposal of this petition, the respondents No. 1, 2 & 5 may kindly be directed not to take any adverse action against the petitioner, on the basis of the so-called disability certificate claimed to have been issued by R-4 on 12.4.2017.”

5. Learned Presenting Officer submitted that the case of the applicant has been considered by the Departmental Promotion Committee and he has been found fit for promotion on the basis of seniority-cum-merit. However, his case has been kept in sealed envelope and subject to the outcome of the Writ Petition filed by the applicant bearing No. 13136/2017.

6. Learned Presenting Officer further submitted that a departmental enquiry had been initiated earlier against the applicant and has already been concluded by inflicting penalty of censure passed on 28.05.2021. However, the issue of availing promotion to the post of Sr. Assistant was not a part of the charge-sheet and no fresh action has been initiated during pendency of the writ petition filed by the applicant as mentioned in preceding paragraphs.

7. **Analysis.** Based on facts on record and oral submissions made, we are of the considered opinion that as the applicant has been found to be fit for promotion based on seniority-cum-merit and his promotion order has been withheld only due to pendency of a Writ Petition filed by the applicant, the promotion order of the applicant may be issued subject to outcome of the decision in the said writ petition and also subject to final decision in matter of differing opinion of Medical Board of Nanded district, submitted by the applicant for getting benefit of exemption from payment of Professional Tax and availing Transport Allowance. Benefit of deemed date of promotion may be decided thereafter accordingly on merit of the case. Hence, the following order: -

ORDER

The Original Application is allowed in following terms:-

(A) The applicant be granted promotion from the position of Office Superintendent to the Administrative Officer as per decision of Departmental Promotion Committee on merit.

(B) The applicant may be granted benefit of deemed date of promotion upon final decision in respect of differing expert opinion regarding the physical disability based on which the applicant has availed benefit of exemption from Professional Tax and availing Transportation Allowance and allegedly availed promotion and also after final decision in Writ Petition No. 13136/2017.

(C) No order as to costs.

MEMBER (A)

MEMBER (J)