

ORIGINAL APPLICATION NO.77/2021
(Vishvanath H. Mahindrakar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

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

2. S.O. to 23-04-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 04.04.2024

VICE CHAIRMAN

M.A.NO.239/2023 IN M.A.NO.359/2022 IN
O.A.NO.729/2022
(Dnyaneshwar B. Jadhav & Ors. Vs. State of Maharashtra & Ors.)
WITH
M.A.NO.257/2023 IN M.A.NO.563/2022 IN
O.A.NO.730/2022
(Gajanan P. Chaudhari & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicants in M.A.239/23, O.A.729/22, M.A.257/23 & O.A.730/22, and Shri V.G.Pingle, Shri V.R.Bhumkar, learned Presenting Officers for the respondent authorities, Shri Amol B. Chalak, learned Counsel for intervenors in M.A.359/2022 and Shri R.A.Joshi, learned Counsel for intervenors, are present, are present.

2. S.O. to 24-04-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 04.04.2024

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 : 04.04.2024

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 24-04-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

YUK ORAL ORDER 04.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO.811/2024
(Manikumari A. Battula Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

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

2. S.O. to 22-04-2024.

MEMBER (A)
YUK ORAL ORDER 04.04.2024

VICE CHAIRMAN

M.A.ST.554/2024 IN O.A.NO.778/2023
(Amit S. More Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO.778/2023
(Vitthal G. Shinde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Heard Shri Sanket S. Kulkarni, learned Counsel for the applicant in M.A.St.554/24, Shri A.S. Deshmukh, learned Counsel for applicants in O.A.778/23, Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri Ganesh P. Darandale, Shri J.B.Choudhary, Shri A.S.Khedkar, Shri S.N.Pagare, Shri Mahesh K. Bhosale, Sanket S. Kulkarni, Shri D.T.Devane, learned Counsel for respective respondents in the matter.

2. When the present matter was taken up for hearing learned Counsel appearing for the respondents have sought time to work out the matter finally. Though interim relief is there in the present matter, the issue which has been raised deserves to be decided at the earliest.

=2= M.A.ST.554/24 IN O.A.NO.778/23

3. However, after having heard learned Counsel for respondents, on request and with consent of all of them, the matter stands adjourned to 22-04-2024. Matter will be first on board on the said date after urgent admission matters. On the said date adjournment will not be granted.

4. S.O. to 22-04-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

YUK ORAL ORDER 04.04.2024

VICE CHAIRMAN

M.A.NO.140/2024 IN O.A.NO.307/2024
(Pravin D. Chaware & Ors. Vs. State of Maharashtra & Ors.)

M.A.NO.135/2024 IN O.A.NO.307/2024
(Deepak W. Chandure & Ors. Vs. State of Maharashtra & Ors.) &

M.A.NO.136/2024 IN O.A.NO.307/2024
(Pravin D. Chaware & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Heard Shri S.D.Joshi, learned Counsel for the applicants in M.A.140/24 in O.A.307/24, Shri A.S. Deshmukh, learned Counsel for applicants in M.A.135/24, Shri V.B.Wagh, learned Counsel for applicants in M.A.136/24 and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Arguments in M.A.Nos.135/24 & 136/24 are heard and reserved for order.

3. S.O. to 10-04-2024 so far as M.A.140/24 in O.A.307/24 is concerned.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 04.04.2024

C.P.NO.19/2024 IN O.A.NO.532/2023
(Prakash Hiralal Khaprde Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri Ajay Deshpande, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. files a short affidavit on behalf of respondent no.4. It is taken on record. Copy thereof has been served on the other side.

3. Today Dr. Nagnath Gangasagre, Dean, Government Ayurvedic College, Dharashiv is present in person. When the matter is taken up for consideration, learned Counsel for the applicant had left the Court Hall. The officer who is present on behalf of respondents need not to remain present on the next date.

4. Keep the matter tomorrow i.e. on 05-04-2024 for further consideration.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 04.04.2024

**M.A.ST.NO. 1516/2023 IN O.A.ST.NO. 1517/2023
(Ashok W. Gosavi Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Heard Shri Umakant B. Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. **By keeping the point of locus open**, issue notice to respondents in M.A., returnable on 14.06.2024.
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// M.A.1516/2023 in
O.A.St.1517/2023

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 14.06.2024.

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

MEMBER (J)

sas ORAL ORDER 04.04.2024

**ORIGINAL APPLICATION ST.NO. 356 OF 2024
(Dattatraya M. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

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

2. Even though the circulation is sought, none present for the applicant.

3. S.O. to 02.07.2024.

MEMBER (J)

Later On:-

Shri V.B. Kulkarni, learned counsel for the applicant is present.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 395 OF 2024
(Nagnath S. Salegaonkar Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Heard Shri Prasad B. Kadam, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 19.06.2024.

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. 395/2024

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. Learned Presenting Officer is directed to call the record and proceedings in respect of the objection entertained by the S.D.O. in connection with the appointment of respondent No.2 in this regard. **Needless to say that the appointment of respondent No.2 to the post of Police Patil of village Deogaon, Tq. Selu Dist. Parbhani is subject to outcome of this Original Application.**

8. S.O. to 19.06.2024.

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

MEMBER (J)

**O.A.NO. 1119/2023 WITH CAVEAT NO. 40/2023
(Dr. Milind V. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Shri Rahul S. Pawar, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri J.B. Choudhary, learned counsel for respondent No.5, are present.

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

3. S.O. to 22.04.2024 for hearing **in urgent category**.

MEMBER (J)

sas ORAL ORDER 04.04.2024

**ORIGINAL APPLICATION NO. 1087 OF 2023
(Pramod M. Kathane Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Heard Shri M.M. Mullas, learned counsel holding for Shri Y.B. Pathan, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions seeks leave to withdraw the present Original Application.

3. Leave as prayed for is granted.

4. The Original Application is accordingly disposed of as withdrawn. No costs.

MEMBER (J)

**ORIGINAL APPLICATION NO. 332 OF 2022
(Rohit B. Salve Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

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

2. Even though the last chance is granted, no reply has been filed on behalf of respondents.

3. List the matter for admission hearing on 02.05.2024 with liberty to other side to reply, if any, till then.

MEMBER (J)

T.A.NO. 15/2023 (W.P.NO. 3146/2023)
(Dwarkabai w/o Deceased Janardhan Aher Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. 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 granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 06.05.2024.

MEMBER (J)

sas ORAL ORDER 04.04.2024

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

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

DATE : 04.04.2024

ORAL ORDER :

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

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

3. S.O. to 03.05.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 650 OF 2023
(Gangadhar G. Sontakke Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri K.B. Bhise, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri K.G. Salunke, learned counsel for respondent No.3, are present.

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

3. S.O. to 11.06.2024.

MEMBER (J)

**M.A.NO. 71 OF 2024 IN O.A.ST.NO. 2406 OF 2023
(Popat S. Pote Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Shri A.G. Ambetkar, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent No. 2. The same is taken on record and copy thereof is given to other side.

3. List the matter for hearing on 02.05.2024.

MEMBER (J)

sas ORAL ORDER 04.04.2024

ORIGINAL APPLICATION NO. 73 OF 2022
(Chakardhar P. Wadje Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No.2, are present.

2. By consent of parties, S.O. to 25.06.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 727 OF 2022
(Laxman N. Mahure Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Shri Rakesh N. Jain, learned counsel holding for Shri P.H. Patil, 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 11.06.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 04.04.2024

M.A.NO. 214/2023 IN O.A.ST.NO. 612/2023
(Babasaheb D. Puri Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri K.B. Bhise, learned counsel holding for Shri M.V. Dhongade/R.D. Bhalerao, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent Nos. 2 to 5, are present.

2. At the request of learned counsel for applicant, S.O. to 18.04.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 04.04.2024

**ORIGINAL APPLICATION NO. 362 OF 2019
(Neelabai A. Done & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 12.06.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 04.04.2024

**ORIGINAL APPLICATION NO. 898 OF 2019
(Babu K. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 12.06.2024 for final hearing.

MEMBER (J)

**O.A.NO. 989 OF 2023 WITH M.A.NO. 571 OF 2023
(Pradip B. Ekshinge Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Heard Shri A.O. Mane, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that by order dated 01.02.2024, the suspension passed as against the applicant has been revoked. Learned counsel for the applicant has produced the copy of said order dated 01.02.2024. The same is taken on record and marked as document 'X' for the purpose of identification.

3. Learned counsel for the applicant thus on instructions from the applicant seeks leave to withdraw the Original Application as well as Misc. Application.

4. Leave as prayed for is granted.

5. In view of above, the Original Application as well as Misc. Application are disposed of as withdrawn. No order as to costs.

MEMBER (J)

**O.A.NOS. 369/2021, 1150/2022 AND 626/2022
(Naushadbee Ibrahim Shaikh & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Shri M.B. Kolpe, learned counsel for the applicant in O.A.No. 626/2022 and holding for Shri S.B. Choudhari, learned counsel for the applicant in O.A.No. 369/2021 and for V.V. Ingale, learned counsel for applicant in O.A.No. 1150/2022, and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicants seeks time to file amendment application on certain grounds. Time granted.

3. S.O. to 20.06.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 63 OF 2022
(Sandeep S. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicants 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 10.06.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 04.04.2024

**O.A.NOS. 773/2023, 935/2022, 1152/2022,
112/2023, 113/2023
(Neelabai A. Done & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Shri S.G. Salunke, learned counsel for the applicants in all these O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. At the request of learned counsel for the applicants, S.O. to 20.06.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 04.04.2024

T.A.NO. 02/2023 (W.P.NO. 12920/2022)
(Shobha S. Muttewar Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri M.V. Chatge, 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 P.O., time granted for filing affidavit in reply on behalf of respondent Nos. 1 to 4.

3. S.O. to 02.05.2024 for filing reply on behalf of respondent Nos. 1 to 4/for final hearing.

MEMBER (J)

sas ORAL ORDER 04.04.2024

**ORIGINAL APPLICATION NO. 760 OF 2022
(Hitesh S. Vispute Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri Y.M. Patil, learned counsel for respondent No.4, are present.

2. At the request of learned counsel for the applicant, S.O. to 10.06.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 525 OF 2021
(Guruling N. Tanwade Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No.3, are present.

2. This is a part heard matter.

3. Learned counsel for the applicant seeks short time to file additional affidavit of the applicant to the extent that the applicant is now not raising any objection for withdrawing one increment i.e. dated 01.07.2008.

4. Learned counsel for the applicant submits that the short affidavit is necessary for the reason that the applicant has raised an objection before the respondent No.3 for sanction of 3rd Time Bound Promotion by withdrawing the said increment and therefore, the said proposal has been sent back to the office of respondent No.2.

5. S.O. to 15.04.2024 for further hearing. The interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 142 OF 2024
(Arun D. Langde Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

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

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 2 and 3. The same is taken on record and copy thereof is given to other side.

3. Learned counsel for the applicant submits that the applicant is not willing to file any rejoinder.

4. List the matter for admission hearing on 18.06.2024.

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 : 04.04.2024

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. This is a part heard matter.

3. At the request of learned counsel for the applicant, S.O. to 02.05.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 161 OF 2024
(Rajeshri R. Gode Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Heard Shri R.S. Pawar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Not on board. Taken on board.
3. Learned counsel for the applicant submits that inadvertently the notices were not collected.
4. In view of same, the returnable date is extended by four weeks.
5. S.O. to 03.05.2024.

MEMBER (J)

**M.A.ST.NO. 813 OF 2024 IN O.A.NO. 929 OF 1999
(Narayan Nimbaji Wakchaure Vs. State of Maharashtra &
Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Heard Shri I.S. Thorat, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that by mistake he has taken photos of the documents annexed at page Nos. 39 to 46, on his mobile. Learned counsel for the applicant thus tendered his unconditional and sincere apology for the same and seeks permission to replace these documents with the certified copies. The same is accepted, however, the Registrar of this Tribunal is directed to enquire into the matter and submit the report as to who is the employee permitted the learned counsel to take photos like this.

3. Learned counsel for the applicant is permitted to replace these documents by obtaining the certified copies.

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

MEMBER (J)

**O.A.NOS. 1073/2022, 936/2022, 83/2023, 226/2021
AND 589/2021
(Gajanan S. Bachipale & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

S/Shri S.R. Kolhare, V.Y. Patil, Mirza Mazhar J. Baig, P.S. Gaikwad & Rackhi V. Sundale, learned counsel for the applicants in respective O.As., Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all matters and Smt. Suchita Dhongde, learned counsel holding for Shri A.S. Dhongde, learned counsel for respondent No.3 in O.A.No. 83/2023,

2. S.O. to 20.06.2024 for final hearing.

MEMBER (J)

M.A.NO. 139/2024 IN O.A.ST.NO.828/2024
(Varsha Bapu Masal & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Heard Ms. Amita D. Chate, learned counsel for the applicants and Shri M.B. Bharaswadkar, learned Presenting Officer for respondent authorities.

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

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION ST.NO. 828 OF 2024
(Varsha Bapu Masal & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Heard Ms. Amita D. Chate, learned counsel for the applicants and Shri M.B. Bharaswadkar, learned Presenting Officer for respondent authorities.

2. Learned counsel for the applicants submits that both these applicants have applied for the post of Police Sub Inspector in pursuance of the advertisement issued by respondent No. 2 i.e. Maharashtra Public Service Commission (for short 'the Commission') on 23.06.2022. Learned counsel submitted that both these applicants have succeeded in the written examination and they are now required to undergo the field test/physical test. Learned counsel pointed out that the schedule of the physical test has been published by the Commission and the applicants have some grievance in regard to the dates, which are fixed for such physical test as well as the changes effected in the manner of field/physical test.

3. Applicants are female candidates who have succeeded in the written examination. Learned counsel submits that suddenly criteria has been changed and the

physical test has been made more harder than it was earlier. Learned counsel submitted that considering that the applicants who will be appearing for the said post are the students and also considering the torrid heat of summer, to undergo the physical test and running to 400 Mtr. will be bit difficult for the female candidates. In the circumstances, the Original Application has been filed claiming the following reliefs: -

“A) Kindly called for record and proceedings;

B) By allowing this Original Application, the respondent No. 2 may kindly be directed to change 2021's criteria of physical test of the Women for Police Sub Inspectors posts which is published in Appendix-B of Maharashtra Subordinate Group-B Mains Exmination-2021 (Police Sub Inspector) and apply the old 2020's criteria which is published in Appendix-B of Maharashtra Subordinate Group-B Mains Examination -2022 (Police Sub Inspector) to it. And extend the date of physical test of the candidates of Police Sub Inspectors posts which is scheduled on April 15- 2 May 2024 in view of torrid heat of the month April and May;

C) Kindly be declared and hold that, 2021's criteria to physical test of the Women of Police Sub Inspectors posts which is published in Appendix-B of the Mains Examination-2021 (Police Sub Inspector) is arbitrary and liable to quashed and set aside;

D) Pending hearing and final disposal of this Original Application, kindly stayed the schedule of

physical test of candidates of Police Sub Inspectors posts which is scheduled in between April 15 -2 May 2024 as per notification dated 21.03.2024 and dated 1.04.2024;

E) Ad-interim relief in terms of prayer Clause-“C” and “D” may kindly be granted in favour of the applicant;

F) Any other just and equitable relief may kindly be granted in favour of the present applicants.”

4. Learned counsel submitted that having regard to the prayers made in the O.A. by the applicants interim relief be granted restraining the respondents from conducting the physical test during the period between 15th of April and 2nd of May, 2024 as has been declared by the Commission.

5. Learned counsel has also placed on record the copy of the order passed by the Hon’ble High Court of Madhya Pradesh Bench at Jabalpur in **W.P. No. 11972/2022, Shailesh Kumar Tiwari Vs. the State of Madhya Pradesh and Others decided on 30.05.2022.** Learned counsel has also tendered the copies of the newspaper cuttings to buttress her contention that the heat has impacted the lives of the people. The emphasis was on the news item in regard to the Kharghar incident,

which was arranged in the open ground, wherein 13 persons were reported to have died because of sunstroke.

6. Shri Mahesh B. Bharaswadkar, learned C.P.O. has opposed for grant of any such interim relief. Learned C.P.O. submitted that criteria as has been fixed is rational and it cannot be said to be harder. Learned C.P.O. submitted that before approaching this Tribunal, the applicants have not availed alternate remedy of approaching the Commission, which could have taken decision on the request of the applicants.

7. We have considered the submissions made on behalf of the applicants as well as the respondents. It is alleged that the physical test is made harder than it was earlier. It is the further contention that the criteria for physical test which was in practice till 2020 has been abruptly changed, which may be difficult for the female candidates. On our query, it is informed that 400 Mtr. running test and the long jump are the tests which are newly introduced and are more difficult. It is further contended that the period chosen for physical test i.e. from 5th April to 2nd May is also unsuitable. It is contended that the period of torrid heat could have been avoided by the respondents, more particularly for the female candidates, the aforesaid cannot be appropriate

for physical test. Learned counsel has referred to the order passed by the Hon'ble High Court of Madhya Pradesh in W.P. No. 11972/2022 on 30.05.2022.

8. It is difficult to agree with the submissions made on behalf of the applicants that the physical test has been made more harder. When the applicants, are aspiring for the post of Police Sub Inspector, prima facie, it does not appear to us that 400 Mtr. running or test of long jump can be in any way said to be a harder or harsh criteria. Secondly, insofar as the schedule for the physical test is concerned, it appears to us that the applicants must have approached the Commission for ventilating their grievances in that regard. The applicants have admittedly not availed that remedy. Had the applicants approached the Commission, the Commission would have certainly given some solution and could have made the alternate arrangements, if required. No order can be passed in this regard on a presumption that the Commission has turned down the request of the applicants. In the circumstances, it would be unfair and unjust to grant any interim relief as has been prayed for by the applicants without hearing the Commission. We, therefore, deem it appropriate to issue notice to the Commission, as well as, other

respondents and call upon them to submit their say in regard to the prayer made for interim relief.

9. After having dictated the order as aforesaid in the open court, at this juncture and when the order is yet to be completed the learned counsel appearing for the applicant submitted that the Tribunal may reject the request for interim relief. It is to be stated that the learned counsel cannot dictate what order to be passed by the Tribunal. The Tribunal has expressed that for the reasons recorded by it, it may not be possible to grant any relief without hearing the Commission. Learned counsel has exceeded her limits in making the aforesaid submission. In the result, the following order is passed:-

ORDER

- (i) Issue notices to the respondents, returnable on 15.04.2024.
- (ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- (iii) Applicant 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.

:: -7 - ::

O.A. NO. 828/2024

(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 are directed to file affidavit of compliance and notice.

(vi) S.O. to 15.04.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

O.A.NO. 894/2023 WITH M.A.ST.NO. 794/2024
(Ramkisan Lala Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Heard Shri A.D. Sugdare, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities.

2. It is the grievance of the applicant that despite his strenuous efforts to get determined deemed dates of his promotion first to the post of Assistant Superintendent and then Superintendent, since his representation in that regard has been kept pending by respondent No. 3, he is deprived of the further promotion. Learned counsel for the applicant pointed out that the directions are also issued by respondent No. 2, Joint Director to respondent No. 3, the Deputy Director, Health Services, Aurangabad to decide the said representation and submit proposal with all priority. The copy of the said letter written by the Joint Director of Health Services to the Deputy Director of Health Services on 10.1.2024 is tendered on record by the learned counsel appearing for the applicant. Learned counsel submitted that previous to this also on 20.11.2022 the Joint Director has directed

respondent No. 3 to decide the representation of the applicant.

3. Learned counsel for the applicant further pointed out that during pendency of the present O.A. on 16.03.2024 the promotions are effected and the juniors to the applicant have been promoted. Learned counsel submitted that though the applicant was entitled to be promoted he is deprived of the said promotion only because his request for grant of deemed date on the post of Assistant Superintendent and thereafter on the post of Superintendent has not been decided by respondent No. 3.

4. After having served with the notice in the present matter, the respondents have failed in filing affidavit in reply. Today, request was made for grant of further time for filing affidavit in reply. The said request is rejected since due opportunities are already granted to the respondents.

5. It appears to us that the prayer made by the applicant deserves to be granted. The request for grant of deemed date is to be decided by the officer concerned on the basis of the rules and regulations in that regard. It is not understood as to why respondent No. 3 has not decided the said representation and kept it pending for

**:: - 3 - :: O.A.NO. 894/2023 WITH
M.A.ST.NO. 794/2024**

more than two years. Further, it's a matter of serious concern that respondent No. 3 did not pay heed to the direction given by the Joint Director. Applicant belongs to VJNT. According to him, the persons junior to him have been wrongly promoted earlier to him and in the circumstances, he has been praying for deemed date for his promotions to the post of Assistant Superintendent and Superintendent. Respondent No. 3 was under an obligation to decide the representation of the applicant on its own merit within reasonable period. Respondent No. 3 has shown utter negligence by keeping the said representation undecided for years together.

6. In the circumstances, we deem it appropriate to pass the following order:-

ORDER

(i) Respondent No. 3 is directed to take a decision on the representation/s submitted by the applicant on 26.9.2022 and thereafter on 6.3.2023 for grant of deemed date for his promotion to the post of Assistant Superintendent and Superintendent within a period of two weeks from the date of this order.

**:: - 4 - :: O.A.NO. 894/2023 WITH
M.A.ST.NO. 794/2024**

(ii) The Original Application stands allowed in the aforesaid terms.

(iii) Since Original Application itself stood disposed of today, nothing survives in the Misc. Application and the same also stands disposed of. There shall be no order as to costs.

(iv) There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

ORIGINAL APPLICATION NO. 391 OF 2024
(Shailesh Jagannath Pankhade Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities.

2. Issue notices to the respondents, returnable on 22.04.2024.

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 22.04.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 202 OF 2024
(Ashok Sambhaji Rode Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 15.04.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

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

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

DATE : 04.04.2024

ORAL ORDER :

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

2. Since none appears for the applicant, S.O. to 03.05.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

ORIGINAL APPLICATION NO. 384 OF 2024
(Pratibha Maruti Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for respondent authorities.

2. On instructions, learned counsel for the applicant seeks leave of this Tribunal to withdraw the present Original Application with liberty to avail appropriate remedy. Hence, the following order: -

ORDER

The Original Application stands disposed of since withdrawn with liberty as prayed for. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 108 OF 2024
(Anand Shaligram Thakur Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel holding for Shri A.K. Tiwari, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.
3. S.O. to 14.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

ORIGINAL APPLICATION NO. 262 OF 2024
(Vinod Arjun Wagh & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri Majit S. Shaikh, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 08.05.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

C.P.NO. 68/2023 IN O.A.NO. 30/2021

(Kedarnath Ramnaji Budhwant Vs. State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 04.04.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for respondent authorities, are present.

2. Learned Chief Presenting Officer submits that against the order passed by this Tribunal, which is subject matter of the contempt, the Government has filed Writ Petition before the Hon'ble Bombay High Court. In view of the information so received, the matter is adjourned to 16.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

ORIGINAL APPLICATION NO. 338 OF 2024
(Afran Fahim Syed Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri Taher Aliquadri Pathan Ziya J., learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for respondent authorities, are present.

2. Learned counsel for the applicant submits that fresh notice be issued to respondent No. 5. If all other respondents are served, the service affidavit be filed in the registry.

4. Issue fresh notice to respondent No. 5, returnable on 06.05.2024.

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

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

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

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

9. S.O. to 06.05.2024. Interim relief granted earlier to continue till then.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 866 OF 2019
(Santoshsing K. Rajput Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri K.V. Patil, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for respondent authorities and Shri K.B. Jadhav, learned counsel for respondent Nos. 6 & 11, are present.

2. Learned Chief Presenting Officer has sought time for filing affidavit in reply. Due opportunities are already availed. However, in the interest of justice, Time is granted by way of last chance till 07.05.2024.

3. S.O. to 07.05.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

ORIGINAL APPLICATION NO. 1018 OF 2023
(Faizulkhan Sher Khan Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri Zia-Ul-Mustafa, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. Learned counsel for the applicant has filed written notes of arguments and the same is taken on record.

3. S.O. to 05.04.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

C.P.NO. 30/2024 IN O.A.NO. 463/2019

(Ravikant Ramakant Hadoltikar Vs. State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 04.04.2024

ORAL ORDER :

Heard Smt. Sanjivani Deshmukh-Ghate, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for respondent authorities.

2. Issue simple notice to respondent No. 3, returnable on 18.06.2024.

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 18.06.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

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

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

DATE : 04.04.2024

ORAL ORDER :

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

2. Since nobody appears for the applicant, S.O. to 03.05.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

M.A.NO. 277/2019 IN O.A.ST.NO. 9/2019
(Kishan Eranna Vibhute & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 04.04.2024

ORAL ORDER :

Heard Shri Yashodeep Deshmukh, learned counsel holding for Shri A.D. Kaware, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities.

Shri R.D. Kulkarni, learned counsel for respondent No. 7 (**absent**).

2. The present Misc. Application has been filed by the applicants seeking condonation of delay, which has occasioned in filing accompanying Original Application.

3. After having gone through the contents of the O.A. and the prayers made therein, it appears to us that the delay will have some impact on the reliefs which are claimed in the accompanying O.A. In the circumstances, we deem it appropriate to hear the M.A. as well O.A. together.

4. Issue common notice to the respondents in O.A. and M.A., returnable on 18.06.2024.

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

:: - 2 - ::

**M.A.NO. 277/2019 IN
O.A.ST.NO. 9/2019**

4. Applicant 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 18.06.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

ORIGINAL APPLICATION NO. 76 OF 2024
(Abuzar Moshin Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri Kiran G. Salunke, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant is not intending to file any rejoinder affidavit. List the matter for hearing on 10.05.2024.
3. S.O. to 10.05.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

ORIGINAL APPLICATION NO. 89 OF 2024
(Dnyaneshwar Parmeshwar Sirsat Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri Kiran G. Salunke, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 10.05.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

ORIGINAL APPLICATION NO. 659 OF 2022
(Navnath Chandulal Ugalmugale Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri Kiran G. Salunke, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant is not intending to file any rejoinder affidavit. List the matter for hearing on 20.06.2024.

3. S.O. to 20.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

ORIGINAL APPLICATION NO. 662 OF 2023
(Rajesh Ramkrishna Potpallewar Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Ms. Rutuja Kulkarni, learned counsel holding for Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities, 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 20.06.2024. In the meanwhile it would be open for the applicant to file rejoinder affidavit, if he so desires.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

ORIGINAL APPLICATION NO. 119 OF 2024
(Sanjay Janardhan Khade Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

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

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 08.05.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

C.P.NO. 22/2024 IN O.A.NO. 312/2019
(Dr. Ashok Panditrao Misal Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Heard Shri Jayant S. Deshmukh, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for respondent authorities.

2. Shri M.B. Kolpe, learned counsel submitted that in the present matter though he is instructed to appear for Secretary, Maharashtra Public Service Commission, VAKALATNAM which is received is signed by the Deputy Secretary. He has, therefore, sought time to submit VAKALATNAMA duly signed by the Secretary. He undertakes to file VAKALATNAMA within one week and sought time to file reply on behalf of the said respondent. Time granted.

3. S.O. to 16.04.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

M.A.NO. 839/2024 IN O.A.NO. 614/2022 & CONNECTED MATTERS

(Maharashtra Public Service Commission through its Secretary Vs. the State of Maharashtra & Ors.)

SPEAKING TO MINUTES

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 04.04.2024

ORAL ORDER :

S/Shri A.D. Sugdare, J.S. Deshmukh, V.S. Kadam, A.S. Deshmukh, V.S. Valse and S.N. Pagare, learned counsel for the respective applicants in respective matters, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these matters and Shri M.B. Kolpe, learned counsel for respondent No. 2 in O.A. No. 790/22, 838/22 & 839/22 and for respondent No. 3 in other OAs.

2. Not on board. Taken on board at the request of Shri M.B. Kolpe, learned counsel for Maharashtra Public Service Commission.

3. This is motion after disposal of the O.A. No. 614/2022 & connected matters seeking extension of time for compliance of the order passed by this Tribunal. Learned counsel submitted that some more time may be required to comply with the order passed by this Tribunal. Time is, therefore, sought to extend by 10 weeks.

// 2 //

4. Learned counsel for the applicants in all these matters though do not have any objection for extension of time, they have objected for giving so much time. Hence, the following order: -

ORDER

Time extended for compliance of the order passed by this Tribunal on 29.02.2024 in O.A. No. 614/2022 & connected matters by 05.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

ORIGINAL APPLICATION NO. 508 OF 2020
(Bhojane Sangita Prabhakar Vs. the State of Maharashtra & Ors.)

SPEAKING TO MINUTES

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

DATE : 04.04.2024

ORAL ORDER :

Smt. Vinaya Muley, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Not on board. Taken on board at the request of learned counsel for the applicant.

3. This is motion for speaking to minutes. It is brought to our notice that the judgment was dictated in the Open Court on 07.03.2024, however, the date has been mentioned as '07.02.2024'. Hence, the following order: -

ORDER

- (i) The Registrar of this Tribunal is directed to correct the date as '07.03.2024' in place of '07.02.2023'.
- (ii) The corrected copy be issued to all concerned.
- (iii) Motion for speaking to minutes stands disposed of.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 375 OF 2024
(Machindra B. Padale Vs. the State of Maharashtra & Ors.)

SPEAKING TO MINUTES

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

DATE : 04.04.2024

ORAL ORDER :

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

2. Not on board. It is taken on board at the request of learned counsel for the applicant.

3. This is motion for speaking to minutes. Learned counsel pointed out that in the order passed by this Tribunal on 01.04.2024 notice has been issued only against respondent No. 1, whereas respondent No. 2 is contesting respondent and notice is to be issued to the said respondent also. Hence, the following order: -

ORDER

Issue notice to respondent No. 2 also, returnable on 16.04.2024. Necessary correction be carried out.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.04.2024-HDD

**ORIGINAL APPLICATION NO. 548 OF 2022
(Dilip R. Bari Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

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

2. It is a part heard matter. By consent, S.O. to 12.04.2024 for further hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 433 OF 2022
(Prakash B. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 06.05.2024 for hearing.

MEMBER (J)

O.A. Nos. 799 and 800 both of 2022
(Suresh B. Jadhav & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicants in both the O.As. and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities in both the O.As., are present.

2. Learned Presenting Officer in compliance with the order dated 14.03.2024 submits that being aggrieved by the judgment and order passed in O.A. No. 756/2020, the State has preferred W.P. No. 10793/2022 before the Hon'ble High Court of Bombay, which is still pending.

3. Learned Presenting Officer is directed to place on record copy of the said W.P. and the orders passed therein, if any.

4. Learned counsel for the applicants also seeks time to take specific instructions in this regard. Time granted.

5. S.O. to 08.05.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 805 OF 2022
(Balu B. Chopde Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Shri S.S. Tandale, learned counsel for the applicant (**Absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 21.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 860 OF 2022
(Harichandra A. Gawali Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Heard 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.

2. Learned Presenting Officer submits that despite communicating the order dated 18.12.2023 passed by this Tribunal to all the respondents, there is no response.

3. In view of above, the respondent Nos. 2 and 3 are hereby directed to remain present before this Tribunal either in person or through their authorized representatives, who are well instructed and conversant with the issue raised in the present Original Application on the next date of hearing.

4. S.O. to 23.04.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1138 OF 2022
(Nilesh S. Salve Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Shri Dipesh Pande, 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 rejoinder affidavit. Time granted.
3. S.O. to 20.06.2024 for hearing.

MEMBER (J)

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 : 04.04.2024

ORAL ORDER :

Heard Shri K.B. Bhise, learned counsel holding for Shri V.D. Gunale, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.P. Dhobale, learned counsel holding for Shri K.P. Rodge, learned counsel for respondent No. 3.

2. Part heard.

3. By consent, S.O. to 12.04.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 479 OF 2023
(Laxmikant V. Deshpande Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri R.N. Bharaswadkar, learned counsel for the applicant (**Absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 21.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 504 OF 2023
(Avinash S. Panpatte Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

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

2. Learned counsel for the applicant has placed before this Tribunal a copy of order dated 10.11.2023 passed by the Collector, Nanded and pointed out that one Shri Balasaheb T. Bharade has been posted on the transferred post of the applicant as per the impugned order. Learned counsel submits that in view of the same, there is no vacancy at Tahsil Office, Mukhed. The applicant is presently working at Tahsil Office, Kandhar in terms of the interim order passed by this Tribunal dated 27.06.2023.

3. In view of above, learned Presenting Officer is directed to take specific instructions in this regard.

4. Learned counsel for the applicant shall also take instructions from the applicant as to whether

//2//

O.A. No. 504/2023

the applicant would submit the required options to consider his transfer at the place according to his options in the Annual General Transfers of the year 2024.

5. S.O. to 23.04.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 04.04.2024

**ORIGINAL APPLICATION NO. 508 OF 2023
(Shalini P. Bidarkar Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for 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 counsel for the applicant, S.O. to 16.04.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 542 OF 2023
(Radhabai E. Jondhale Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Shri A.D. Gawale, learned counsel for the applicant and Smt. Resha S. Deshmukh, 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. 569 OF 2023
(Bhagwan R. Shewale Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for 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 17.04.2024 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 : 04.04.2024

ORAL ORDER :

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

2. By consent, S.O. to 06.05.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 984 OF 2023
(Dr. Chandrakant R. Tammewar Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri Ashish Rajkar, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 06.05.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 112 OF 2019
(Sheela H. Mohite Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Shri S.P. Dhobale, learned counsel for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 01.07.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 584 OF 2019
(Balu S. Jambe Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Shri S.P. Dhobale, 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 25.06.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 56 OF 2020
(Anil S. Barkul Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Shri K.D. Khade, 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 08.05.2024 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 : 04.04.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicants, S.O. to 06.05.2024 for final hearing.

MEMBER (J)

**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 : 04.04.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, 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 13.06.2024 for final hearing.

MEMBER (J)

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 : 04.04.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicants 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 06.05.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 466 OF 2021
(Dr. Yashwant M. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Shri Shamsunder B. Patil, 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 11.06.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 04.04.2024

ORIGINAL APPLICATION NO. 546 OF 2023
(Kamaji M. Thombare Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Shri S.S. Randive, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Smt. Sanjicani K. Deshmukh-Ghate, learned counsel holding for Shri H.P. Kshirsagar, learned counsel for respondent No. 4, are present.

2. Learned counsel for respondent No. 4 submits affidavit in reply. Same is taken on record along with spare copy for the applicant.

3. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 to 3. Same is taken on record along with spare copy for the applicant.

4. List the matter for filing rejoinder affidavit, if any and for admission hearing on 11.06.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 437 OF 2023
(Dr. Prakash G. Kamble Vs. State of Mah. & Ors.)

ORIGINAL APPLICATION NO. 439 OF 2023
(Dr. Vidyasagar R. Patil Vs. State of Mah. & Ors.)

ORIGINAL APPLICATION NO. 440 OF 2023
(Dr. Nathrao N. Phad Vs. State of Mah. & Ors.)

ORIGINAL APPLICATION NO. 442 OF 2023
(Dr. Sudhakar G. Latpate Vs. State of Mah. & Ors.)

ORIGINAL APPLICATION NO. 443 OF 2023
(Dr. Sanjay K. Kasralikar Vs. State of Mah. & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Heard Smt. Samiksha. S. Auti, learned counsel holding for Ms. Poonam Bodke Patil, learned counsel for the applicants in all these O.As., Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As., Shri M.S. Taur, learned counsel holding for S/shri Avinash D. Aghav & G.V. Mohekar, learned counsel for respondent No. 5 in O.A. No. 437/2023 & O.A. No. 439/2023 respectively and Shri Ashish Rajkar, learned counsel holding for Shri P.V. Tapse Patil and Smt. Yogita Thorat, learned counsel for respondent No. 5 in O.A. No. 442/2023 and respondent No. 4 in O.A. No. 443/2023 respectively.

//2//

2. In terms of the order dated 15.03.2024, all the applicants have been taken into Group-A from Group-B and they have been given postings. Learned Presenting Officer has placed on record copies of the said orders dated 15.03.2024. Same are taken on record.

3. Learned counsel for the applicants on instructions from the applicants in the aforesaid matters submits that the applicants do not want to proceed with their matters, since their grievance has been redressed and in view of the said order dated 15.03.2024, nothing survives for further consideration. Learned counsel has thus placed before this Tribunal withdrawal pursis and seeks leave to withdraw all these Original Applications. Withdrawal pursis is taken on record and marked as document 'X' for identification and placed it in O.A. No. 437/2023 and copies of withdrawal pursis be kept in remaining O.As.

4. In view of above, leave granted to withdraw all these Original Applications. Accordingly, all these Original Applications are disposed of as withdrawn. No order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION NO. 348 OF 2023
(Akshay S. Tekur Vs. State of Maharashtra & Ors.)**

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

DATE : 04.04.2024

ORAL ORDER :

Shri V.B. Kulkarni, 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 20.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 829/2024
(Ganesh Prakashrao Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

Heard Shri J.B. Choudhary, learned Counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. The Office has raised an objection that the applicant has not filed departmental appeal before the higher authority under Rule 17(i) of the Maharashtra Civil Services (Discipline & Appeal) Rules 1979 (hereinafter referred to as "Rules of 1979" for short).

3. In this context learned Counsel for the applicant submits that, so far as the order of suspension passed against the applicant is concerned, the same has been passed under Rule 4 of Rules of 1979 and in terms of Rule 17(i) of the Rules of 1979, Government servant may prefer an appeal against the order of suspension made or deemed to have been made under Rule 4 of Rules of

1979. Learned Counsel for the applicant submits that in terms of Rule 18 of the Rules of 1979, appellate authorities are prescribed. Learned Counsel further submits that the said appellate authorities as prescribed in terms of Rule 18(1)(a) to decide appeal as against the order passed by the authorities subordinate to the Government officers imposing penalties on the Government servants. Learned Counsel submits that in the instant case, the suspension order passed as against the applicant is not by way of penalty and it is passed in contemplation of the departmental enquiry in terms of Rule 4(a) of the Rules of 1979. Consequently, there is no appellate authority prescribed to hear the appeal challenging the suspension order passed in contemplation of the departmental enquiry.

4. Learned Presenting Officer submits that in terms of the provisions of Rule 23 of the Rules of 1979, in case of an appeal against the order of suspension, the appellate authority shall consider whether in the light of the provisions of Rule 4 of Rules of 1979 and having regard to the circumstances of the case, the order of suspension is

justified or not and confirm or revoke the order accordingly.

5. Learned Presenting Officer submits that there is a provision to the extent of prescribing appellate authorities and also consideration of appeal by the appellate authorities and order under Rule 4 of Rules of 1979 is subjected to challenge before the said appellate authority.

6. Learned Presenting Officer submits that the applicant ought to have availed the alternate remedy by preferring departmental appeal and as such this O.A. cannot be entertained in view of the provisions of Section 20 of the Administrative Tribunals Act, 1985.

7. So far as the submissions made by the learned Counsel on behalf of the applicant to the extent of appellate authorities by referring to provisions of Rule 18 of the Rules of 1979, I find no substance in it. Learned P.O. has rightly pointed out Rule 23 of the Rules of 1979, which specifically provides the consideration of the appeal by the appellate authority if preferred against the orders passed

//4//

O.A. St. 829/2024

under Rule 4 of the Rules of 1979 and having regard to the circumstances of the case order of suspension is justified or not and confirm or revoke the order accordingly. Rule 23 sub rule (i) of Rules of 1979, which is relevant in the present context is only reproduced herein below:

“23. Consideration of appeal :-

(1) In the case of appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of rule 4 of these rules and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order, accordingly.

(2)

(3)”

8. Learned counsel for the applicant submits that the applicant was appointed as Talathi at Paithan, Taluka Paithan, Dist. Chhatrapati Sambhajinagar and he was promoted on the post of Circle Officer and he was working as Circle Officer at Paithan up to 29.06.2023. Thereafter, he was transferred and posted at Bhavsingpura, Taluka and District Chhatrapati Sambhajinagar as Circle Officer and he

//5//

O.A. St. 829/2024

joined the said post on 03.07.2023. By order dated 15.03.2024, the respondent No. 3 has placed the applicant under suspension in exercise of powers under Rule 4(1)(a) of the Rules of 1979.

9. Learned counsel for the applicant submits that in the impugned order dated 15.03.2024 (Annexure A-1) it is specifically mentioned that the applicant while mutating the names of legal heirs in 7/12 extract has not followed the provisions of Maharashtra Land Revenue Act, 1966 and sanctioned Mutation No. 1468 illegally. It is also stated in the impugned order that the applicant has not followed the provisions of Maharashtra Land Revenue Manuals Chapter-4 and failed to perform his duties as Circle Officer.

10. Learned counsel for the applicant submits that the Collector and Deputy Custodian of Evacuee Property at Chhatrapati Sambhajinagar has decided the Application No. 774/2016 by judgment and order dated 17.10.2023 and in terms of the operative part of the order clause (M) directed the Additional Tahsildar, Chhatrapati Sambhajinagar to conduct a

//6//

O.A. St. 829/2024

summery enquiry in respect of the Legal Rights of Gulam Mohiyoddin s/o Hafizoddin Natthu and his legal heirs and take appropriate decision as per law, to the extent of the claim of the applicants to enter their names in the revenue record of the lands in old survey No. 48, 51, 59, 60, 62, 85, 86, 102/2, 103/1 and 103/2 (old gut No. 46/1, 46/2, 50, 59 & 73) of village Maliwada, new gut No. 11, 12, 26, 37 and 42 of village Abdi Mandi. Learned counsel submits that the Additional Tahsildar, Chhatrapati Sambhajinagar by communication dated 06.11.2023 has directed the applicant being a Circle Officer, Bhavsingpura and Talathi Sajja Maliwada that he has conducted the enquiry into the matter and mutated the names of legal heirs as detailed in the 7/12 extract and to submit the report to that effect. Learned counsel submits that except following the orders of the superior i.e. Additional Tahsildar, the applicant has not exercised any powers independently.

11. Learned counsel for the applicant submits that in view of the factual position as above, *prima facie*, it appears that, the action of suspension has been

used for *mala fide* purpose with ulterior motive and by way of victimization. In the case of **State of Maharashtra V/s. Subhash Dhondiram Mane, [2015 (4) Bom. C.R. 563]**, relied upon by the learned Counsel for the applicant, Division Bench of the Hon'ble Bombay High Court in paragraph 9, 11, 16 has made following observations:

9. The first contention raised on behalf of the Petitioner State is that the Tribunal ought not to have entertained the Original Application in view of the alternate remedy available to the Respondent. Reliance was placed by Mr. Sakhare, on Section 20(1) and (2) of the Administrative Tribunals Act, 1985. According to Mr. Sakhare, as per Rule 17 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, a remedy of appeal against the order of suspension has been provided. Mr. Sakhare submitted that the reason given by the Respondent for not availing of this remedy that since the order is passed in concurrence of the Chief Minister and therefore no appellate authority will give a decision against him, is an untenable reason. He submitted therefore that the discretion used by the Tribunal in entertaining the application was improper and therefore the order be set aside. We do not find any merit in this submission. Section 20(1) of the Administrative Tribunal Act does not place an absolute embargo on the Tribunal to entertain an application if alternate remedy is available. It only states that the Tribunal shall not

ordinarily entertain application unless the Tribunal is satisfied that the applicant has availed the alternate remedy. This phraseology itself indicates that in a given case the Tribunal can entertain an application directly without relegating the applicant to the alternate remedy. In the present case, the Tribunal has found, on examination of various peculiar facts and circumstances, that, it will be futile to drive the Respondent to an alternate remedy. The Tribunal found that the order of suspension was based on the same grounds as the order of transfer, which was stayed and the order of suspension was an act of victimization. Having convinced that strong case for entertaining an application was made out, the Tribunal entertained the application. It was within the discretion of the Tribunal to do so. No absolute bar was shown, neither it exists. We are not inclined, at this stage, to accede to the submission of Mr.Sakhare, and set aside the impugned order on this ground alone.

10.

11. *If the above grounds are available for an employee to challenge the order of suspension and he agitates the same in his application to the Tribunal, it is necessary for the Tribunal to examine, prima facie, the case against such applicant. For consideration of the contention that the order of suspension is vitiated by malice, ulterior motive or that no strong prima facie case exists, it is necessary for the Tribunal to consider the factual matrix in that context. The decision in the case of District Forest Officer (supra) relied upon by Mr.Sakhare was in respect of challenge to a chargesheet and in that context the Apex*

Court observed that the merits of the charges would be considered at the time of the enquiry. In the case of Chandrakant Kale (supra), the Division Bench of this Court was considering the case of an employee who was dismissed from service after holding an enquiry and the period of suspension was not to be treated as duty period. When the order of suspension was put into issue, the Division Bench found that no failure of justice had occasioned as the Petitioner had a fair and reasonable opportunity to reply to the chargesheet and contest and participate in the enquiry. The facts of this case are totally different from the case at hand. The Tribunal thus, to our mind, rightly considered the factual aspect to ascertain whether the challenge raised by the Respondent fell under the available heads of challenge. The Tribunal was justified in looking at the material to find out whether the grounds of malafide and victimization made out by the Respondent were justified.

12.

13.

14.

15.

16. *We have to also keep in mind that, we are not testing the validity of the order of suspension at the first instance. This exercise has been undertaken by the Administrative Tribunal. The Petitioner State has invoked our jurisdiction under Article 226 of the Constitution of India, which is limited to see if there is patent illegality or perversity in the order challenged and if there is any gross failure*

//10//

O.A. St. 829/2024

of justice. As regard equity and failure of justice is concerned, the question of suspension of the Respondent is only relevant for next 30 days or so, as the Respondent will retire on superannuation on 30 December 2014. The Petitioner State has made a statement that an enquiry will be initiated soon which, it appears, will continue beyond the date of superannuation. If the Respondent is found guilty, he will be dealt with accordingly. Therefore, the Respondent is not going scotfree. The question is whether we should set aside the order of the Tribunal at this stage and place the Respondent under suspension. The Tribunal has rightly noted that the charges are such that the Respondent is not likely to tamper with the evidence nor influence any witness. There is no charge of misappropriation against the Respondent. It is not that the orders passed by the Respondent in office are immune from correction. The actions of the State Government as an employer must be fair and reasonable in respect of its employees.

12. It is true that, the Tribunal shall not ordinarily entertain an application unless the Tribunal is satisfied that the applicant has availed alternate remedy. *Prima facie*, it appears that the order of suspension is an act of victimization. In my considered opinion, the applicant has made out a strong case for entertaining the present application. There is no point to drive the applicant to exhaust

//11//

O.A. St. 829/2024

the alternate remedy of filing departmental appeal, as no purpose is likely to be served.

I am fortified with the view expressed by the Division Bench of the Hon'ble Bombay High Court. Considering the above facts and circumstances, following order is passed:-

ORDER

(i) Therefore, O.A. be registered and numbered in accordance with law after removal of office objections, if any. On registration of O.A., issue notice to respondents, returnable on 30-04-2024. **Till next date of hearing, interim relief in terms of prayer clause 12 (A) is granted, which is thus:**

“A) Pending hearing and final disposal of this Original Application, the execution, operation and implementation of the impugned suspension order dated 15.03.2024 may kindly be stayed.”

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

//12//

O.A. St. 829/2024

(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 30-04-2024.

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

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 837/2024
(Ashok Ramkisan Kashid Vs. State of Maharashtra & Ors.)

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

DATE : 04.04.2024

ORAL ORDER :

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

2. The Office has raised an objection that the applicant has not filed departmental appeal before the higher authority under Rule 17(i) of the Maharashtra Civil Services (Discipline & Appeal) Rules 1979 (hereinafter referred to as "Rules of 1979" for short).

3. In this context learned Counsel for the applicant submits that, so far as the order of suspension passed against the applicant is concerned, the same has been passed under Rule 4 of Rules of 1979 and in terms of Rule 17(i) of the Rules of 1979, Government servant may prefer an appeal against the order of suspension made or deemed to have been made under Rule 4 of Rules of

1979. Learned Counsel for the applicant submits that in terms of Rule 18 of the Rules of 1979, appellate authorities are prescribed. Learned Counsel further submits that the said appellate authorities as prescribed in terms of Rule 18(1)(a) to decide appeal as against the order passed by the authorities subordinate to the Government officers imposing penalties on the Government servants. Learned Counsel submits that in the instant case, the suspension order passed as against the applicant is not by way of penalty and it is passed in contemplation of the departmental enquiry in terms of Rule 4(a) of the Rules of 1979. Consequently, there is no appellate authority prescribed to hear the appeal challenging the suspension order passed in contemplation of the departmental enquiry.

4. Learned Presenting Officer submits that in terms of the provisions of Rule 23 of the Rules of 1979, in case of an appeal against the order of suspension, the appellate authority shall consider whether in the light of the provisions of Rule 4 of Rules of 1979 and having regard to the circumstances of the case, the order of suspension is

justified or not and confirm or revoke the order accordingly.

5. Learned Presenting Officer submits that there is a provision to the extent of prescribing appellate authorities and also consideration of appeal by the appellate authorities and order under Rule 4 of Rules of 1979 is subjected to challenge before the said appellate authority.

6. Learned Presenting Officer submits that the applicant ought to have availed the alternate remedy by preferring departmental appeal and as such this O.A. cannot be entertained in view of the provisions of Section 20 of the Administrative Tribunals Act, 1985.

7. So far as the submissions made by the learned Counsel on behalf of the applicant to the extent of appellate authorities by referring to provisions of Rule 18 of the Rules of 1979, I find no substance in it. Learned P.O. has rightly pointed out Rule 23 of the Rules of 1979, which specifically provides the consideration of the appeal by the appellate authority if preferred against the orders passed

//4//

O.A. St. 837/2024

under Rule 4 of the Rules of 1979 and having regard to the circumstances of the case order of suspension is justified or not and confirm or revoke the order accordingly. Rule 23 sub rule (i) of Rules of 1979, which is relevant in the present context is only reproduced herein below:

“23. Consideration of appeal :-

(1) In the case of appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of rule 4 of these rules and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order, accordingly.

(2)

(3)"

8. Learned counsel for the applicant submits that On 24.05.2014 the applicant was appointed as Talathi in Chhatrapati Sambhajinagar District under respondent No. 3. On 24.05.2014, the applicant was transferred from Sajja Gondi Tal. Ambad, Dist. Jalna to Sajja Golatgaon, Taluka and District Chhatrapati Sambhajinagar. The applicant joined at Sajja Golatgaon on 16.05.2018. On 03.11.2023, the Additional Tahsildar, Chhatrapati Sambhajinagar had issued an order assigning the additional charge

//5//

O.A. St. 837/2024

of the post of Talathi of Sajja Maliwada, Taluka and Dist. Chhatrapati Sambhajinagar to the applicant, as Mr. Yogesh Laxman Pandit, Talathi Sajja Maliwad submitted an application for Medical Leave from 19.10.2023 to 19.11.2023. In pursuance of the said order dated 03.11.2023, the applicant had immediately taken over the charge of the post of Talathi Sajja Maliwada till 20.11.2023. The applicant handed over the charge of the post of Talathi Sajja Maliwada back to Mr. Yogesh Laxman Pandit on 20.11.2023. By order dated 15.03.2024, the respondent No. 3 has placed the applicant under suspension in exercise of powers under Rule 4(1)(a) of the Rules of 1979.

9. Learned counsel for the applicant submits that in the impugned order dated 15.03.2024 (Annexure A-3) it is specifically mentioned that the applicant while mutating the names of legal heirs in 7/12 extract has not followed the provisions of Maharashtra Land Revenue Act, 1966 and sanctioned Mutation No. 1468 illegally. It is also stated in the impugned order that the applicant has not followed the provisions of Maharashtra Land

//6//

O.A. St. 837/2024

Revenue Manuals Chapter-4 and failed to perform his duties as Talathi.

10. Learned counsel for the applicant submits that the Collector and Deputy Custodian of Evacuee Property at Chhatrapati Sambhajinagar has decided the Application No. 774/2016 by judgment and order dated 17.10.2023 and in terms of the operative part of the order clause (M) directed the Additional Tahsildar, Chhatrapati Sambhajinagar to conduct a summery enquiry in respect of the Legal Rights of Gulam Mohiyoddin s/o Hafizoddin Natthu and his legal heirs and take appropriate decision as per law, to the extent of the claim of the applicants to enter their names in the revenue record of the lands in old survey No. 48, 51, 59, 60, 62, 85, 86, 102/2, 103/1 and 103/2 (old gut No. 46/1, 46/2, 50, 59 & 73) of village Maliwada, new gut No. 11, 12, 26, 37 and 42 of village Abdi Mandi. Learned counsel submits that the Additional Tahsildar, Chhatrapati Sambhajinagar by communication dated 06.11.2023 has directed the applicant being a Talathi Sajja Maliwada and Circle Officer, Bhavsingpura that he has conducted the enquiry into the matter and

//7//

O.A. St. 837/2024

mutated the names of legal heirs as detailed in the 7/12 extract and to submit the report to that effect. Learned counsel submits that except following the orders of the superior i.e. Additional Tahsildar, the applicant has not exercised any powers independently.

11. Learned counsel for the applicant submits that in view of the factual position as above, *prima facie*, it appears that, the action of suspension has been used for *mala fide* purpose with ulterior motive and by way of victimization. In the case of **State of Maharashtra V/s. Subhash Dhondiram Mane, [2015 (4) Bom. C.R. 563]**, relied upon by the learned Counsel for the applicant, Division Bench of the Hon'ble Bombay High Court in paragraph 9, 11, 16 has made following observations:

9. The first contention raised on behalf of the Petitioner State is that the Tribunal ought not to have entertained the Original Application in view of the alternate remedy available to the Respondent. Reliance was placed by Mr. Sakhare, on Section 20(1) and (2) of the Administrative Tribunals Act, 1985. According to Mr. Sakhare, as per Rule 17 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, a remedy of appeal against the order of

suspension has been provided. Mr.Sakhare submitted that the reason given by the Respondent for not availing of this remedy that since the order is passed in concurrence of the Chief Minister and therefore no appellate authority will give a decision against him, is an untenable reason. He submitted therefore that the discretion used by the Tribunal in entertaining the application was improper and therefore the order be set aside. We do not find any merit in this submission. Section 20(1) of the Administrative Tribunal Act does not place an absolute embargo on the Tribunal to entertain an application if alternate remedy is available. It only states that the Tribunal shall not ordinarily entertain application unless the Tribunal is satisfied that the applicant has availed the alternate remedy. This phraseology itself indicates that in a given case the Tribunal can entertain an application directly without relegating the applicant to the alternate remedy. In the present case, the Tribunal has found, on examination of various peculiar facts and circumstances, that, it will be futile to drive the Respondent to an alternate remedy. The Tribunal found that the order of suspension was based on the same grounds as the order of transfer, which was stayed and the order of suspension was an act of victimization. Having convinced that strong case for entertaining an application was made out, the Tribunal entertained the application. It was within the discretion of the Tribunal to do so. No absolute bar was shown, neither it exists. We are not inclined, at this stage, to accede to the submission of Mr.Sakhare, and set aside the impugned order on this ground alone.

10.

11. *If the above grounds are available for an employee to challenge the order of suspension and he agitates the same in his application to the Tribunal, it is necessary for the Tribunal to examine, prima facie, the case against such applicant. For consideration of the contention that the order of suspension is vitiated by malice, ulterior motive or that no strong prima facie case exists, it is necessary for the Tribunal to consider the factual matrix in that context. The decision in the case of District Forest Officer (supra) relied upon by Mr.Sakhare was in respect of challenge to a chargesheet and in that context the Apex Court observed that the merits of the charges would be considered at the time of the enquiry. In the case of Chandrakant Kale (supra), the Division Bench of this Court was considering the case of an employee who was dismissed from service after holding an enquiry and the period of suspension was not to be treated as duty period. When the order of suspension was put into issue, the Division Bench found that no failure of justice had occasioned as the Petitioner had a fair and reasonable opportunity to reply to the chargesheet and contest and participate in the enquiry. The facts of this case are totally different from the case at hand. The Tribunal thus, to our mind, rightly considered the factual aspect to ascertain whether the challenge raised by the Respondent fell under the available heads of challenge. The Tribunal was justified in looking at the material to find out whether the grounds of malafide and victimization made out by the Respondent were justified.*

12.

//10//

O.A. St. 837/2024

13.

14.

15.

16. *We have to also keep in mind that, we are not testing the validity of the order of suspension at the first instance. This exercise has been undertaken by the Administrative Tribunal. The Petitioner State has invoked our jurisdiction under Article 226 of the Constitution of India, which is limited to see if there is patent illegality or perversity in the order challenged and if there is any gross failure of justice. As regard equity and failure of justice is concerned, the question of suspension of the Respondent is only relevant for next 30 days or so, as the Respondent will retire on superannuation on 30 December 2014. The Petitioner State has made a statement that an enquiry will be initiated soon which, it appears, will continue beyond the date of superannuation. If the Respondent is found guilty, he will be dealt with accordingly. Therefore, the Respondent is not going scotfree. The question is whether we should set aside the order of the Tribunal at this stage and place the Respondent under suspension. The Tribunal has rightly noted that the charges are such that the Respondent is not likely to tamper with the evidence nor influence any witness. There is no charge of misappropriation against the Respondent. It is not that the orders passed by the Respondent in office are immune from correction. The actions of the State Government as an employer must be fair and reasonable in respect of its employees.*

12. It is true that, the Tribunal shall not ordinarily entertain an application unless the Tribunal is

//11//

O.A. St. 837/2024

satisfied that the applicant has availed alternate remedy. *Prima facie*, it appears that the order of suspension is an act of victimization. In my considered opinion, the applicant has made out a strong case for entertaining the present application. There is no point to drive the applicant to exhaust the alternate remedy of filing departmental appeal, as no purpose is likely to be served.

I am fortified with the view expressed by the Division Bench of the Hon'ble Bombay High Court. Considering the above facts and circumstances, following order is passed:-

ORDER

(i) Therefore, O.A. be registered and numbered in accordance with law after removal of office objections, if any. On registration of O.A., issue notice to respondents, returnable on 30-04-2024.

Till next date of hearing, interim relief in terms of prayer clause 12 (E) is granted, which is thus:

“A) Pending the admission, hearing and final disposal of this Original Application the effect and operation of the impugned order of suspension of the applicant dated 15.03.2024 (Annex. A-3) issued by respondent No. 3 may kindly be stayed.”

//12//

O.A. St. 837/2024

(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 30-04-2024.

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

MEMBER (J)