

**ORIGINAL APPLICATION NO.152/2020
(Avinash Londhe Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Smt. Poonam V. Bodke Patil, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents.

2. Arguments are heard. Reserved for order.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.122/2012
(Jalindar Rathod Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO.123/2012
(Datta Darade Vs. State of Maharashtra & Ors.)

T.A.NO.02/2012 (W.P.NO.9902/2011)
(Radha Choure Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri S.S.Jadhavar, learned Advocate for the applicants in O.A.No.122/12 & 123/2012, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents in all cases.

Shri A.L.Tikle, learned Advocate for applicant in T.A.02/2012 and Shri A.M.Nagarkar, learned Advocate for respondent no.3 in O.A.123/12, are **absent**.

2. Arguments are heard at length. Reserved for order.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.215/2022
(Salim Mohd. Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Shri A.S.Deshmukh, learned Advocate for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri M.S.Deshmukh /Shri U.L.Momale, learned Advocate for private respondents, are present.

2. S.O. tomorrow i.e. 05-05-2022.

MEMBER (A)

VICE CHAIRMAN

C.P.NO.36/2019 IN O.A.NO.229/2015
(Dr. Bhaskar Borgaonkar Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Shri P.R.Tandale, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. At the request of both sides, S.O. to 27-06-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 04.05.2022

**C.P.NO.37/2019 IN O.A.NO.230/2015
(Dr. Dilip Tandale Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Shri P.R.Tandale, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. At the request of both sides, S.O. to 27-06-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO.78/2019
(Dr. Mamata Chinchalikar Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

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

2. S.O. to 14-06-2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.669/2019
(Raju Rasede Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Shri A.S.Bayas, learned Advocate for the applicant
and Shri I.S.Thorat, learned Presenting Officer for the
respondents, are present.

2. S.O. to 15-06-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO.1025/2019
(Dr. Sangeeta Patil Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

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

2. Learned Advocate has tendered across the bar affidavit in rejoinder for the applicant. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 13-06-2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1065/2019
(Dr. Jahagirdar Nizam Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

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

2. S.O. to 10-06-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 04.05.2022

**ORIGINAL APPLICATION NO.84/2020
(C.M.Yawalkar Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Shri A.D.Sugdare, learned Advocate for the applicant has filed **leave note**. Smt. M.S.Patni, learned Presenting Officer for the respondents is present.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.3 to 5 and separate reply on behalf of respondent no.4. Same are taken on record. Learned P.O. undertakes to serve copies of the same on the other side.

3. S.O. to 01-07-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.490/2020
(Vivek Sonawane Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Shri V.G.Pingle, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents, are present.

2. S.O. to 01-07-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.491/2020
(Rajnikant Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Shri V.G.Pingle, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents, are present.

2. S.O. to 01-07-2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.53/2021
(Yadav Sonkamble Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Shri S.B.Solanke, learned Advocate for the applicant,
Shri M.P.Gude, learned Presenting Officer for the
respondent authorities and Shri Nandkishor Yadav learned
Advocate for respondent no.5, are present.

2. S.O. to 14-06-2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.218/2021
(Mahamad Husain Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Shri V.Y.Bhide, learned Advocate for the applicant
and Shri D.R.Patil, learned Presenting Officer for the
respondents, are present.

2. S.O. to 07-07-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO.392/2021
(Pravin Hivrale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Shri Ajay Deshpande, learned Advocate for the applicants and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 16-06-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 04.05.2022

**ORIGINAL APPLICATION NO.559/2021
(Swapnil Holkar Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Shri R.K.Ashtekar, learned Advocate for the applicant
and Shri I.S.Thorat, learned Presenting Officer for the
respondents, are present.

2. S.O. to 21-06-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 04.05.2022

**ORIGINAL APPLICATION NO.731/2021
(Sunil Mali Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 16-06-2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.199/2022
(Narendra Patil Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Shri V.B.Wagh, learned Advocate for the applicant
and Shri M.S.Mahajan, learned Chief Presenting Officer for
the respondents, are present.

2. S.O. tomorrow i.e. on 05-05-2022.

MEMBER (A)

VICE CHAIRMAN

M.A. 100/2020 IN O.A. 236/2018
(Kishnalal R. Shirsh Gule Vs. State of Maharashtra & Ors.)

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

DATE : 4.5.2022

ORAL ORDER :

Shri M.R. Wagh, learned counsel for the applicant
(**absent**). Shri V.R. Bhumkar, learned Presenting Officer
for the respondents, is present.

2. S.O. to 29.6.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 4.5.2022

ORIGINAL APPLICATION NO. 350/2016
(Shri Sanjay D. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 4.5.2022

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 24.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 626/2016
(Smt. Savita U. Hake Vs. State of Maharashtra & Ors.)

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

DATE : **4.5.2022**

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 27.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 4.5.2022

ORIGINAL APPLICATION NO. 899/2017
(Dr. Vandana S. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : **4.5.2022**

ORAL ORDER :

Shri G.N. Khanzode, learned counsel for the applicant (**absent**). Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, are present. None appears for respondent no. 4.

2. With the consent of both the sides, S.O. to 27.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 4.5.2022

ORIGINAL APPLICATION NO. 189/2018
(Shri Dhiraj A. Salve Vs. State of Maharashtra & Ors.)

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

DATE : **4.5.2022**

ORAL ORDER :

Shri Rahul O. Awsarmal, learned counsel for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents and Shri V.B. Wagh, learned counsel for respondent nos. 4 to 8, are present.

2. With the consent of both the sides, S.O. to 27.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 242/2018
(Sayeeda Begum Syed Mohammed Ali Vs. State of
Maharashtra & Ors.)

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

DATE : **4.5.2022**

ORAL ORDER :

Shri U.T. Pathan, learned counsel for the applicant
(**absent**). Smt. M.S. Patni, learned Presenting Officer for the
respondents, is present.

2. S.O. to 28.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 615/2018
(Desai Timma Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 4.5.2022

ORAL ORDER :

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

2. S.O. to 28.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 657/2018
(Ayesha Feroz Khan Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

Shri M.K. Deshpande, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 29.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 696/2018
(Shri Sandeep O. Chetti Vs. State of Maharashtra & Ors.)

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

DATE : **4.5.2022**

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 29.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 854/2018
(Shri Bhima S. Ghakale Vs. State of Maharashtra & Ors.)

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

DATE : 4.5.2022

ORAL ORDER :

Shri Mahesh P. Tripathi, learned counsel for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.

2. S.O. to 30.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

**O.A. NOS. 468, 469 AND 478 ALL OF 2020
(Kuldeep I. Lhole & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

Shri S.D. Munde, learned counsel for the applicants in these three matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these matters, are present.

2. With the consent of both the sides, S.O. to 30.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

M.A. 112/2021 IN O.A. 386/2020
(Ganga S. Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : **4.5.2022**

ORAL ORDER :

Shri S.C. Bhosale, learned counsel for the applicant
(**absent**). Shri M.S. Mahajan, learned chief Presenting
Officer for the respondents, is present.

2. S.O. to 29.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 4.5.2022

**M.A. 141/2021 WITH M.A. 121/2021 IN O.A. 295/2019
WITH C.P. 3/2021
(State of Maharashtra & Ors. Mah. Rajya Hangami Hivtap
Prayogshala Karmachari Sanghatana)**

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

DATE : 4.5.2022

ORAL ORDER :

Shri M.S. Mahajan, learned Chief Presenting Officer for the applicants in M.A. 141/2021 / respondents in O.A., Vinod Patil, learned counsel for applicant in M.A. 121/2021 and Ms. Preeti Wankhade, learned counsel for applicant in O.A. / C.P., are present.

2. S.O. to 13.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

M.A. 348/2021 IN O.A. 832/2016
(Shri Vishal P. Gangawane Vs. State of Maharashtra & Ors.)

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

DATE : **4.5.2022**

ORAL ORDER :

Shri Ajay Deshpande, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri K.B. Jadhav, learned counsel for respondent no. 2 in O.A. No. 832/2016, are present. Shri P.S. Dighe, learned counsel for respondent no. 4 and Shri Parag Bhosale, learned counsel for respondent no. 5 in O.A. No. 832/2016 (**absent**).

2. In the present matter on the previous date i.e. on 19.4.2022 following order was passed :-

“2. In the present matter, though the Tribunal has time and again called upon the respondent authorities to place on record the relevant material in respect of the recruitment process carried out, and more particularly, a common merit list of the candidates and thereafter the final selection list prepared by the department, none of the documents is coming forth and excuses are put forth for not filing documents on record.

3. *In the circumstances, we are constrained to call upon Shri Omprakash Bakoriya, Commissioner, Sports and Youth Services, Pune to remain present before the Tribunal to assist the Tribunal in resolving the dispute raised in the present O.A. including objections made in O.A. reflecting on sanctity of the selection process, in general and selection of certain candidates not eligible for the same in particular. Needless to state the learned Commissioner shall require the concerned officer to accompany him with all relevant record with him including record relating to preparation of provisional and final merit list, approval of the same by competent authority and publication at prescribed stages.*

4. *Respondents are further directed to clarify on what basis the order of appointment was issued to Mahadev Vitthal Thorat vide letter of appointment dated 24-06-2016 and also file on record the relevant documents in that regard.*

5. *S.O. to 04-05-2022”*

3. In the present matter it was noticed by the Tribunal that there are not only illegalities occurred in the selection process carried out for appointment for the post of Driver, but serious doubt was raised about the practices adopted in making the appointments. It was also noticed that no proper procedure was followed while carrying out the said recruitment process. Nothing was placed on record to show that a common merit list was published. It was also not disclosed as to when the provisional merit list was published, whether objections were invited to the said

list. The details of the examinations conducted were not provided. The Deputy Director, who had remained present in the matter on few dates, was absolutely unaware of the selection process so carried out. She was not carrying relevant documents with her. Since the required information was not coming-forth, we were compelled to require the presence of the Commissioner of Sports and Youth Services, Pune, Shri Omprakash Bakoriya, to assist the Tribunal. Since mala-fide acts were appearing on the face of record and when no proper information was coming-forth, we thought that the learned Commissioner would be appropriate authority to assist the Tribunal in the matter.

4. Today when the present matter is taken up for consideration one Shri Deepak Jagdale, who is a Head Clerk in the office of the Deputy Director of Sports & Youth Services, Pune is present on behalf of the respondents. It seems that he has brought the original record with him and the same is made available for our perusal. When learned C.P.O. was asked as to why the learned Commissioner, Sports & Youth Services has not appeared before the Tribunal though there was specific direction in that regard, the learned C.P.O. submits that there are no instructions in this regard to him from the Commissioner.

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M.A. 348/2021 IN O.A. 832/2016

When specifically asked whether the order dated 19.4.2022 passed by the Tribunal has been brought to the notice of the learned Commissioner, the learned C.P.O. submits that the Deputy Director, who was present when the order was passed, had assured him that she will bring the said order dated 19.4.2022 to the notice of the learned Commissioner. The Head Clerk Shri Deepak Jagdale, who is present before the Tribunal, submits that the learned Commissioner is aware of the order dated 19.4.2022. Further query was made by us with the learned C.P.O. whether he has received any communication from the Commissioner or any instructions about his inability to appear before the Tribunal today, it was submitted that he does not have any instructions in this regard. Shri Deepak Jagdale also did not submit any information in that regard.

5. This Tribunal has always refrained from passing such orders requiring presence of the higher officers and has always believed that unnecessarily or for trifle reasons Officers are not to be called. As we have noted above, it prima-facie appears that there are serious lapses and irregularities in carrying out process of selection of candidates for the post of Driver, which also suggest that corrupt practices may have been adopted by the concerned. Therefore, the presence of the learned Commissioner was required. It is noticed with serious concern that senior

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M.A. 348/2021 IN O.A. 832/2016

Officer of the rank of Commissioner has not cared to even inform the Tribunal about constraints being faced by him in complying with the order of the Tribunal.

6. Secondly, in the order dated 19.4.2022 there was a further specific direction to clarify on what basis the order of appointment was issued to Shri Mahadeo Vitthal Thorat vide order dated 24.6.2016 and the respondents were directed to file on record the relevant documents in that regard. The said direction has not been complied with at all. There is no document produced on record today. The learned C.P.O. submits that there are no instructions in this regard. When order was specifically brought to the notice of the learned Commissioner, non-compliance of the said order has to be taken seriously. We are keeping the matter tomorrow i.e. on 5.5.2022 and we hope that appropriate compliances will be made.

7. S.O. to 5.5.2022 at 3.00 p.m.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 23 OF 2021
(Nagnath P. Telgane Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate holding for Shri K.B. Jadhav, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The present matter has already been treated as part heard.

3. At the request of learned Advocate for the applicant, S.O. to 17.06.2022.

MEMBER (J)

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

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate holding for Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The present matter has already been treated as part heard.

3. At the request of learned Advocate for the applicant, S.O. to 17.06.2022.

MEMBER (J)

O.A. Nos. 16, 17, 18 & 19 all of 2020
(Sahebrao S. Kale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicants in all these O.As. and Shri S.K. Shirse, learned Presenting Officer for the respondents in all these O.As.

2. The present matters have already been treated as part heard.

3. At the request of learned Presenting Officer, S.O. to 14.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 761 OF 2018
(Shivaji D. Dadge Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri A.V. Patil (Indrale), learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 4. Shri S.B. Sontakke, learned Advocate for respondent No. 5, **absent**. None present on behalf of respondent Nos. 6 to 10, though duly served.

2. The present matter is closed for orders.

MEMBER (J)

**MA 191/22 in MA 151/22 in MA 229/21 in OA St. 655/21
(Pandlik N. Amberao through LRs. Vs. State of
Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 29.06.2022.

MEMBER (J)

KPB ORAL ORDERS 04.05.2022

**ORIGINAL APPLICATION NO. 335 OF 2020
(Arjun N. Pache Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

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

2. The present matter has already been treated as part heard.
3. By consent of both the sides, S.O. to 06.05.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 544 OF 2021
(Jalpat Laxman Vasave Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri G.R. Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. On instructions, learned Advocate for the applicant seeks permission to withdraw the present Original Applicant.

3. I have no reason to refuse the permission. Hence, permission to withdraw the Original Application is granted. Hence, the O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 234 OF 2022
(Sanjay Prabhakar Sangle Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri S.B. Solanke, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. On instructions, learned Advocate for the applicant seeks permission to withdraw the present Original Applicant.

3. I have no reason to refuse the permission. Hence, permission to withdraw the Original Application is granted. Hence, the O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

**MA 192/2022 with MA 33/2022 in O.A. 408/2019
(Sandeep G. Salve Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

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

2. M.A. No. 192/2022 along with M.A. No. 33/2022 are filed seeking amendment and for production of documents in O.A. No. 408/2019.

3. By filing M.A. No. 192/2022 the applicant is seeking amendment in O.A., whereas by filing M.A. No. 33/2022 he is seeking production of documents in consonance with the proposed amendment.

4. The Original Application is filed challenging the impugned order / communication dated 14.03.2019 issued by the respondent No. 1 rejecting the representation of the applicant dated 22.11.2018 seeking continuation in his previous service from 2009 to 2015 served as Block Development Officer, Panchayat Samiti Deulgaon Raja, Dist. Buldhana. Previously, the applicant was appointed as Civil Engineering Assistant with Zilla Parishad, Buldhana by the order dated 18.08.2009. In that cadre he was

//2// MA 192/22 with MA
33/22 in OA 408/19

posted on the post of Block Development Officer, Panchayat Samiti Deulgaon Raja, Dist. Buldhana from 25.08.2009 to 07.07.2015. Thereafter, with the consent of Chief Executive Officer, Zilla Parishad, Buldhana, he applied for the post of Civil Engineering Assistant in PWD Nashik. He was selected and appointed on that post by the order dated 09.06.2015. He was relieved from the services of Zilla Parishad on 07.07.2015 and he joined on the post of Civil Engineering Assistant, PWD, Jalgaon Division on 08.07.2015. In view of the same, the applicant is seeking continuation of his earlier posting with Zilla Parishad and pay protection.

5. In view of above, by filing the M.A. No. 33/2022, the applicant sought to relay upon the necessary G.R. dated 06.02.1990. Subsequently by application bearing M.A. No. 192/2022, the applicant is seeking appropriate amendment in the O.A. In view of above, it is evident that the proposed amendment is not going to change the nature of original proceedings. In fact, the proposed amendment is just and necessary to determine the real question of controversy between the parties. Moreover, documents sought to be produced

//3// MA 192/22 with MA
33/22 in OA 408/19

are relevant and necessary to decide the O.A. Hence, I
proceed to pass following order :-

ORDER

- (i) The M.A. Nos. 192/2022 and 33/2022 are allowed.
- (ii) The applicant shall carry out the necessary amendment in the O.A. within a period of two weeks and to serve the amended copy of the O.A. to the other side.
- (iii) Accordingly, M.A. Nos. 192/2022 and 33/2022 stand disposed of with no order as to costs.

MEMBER (J)

O.A. 408/2019
(Sandeep G. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

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

2. S.O. to 29.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 05 OF 2021
(Dr. Kalimoddin A. Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 27.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO. 445 OF 2020
(Narsing N. Mudiraj Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Shri V.B. Dhage, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 28.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO. 439 OF 2020
(Bhimrao B. Bangar Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri M.K. Deshpande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 08.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO. 317 OF 2020
(Emam Najir Mirza Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri I.D. Maniyar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 27.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO. 302 OF 2020
(Rajesh M. Choudhary Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri I.D. Maniyar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 27.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO. 506 OF 2021
(Ranjana A. Barde Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. The present matter is closed for orders.

MEMBER (J)

KPB ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO. 502 OF 2017
(Public Prosecutors' Association Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 29.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO. 475 OF 2018
(Shivkanya S. Barti Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 07.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO. 188 OF 2019
(Nilkanth R. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 27.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO. 308 OF 2019
(Laxman B. Prandkar Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 29.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO. 427 OF 2019
(Ranjeet S. Savale (Dhangar) Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 07.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO. 225 OF 2020
(Subhash M. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate holding for Shri K.B. Jadhav, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 3. Shri K.J. Suryawanshi, learned Advocate for respondent Nos. 4 and 6, **absent**. None present on behalf of respondent No. 5, though duly served.

2. At the request of learned Advocate for the applicant, S.O. to 20.06.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 180 OF 2021
(Chandrashekhar S. Kulthe Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 23.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO. 761 OF 2021
(Pradeep B. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 and 2. Shri N.N. Desale, learned Advocate for respondent No. 3, **absent.**

2. By consent of both the sides, S.O. to 22.06.2022 for final hearing.

3. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDERS 04.05.2022

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

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

DATE : 04.05.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 15.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO. 536 OF 2021
(Dnyaneshwar S. Andhale Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 27.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 04.05.2022

**O.A. No. 858/2018 with O.A. No. 86/2019 with
O.A. No. 118/2019 with O.A. No. 278/2019 with
O.A. No. 421/2019 with O.A. No. 392/2020 with
O.A. No. 394/2020 with O.A. No. 395/2020 with
O.A. No. 398/2020 with O.A. No. 173/2021**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri Dilip Mutalik, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicants in O.A. No. 858/2018, Shri S.D. Dhongde, learned Advocate for the applicants in O.A. Nos. 86/19, 118/19, 278/19, 421/19, 392/20, 394/20, 395/20 & 398/20, Shri G.N. Patil, learned Advocate for the applicant in O.A. No. 173/2021 and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in all these O.As.

2. By consent of all the parties, S.O. to 10.06.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.538 OF 2019
(Jawahar R. Bhoi Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the applicant does not wish to prosecute the claim of 2nd A.C.P. as contended in the Original Application and she seeks permission to withdraw the relief in terms of the said 2nd A.C.P. prayer.
3. Permission as prayed for is granted.
4. The applicant to carry out amendment forthwith.
5. At the request of the learned P.O., one more last chance is granted for filing affidavit-in-reply on behalf of the respondents.
6. S.O. to 29.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.585 OF 2020
(Andan B. Datar Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.
3. S.O. to 28.06.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO.43 OF 2021
(Chandramuni T. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned Advocate for the applicant and Shri Shamsundar B. Patil, learned Advocate for the respondent Nos.2 & 3, are **absent**. Heard Shri M.P. Gude, learned Presenting Officer for the respondent Nos.1 & 4.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 & 4.

3. S.O. to 30.06.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO.44 OF 2021
(Sugam B. Rathod & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

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

3. S.O. to 30.06.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

**ORIGINAL APPLICATION NO.164 OF 2021
(Balu A. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Ms. Tejal Mankar, learned Advocate holding for Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned P.O. for the respondents submits that the impugned order of suspension is revoked and the applicant is reinstated in service and posted at Dhule.

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

4. S.O. to 15.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.340 OF 2021
(Popat B. Ahire Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Smt. Sharda P. Chate, learned Advocate for the applicant, is **absent**. Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Await service of notice on the respondent No.3.

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

4. In view of absence of learned Advocate for the applicant, S.O. to 30.06.2022 for taking necessary steps in respect of respondent No.3.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO.341 OF 2021
(Prashant S. Pardhi Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Smt. Sharda P. Chate, learned Advocate for the applicant, is **absent**. Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

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

3. S.O. to 30.06.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO.451 OF 2021
(Dr. Suresh M. Betkar Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri Onkar Gholap, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos.1 to 4. Shri P.R. Tandale, learned Advocate for the respondent No.5, is **absent**.

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

3. In view of above, at the request of the learned C.P.O., time is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 to 4.

4. S.O. to 30.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.449 OF 2021
(Dr. Arun S. Shrirkar Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri Onkar Gholap, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent Nos.1 to 4. Shri P.R. Tandale, learned Advocate for the respondent No.5, is **absent.**

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

3. In view of above, at the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 to 4.

4. S.O. to 30.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.802 OF 2021
(Ranjana B. Solat Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri Vinod Y. Bhide, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

3. S.O. to 30.06.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO.834 OF 2021
(Syed Khaled Syed Khalil Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

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

2. Affidavit-in-reply filed on behalf of the respondent Nos.1 & 2 is taken.
3. The applicant has already received the copy of reply filed on behalf of the respondent Nos.1 & 2.
4. S.O. to 15.06.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

ORIGINAL APPLICATION NO.24 OF 2022
(Jayant R. Ambhore Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri K.A. Ingle, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent Nos.1 & 2. Shri N.A. Jadhav, learned Advocate for the respondent No.3, is **absent.**

2. Record shows that await service of notice against the respondent No.3.

3. At the request of the learned Advocate for the applicant, time is granted for taking necessary steps in respect of respondent No.3.

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

5. S.O. to 30.06.2022.

MEMBER (J)

**O.A.NOS.60, 61, 116 TO 136 AND 158 ALL OF 2022
(Abhaykumar S. Salve & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri Yogesh Suradkar, learned Advocate holding for Shri Swapnil A. Deshmukh, learned Advocate for the applicants in all these O.A.s and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As.

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

3. S.O. to 06.05.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.308 OF 2022
(Sham B. Gunjal Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Shri N.B. Narwade, learned Advocate for the applicant, is **absent**. Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.
3. In view of absence of learned Advocate for the applicant, 30.06.2022 for taking necessary steps.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO.309 OF 2022
(Rahul B. Yadav Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Shri N.B. Narwade, learned Advocate for the applicant, is **absent**. Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.
3. In view of absence of learned Advocate for the applicant, 30.06.2022 for taking necessary steps.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO.324 OF 2022
(Govardhan B. Dongre Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

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

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

3. S.O.to 01.07.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO.327 OF 2022
(Muzaffar Abdul Sayyed Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

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

3. S.O.to 01.07.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO.331 OF 2022
(Mandabai C. Khambat Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

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

3. S.O.to 24.06.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO.333 OF 2022
(Vitthal U. Aikwad Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Shri N.B. Narwade, learned Advocate for the applicant, is **absent**. Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.
3. In view of absence of learned Advocate for the applicant, 30.06.2022 for taking necessary steps.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

**M.A.NO.567 OF 2019 IN O.A.ST.NO.2091 OF 2019
(Baburao K. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri U.B. Deshmukh, learned Advocate holding for Shri R.D. Biradar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.
3. At the request of the learned Advocate for the applicant, time is granted for taking necessary steps.
4. S.O. to 13.06.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

**M.A.NO.223 OF 2020 IN O.A.ST.NO.870 OF 2020
(Vitthal S. Bade Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

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

2. At the request of the learned P.O., one more last chance is granted for filing affidavit-in-reply on behalf of the respondents in M.A.
3. S.O. to 29.06.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

**M.A.NO.70 OF 2022 IN O.A.ST.NO.1830 OF 2021
(Uttam C. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

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

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents in M.A.
3. S.O. to 30.06.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

**M.A.NO.155 OF 2022 IN O.A.ST.NO.600 OF 2022
(Deepak G. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Smt. Supriya Bhilegaokar-Bharaswadkar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

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

3. S.O. to 27.06.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

**M.A.NO.156 OF 2022 IN O.A.ST.NO.621 OF 2021
(Bhimrao S. Bilappatte Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri M.K. Bhosale, learned Advocate holding for Shri M.L. Muthal, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.
3. At the request of the learned Advocate for the applicant, time is granted for taking necessary steps.
4. S.O. to 28.06.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

**M.A.NO.183 OF 2022 IN O.A.ST.NO.2093 OF 2019
(Rameshwar N. Gupta Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri U.B. Deshmukh, learned Advocate holding for Shri R.D. Biradar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.
3. At the request of the learned Advocate for the applicant, time is granted for taking necessary steps.
4. S.O. to 13.06.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

ORIGINAL APPLICATION NO.353 OF 2022
(Sandhya U. Supekar @ Sandhya D. Joshi Vs. State of
Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, S.O. to 15.06.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

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

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri Kiran G. Salunke, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. This application is filed challenging the impugned orders dated 31.01.2022 and 09.04.2022 (Annex. 'A-5' collectively), both issued by the respondent No.4 i.e. the Superintendent of Police, Nanded and seeking direction to continue the applicant on the post of "Dog Handler" under Bomb Squad Bomb Diffuse Units under the respondent No.4 and further seeking interim relief of direction not to relieve the applicant from his present posting.

3. The applicant was initially appointed as Police constable in the year, 2003. Since 2008, the applicant is working as "Dog Handler" under the respondent No.4 at Nanded. Impugned orders are passed in view of retirement of sniffer Dog Hira on 31.01.2022 and thereafter extension is being given till 30.04.2022. By both the impugned orders, the applicant was stated to be relieved from his present post. However, in view of

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O.A.402/2022

extension of a Sniffer Dog Hira, the applicant has been relieved from his present post after 30.04.2022.

4. Learned Advocate for the applicant submits that the various circulars and provision of Maharashtra State Police Dog Squad Manual protect the posting of the “Dog Handler” and seniority in the cadre of the “Dog Handler”. In view of same, according to the learned Advocate for the applicant, the applicant is entitled for the status quo ante.

5. Learned P.O. for the respondents opposed the submission and submitted that the applicant has already been relieved from his present post.

6. Perusal of the Original Application and accompanying documents would show that the applicant is seeking special rights as a Dog Handler including seniority. The applicant has already been relieved from his present post. In view of same, interest of the applicant can be protected by making impugned orders subject to outcome of this Original Application. Ordered accordingly.

7. Issue notice to the respondents, returnable on 09.06.2022.

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

9. 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.

10. 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.

11. 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.

12. S.O. to 09.06.2022.

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

MEMBER (J)

**M.A.NO.625 OF 2019 IN O.A.ST.NO.2441 OF 2019
(Pranita R. Sarode & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Shri Pralhad D. Bachate, learned Advocate for the applicants, is **absent**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Record shows that nobody is appearing on behalf of the applicants since 23.02.2022.

3. In view of same, it appears that the applicants are not interested in prosecuting the application. Hence, the application is dismissed in default.

MEMBER (J)

**M.A.NO.626 OF 2019 IN O.A.ST.NO.2319 OF 2019
(Baban N. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri P.R. Tandale, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 28.06.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

**M.A.NO.1 OF 2020 IN O.A.ST.NO.2317 OF 2019
(Devidas M. Kandhare Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri P.R. Tandale, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent No.1 and Shri G.N. Patil, learned Advocate for the respondent Nos.2 & 3.

2. By consent of all the parties, S.O. to 28.06.2022 for hearing.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

M.A.NO.3 OF 2020 IN O.A.ST.NO.2143 OF 2019
(Dr. Deelip R. Tandale Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri P.R. Tandale, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos.1 to 2. Shri Ajinkya Reddy, learned Advocate for the respondent No.3, is **absent**.

2. By consent of both the sides, S.O. to 28.06.2022 for hearing.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

**M.A.NO.4 OF 2020 IN O.A.ST.NO.2316 OF 2019
(Laxman R. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri P.R. Tandale, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent No.1 and G.N. Patil, learned Advocate for the respondent Nos.2 & 3.

2. By consent of both the sides, S.O. to 28.06.2022 for hearing.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

**M.A.NO.5 OF 2020 IN O.A.ST.NO.2458 OF 2019
(Dr. Manik S. Madke Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri P.R. Tandale, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos.1 to 4 & 6. Shri Ajinkya Reddy, learned Advocate for the respondent No.5, is **absent**.

2. By consent of both the sides, S.O. to 28.06.2022 for hearing.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

**M.A.NO.6 OF 2020 IN O.A.ST.NO.2318 OF 2019
(Dattatraya K. Istake Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri P.R. Tandale, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent No.1 and G.N. Patil, learned Advocate for the respondent Nos.2 & 3.

2. By consent of all the parties, S.O. to 28.06.2022 for hearing.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

**M.A.NO.120 OF 2022 IN O.A.NO.99 OF 2018
(Sanjay R. Patange Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 05.05.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

**ORIGINAL APPLICATION NO.322 OF 2021
(Kantilal K. Naglod Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORAL ORDER :

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

2. The present matter be treated as part heard.
3. S.O. to 09.06.2022.

MEMBER (J)

SAS ORAL ORDERS 04.05.2022

**M.A.NO.556 OF 2019 IN O.A.ST.NO.1846 OF 2019
(Sambhaji R. Suryawanshi Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORDER

This application is made seeking condonation of delay of 1 year 9 months and 13 days caused in filing the Original Application under Section 19 of Administrative Tribunals Act, 1982 challenging the impugned order dated 23.02.2018 (Annex. 'A-2' in O.A.) issued by the respondent No.3 i.e. the Deputy Conservator of Forest, Yawal Division, Jalgaon of modifying their pay fixation and thereby depriving the claim for fixation of pay as per G.R. dated 06.08.2002 and further seeking direction to the respondent No.3 to maintain the order of pay fixation.

2. The applicant was appointed as Class 'III' employee on 15.01.2008 on the post of Forest Guard. He is working in Tribal Area. As per G.R. dated 06.08.2002 issued by the State Government, the applicant was granted pay of higher post next to the Forest Guard i.e. the Forester. Accordingly, his pay was fixed as Rs.7510+ Grade pay of Rs.2400. At that

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M.A.556/2019 In
O.A.St.1846/2019

point of time, as per 6th Pay Commission, the pay scale of the post of Forest Guard was Rs.5200+ Grade Pay 1800, whereas the pay scale of the post of Forester was 7510+Grade Pay Rs.2400/-.

3. It is submitted that by impugned order dated 23.02.2018 (Annex. 'A-2' in O.A.), the respondent No.3 cancelled the earlier pay fixation order by wrongly interpreting the Government G.R. dated 06.08.2002 and re-fixed the pay at the lower rate by reducing it to the pay of Rs.5410/- with Grade pay of Rs.2400 and thereby also ordered recovery of excess amount, if any. According to the applicant, it is illegal. The applicant ought to have challenged the said order within the period of one year of the said order. However, due to lack of knowledge he could not approach this Tribunal in time. Therefore, there is delay which is not intentional. The applicant has good case on merits. Hence this application.

4. Record shows that inspite of grant of opportunities, affidavit-in-reply is not filed on behalf of the respondents.

5. I have heard the arguments advanced by Shri S.R. Sapkal, learned Advocate for the applicant on one hand and Shri I.S. Thorat, learned Presenting Officer for the respondents on other hand.

6. Record shows that the Original Application along with this delay condonation application is filed on or about 13.09.2019. The impugned order is dated 23.02.2018. The prescribed period of limitation of one year for filing the Original Application is expired on 22.02.2019. In view of same, there is delay of about 6 months and 20 days and not of 1 year 9 months and 13 days.

7. From the facts on record prima-facie it appears that the applicant has got good case on merit. That apart the delay is marginal. The applicant has pleaded one of legal right. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. Considering the facts on record of the case, refusing to condone the delay is likely to defeat the cause of justice at the threshold. In the circumstances, in my considered opinion, this is a fit case to condone the delay of 6 months and 20 days caused in filing the Original Application by imposing

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M.A.556/2019 In
O.A.St.1846/2019

moderate costs upon the applicant. I compute the costs of Rs.500/-(Rs. Five Hundred only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 556/2019 in O.A.St.No.1846/2019 is allowed in following terms:-

- (A) The delay of 6 months and 20 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 500/- (Rs. Five Hundred only) by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.
- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

M.A.NO.558 OF 2019 IN O.A.ST.NO.1845 OF 2019
(Datta Laxmanrao Sangvikar Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORDER

This application made is made seeking condonation of delay of 2 years 2 months and 13 days caused in filing the Original Application under Section 19 of Administrative Tribunals Act, 1982 challenging the impugned order dated 02.09.2017 (Annex. 'A-2' in O.A.) issued by the respondent No.3 i.e. the Deputy Conservator of Forest, (Wild life), Nashik of modifying their pay fixation and thereby depriving the claim for fixation of pay as per G.R. dated 06.08.2002 and further seeking direction to the respondent No.3 to maintain the order of pay fixation.

2. The applicant is working as Forest Guard in Tribal Area from 19.12.2011. As per G.R. dated 06.08.2002 issued by the State Government, the applicant was granted pay of higher post next to the Forest Guard i.e. the Forester. Accordingly, his pay was fixed as Rs.7510+ Grade pay of Rs.2400. At that point of time, as per 6th Pay Commission, the pay scale of the post of Forest Guard was Rs.5200+ Grade Pay

//2// M.A.558/2019 In
O.A.St.1845/2019

1800, whereas the pay scale of the post of Forester was 7510+Grade Pay Rs.2400/-.

3. It is submitted that by impugned order dated 02.09.2017 (Annex. 'A-2' in O.A.), the respondent No.3 cancelled the earlier pay fixation order by wrongly interpreting the Government G.R. dated 06.08.2002 and re-fixed the pay at the lower rate by reducing it to the pay of Rs.5410/- with Grade pay of Rs.2400 and thereby also ordered recovery of excess amount, if any. According to the applicant, it is illegal. The applicant ought to have challenged the said order within the period of one year of the said order. However, due to lack of knowledge, he could not approach this Tribunal in time. Therefore, there is delay which is not intentional. The applicant has good case on merits. Hence this application.

4. Affidavit-in-reply is filed on behalf of the respondent Nos.1 to 3 by one Ganesh Ramhari Randive working as Assistant Conservator of Forest, Kalsubai Harishchandragad Wild Life Sanctuary, Nashik. He thereby denied all adverse contentions raised in the application. It is contended that there is

//3// M.A.558/2019 In
O.A.St.1845/2019

huge delay which is not properly explained by the applicant. Hence there is no merit in the case of the applicant. Therefore, the application is liable to be rejected.

5. I have heard the arguments advanced by Shri S.R. Sapkal, learned Advocate for the applicant on one hand and Shri D.R. Patil, learned Presenting Officer for the respondents on other hand.

6. Record shows that the Original Application along with this delay condonation application is filed on or about 13.09.2019. The impugned order is dated 02.09.2017. The prescribed period of limitation of one year for filing the Original Application is expired on 01.09.2018. In view of same, there is delay of about 1 year and 10 days and not of 2 years 2 months and 13 days.

7. From the facts on record prima-facie it appears that the applicant has got good case on merit. That apart the delay is marginal. The applicant has pleaded one of legal right. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. Considering the facts on record of

//4// M.A.558/2019 In
O.A.St.1845/2019

the case, refusing to condone the delay is likely to defeat the cause of justice at the threshold. In the circumstances, in my considered opinion, this is a fit case to condone the delay of 1 year and 10 days caused in filing the Original Application by imposing moderate costs upon the applicant. I compute the costs of Rs.500/-(Rs. Five Hundred only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 558/2019 in O.A.St.No.1845/2019 is allowed in following terms:-

- (A) The delay of 1 year and 10 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 500/- (Rs. Five Hundred only) by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.
- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

**M.A.NO.149 OF 2018 IN O.A.ST.NO.445 OF 2018
(Prasad D. Mule Vs. State of Maharashtra & Ors.)**

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

DATE : 04.05.2022

ORDER

This application is made seeking condonation of delay of 6 years and 1 month caused in filing the Original Application under Section 19 of Administrative Tribunals Act, 1985 challenging impugned communication/order dated 25.02.2011 (Annex. 'A-5' in O.A.) rejecting the claim of the applicant for compassionate appointment on the ground that the application of the applicant was barred by limitation.

2. The father of the applicant namely Diliprao Shahaji Mule serving on Class 'III' post in the office of respondent No.3 died in harness on 02.09.2006. The mother of the applicant made application dated 12.06.2007 to the respondent No.3 seeking compassionate appointment. The respondent No.3 sent the said application to the respondent No.2 for further action. Before her name is taken into waiting list, the applicant's mother made application in December, 2007 to the respondent No.3 requesting to

//2// M.A.149/2018 In
O.A.St.445/2018

consider the name of her son i.e. the applicant in her place on the applicant becoming major as he was minor. Ultimately the name of the applicant's mother was not taken into waiting list. She, therefore, made application on 06.07.2008 to the respondent No.2 stating that she was about to complete 40 years of age and there is no earning member in the family.

3. After attaining the age of majority, the applicant himself made application dated 13.01.2011 to the respondent No.3 giving reference of earlier application made by his mother. However, the respondent No.3 by impugned order dated 25.02.2011 rejected the claim of the applicant on the ground that the application for compassionate appointment made by the applicant was after expiry of limitation period of one year after attaining his age of majority.

4. It is the contention of the applicant that he has good case on merit. Due to want of legal knowledge, the applicant could not challenge the impugned order in the past. He is in need of compassionate appointment. Therefore, he seeks condonation of delay.

//3// M.A.149/2018 In
O.A.St.445/2018

5. Affidavit-in-reply is filed on behalf of the respondent Nos.2 & 3 by one Gajanan Ramesh Vairagad working as Sub-Divisional Engineer in the office of the respondent No.3. He thereby denied all adverse contentions raised in the application. However, the grievance as discussed by the applicant is not denied. It is contended that there is huge delay which is not properly explained by the applicant. The application made by the applicant was barred by limitation is a fact. There is no merit in the case of the applicant. Therefore, the application is liable to be rejected.

6. The applicant filed affidavit-in-rejoinder and denied the adverse contentions raised in the affidavit-in-reply.

7. I have heard the arguments advanced by Shri V.G. Pingle, learned Advocate for the applicant on one hand, Shri D.R. Patil, learned Presenting Officer for the respondent No.1 and Shri S.B. Mene, learned Advocate for the respondent Nos.2 and 3 on other hand.

//4// M.A.149/2018 In
O.A.St.445/2018

8. The Original Application along with this delay condonation application is filed on or about 26.03.2018. In view of same, there is delay of about 6 years and 1 month in filing the present Original Application.

9. From perusal of facts it is evident that the application on behalf of the applicant was made by his mother in the year, 2007 when the applicant was minor requesting to consider the name of the applicant in her place on attaining the age of majority. Thereafter, after attaining the age of majority, the applicant made application independently in January, 2011 which is said to be beyond prescribed period of limitation of one year from the date of attaining the age of majority of the applicant.

10. The claim of the applicant is rejected by impugned order dated 25.02.2011 (Annex. 'A-5' in O.A.). In view of same, the Original Application ought to have been filed on or about 24.02.2012. However, the same is filed on or about 26.03.2018. Hence there is delay of about 6 years and 1 month. The applicant has pleaded that he has a meritorious case and on the

//5// M.A.149/2018 In
O.A.St.445/2018

other hand stated that due to want of legal knowledge, he could not approach this Tribunal in time.

11. In a case such as present one which is for compassionate appointment is required to be considered by taking pragmatic view. So far as merit of the case is concerned, the limitation period of one year is extendable upto three years in case of application made after attaining the age of majority. Moreover, even before attaining the age of majority, the application was made for the applicant by his mother when he was minor. In such circumstances, prima-facie, it can be seen that the applicant has meritorious case.

12. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. In the facts and circumstances of the present case, refusing to condone the delay is likely to defeat the cause of justice at the threshold. In view of same, in my considered opinion, this is a fit case to condone the delay of six years and one month caused in filing the Original Application by imposing moderate costs upon the applicant. I compute the costs of Rs.1,500/-

//6// M.A.149/2018 In
O.A.St.445/2018

(Rs.One Thousand Five Hundred only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 149/2018 in O.A.St.No.445/2018 is allowed in following terms:-

- (A) The delay of 6 years and one month caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1,500/- (Rs. One Thousand Five Hundred only) by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.
- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

ORIGINAL APPLICATION NO.414 OF 2018
(Vranda P. Sadgure Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO.613 OF 2018
(Sonelben D. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 04.05.2022

ORAL ORDER :

O.A.NO.414/2018

Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos.1 to 3 and Ms. Preeti R. Wankhade, learned Advocate for the respondent No.4.

O.A.NO.613/2018

Heard Shri Nitin S. Kadrale, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos.1 to 3 and Shri Avinash S. Deshmukh, learned Advocate for the respondent No.4.

2. By consent of all the parties, S.O. to 05.05.2022 at 3.00 P.M.

MEMBER (J)

**C.P.NO. 10/2022 IN O.A.NO. 191/2021
(Sandip W. Khadse Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

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

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

3. S.O. to 24.6.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

ORIGINAL APPLICATION NO. 440 OF 2020
(Sitaram D. Kolte & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **4.5.2022**

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicants and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. Second set is not filed by the learned counsel for the applicant.
3. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.
4. S.O. to 7.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

ORIGINAL APPLICATION NO. 565 OF 2020
(Jahangir Fakir Shaikh & Ors. Vs. State of Maha. & Ors.)

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

DATE : **4.5.2022**

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 3 & 6 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 8.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

**ORIGINAL APPLICATION NO. 578 OF 2020
(Sachin S. Lokare Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

Shri R.N. Kumthekar, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 8.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

**ORIGINAL APPLICATION NO. 156 OF 2021
(Jayshree A. Sonwane Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

Shri Suresh D. Dhongde, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

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

3. S.O. to 11.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

ORIGINAL APPLICATION NO. 163 OF 2021
(Nisar Kha Abdullatif Kha Pathan Vs. State of Maha. & Ors.)

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

DATE : **4.5.2022**

ORAL ORDER :

Shri Sanket N. Suryawanshi, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.
3. S.O. to 11.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

**ORIGINAL APPLICATION NO. 168 OF 2021
(Prakash R. Kirti Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

Shri Dhananjay A. Mane, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 12.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

**ORIGINAL APPLICATION NO. 184 OF 2021
(Haridas S. Ingle Vs. State of Maharashtra & Ors.)**

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

DATE : **4.5.2022**

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. In the present matter affidavit in reply has not yet been filed. Learned Presenting Officer has again sought time for filing affidavit in reply. The request is opposed by the learned counsel for the applicant. In the interest of justice, time is granted by way of last chance.

3. S.O. to 12.7.2022. If the affidavit in reply is not filed on or before the next date, the officer concerned for filing such affidavit in reply will be saddled with costs of Rs. 5,000/- (Rs. Five thousand only).

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 230 OF 2021
(Vaidya Meenal P. Thosar Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

Shri Sandeep G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 27.6.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

**ORIGINAL APPLICATION NO. 441 OF 2021
(Shriram S. Ghuge Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

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

2. Second set is not filed by the learned counsel for the applicant.

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

3. S.O. to 13.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

**ORIGINAL APPLICATION NO. 679 OF 2021
(Mahesh G. Satkar Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned counsel for the applicant has tendered across the bar rejoinder affidavit and the same is taken on record and copy thereof has been served on the other side.

3. List the present case for hearing on 14.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

**ORIGINAL APPLICATION NO. 688 OF 2021
(Eknath B. Parmeshwar Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

Shri Santosh S. Dambe, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 14.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

**ORIGINAL APPLICATION NO. 162 OF 2022
(Gopal P. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

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

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

3. S.O. to 14.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

**ORIGINAL APPLICATION NO. 196 OF 2022
(Alka T. Pagare Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

Shri S.A. Deshmukh, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 2 & 3 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 14.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

ORIGINAL APPLICATION NO. 268 OF 2022
(Chandrashekhar K. Mundhe & Ors. Vs. State of Maharashtra
& Ors.)

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

DATE : **4.5.2022**

ORAL ORDER :

Shri Kalyan V. Patil, learned counsel for the applicants (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 & 3 and the same is taken on record. Learned P.O. undertakes to serve the copy of the same on the learned counsel for the applicants.

3. S.O. to 15.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 311 OF 2022
(Dr. Arun N. Saruk & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **4.5.2022**

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 15.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

ORIGINAL APPLICATION NO. 354 OF 2022
(Riyaj Mehmud Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : **4.5.2022**

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 15.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

**M.A.NO.205/2021 IN O.A.ST.NO.2467/2019
(Prakash R. Kirti Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

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

2. Await service.
3. S.O. to 4.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

**M.A.NO. 324/2021 IN O.A.ST.NO. 947/2021
(Dr. Sudam H. Mogle Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

Shri Shamsunder B. Patil, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

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

3. S.O. to 4.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

**M.A.NO. 402/2021 IN O.A.ST.NO. 1631/2021
(Prakash H. Bhamare Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

Shri P.S. Gaikwad, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 5.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

**M.A.NO. 94/2022 IN O.A.ST.NO. 249/2022
(Dipak S. Sherkhane Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

Shri G.J. Kore, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

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

3. S.O. to 5.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

**M.A.NO. 154/2022 IN O.A.ST.NO. 517/2022
(Sarita S. Warale Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

Shri V.P. Narwade, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

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

3. S.O. to 12.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

**ORIGINAL APPLICATION NO. 384 OF 2020
(Jitendra V. Kadam Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

None appears for the applicant. Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.

2. Since nobody appears for the applicant, S.O. to 8.6.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

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

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

DATE : 4.5.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 5.5.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

**ORIGINAL APPLICATION NO. 403 OF 2022
(Pandit S. Tiparse Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 27.6.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 27.6.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 664 OF 2021
(Sanjay D. Gangawane & Ors. Vs. State of Maha. & Ors.)

WITH

ORIGINAL APPLICATION NO. 532 OF 2020
(Hemant J. Kinhikar Vs. State of Maha. & Ors.)

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

DATE : **4.5.2022**

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicants in O.A. No. 664/2021, Shri Avinash S. Deshmukh, learned counsel for the applicant in O.A. No. 532/2020 and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in both the matters.

2. When the present matters are taken up for consideration and the arguments of learned counsel appearing for the parties are heard for sometimes, it is felt that unless some concrete information is placed on record as about the seniority of the present applicants as on 25.5.2004 vis-à-vis seniority of the persons, who according to the present applicants are placed in the zone of consideration superseding the claim of the applicants, it would be difficult for us to record any conclusion. Shri V.B. Wagh, learned counsel submits that he will certainly produce such information with necessary particulars in

:: - 2 - :: O.A.NOS. 664/21 & 532/20

tabular form. During the course of the arguments it is brought to our notice that because of pendency of the present OAs promotions are stalled.

3. Shri Avinash S. Deshmukh, learned counsel appearing for the applicant in O.A. No. 532/2020 submitted that though the applicant stands at Sr. No. 1 in the list of candidates in the zone of consideration also and the decision has already taken to promote him, the orders have not been issued because of the observations made by this Tribunal in the order dated 20.1.2022. In the circumstances, it is clarified that the respondents may proceed with the promotions, however, 7 such posts shall be kept vacant until decision of the O.A. No. 664/2021. There may not be any difficulty to issue promotion order to the applicant in O.A. No. 532/2020 namely Hemant J. Kinhikar.

4. S.O. to 9.6.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 4.5.2022-HDD

**M.A.NO. 189/2022 IN O.A.ST.NO. 785/2022
(Swanand B. Thorve & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

Heard Shri R.O. Awasarmol, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and 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. 785 OF 2022
(Swanand B. Thorve & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 4.5.2022

ORAL ORDER :

Heard Shri R.O. Awasarmol, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Issue notice to respondents, returnable on 12.7.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 12.7.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 541/2019 IN O.A.NO. 272/2019
(Whab Majid Shaikh Vs. State of Maharashtra & Ors.)

WITH

M.A.NO. 542/2019 IN O.A.NO. 274/2019
(Prashant S. Sapkale Vs. State of Maharashtra & Ors.)

WITH

M.A.NO. 543/2019 IN O.A.NO. 275/2019
(Kishor S. Karn Vs. State of Maharashtra & Ors.)

WITH

M.A.NO. 580/2019 IN O.A.NO. 273/2019
(Abdul Wahid Shaikh Mohmad Vs. State of Maha. & Ors.)

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

DATE : 4.5.2022

ORAL ORDER :

Shri M.R. Wagh, learned counsel for the applicants in all these cases (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondents in all these cases, is present.

2. Since none appears for the applicants, S.O. to 29.6.2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 337 OF 2022
(Vithal Bhikaji Chavan Vs. Maharashtra Public Service
Commission)**

[SPEAKING TO MINUTES]

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

DATE : 4.5.2022

ORAL ORDER :

Shri A.B. Chalak, learned counsel for the applicant.

2. Motion is for speaking to minutes in the order passed by this Tribunal in O.A. No. 337/2022. It is pointed out that O.A. Number is wrongly mentioned as '337/2020', it shall be corrected as "337/2022" and in the title instead of 'State of Maharashtra and others' it should be corrected as "Maharashtra Public Service Commission".

Corrected copy be issued accordingly to both the parties.

MEMBER (A)

VICE CHAIRMAN

CHAMBER APPEAL NO. 8 OF 2022
(Ashok Ramkrishna Jujgar Vs. State of Maharashtra & Ors.)

CORAM : JUSTICE P.R. BORA, VICE CHAIRMAN

DATE : 04.05.2022

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned counsel holding for Shri Mujahed Hussain, learned Advocate for the applicant.

2. Vide order dated 14.02.2022 the Registrar of this Tribunal was pleased to refuse the registration of M.A.ST.NO. 1194/2021 and O.A. St. No. 108/2021 under Rule 5 (4) of Maharashtra Administrative Tribunal (Procedural) Rules, 1988. On 02.09.2021 & 25.1.2021 the office has raised the following office objections in M.A. & O.A. respectively: -

Objections in M.A.ST.NO. 1194/2021

- 1) A copy of M.A. not served to P.O. M.A.T. Aurangabad.
- 2) M.A. is not drafted properly.
- 3) M.A. for delay is not filed as mentioned in para-4 of this M.A.

Objection in O.A.ST.NO. 108/2021

- 1) As the applicant retired on 30.6.2015, in view of this, O.A. appears to be barred by limitation.

3. Vide office note dated 04.02.2022 Registrar of this Tribunal at Aurangabad Bench noted that nobody appeared

:: - 2 - :: CHAMBER APPEAL NO. 8 OF 2022

for the applicant in O.A. & M.A. and office objections are not removed.

4. The applicant has made prayer for condonation of delay of about 30 days caused in filing Chamber Appeal No. 8/2022.

5. The learned Advocate for the applicant appeared today. He undertakes to remove the office objections in M.A. & O.A. within reasonable period.

6. Technically, the Registrar was right in refusing the registration since nobody appeared for the applicant in view of the objection in spite of repeated chances. The fact that the M.A. is filed for producing documents on record of O.A. and further fact that O.A. is filed for seeking benefit of time bound promotion and ACP Scheme and in order to give an opportunity to the applicant to prove his claim on merits, it will be in the Interest of justice to allow the appeal by condoning delay of about 30 days caused in filing this Chamber Appeal as the applicant shall not suffer for the negligence of his Advocate. Hence, the following order:-

ORDER

(i) Delay caused in filing Chamber Appeal stands condoned. Consequently, the Chamber Appeal No. 8/2022 is allowed as the applicant undertakes to remove the office objections in M.A. & O.A. within a reasonable period.

:: - 3 - :: CHAMBER APPEAL NO. 8 OF 2022

(ii) Registrar of this Tribunal Bench at Aurangabad is directed to register the M.A. & O.A. after removing the office objection/s by the learned Advocate for the applicant and place the same before the appropriate bench for hearing.

MEMBER (J)

ORAL ORDERS 4.5.2022-HDD

ORIGINAL APPLICATION NO. 276 OF 2022
(Ms. Trupti Krishnakumar Tayade Vs. Maharashtra Public
Service Commission & Anr.)

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

DATE : **4.5.2022**

ORAL ORDER :

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

2. The present applicant had applied for the post of Police Sub-Inspector in pursuance of the advertisement No. 23/2017 issued by the Maharashtra Public Service Commission (for short "the Commission"). The applicant belongs to Scheduled Tribe category and also claims to be a Sports person. The applicant had applied from Sports category. The applicant passed the preliminary examination and thereafter cleared main examination. The name of the applicant was included in the merit list. The applicant was then called upon to remain present for verification of the documents. Accordingly, the applicant remained present for the scrutiny and verification of the documents. According to the applicant, she produced the Sports Validity Certificate also on record, but it was returned to her by the concerned officer stating that when

the applicant has submitted form 3(A) no more document is required. It is the further contention of the applicant that she was shocked when she came to know about the order dated 1.4.2009, whereby her name was deleted from the selection process on the ground that at the time of verification of original documents the applicant only annexed the form 3-A and not the original Sports Validity Certificate. In the circumstances, the applicant has filed the present Original Application.

3. Respondent No. 2 has filed the affidavit in reply and has resisted the contentions raised in the Original Application. It is the contention of respondent No. 1 that the applicant did not place on record the Sports Validity Certificate which was the mandatory requirement. Learned Presenting Officer appearing for the respondents has, therefore, prayed for dismissal of the Original Application.

4. We have carefully considered the submissions advanced by the learned counsel appearing for the applicant and learned Presenting Officer appearing for the respondents.

5. It is not in dispute that the applicant was selected from the Sports Person Category and her name was included in the list of selected candidates. It is also not in dispute that the applicant was called upon to remain

present for verification of the original documents. It is the contention of the applicant that at the time of scrutiny of the documents she has submitted on record the Sports Validity Certificate also. The said fact has however, been denied by the respondent No. 1 and on that count alone the name of the applicant has not been recommended for appointment.

6. Having regard to the pleadings of the parties, the only question which falls for our consideration is *‘whether the applicant filed on record the Sports Validity Certificate?’* The averments taken in paragraph Nos. 6.8, 6.9 & 6.10 are relevant insofar as the aforesaid controversy is concerned. We, therefore, deem it appropriate to reproduce the said paragraphs herein below, which read thus: -

“6.8] The Petitioner states that in fact after having successfully cleared the entire selection process, that she was called for the Interview test which was held on 26/11/2018. That accordingly the Petitioner attended the Interview test along with the original documents including Sports Validity Certificate including Form No. 3[A], both dated 6.4.2017 issued by the Competent Authority, namely, the Deputy Director of Sports, Nashik Region, Nashik.

6.9] The Petitioner states that however, the concerned employee of the Respondent No. 1 after perusal of the said documents, only accepted the Form No. 3[A] and returned to the Petitioner the original Sports Validity Certificate dated 6.4.2017

stating that the contents of both the them are same and therefore, the Form No. 3[A] is enough. Thus the Petitioner believed in good faith as to what was done by him was correct.

6.10] The Petitioner states that however, to her shock and surprise, the Respondent No. 1 issued the impugned order dated 1.4.2019 thereby deleting the name of the Petitioner from the result process on the ground that at the time of the verification of the original documents, the Petitioner only annexed and thus furnished the Form No. 3[A] and not the original Sports Validity Certificate.”

7. In paragraph 6.11 also the applicant has reiterated that, “petitioner did produce before the concerned employee even the Sports Validity Certificate in addition to Form No. 3(A), but the original Sports Validity Certificate was returned to the petitioner stating that production of Form No. 3(A) was enough.” Learned counsel for the applicant has brought to our notice applicant’s Sports Validity Certificate filed on record in the O.A. at Exhibit ‘B’, page-17 of the compilation and also copy of the form No. 3(A) (page-19 of the paper book). Learned counsel submitted that it was most unlikely that the applicant will not produce on record the Sports Validity Certificate for verification and would act detrimental to her own interest.

8. Learned counsel further submitted that Sports Validity Certificate was well within possession of the applicant on the date of making an application, as well as,

on the date of verification of documents. Learned counsel submitted that for the mischief played by the concerned employee of respondent No. 1 on the date of verification of the documents, the applicant cannot be punished. Learned counsel further submitted that after having come to know that on the ground of non-filing of the Sports Validity Certificate for verification her candidature has been kept out of consideration, the applicant on 5.4.2019 and then 15.4.2019 and lastly on 30.4.2019 addressed the detailed representations to respondent No. 1. According to the learned counsel appearing for the applicant, for the reasons stated in the said applications the Commission ought to have considered the candidature of the applicant for her appointment on the post reserved for Sports Persons. Learned counsel submitted that since respondent No. 1 has not responded to the requests made by the applicant she has approached this Tribunal. Learned counsel submitted that the Commission has adopted too technical approach and has deprived the applicant, who is meritorious candidate from getting the appointment. Learned counsel in the circumstances prayed for allowing the application.

9. The respondent No. 1 has submitted the affidavit in reply and also placed on record certain documents. Respondent No. 1 has contended that the applicant failed in submitting the relevant documents and more particularly

Sports Validity Certificate for its verification, which was mandatory requirement. Respondent No. 1 has, therefore, prayed for rejection of the O.A.

10. After having considered the pleadings on record, the first question arises as to why the concerned employee of the Commission would indulge in making mischief as alleged by the applicant. Further it has to be closely scrutinized whether there is truth in the allegation made by the applicant that though the Sports Validity Certificate was also sought to be placed on record, it was returned by the employee of the Commission, who was carrying out the scrutiny of the documents.

11. We have referred to some of the contentions in the O.A. and the same are reproduced hereinbefore. In the further pleadings also in paragraph 6.14 & 6.18 the applicant has reiterated the allegations that the employee in the office of respondent No. 1 has played mischief.

12. As noted hereinbefore, it is the case of the applicant that she has made representations to respondent No. 1 on 5.4.2019 and then on 15.4.2019 and lastly on 30.4.2019 and sought justice on the ground that the applicant did produce before the concerned employee of the Commission even the Sports Validity Certificate in addition to form No. 3 (A), but the original Sport Validity Certificate was

returned to the applicant stating that production of form No. 3(A) was enough. In the light of the averments in O.A. it would be useful to look into the contents of the representations made by the applicant on 5.4.2019, 15.4.2019 and 30.4.2019. In none of the said representations / letters the applicant has even whispered that on the day of verification of the documents she had produced before the concerned employee the Sports Validity Certificate, but the said employee returned the said certificate to her stating that production of form 3 (A) was enough.

13. During course of the arguments a query was made by us with the learned counsel appearing for the applicant as to why the aforesaid fact was not mentioned by the applicant in her aforesaid letters. The learned counsel sought to justify stating that it may not have been specifically written in the representations but it was a fact and the said fact has been ultimately stated in the O.A. We are, however, not convinced with the submission so made. The allegation which has been repeatedly made in the O.A. and when the entire O.A. is based on the said allegation, it appears unconscionable that in the letter dated 5.4.2019, which was very first communication after the applicant came to know that her candidature has not been considered on the ground that she did not produce on record the Sports Validity Certificate, nothing has been

stated by her in the said letters that the Sports Validity Certificate was very well produced by her but the concerned employee returned her the said certificate stating that production of form 3 (A) was enough.

14. Moreover, the applicant has nowhere disclosed the name of the said employee. In fact, when because of the mischief of the said employee, according to the applicant, she has lost the chance of getting appointment, it appears strange that the applicant has not named the said employee. If it is the allegation of the applicant that the said employee played serious mischief with her, the first reaction from the side of the applicant would be to make a written complaint against the said employee with the higher authorities of the Commission. No such action seems to have been taken by the applicant, at least nothing is brought on record by the applicant in that regard nor any such fact was stated by the learned counsel for the applicant in his arguments.

15. In the aforesaid circumstances it would be quite unsafe to accept the allegation made by the applicant in O.A. that the Sports Validity Certificate though was filed by her, the same was returned to her by the concerned employee, who carried out the scrutiny of the original documents. The contention of the learned counsel appearing for the applicant that the applicant was most

unlikely to act detrimental to her interest and thus it has to be presumed that the Sports Validity Certificate was filed on record by her, cannot be accepted in view of the facts which have come on record. As mentioned in the advertisement it was mandatory for the applicant to produce on record Sport Validity Certificate at the time of scrutiny / verification of the documents. Failure on her part to produce such validity certificate has resulted in rejection of her candidature. As elaborately discussed hereinabove, the applicant has failed in establishing that she had produced the Sports Validity Certificate, but the same was returned to her. As such, it does not appear to us that the respondent No. 1 has committed any illegality or error in rejecting the candidature of the applicant, for the reasons assigned by it.

16. In the result the following order is passed: -

ORDER

- i) The Original Application is dismissed.
- ii) No order as to costs.

MEMBER (A)

ORAL ORDERS 4.5.2022-HDD

VICE CHAIRMAN