

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench
Before: - THE HON'BLE JUSTICE SHRI. P.R. BORA, VICE CHAIRMAN

And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Date:- 04/03/2024

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	CP21/24 In OA421/23	J'gaon	Adv.V B Wagh/ Adv.V P Adkine/ Adv.A S Therokar (Dinesh S Thakur)	Contempt Petition	Disposed	
2	OA233/24	Nanded	Adv.P B Rakhunde (Sanjay Y Bahadure)	Appointment	04.04.2024	
3	OA243/24	N'bar	Adv.Sandesh R Patil (Shobha K Kokani)	Appointment	10.04.2024	
4	OA250/24	Chh. S'Nagar	Adv.Suresh W Munde (Kalpesh B Vanjari)	Appointment	08.04.2024	
5	OA251/24	Chh. S'Nagar	Adv.Suresh W Munde (Radhika D Patil)	Appointment	08.04.2024	
Order Matters						
6	MA146/20 with MASt418/20 In OAS419/20 with	Nanded	Adv.Gaurav L Deshpande (Maharashtra Rajya Pashu Sawardhan Abhiyantriki Karmachari Sanghatana through its President Ramesh N Shinde)	M.A.146/20 for File O.A. in Representative Capacity on Behalf on Sanghatana M.A.ST418/20 For Condonation of Delay	19.03.2024	

7	MA55/21 In OAS1363/20	Nanded	Adv.Gaurav L Deshpande (Dnyanba N Dhapse & Ors.)	M.A. For Condoantion of Delay	19.03.2024	
8	MA200/20 In MA506/18 In OAS1951/18	A'bad	Adv.R N Bharaswadkar (Sajed Khan Ajiz Khan Pathan) <u>Adv.C B Gore for R.Nos.5 & 6</u> <u>Adv.V G Pingle for R.No.7</u>	M.A. For Intrim Relief	04.04.2024	
9	MA315/21 In OAS1338/21	Nanded	Adv.A S Deshpnade (Chandrashekhar S Iyer)	M.A. For Condoantion of Delay		
10	MA219/22 In OA810/21 with	A'nagar	Adv.CPO MAT A'bad (The Divisional Commissioner Nashik & Ors.) <u>Adv.V B Wagh in OA810/21</u> (Ganesh B Agale)	M.A. For Modification	01.04.2024	
11	MA220/22 In OA381/21	A'nagar	Adv.CPO MAT A'bad (The Divisional Commissioner Nashik & Ors.) <u>Adv.V B Wagh in OA381/21</u> (Manjushree S Deokar)	M.A. For Modification	01.04.2024	
12	MA314/22 In OA793/92	O'bad	Adv.Sandip C Swami Chakurkar (Devidas A Jadhav)	M.A. For Restoration of OA	08.04.2024	
13	MA544/22 In OA762/18	O'bad	Adv.V V Deshmukh in MA544/22 (Maharashtra Rajya Bazar Samiti Karmachari Seva Nivrutti Vetan Yojna, Pune Through its CEO, Balasaheb G Katore) <u>Adv.S D Joshi in OA762/18</u> (Sahebrao D Deshmukh & Ors.)	M.A. For Adding Party Respondents Challenging G.R.	19.03.2024	

14	MA387/23 In OA378/21	A'bad	Adv.Gaurav L Deshpande (Raju H Sayyed)	M.A. For Direction	19.03.2024	
15	MA454/23 In CP46/18 In OA207/15	Latur	Adv.V Y Patil (Balika D Tawshikar) <u>Adv.Jivan J Patil for R.Nos.1 & 2 in CP</u>	M.A. For Amendment	05.03.2024	
16	MA496/23 In OA222/23	A'bad	Adv.A S Deshpande (Vijay U Awadhane & Ors.)	M.A. For Direction/ I.R.	15.03.2024	
17	MA584/23 In OA1042/23	Jalna	Adv.R J Nirmal (Yogesh S Dawle)	M.A. For I.R.	07.03.2024	
Due Admission Matters						
18	CP05/22 In OA69/20	Beed	Adv.B R Kedar (Suresh G Tandale)	Contempt Petition	16.04.2024	
19	CP14/23 In OA533/21	A'bad	Adv.C V Thombre (Diwakar M Jadhav)	Contempt Petition	16.04.2024	
20	OA797/16	A'nagar	Adv.Party in Person (Gaurav A Chavan)	Appointment		
21	OA786/17	A'bad	Adv.Ajay S Deshpande (Kailash A Pardeshi)	Promotion/ Retirement Benefits	03.04.2024	
22	OA392/18	N'bar	Adv.Sachin G Joshi (Chandrakant R Kapse) <u>Adv.Uttam S Dambale for R.Nos.5 to 7 & 9</u>	Promotion/ Seniority	11.03.2024	
23	OA313/19	Dhule	Adv.Chaintanya C Deshpande (Dr.Mahendra A Patil)	Reinstate in Service	16.04.2024	

24	OA409/19	A'nagar	Adv.Sandeep B Gorde (Hanumantrao B Bhongale)	Departmental Enquiry	16.04.2024	
25	OA1086/19	A'bad	Adv.Ajay S Deshpande (Chintaman H Vasave) <u>Adv. K B Jadhav for R.No.3</u>	Seniority/ Promotion	16.04.2024	
26	OA213/20	J'gaon	Adv.Ajay S Deshpande (Apurva S Narale)	Appointment	16.04.2024	
27	OA354/20	Latur	Adv.Avinash S Deshmukh (Suresh L Kamthane) <u>Adv.V B Wagh for R.Nos.4, 6 & 7</u>	Challenging G.R./ Seniority	04.04.2024	
28	OA375/20 With	Beed	Adv.Avinash S Deshmukh (Amol M Naikwade)	Termination	04.04.2024	
29	OA376/20 With	P'bhani	Adv.Avinash S Deshmukh (Govind K Surnar)	Termination		
30	OA418/20 With	Beed	Adv.Avinash S Deshmukh (Popat K Gonde & Ors.)	Termination		
31	OA428/20 With	Hingoli	Adv.Avinash S Deshmukh (Bandu S Bontalwar)	Termination		
32	OA434/20	P'bhani	Adv.Avinash S Deshmukh (Mahesh D Desai)	Termination		
33	OA409/20	J'gaon	Adv.V P Patil (Kamini S Suryawanshi)	Selection/ Appointment	16.04.2024	
34	OA412/20	Nanded	Adv.Avinash S Deshmukh (Omprakash H Kothari) <u>Adv.S B Patil for R.Nos.2 & 4</u>	Departmental Enquiry	01.04.2024	

35	OA426/20	A'bad	Adv.A S Deshmukh (Sunil S Pagare)	Termination	02.04.2024	
36	OA427/20	Beed	Adv.A S Deshmukh (Rahul B Chaudhare)	Termination	02.04.2024	
37	OA09/21	A'nagar	Adv.Hemant U Dhage (Ulhas Y Kawade)	Departmental Enquiry	17.04.2024	
38	OA510/21	A'nagar	Adv.R N Bharaswadkar (Rohidas A Bhalsing)	Revision of Pay Scale	16.04.2024	
39	OA663/21	Beed	Adv.R N Bharaswadkar (Kiran K Komwad)	Challenging Condition of G.R.	16.04.2024	
40	OA688/21	A'bad	Adv.Santosh S Dambe (Eknath B Parmeshwar)	D.E./ Punishment	17.04.2024	
41	OA758/21 with	N'bar	Adv.Rahul O Awasarmal (Suhas A Pathak)	Seniority/ Seniority List	28.03.2024	
42	OA769/21	N'bar	Adv.Rahul O Awasarmal (Vaishali S Landge)	Seniority/ Seniority List	28.03.2024	
43	OA797/21	Jalna	Adv.A S Khedkar (Ranjana D Jaybhaye)	Selection/ Implement the G.R.	05.04.2024	
44	OA64/22	Nanded	Adv.Avinash S Deshmukh (Bhimrao K Gaikwad)	Promotion	05.04.2024	
45	OA82/22	A'bad	Adv.V B Wagh (Dattaram U Rathod)	Departmental Enquiry	16.04.2024	
46	OA149/22	A'nagar	Adv. V B Wagh (Sulochana P Patare)	Departmental Enquiry/ Promotion	16.04.2024	

47	OA169/22	Dhule	Adv.Sanket N Suryawanshi (Nisar Kha Abdullatif Kha Patan)	Charge Sheet/ Departmental Enquiry	16.04.2024	
48	OA373/22	N'bar	Adv.D S Mutalik (Dr.Vandana P Sonone)	Exemption From Examintation		
49	OA494/22	Nanded	Adv.Suchita Dhongde (Balu D Kurhade)	Reversion	05.04.2024	
50	OA495/22	Nanded	Adv.Suchita Dhongde (Datta S Yelake)	Reversion	05.04.2024	
51	OA631/22	Nanded	Adv.Vinod Dhotre (Ratan G Kunte)	Promotion	18.04.2024	
52	OA665/22	J'gaon	Adv.Santosh B Bhosle (Kalpana P Jadhav)	Dismissal	18.04.2024	
53	OA702/22	A'nagar	Adv.S B Solanke (Nitin S Hagare)	Appointment	01.04.2024	
54	OA767/22	Dhule	Adv.Kakasaheb B Jadhav (Jaywant R Wagh)	Resignation Qualifying Service, Seniority	24.04.2024	
55	OA1030/22	Dhule	Adv.K B Jadhav (Ashok B Pawar & Ors.)	Promotion	21.03.2024	
56	OA1067/22	Beed	Adv.P M Shinde/ Adv.P B Jadhav (Shivaji D Sirsat)	Selection/ Appointment	03.04.2024	
57	OA12/23	N'bar	Adv.S D Joshi (Vinayak M Gavit & Ors.) <u>Adv.Amit Savale for R.Nos. 3 to 5</u>	Seniority List/ Promotion	11.03.2024	
58	OA69/23	Beed	Adv. P D Jarare (Maharashtra Rajya Janarogya Karmachari Mahasangh. Through its Secretary,	Challenging Amendment in Recruitment Rules	10.04.2024	

			Khanderao R Childgar & Ors.)			
59	OA678/23	A'bad	Adv.Ashish Rajkar/ Adv.A S Kulkarni (Dilip R Shinde)	Major Punishment	05.04.2024	
60	OA63/24	A'bad	Adv. K G Salunke (Balbir Singh Jagannath Prasad Tyagi)	Major Punishment	05.03.2024	
Final Hearing Matters						
61	OA74/17	Dhule J'gaon	Adv.Dnyaneshwar J Patil (Vijaysing K Wagh & Ors.)	Departmental Enquiry	27.03.2024	
62	OA78/17	Nanded	Adv.Talekar & Associates (Shivaji S Dahale)	Seniority/ Promotion	27.03.2024	
63	OA103/17 With	A'bad	Adv.S D Joshi (Navanth A Matsagar)	Seniority/ Promotion Carrear Assured Progress Scheme	28.03.2024	
64	OA104/17	A'bad	Adv.S D Joshi (Vitthal S Pawal)	Seniority/ Promotion Carrear Assured Progress Scheme	28.03.2024	
65	OA321/17	A'bad	Adv.P A Kulkarni (Manisha P Jagtap)	Selection	28.03.2024	
66	OA345/17	P'bhani	Adv.V G Pingle (Abhiman M Kale) <u>Adv.Shamsunder B Patil</u> <u>for R.Nos.2 to 6</u>	Termination	15.03.2024	
67	OA408/17	Latur	Adv.S P Urgunde/ Adv.S S Dambe (Shivam S Kamble)	Appointment	03.04.2024	

68	OA496/17	Latur	Adv.Sandip S Chakurkar (Varsharani S Chavhan)	Termination	08.04.2024	
69	OA818/17	A'nagar	Adv.Vivek G Pingle (Ashok M Gaike)	Major Punishment	04.04.2024	
70	OA834/17	Beed	Adv.S S Dambe (Ganesh S Kale)	Advertisement (MPSC) Recruitment Rules	03.04.2024	
71	OA899/17	O'bad	Adv.G C Khond/ Adv.G N Khanzode (Dr.Vandana S Shinde) <u>Adv.Gunratn Sadavarte/</u> <u>Adv.Javshri Patil/</u> <u>Adv.Ramdass Gaikwad for</u> <u>R.No.4</u>	Seniority	04.04.2024	
72	OA12/18	O'bad	Adv.P R Kadam/ Adv.M P Tripathi (Khandu T Chavan)	Appointment	19.03.2024	
73	OA119/18	A'bad	Adv.Santosh N Patne (Jyoti L Rathod)	Appointment	04.04.2024	
74	OA189/18	A'nagar	Adv.Rahul O Awsarmal (Dhiraj A Salve) <u>Adv.V B Wagh for R.Nos.4</u> <u>to 8</u>	Seniority	03.04.2024	
75	OA285/18	A'bad	Adv.Avinash S Deshmukh (Meera J Dolas)	Selection/ Appointment	05.03.2024	
76	OA731/18	J'gaon	Adv.P B Patil (Ramesh J Patil)	Promotion	15.04.2024	
77	OA925/18 With	A'bad	Adv.Abhishek C Deshpande (Kisan D Pawar & Ors.)	Removal From Service	15.04.2024	

78	OA464/19		Adv.Ashish B Rajkar (Dayanand F Gange)	Removal From Service	15.04.2024	
79	OA355/19	Nanded	Adv.D R Irale Patil (Nangesh N Unche & Ors.) <u>Adv.Ajay Deshpande for R.Nos.3 to 5</u>	Seniority	15.04.2024	
80	OA659/19	A'bad	Adv.Ram S Shinde (Boralkar) (Vijay M Suralkar)	Challenging G.R.	18.03.2024	
81	OA715/19	A'nagar	Adv.Sanotsh S Jadhavar (Sushma E Chaudhari)	Appointment	11.03.2024	
82	OA54/20	Jalna	Adv.Kishor D Khade (Bharatlal T Dhupe)	Appointment	15.04.2024	
83	OA220/21	A'bad	Adv.H M Shiakh (Sayyed Shoukatali Sabirali)	Departmental Enquiry	10.06.2024	
84	OA684/21	A'bad	Adv.Sapna D Tangde/ Adv.Neha Kamble (Dr.Rekha G Gaikwad)	Seniority/ Promotion	10.04.2024	
85	OA360/22	Jalna	Adv.S B Bhosale (Anil P Khaladkar) <u>Adv.V P Narwade for R.Nos.4 & 5</u>	Examination/ Interview	10.04.2024	
86	OA813/22	Nanded	Adv.Suchita Dhongde (Sheshrao M Koturwar)	Seniority List	10.04.2024	
87	OA814/22	Nanded	Adv.Suchita Dhongde (Sanjay V Birhade)	Seniority List	10.04.2024	

Date: -04/03/2024

D.B. For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
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Due Admission Matters						
1	OA843/19	P'bhani	Adv.I.G. Durrani (Kailas V Aghav)	Selection	05.04.2024	
2	OA754/22	Nanded	Adv.S.S. Thombre (Akash K Chougule)	Show Cause Notice/ Termination	13.03.2024	
3	OA130/23	Nanded	Adv.I.D. Maniyar (Baban S Ghodge)	Seniority List/ Promotion	18.03.2024	
4	OA368/23	Beed	Adv.K.J. Ghute Patil (Sadashiv Y Gaikwad)	Departmental Enquiry	10.04.2024	
5	OA411/23	A'nagar	Adv Ajay S Deshpande (Sandip D Wayal) <u>Adv G N Landge For R-3/ Adv P N Khandare For R-3</u>	Promotion	08.04.2024	
6	OA610/23	Latur	Adv R D Biradar/ Adv S U Shaikh (Shridhar R Kundatwad)	Removal From Service	12.03.2024	
7	OA785/23	O'bad	Adv M C Swami (Sushant V Tope)	Selection Process	08.04.2024	
8	OA787/23	A'bad/ Jalna	Adv Suchita Dhongde (Sunil K Gangurde & Ors.)	Challenging G.R	08.04.2024	
9	OA891/23	Latur	Adv.A.S. Khedkar/ Adv.P.R. Karpe (Nagesh A Hippargekar)	Selection Process	08.04.2024	
10	OA1015/23	A'bad	Adv Kalyan V Patil (Kum. Pragati P Shingade)	Selection Process	08.04.2024	
11	OA1115/23	O'bad	Adv Amol D Lipne (Subhash S Khade)	Selection Process	10.04.2024	
12	OA03/24	Jalgaon	Adv J S Deshmukh (Dr.Balasaheb B Suroshe)	Direction Selection Process	10.04.2024	
13	OA42/24	A'bad	Adv Ajay S.Deshpande Adv CV	Promotion / Direction	10.04.2024	

			(Maharashtra Vikas Seva Rajpatrit Adhikari Sanghatana)			
14	OA65/24	P'rbn	Adv R A Joshi (Sachinsingh B Chauhan)	Selection Process	06.03.2024	
15	OA89/24	A'bad	Adv Kiran G Salunke (Dnyaneshwar P Sirsat)	Selection Process	04.04.2024	
Order Matters						
16	MA286/21 In OASSt860/21	O'bad	Adv.D.H. Jadhavar (Pushpa S Waghmode)	M.A. For Condonation of Delay	10.04.2024	
17	MA25/23 In OASSt1976/22	A'bad	Adv S.G.Kulkarni <u>Adv S G Kulkarni has filed leave note from 29.02.2024 to 04.03.2024</u> (Dhanashree S More)	M.A. For Condoantion of Delay	10.04.2024	
18	MA67/23 In OASSt111/23	N'bar	Adv.Y.H. Jadhav (Kalya C Rahase & Ors.)	M.A. For Condonation of Delay	04.04.2024	
19	MA498/23 In OASSt1939/23	A'bad	Adv V GPingle (Anil P Ghodke)	M.A For Condonation of Delay	05.04.2024	

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

*List of Cases set down for Physical Hearing/Admission/Order/etc.before Hon'ble Single Bench
Before: - THE HON'BLE JUSTICE SHRI V. K. JADHAV, MEMBER (J)*

Date: -04/03/2024

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	OA611/21	Beed	Adv Indranil Godsay (Sayyed Salim Sayyed Yaqub)	Withdrawal of Charge	For Filing Affidavit in Rejoinder	16.4.2024
2	OA746/21	Jalna	Adv J S Deshmukh (Smt. Tilottama V Bhatkar)	Recovery/ Refund Of Recovered Amount	For Filing Affidavit in Rejoinder	16.4.2024
3	TA05/22 W6437/22	O'bad	Adv S B Bhosale (Babita V Pawar) <u>Adv Amol S Gandhi For R-6</u>	Appointment on Compassionate Ground Dispute between Legal Heirs	Await Service	15.4.2024
4	OA83/22	Dhule	Adv S N Suryawanshi (Jitendra D Gurav)	Minor Punishment Recovery	For Filing Affidavit in Rejoinder	16.4.2024
5	OA440/22	P'rbn	Adv Shaikh Wajeed Ahmed (Khan Mohammed Arbaz Mohammed Kazim Khan)	Compassionate Appointment Scheme not Applicable to Group B Employee	By Way of Last Chance For Filing Affidavit in Reply <u>Ref Order Dtd. 30.11.2022</u>	15.4.2024

6	OA617/22	Jalgaon	Adv Tapan K Sant (Amol N Manore)	Compassionate Appointment Family members in Government Service	Await Service	15.4.2024
7	OA622/22	P'rbn	Adv R N Bharaswadkar (Sharda M Pawar)	Compassionate Appointment Three Children	Reply Filed By R-2 & For Filing Affidavit in Rejoinder	15.4.2024
8	OA713/22	A'bad	Adv P R Wankhade (Gorakh D Pathade)	Recovery/ Refund of Recovered Amount	For Filing Affidavit in Rejoinder	18.4.2024
9	OA165/23	A'bad	Adv R N Bharaswadkar (Ramesh B Narwade)	Compassionate Appointment Direction to include name in wait list	For Filing Affidavit in Rejoinder	15.4.2024
10	OA216/23	A'nagar	Adv A P Gunge (Nansaheab K Thorat) <u>Adv Ajinkya S Reddy</u> <u>For R-2 & R-3</u>	Recovery [Medical Advances]	For Filing Affidavit in Reply R-1 R-4 & R-5	16.4.2024
11	OA230/23	Beed	Adv Avinash S Deshmukh (Rakhi C Janwale)	Compassionate Appointment Schme not Applicable to Contractual Employee	For Filing Affidavit in Reply	15.4.2024
12	OA416/23	O'bad	Adv A S Deshmukh (Yeshwant S Jamadar (Koli)	Compassionate Appointment 3 Children	For Filing Affidavit in Rejoinder	26.4.2024
13	OA608/23	Beed	Adv Avinash S Deshmukh (Asha K Adode & Anr.)	Family Pension Compassionate Appointment	For Filing Affidavit in Reply	15.4.2024
14	OA650/23	Latur	Adv V D Gunale/ Adv K B Bhise (Gangadhar G Sontakke) <u>Adv K G Salunke For</u> <u>R-3</u>	Compassionate Appointment <u>Substitution /</u> <u>3 Children</u>	Reply Filed By R-3 & For Filing Affidavit in Rejoinder	4.4.2024

15	OA814/23	A'bad	Adv Jagdish K Ghanwat/ Adv Vijay S Wakale (Akansha A Jadhav & Ors.)	Compassionate Appointment Substitution	For Filing Affidavit in Reply	13.3.2024
16	OA827/23	A'nagar	Adv R.P.Bhumkar (Shashikant N.Deulgaonkar) <u>Adv Satish B Parnere</u> <u>For R-4</u>	Correction In Date Of Birth	Reply Filed by R-2 For Filing Affidavit in Reply	25.4.2024
17	OA843/23	P'rbn	Adv Mahesh K Bhosle (Bhagwat M Kavhar)	Transfer	For Filing Affidavit in Reply	4.4.2024
18	OA844/23	P'rbn	Adv Mahesh K Bhosle (Sunil D Kakde)	Transfer	For Filing Affidavit in Reply	4.4.2024
19	OA1032/23	P'rbn	Adv I D Maniyar (Gangadhar D Narwade)	Compassionate Appointment Three Children	For Filing Affidavit in Reply	26.3.2024
20	OA1043/23	Nanded	Adv S S Thombre (Sham H Pawar)	Appointment Compassionate Ground Direction - Correction in Propojal Date	Await Service	15.4.2024
21	OA1085/23	Dhule	Adv R M Deshmukh (Raj L Mali)	Appointment on Compassionate Ground Three Children	For Filing Affidavit in Reply	19.3.2024
22	OA1112/23	P'rbn	Adv Suchita Dhongde (Sunil T Kandere)	Compassionate Appointment Part time Sweeper as per Laad paage Committee	For Filing Affidavit in Reply	16.4.2024

23	OA37/24	A'nagar	Adv A D Aghav (Prajwal R Sorate)	The Compassionate Appointment Financial Condition	For Filing Affidavit in Reply	16.4.2024
24	OA85/24	A'nagar	Adv P S Mantri (Gorakh R Limaji)	Benefits of A.C.P.S	Await Service	16.4.2024
Order Matter						
25	MA541/23 In OASt2227/23	A'nagar	Adv S K Shinde (Aditya B Titme)	M.A For Condonation of Delay	For Filing Affidavit in Reply	16.4.2024

ORIGINAL APPLICATION NO. 231 OF 2022
(Bharat L. Rudrawar Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri Rahul H. Shimre, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 24.04.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 267 OF 2022
(Subhash B. Selukar Vs. State of Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

Shri Rahul H. Shimre, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 24.04.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 307 OF 2022
(Chandrabhan V. Veer Vs. State of Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 23.04.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 89 OF 2022
(Bhaskar V. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 24.04.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 868 OF 2022
(Ramdas G. Gangadhare Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri Rahul H. Shimre, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 24.04.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 420 OF 2023
(Mamta S. Vipute Vs. State of Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri Y.M. Patil, learned counsel for respondent No.3, are present.

2. At the request of learned counsel for the applicant, S.O. to 23.04.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1085 OF 2023
(Raj L. Mali Vs. State of Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

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

2. Leaned P.O. seeks time to file affidavit in reply on behalf of respondents. Time granted.
3. S.O. to 19.03.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 713 OF 2022
(Gorakh D. Pathade Vs. State of Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

Ms. P.R. Wankhade, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 18.04.2024.

MEMBER (J)

sas ORAL ORDER 04.03.2024

**ORIGINAL APPLICATION NO. 668 OF 2022
(Kishor C. Koli Vs. State of Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 22.04.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 827 OF 2023
(Shashikant N. Deulgaonkar Vs. State of Maharashtra &
Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

Shri Rahul H. Shimre, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri Satish B. Parnere, learned counsel for respondent No.4, are present.

2. Learned counsel for respondent No.4 submits the affidavit in reply on behalf of said respondent and copy thereof is already given to other sides.

3. List the matter for filing affidavit in rejoinder, if any and for admission hearing.

4. S.O. to 25.04.2024.

MEMBER (J)

**M.A.NO. 337 OF 2023 IN O.A.ST.NO. 1400 OF 2023
(Kishor Suresh (Surchand Nile & Ors Vs. State of
Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

Shri V.N. Mundhe, learned counsel for the applicants, is **absent**. Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

2. None present on behalf of applicants. Even on the last date, none remained present on behalf of the applicants.

3. In view of above, S.O. to 05.06.2024 as a last chance.

MEMBER (J)

sas ORAL ORDER 04.03.2024

**M.A.NO. 575 OF 2023 IN O.A.ST.NO. 2221 OF 2023
(Rajabhau B. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

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

2. Learned counsel for the applicant seeks time to file synopsis of events. Time granted.

3. S.O. to 15.03.2024.

MEMBER (J)

sas ORAL ORDER 04.03.2024

**ORIGINAL APPLICATION ST.NO. 2304 OF 2023
(Sudhakar B. Ramdin Vs. State of Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

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

2. The office has raised objection that certain pages are not readable.

3. Learned counsel for the applicant seeks time to replace those pages as the applicant is going to rely on those pages to substantiate his case.

4. S.O. to 20.03.2024.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 171 OF 2024
(Amolsinh P. Gour Vs. State of Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

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

2. Learned counsel for the applicant seeks one week's time to remove the office objection. Time granted.

3. S.O. to 11.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 234 OF 2024
(Somnath Bhimrao Birhade Vs. State of Maharashtra &
Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Heard Ms. Megha Mali, learned counsel holding for Shri A.P. Avhad, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 18.04.2024.

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

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

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

//2//

O.A. 234/2024

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

7. The learned P.O. appears for all the respondents and seeks time for taking instructions.

8. S.O. to 18.04.2024.

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

MEMBER (J)

sas ORAL ORDER 04.03.2024

**M.A.NO. 483 OF 2023 IN O.A.ST.NO. 1998 OF 2023
(Gautam S. Bhalerao Vs. State of Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

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

2. None present on behalf of applicant. Even on last two occasions, none remained present on behalf of the applicant.

3. In view of above, S.O. to 05.06.2024 as a last chance for hearing.

MEMBER (J)

sas ORAL ORDER 04.03.2024

ORIGINAL APPLICATION NO. 1018 OF 2022
(Mangilal N. Shirsath Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on telephonic instructions from the applicant submits that the applicant has conveyed that the department has principally accepted the date 31.03.1997 as determined by the Hon'ble Supreme Court in a case **Shaikh Miya s/o Shaikh Chand Etc. Etc. Vs. State of Maharashtra in Civil Appeal No. 6531-6533/2022** decided on 07.09.2022 wherein the Hon'ble Supreme Court has held that the persons who has been absorbed over a period of time post 31.03.1997, for pensionable service, the reckoning date would be 31.03.1997 and such of the persons who have rendered a pensionable service on that basis would be entitled to that benefits. The

//2// O.A. 1018/2022

applicant has further conveyed that even though accepting the said date, the department has not refixed the pension of the applicant.

3. In view of above, the learned P.O. is directed to take specific instructions in this regard.
4. Part heard.
5. S.O. to 28.03.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 422 OF 2021
(Satish A. Trimukhe Vs. State of Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

Shri Vijay V. Deshmukh, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 05.06.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 796 OF 2021
(Dinesh A. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 13.03.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 513 OF 2022
(Vikram S. Vairale Vs. State of Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

Shri Akshay Kulkarni, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 05.06.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 262 OF 2022
(Sima P. Kangane Vs. State of Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant, Shri V.G. Pingle, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3, are present.

2. By consent of parties, S.O. to 13.03.2024 for hearing.

MEMBER (J)

**M.A.NO. 76/2024 IN M.A.NO. 522/2022 IN O.A.ST. 951/2022
(Pratik S. Dube Vs. State of Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

Shri Gorakhnath Kendre, learned counsel holding for Shri J.M. Murkute, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 22.04.2024.

MEMBER (J)

sas ORAL ORDER 04.03.2024

T.A. NO. 01 OF 2023 (W.P.NO. 9807/2022)
(Ganesh D. Gunde Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicant has filed a **leave note**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 06.06.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 04.03.2024

O.A.NO. 1042/2023 WITH M.A.NO. 584/2023
(Yogesh Sopanrao Dawle Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Heard Shri Ajay Deshpande, learned counsel holding for Shri R.J. Nirmal, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Presenting Officer for the respondent authorities.

2. Today, we have heard the arguments in the present matter at length. The document pertaining to the opinion obtained from the experts is produced before this Tribunal for both the Members in sealed cover with a request that it is only for the perusal of the Bench and shall not be made a part of the proceedings.

3. The question as about which the dispute is raised in the present O.A. is based on the Constitution of India. As such, we direct the MPSC to clarify as to based on which bare text or commentary on Constitution of India the answers have been provided to the questions asked in the

**:: - 2 - :: M.A.NO. 584/2023 IN
O.A.NO. 1042/2023**

instant matter relating to the Constitution. The M.P.S.C. may file a short affidavit in this regard.

4. S.O. to 07.03.2024. Interim relief granted earlier to continue till then. The present case be kept first on board.

5. Steno copy is allowed for the use of learned Chief Presenting Officer.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.03.2024-HDD

ORIGINAL APPLICATION NO. 232 OF 2023
(Anjali B. Narhare Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri K.B. Bhise, learned counsel holding for Shri V.D. Gunale, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present. Shri K.P. Rodge, learned counsel for respondent No. 3, is **absent.**

2. As none present for respondent No. 3, S.O. to 04.04.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 04.03.2024

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

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

DATE : 04.03.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 02.04.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 04.03.2024

ORIGINAL APPLICATION NO. 289 OF 2023
(Dharma H. (Uchappa) Durpargude & Ors. Vs. State of
Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicants (**Leave Note**). Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note filed by learned counsel for the applicants, S.O. to 06.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 478 OF 2023
(Vishwajit V. Udate Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Heard Shri K.G. Salunke, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Part heard.

3. By consent, S.O. to 04.04.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 569 OF 2023
(Bhagwan R. Shewale Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 04.04.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 04.03.2024

ORIGINAL APPLICATION NO. 751 OF 2023
(Sakharam M. Ghodke Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

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

2. Part heard.
3. Learned Presenting Officer is directed to call the record and proceedings pertaining to the enquiry of the applicant.
4. S.O. to 05.04.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 821 OF 2023
(Rajendra V. Marale Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri A.N. Barhate Patil, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 07.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 899 OF 2023
(Sachin R. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

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

2. By consent, S.O. to 04.04.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 04.03.2024

ORIGINAL APPLICATION NO. 923 OF 2023
(Yunus Saybu Tadavi Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

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

2. As none present for the applicant, S.O. to 07.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 04.03.2024

ORIGINAL APPLICATION NO. 502 OF 2017
(Public Prosecutors Association, though its President Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

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

2. By consent, S.O. to 12.04.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 04.03.2024

ORIGINAL APPLICATION NO. 129 OF 2019
(Tejrao B. Gadekar Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri J.N. Patil, learned counsel for the applicant and Smt. Vaishali S. Chaudhari, learned counsel for respondent Nos. 3 and 4, are **absent**.

Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. As none present for the applicant, as a last chance, S.O. to 07.06.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 04.03.2024

ORIGINAL APPLICATION NO. 420 OF 2019
(Raju P. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri S.D. Dhongde, learned counsel for the applicant (**Leave Note**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note filed by learned counsel for the applicant, S.O. to 06.06.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 539 OF 2019
(Amol P. Awchar Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicant (**Leave Note**). Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note filed by learned counsel for the applicant, S.O. to 06.06.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 945 OF 2019
(Dr. Prashant D. Warkari Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri Sameer Kurundkar, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 06.06.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 04.03.2024

O.A. Nos. 1015, 1016, 1017 & 1019 all of 2019
(Sakharam P. Ranbavle & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicants in all these O.As. and S/shri D.M. Hange A.P. Basarkar & V.G. Pingle, learned Presenting Officers for the respective respondent authorities in respective O.As., are present.

2. At the request of learned counsel for the applicants, S.O. to 15.04.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 04.03.2024

ORIGINAL APPLICATION NO. 1031 OF 2019
(Baswaraj M. Swami & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri K.M. Nagarkar, learned counsel for the applicants (**Leave Note**). Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note filed by learned counsel for the applicants, as a last chance, S.O. to 07.06.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 581 OF 2020
(Ganesh S. Khetre Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 07.06.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 597 OF 2020
(Amol S. Shidore Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 12.04.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 04.03.2024

ORIGINAL APPLICATION NO. 51 OF 2021
(Devidas F. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri Amit Savale, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 12.04.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 270 OF 2021
(Nanda V. Solanki & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 04.04.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 04.03.2024

ORIGINAL APPLICATION NO. 272 OF 2021
(Jayawant R. Bhangare Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

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

2. By consent, S.O. to 04.04.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 04.03.2024

ORIGINAL APPLICATION NO. 393 OF 2021
(Anjanabai M. Ingale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

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

2. By consent, S.O. to 04.04.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 714 OF 2021
(Rahul G. Malsamindar Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

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

2. By consent, S.O. to 10.04.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 363 OF 2022
(Ranjit P. Ratnaparkhe Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri N.T. Tribhuwan, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 10.04.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 04.03.2024

ORIGINAL APPLICATION NO. 402 OF 2022
(Maroti C. Panchal Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12.04.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 04.03.2024

ORIGINAL APPLICATION NO. 1012 OF 2023
(Mahendra S. Sangle Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

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

2. It is a part heard matter. At the request of learned Presenting Officer, S.O. to 15.03.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 608 OF 2023
(Smt. Asha K. Adode & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 15.04.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 230 OF 2023
(Rakhi C. Janwale Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 15.04.2024.

MEMBER (J)

M.A.NO. 496/2023 IN O.A.NO. 222/2023
(Vijay U. Awadhane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Heard Shri Ajay Deshpande, learned counsel for the applicants and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. On instructions, learned Chief Presenting Officer submits that short reply to the rejoinder will be filed within one week.

3. In view of the above, S.O. to 15.03.2024. Till then the interim arrangement shall continue.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.03.2024-HDD

M.A. NO. 498/2023 IN O.A. ST. NO. 1939/2023
(Anil P. Ghodke Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri Anil P. Ghodke – party in person and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. On request of party-in-person, S.O. to 05.04.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 04.03.2024

ORIGINAL APPLICATION NO. 891/2023
(Nagesh A. Hippargekar Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

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

2. The learned counsel for the applicant submits that all the respondents are served and the service affidavit in that regard has been filed in the office. In spite of that the matter is shown in the Await Service matters' category. Remark be removed.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of the respondents. Time granted.

4. S.O. to 08.04.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 787/2023
(Sunil K. Gangurde & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 04.03.2024

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned counsel for the applicants and Shri M.B. Bharaswadkar, learned Presenting Officer for the respondent authorities.

2. On request of learned counsel for the applicants, re-issue notices to the respondents, returnable on 08.04.2024.

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

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

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

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

7. S.O. to 08.04.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 494/2022
(Balu D. Kruhade Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned Chief Presenting Officer, on instructions, submits that within a week the costs amount will be deposited. In the circumstances, list the matter for further consideration on 05.04.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 04.03.2024

ORIGINAL APPLICATION NO. 785/2023
(Sushant V. Tope Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Heard Shri M.C. Swami, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent no. 02. Same is taken on record and copy thereof is supplied to other side. Learned P.O. submits that respondent no. 01 may not file separate affidavit in reply and adopts reply filed by respondent no. 02. Pleadings are complete.

3. List the matter for hearing on 08.04.2024. In the meantime, it is open for the applicant to file rejoinder affidavit, if he so desires.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 495/2022
(Datta S. Yelake Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned counsel for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer, on instructions, submits that within a week the costs amount will be deposited. In the circumstances, list the matter for further consideration on 05.04.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 04.03.2024

ORIGINAL APPLICATION NO. 130/2023
(Baban S. Ghodge Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Heard Shri I.D. Maniyar, learned counsel for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer seeks time to file affidavit in reply. The notice is served upon the respondents sometime in February, 2023. Thereafter due opportunities are availed. However, in the interest of justice, last chance is granted of 02 weeks. If the reply is not filed on the next date, the matter will be heard without reply.

3. S.O. to 18.03.2024.

MEMBER (A)

VICE CHAIRMAN

C.P. NO. 21/2024 IN O.A. NO. 421/2023
(Dinesh Suresh Thakur Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Heard Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the petitioner and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the petitioner submits that as ordered by this Tribunal the representation has been decided by the appropriate authority. Request is, therefore, made for disposing of the present Contempt Petition. Communication received to the learned counsel in this regard is placed on record. Same is taken on record.

3. In view of the submissions made, the Contempt Petition stands disposed of. No order as to costs.

MEMBER (A)

VICE CHAIRMAN

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

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

DATE : 04.03.2024

ORAL ORDER :

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

2. S.O. to 04.04.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 04.03.2024

ORIGINAL APPLICATION NO. 243/2024
(Shobha Kanilal Kokani Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 10.04.2024.

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

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

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

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

7. S.O. to 10.04.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 251/2024
(Radhika Dilip Patil Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Heard Shri Suresh W. Munde, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant seeks leave to add the Deputy Director of Sports & Youth Services, Nashik Region, Nashik and the private persons who may be affected, if the present O.A. is allowed, as party respondents in the present matter. Leave granted as prayed for. Amendment be carried out within a week and amended copy of O.A. be provided to other side.

3. The learned counsel submits that without giving adequate time to produce on record the Sports Verification Certificate the respondents have excluded the name of the present applicant from the selection list from Open Sports Category. The

applicant had applied for the post of Civil Engineering Assistant, Group-C from the said category. Learned counsel pointed out that in clauses 4.15.3 and 4.15.5 only requirement is that the applicant must have applied for the Sports Validity Certificate. Learned counsel in the circumstances has prayed for restraining the respondents from making appointment against the seat reserved for Open Sports Category. Learned Chief Presenting Officer sought time of four weeks to file the affidavit in reply.

4. After having gone through the relevant provisions in the advertisement there appears substance in the contentions raised by the applicant in the O.A. In the circumstances, we are inclined to pass the following order: -

ORDER

Issue notices to the respondents, returnable on 08.04.2024. **In the meantime, if the orders of appointment are issued against Open Sports Category, the same shall be subject to outcome of the present O.A.**

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

(iii) 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.

(iv) 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.

(v) 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.

(vi) S.O. to 08.04.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 250/2024
(Kalpesh Bhagwan Vanjari Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Heard Shri Suresh W. Munde, learned counsel for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant seeks leave to add the Deputy Director of Sports & Youth Services, Nashik Region, Nashik and the private person namely Shri Vishnu Bhagwan Munde as party respondents in the present matter. Leave granted as prayed for. Amendment be carried out within a week and amended copy of O.A. be provided to other side.

3. The learned counsel submits that without giving adequate time to produce on record the Sports Verification Certificate the respondents have excluded the name of the present applicant from the selection list from NT-D Sports Category. The

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O.A. NO. 250/2024

applicant had applied for the post of Civil Engineering Assistant, Group-C from the said category. Learned counsel pointed out that in clauses 4.15.3 and 4.15.5 only requirement is that the applicant must have applied for the Sports Validity Certificate. Learned counsel in the circumstances has prayed for restraining the respondents from making appointment against the seat reserved for NT-D Sports Category. Learned Presenting Officer sought time of four weeks to file the affidavit in reply.

4. After having gone through the relevant provisions in the advertisement there appears substance in the contentions raised by the applicant in the O.A. In the circumstances, we are inclined to pass the following order: -

ORDER

Issue notices to the respondents, returnable on 08.04.2024. **In the meantime, if the order of appointment is issued against NT-D Sports Category, the same shall be subject to outcome of the present O.A.**

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

(iii) 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.

(iv) 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.

(v) 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.

(vi) S.O. to 08.04.2024.

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

MEMBER (A)

ARJ ORAL ORDER 04.03.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.797/2016
(Gaurav Anil Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Heard Shri Gaurav Anil Chavan, applicant – Party in Person and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Grandfather of the applicant was an Ex-serviceman. On that basis the applicant had applied for the post of Sweeper in the Office of respondent no.4 on compassionate ground. Respondent no.4 has rejected the request of the applicant on the ground that in the said office, all the appointments including compassionate appointments are given only to the Ex-servicemen and none other.

3. Learned P.O. has brought to our notice that the department where the applicant is seeking appointment has been expressly excluded from the implementation of the scheme of compassionate appointment. Though the applicant sought to contend and bring to our notice the previous

appointments made in the office of respondent no.4 of the persons who are not the Ex-servicemen, it is noticed that all such appointments were made prior to coming into effect of the recruitment rules and the G.Rs. which exclude the office of respondent no.4 from implementation of the compassionate appointment scheme.

4. The appointments in the office of Sainik Kalyan Vibhag are governed by the rules called as “the Maharashtra recruitment to posts in the offices of Services Preparatory Institute Rules, 1979.” As provided under Rule 9 of the said Rules, the appointment to the post of Peon, Watchman or Sweeper in the Institute are made by nomination from amongst Ex-servicemen. Vide G.R. dated 31-03-2008 the Government has specifically excluded the Sainik Kalyan Vibhag, Pune and Sainiki Sevapurv Shikshan Sanshta, Aurangabad from implementing the compassionate appointment scheme as provided in the earlier G.R. dated 22-08-2005. We deem it appropriate to reproduce hereinbelow the entire said G.R., which reads thus (paper book page 129-130):

“शासन सेवेत दिवंगत झालेल्या कमचा-यांच्या कुटुंबियांच्या अनुकंपा तत्वावर गट क व गट ड वरील पदावर नियुक्ती देण्याबाबत

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O.A.NO.797/2016

concerned Collectorate seeking appointment on compassionate ground.

6. With the observations as above, O.A. stands disposed of. No order as to costs.

MEMBER (A)

YUK ORAL ORDER 04.03.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.411/2023
(Sandip D. Wayal Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri Ajay Deshpande, learned Counsel for the applicant, Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri G.N.Landge, learned Counsel for respondent no.3, are present.

2. Learned Counsel has tendered across the bar affidavit in rejoinder. It is taken on record. Copy thereof be provided to the other side.

3. S.O. to 08-04-2024.

MEMBER (A)
YUK ORAL ORDER 04.03.2024

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.375/2020, 376/2020,
418/2020, 428/2020 & 434/2020
(Amol Naikwade & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 04.03.2024

ORAL ORDER :

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

2. S.O. to 04-04-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 04.03.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.412/2022
(Omprakash H. Kothari Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant, Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Vishnu Rathod, learned Counsel holding for Shri Shamsunder B. Patil, learned Counsel for respondent no.4, are present.

2. S.O. to 01-04-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 04.03.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.426/2020
(Sunil Sahebrao Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 02-04-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 04.03.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.427/2020
(Rahul B.Chaudhare Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

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

2. S.O. to 02-04-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 04.03.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.64/2022
(Bhimrao K. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 05-04-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 04.03.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 373 OF 2022
(Dr. Vandana Pralhadrao Sonone Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2024

ORAL ORDER :

Heard Shri Uday Malte, learned counsel holding for Shri Dilip S. Mutalik, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Aggrieved by the communication dated 11.03.2022 the applicant has approached this Tribunal. The applicant was appointed as the Medical Officer in Civil Hospital at Nandurbar by the order dated 07.04.2014 and she accordingly started working as such w.e.f. 22.04.2014. It is the grievance of the applicant that on the ground that applicant did not pass Marathi Examination as prescribed in the Maharashtra Government Servants (Other than Judicial Department Servants) Marathi Language Examination Rules, 1987 (for short the Rules of 1987) that her probation has not yet been terminated and further benefits for which the applicant is entitled after being confirmed in the services also have not been given to her. It is the contention of the applicant that her mother tongue is Marathi. It is

further pointed out that the Head of the Department i.e. Civil Surgeon under whom the applicant is presently working has certified that the applicant is able to write in Marathi and understood Marathi and can also make correspondence in Marathi. Learned counsel submitted that in spite of the fact as aforesaid, on some technical grounds, the respondents have refused to exempt the applicant from appearing to the said examination and on that ground her probation period has not yet been terminated. Learned counsel, in the circumstances, submitted that it is not required for the applicant to appear for the Marathi examination and she shall be exempted from appearing to the said examination. Learned counsel submits that the aforesaid communication be set aside and the applicant be declared to have been exempted from passing Marathi examination.

3. The contention so raised on behalf of the applicant is opposed by the respondents in their affidavit in reply referring to the relevant rules. It is contended that the applicant was not having Marathi as a first language when she appeared for the 10th examination and she cleared that examination with Marathi as a second language. In the circumstances, according to the

respondents the applicant is required to mandatorily pass the aforesaid examination so that further service benefits can be released in her favour.

4. We have gone through the pleadings, as well as, documents filed on record by both the sides. We have carefully perused the Rules of 1987. After having considered those rules it appears to us that the applicant may not be required to appear for Marathi Language Examination and deserves to be declared as exempted from passing the said examination. Respondents have not denied that the mother tongue of the applicant is Marathi. The applicant has also placed on record the certificate issued by the Head of the Department i.e. the Civil Surgeon under whom she is working, certifying that the applicant is able to speak in Marathi, able to write in Devnagari and is also able to have correspondence in Marathi.

5. In view of the aforesaid two aspects it appears to us that applicant deserves to be given exemption from appearing for the Marathi Language Examination under the Rules of 1987. It is further brought to our notice that applicant has now crossed her age of 50 years. In the circumstances, she may also be entitled on the basis of her age for exemption from passing the said examination.

6. For all above reasons, we are inclined to allow the present O.A. Hence, the following order:-

ORDER

(i) The order dated 11.3.2022 issued by respondent No. 3 is quashed and set aside.

(ii) The applicant shall be deemed to have been exempted from passing Marathi Language Examination as provided under Marathi Language Examination Rules, 1987.

(iii) The respondents are directed to release the pending increments, as well as, other benefits which have not been yet granted for not passing Marathi examination by the applicant.

(iv) The Original Application stands allowed in the aforesaid terms. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN