

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

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Divison Bench

Before: - THE HON'BLE SHRI. V.D. DONGRE, MEMBER (J)

And

THE HON'BLE SHRI. BIJAY KUMAR, MEMBER (A)

Date: -05/04/2023

Due Admission Matters						
24	CP43/19 In MA97/12 In OA817/11	P'bhani	Adv.Ashish B Rajkar (Dharamapal U Dethe) <u>Adv.D.T. Devane for R.No.3</u>	Contempt Petition	For Admission Reply Filed by R-3	5.6.2023
25	CP16/20 In OA886/18 With	Nanded	Adv.G.N. Kulkarni (Baliram D Waghmare)	Contempt Petition	For Hearing	15.6.2023
26	CP17/20 In OA883/18	Nanded	Adv.G.N. Kulkarni (Sawairam D Rathod)	Contempt Petition	For Hearing	15.6.2023
27	OA307/19	Beed	Adv.Rahul D Khadap (Rahul D Sathe & Ors.)	Promotion	For Hearing Reply Filed by R-1 & R-2	16.6.2023
28	OA947/19	A'bad	Adv.Preeti R Wankhade (Dr.Anil R Waghmare)	Refixation of Pay/ Withdrawal of Benefits/ Recovery	For Admission Reply Filed by R-1 to R-4	16.6.2023
29	OA1024/19	Beed	Adv.G.K. Kshirsagar (Lata S Sanap)	Promotion/ Charge Sheet	For Hearing Reply Filed by R-1 to R-4	19.6.2023
30	OA47/20 With	A'bad	Adv.A.S. Deshmukh (Damodhar B Jadhav)	Challenging G.R./Revise d ACPS 3 rd Benefit	For Hearing Reply Filed by R-1 to R-4	19.6.2023
31	OA48/20 With	A'bad	Adv.A.S. Deshmukh (Laxman V Chavan)	Challenging G.R./Revise d ACPS 3 rd Benefit	For Hearing	19.6.2023

32	OA49/20 With	A'bad	Adv.A.S. Deshmukh (Laxman Y Yadav) <u>Adv.G.N. Patil for R.No.4</u>	Challenging G.R./Revised ACPS 3 rd Benefit	For Hearing Reply Filed by R-4	
33	OA59/20	A'bad	Adv.Avinash S Deshmukh (Ashok P Bhagwat & Ors.) <u>Adv.G.N. Patil for R.Nos.3 & 4</u>	Challenging G.R./Revised ACPS 3 rd Benefit	For Hearing Reply Filed by R-3 & R-4	
34	OA226/20	A'bad	Adv.P.R. Wankhade (Haridas R Ghuge)	Selection/ Select List	For Admission Reply Filed by R-1 & R-2	16.6.2023
35	OA589/20	Latur	Adv.R.B. Deshmukh (Anil V Karbhari)	Department al Enquiry	For Hearing Reply Filed by R-1 & R-2	19.6.2023
36	OA56/21	A'bad	Adv.Vijay C Suradkar (Santosh S Kamble)	Termination	For Hearing Reply Filed by R-2 & R-3	5.6.2023
37	OA59/21	A'bad	Adv.Vijay C Suradkar (Baban S Ramfale)	Termination	For Hearing Reply Filed by R-2 & R-3	5.6.2023
38	OA101/21	Dhule	Adv.Suresh D Dhongde (Dhansing B Chavan)	Termination	For Hearing Reply Filed by R-1 to R-3	8.6.2023
39	OA633/21	A'bad	Adv.S.B. Solanke (Sunil H Nirmal)	Selection/ Appointment	For Hearing Reply Filed by R-2 & R-3	25.4.2023
40	OA655/21	Jalna	Adv.U.L. Telgaonkar/ Adv.N.U. Telgaonkar (Rahul D Gaikwad)	Termination	For Hearing Reply Filed by R-1 & R-2	6.6.2023
41	OA685/21	A'bad	Party In Person (Amol V Chate & Ors)	Challenging Advertisement	For Hearing Reply Filed by R-2 & R-4	12.6.2023
42	OA807/21	Beed	Adv.M.B. Kolpe (Sahebrao J Ghadge)	Recruitment Process	For Hearing Reply Filed by R-4 For Filing Affidavit in Rejoinder	12.6.2023
43	OA291/22	A'nagar	Adv.S.S. Jadhavar (Manisha G Bargaje)	Resignation/ Department al Enquiry	For Hearing Reply Filed by R-1 to R-4	20.4.2023

44	OA401/22	A'bad	Adv.Suchita Dhongde (Kirti M Nagargoje)	ACR Promotion	For Hearing Reply Filed by R-1 to R-4 For Filing Affidavit in Rejoinder	8.6.2023
45	OA403/22	Latur	Adv.Dhananjay Mane (Pandit S Tiparse)	Major Punishment/ Reversion	For Hearing Reply Filed by R-1 to R-4	13.6.2023
46	OA442/22	A'bad	Adv.K.B. Jadhav (Shankar M Rathod)	Reversion	For Hearing Reply Filed by R-1 to R-3	26.4.2023
47	OA512/22	A'bad	Adv. R. A. Joshi (Sunil B Magre & Ors)	Examination	For Hearing Reply Filed by R-2	8.6.2023
48	OA601/22	P'bhani	Party In Person (Deepak U Kulkarni)	Seniority List	For Admission Reply Filed by R-1 to R-3	8.6.2023
49	OA670/22	Jalna	Adv.V.B. Wagh (Dr.Rajeshree Nirmal Agarwal)	Termination / Continuation of Service	For Hearing Reply Filed by R-1 to R-4, R- 6 & R-7 For Filing Affidavit in Rejoinder	3.5.2023
50	OA691/22	A'nagar	Adv.Avinash S Deshmukh (Dr. Vasant M Garudkar) <u>Adv.J.P. Legal for R.No.3</u>	Appointment	For Hearing Reply Filed by R-1 to R-3	5.6.2023
51	OA694/22	Beed	Adv.S.B. Patil (Pradeep D Pawar)	Directions (Appointment)	For Admission	21.4.2023
52	OA735/22	Hingoli	Adv.Suchita Dhongde (Vinodkumar B Ambhore)	Seniority List	For Admission Reply Filed by R-1 to R-3	8.6.2023
53	OA899/22	Latur	Adv.R.K. Ashtekar (Hansraj R Jadhav)	Seniority/ Promotion	For Admission Reply Filed by R-2 & R-3	16.6.2023

54	OA900/22	Latur	Adv.R.K. Ashtekar (Navneet C Jamnik)	Seniority/ Promotion	For Admission Reply Filed by R-2 & R-3	16.6.2023
55	OA901/22	Latur	Adv.R.K. Ashtekar (Madhav V Joshi)	Seniority/ Promotion	For Admission Reply Filed by R-2 & R-3	16.6.2023
Final Hearing Matters						
56	OA78/17	Nanded	Adv.Talekar & Associates (Shivaji S Dahale)	Seniority/ Promotion	Reply Filed by R-2 & R-3	9.6.2023
57	OA82/17	A'bad	Adv.S.B. Talekar & Associates (Shaikh Rabbani Shaikh Dadubhai)	Promotion	Reply Filed by R-3	9.6.2023
58	OA743/17	A'nagar	Adv.Avinash S Deshmukh (Subhash A Dhokane)	Dismissal	Reply Filed by R-1 to R-3	16.6.2023
59	OA149/18	O'bad	Adv.M.B. Kolpe (Dhananjay L Jadhav)	Appointment	For Hearing Reply Filed by R-1 & R-2	14.6.2023
60	OA141/19	A'bad	Adv.A.S. Deshpande/ Adv.V.P. Potbhare (Dr.Pandharinath S Gawali & Ors.)	N.P.A.	Reply Filed by R-1 & R-3	14.6.2023
61	MA498/19 In OAST1959/19	P'bhani	Adv.Vivek G Pingle/ Adv.R.L. Chintalwar (Ramrao D Rathod)	M.A. For Condonation of Delay	Reply Filed by R-1 to R-4	28.4.2023

Date: -05/04/2023 D.B. for reply board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	CP24/22 In OA902/19	P'bhani	Adv.K.B. Jadhav (Shivaji M Thorat)	Contempt Petition	For Filing Affidavit in Reply For R-1 to R-3	13.6.2023

2	CP29/22 In OA283/21	A'bad	Adv.H.S. Bali (Gautam A Jadhav)	Contempt Petition	For Filing Affidavit in Rejoinder	26.4.2023
3	CP36/22 In OA53/20	A'bad	Adv.H.S. Bali (Kailas K Sasane)	Contempt Petition	Last Chance For Filing Affidavit in Reply	26.4.2023
4	TA7/21 WP10329/21 with	Beed	Adv.Abhijeet C Darandale (Shilpa A Chate)	Examination	Notices not collected	20.6.2023
5	TA8/21 WP10446/21 with	A'vati	Adv.Abhijeet C Darandale (Sonali R Raghuvanshi)	Examination	Notices not collected	20.6.2023
6	TA9/21 WP11027/21	A'nagar	Adv.Hemant U Dhage/ Adv.V.C. Misal (Sahil Badshaha Shaikh& Ors.)	Examination	Notices not collected	20.6.2023
7	OA10/21	Nanded	Adv.S.A. Deshmukh (Shivaji S Amberao)	Supernumery Post	As One More Last Chance For Filing Affidavit in Reply	21.6.2023
8	OA422/22 With Caveat8/22	Hingoli	Adv.A.P. Avhad (Maroti K Sable & Ors.) <u>Adv.A.G. Ambetkar for Caveator</u> (Chandrakant S Shinde)	Examination/ Result/ Selection Process	For Filing Affidavit in Rejoinder	21.6.2023
9	OA537/22	J'gaon	Adv.K.B. Jadhav (Namdeo M Wade)	Departmental Enquiry	For Filing Affidavit in Rejoinder	6.6.2023
10	OA703/22	Nanded	Adv.O.B. Boinwad (Shivaji V Galande)	Directions/ Promotion	For Filing Affidavit in Reply	22.6.2023
11	OA707/22	Beed	Adv.M.S. Karad (Jay B Chavan)	Appointment	For Filing Affidavit in Reply	22.6.2023
12	OA765/22	Hingoli	Adv.M.R. Kulkarni (Vasant B Shinde)	Revision of Pay Scale	For Filing Affidavit in Rejoinder	23.6.2023
13	OA767/22	Dhulea	Adv.Kakasaheb B Jadhav (Jaywant R Wagh)	Resignation Qualifying Service, Seniority	For Filing Affidavit in Reply For R-1, R-2, R-4 & R- 5	23.6.2023
14	OA793/22	A'nagar	Adv.K.B. Jadhav (Babynanda G Gosavi)	Departmental Enquiry	For Reply	23.6.2023

15	OA928/22	Beed	Adv.S.M. Shegaonkar (Bhagwat L Lagad)	Promotion	For Filing Affidavit in Reply For Other Respondents	5.6.2023
16	OA988/22	Jalna	Adv.J.S. Deshmukh (DR. Nitinkumar B Shah)	Eligibility/ Appointment	Await Service of Notice	26.6.2023
17	OA 36/23	Nanded	Adv.Avinash S Khedkar (Vishal N Sangale & Ors.)	Promotion	For Filing Affidavit in Reply For R-1, R-2 & R-5	6.6.2023
18	OA102/23	A'bad	Adv.Suchita Dhongde (Baliram D Rathod)	Challenging Cause of G.R.	For Filing Affidavit in Reply	26.6.2023
19	OA148/23	Beed	Adv.S.S. Jadhavar (Arun U Gholve)	Appointment	For Reply	20.04.2023
20	OA187/23	P'bhani	Adv.S.B. Solanke (Dr. Balasaheb S Nagargoje)	Challenging G.R./ Promotion	Await Service	27.4.2023
21	OA203/23	Jalna	Adv.S.S. Jadhavar (Aditi V Banchod)	Selection Process	For Reply	204.2023
Order Matters						
22	MA528/22 In OA651/22	Jalna	Adv.V.M.Jaware in MA528/22 (Vithal M Wagh) Adv.Vishwas B Wagh in OA 651/22 (Santosh S Suparkar)	MA for Intervention and Adding Party as Respondents	For Filing Affidavit in Reply	9.6.2023
23	MA87/23 In OA259/21	A'bad	Adv.C.V. Dharurkar/ Adv.Vinaya Mule-Dharurkar (Megharani P Tarkase & Ors.) <u>Adv.A.S. Deshmukh For</u> <u>R.Nos.4 & 5 in OA259/21</u>	M.A. For Direction	Await Service	9.6.2023

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

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Single Bench

Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

Date: -05/04/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Regular Admission Matters						
1	MA19/23 In OAS602/22	Nanded	Adv.C.R. Thorat (Bharat V Lahane)	M.A. For Condonation of Delay		12.6.2023
2	OA108/23	A'bad	Adv.B.N. Magar Patil (Dyaneshwar B More)	Police Patil		12.6.2023
3	OA232/23	Latur	Adv.V.D. Gunale (Anjali B Narhare)	Appointment on Compassionate Ground		21.4.2023
4	OA261/23	A'bad	Adv.V.G. Salgare (Vidya S Ghorpade)	Recovery/ Pension & Other Benefits	Circulation	14.6.2023
5	OAS532/23	O'bad	Adv.Ajay S Deshpande (Prakash H Kharparde)	Increment/ Pension & Other Benefits		12.4.2023
High On Board Matters						
6	OA229/21	A'bad	Adv.K.G. Salunke (BalbirSingh Jagannath Prasad Tyagi)	Pension & Pensionary Benefits	Part Heard Reply Filed by R-1 to R-4	10.4.2023
Due Admission Matters						
7	OA110/21	Hingoli	Adv.V.B. Wagh (Dr.Namdeo R Pawar)	Continuation	Reply Filed by R-1 to R-4	11.4.2023
8	OA121/21	A'bad	Adv.D.K. Dagadkhair (Sukhadev S Jadhav & Ors.)	Regularization (Part Time Sweeper)	Reply Filed by R-1 & R-3	16.6.2023
10	OA201/21	Dhule	Adv.S.S. Jadhavar (Vasant G Patil)	Suspension	For Hearing Reply Filed by R-1 & R-2	13.4.2023

11	OA395/21	A'nagar	Adv.Ajit M Gholap (Bhau N Chaudhari)	Benefits of Assured Career Progress scheme	For Further Consideration	16.6.2023
12	OA560/21	P'bhani	Adv.S.D. Joshi (Motiram D Dakhore)	Minor Punishment	Reply Filed by R-1 to R-5	16.6.2023
13	OA805/21	P'bhani	Adv.S.D. Joshi (Mahadev S Koli) <u>Adv.S.G. Kulkarni For R.No.6</u>	Transfer	Reply Filed by R-2 to R-4 & R-6	16.6.2023
14	OA11/22	Nanded	Adv.Girish N Kulkarni(Mardikar) (Sahebrao D Wankhade)	REfixation/ Revise Pension	For Hearing Reply Filed by R-1 & R-2	15.6.2023
15	OA251/22	A'nagar	Adv.Shrikuishna U Chaudhari (Vikas D wagh)	Reinstate (Suspnesion)	For Hearing Reply Filed by R-1 to R-3	10.4.2023
17	OA593/22	Beed	Adv.S.B. Solanke (Shaikh Zubair Shaikh Mahemood)	Compassionate Appointment (Lad Page Samiti)	For Hearing Reply Filed by R-1 to R-3	12.4.2023
18	OA783/22	Nanded	Adv.H.P. Jadhav (Nilabai P Mumulwar & Ors.) <u>Adv.S.B. Mene for R.Nos. 3 & 4</u>	Compassionate Appointment	For Hearing	12.6.2023
19	OA850/22	Jalna	Adv.S.B. Solanke (Shaikh Jameer Shaikh Manjur)	Compassionate Appointment (Lad Page Samiti)	For Hearing Reply Filed by R-2	12.4.2023
20	OA1152/22	Latur	Adv.K.G. Salunke (Krishna P Rathod & Ors.)	Compassionate Appointment	For Hearing Reply Filed by R-1 to R-3	21.4.2023
Order Matter						
21	MA588/19 In OAST2292/19	Nanded	Adv.Vikram S Kadam (Vyankat L Nilawar)	M.A. For Condonation of Delay	Reply Filed by R-1 to R-4	9.6.2023
22	MA231/21 In OAS782/21	A'nagar	Adv.S.P. Chate (Raju T Kamble)	M.A. For Condonation of Delay	<u>For Further Consideration</u> Reply Filed by R-1, R-2 & R-4	9.6.2023
Final Hearing Matters						
25	OA820/19 with	J'gaon	Adv.S. R.Sapkal (Yogesh B. Sonawane)	Recovery / Pay fixation as per	Reply Filed By R-1 to	12.6.2023

				G.R	R-3	
26	OA821/19 with	J'gaon	Adv.S.R. Sapkal (Shital T Mali)	Recovery / Pay fixation as per G.R	Reply Filed By R-1 to R-3	12.6.2023
27	OA822/19 with	J'gaon	Adv.S. R. Sapkal (Rohidas M Patil)	Recovery / Pay fixation as per G.R	Reply Filed By R-1 to R-3	
28	OA823/19 with	J'gaon	Adv.S.R. Sapkal (Tukaram B Lavte)	Recovery / Pay fixation as per G.R	Reply Filed By R-1 to R-3	
29	OA824/19 with	J'gaon	Adv.S. R. Sapkal (Dinesh P Devre)	Recovery / Pay fixation as per G.R	Reply Filed By R-1 to R-3	
30	OA825/19 with	J'gaon	Adv.S.R. Sapkal (Balaji P Johare)	Recovery / Pay fixation as per G.R	Reply Filed By R-1 to R-3	
31	OA826/19 with	J'gaon	Adv.S.R. Sapkal (Khalil Yakub Shaikh)	Recovery / Pay fixation as per G.R	Reply Filed By R-1 to R-3	
32	OA827/19 with	J'gaon	Adv.S.R. Sapkal (Rohini P Sonar)	Recovery / Pay fixation as per G.R	Reply Filed By R-1 to R-3	
33	OA828/19 with	J'gaon	Adv.S.R. Sapkal (Shaligram K Kankhare)	Recovery / Pay fixation as per G.R	Reply Filed By R-1 to R-3	
34	OA829/19 with	J'gaon	Adv.S.R. Sapkal (Nilam A Pardeshi)	Recovery / Pay fixation as per G.R	Reply Filed By R-1 to R-3	
35	OA830/19 with	J'gaon	Adv.S.R. Sapkal (Roshni B Pawar)	Recovery / Pay fixation as per G.R	Reply Filed By R-1 to R-3	
36	OA831/19 with	J'gaon	Adv.S. R. Sapkal (Dipika MPalve)	Recovery / Pay fixation as per G.R	Reply Filed By R-1 to R-3	
37	OA832/19 with	J'gaon	Adv.S.R.Sapakal (Sunita S Patil)	Recovery / Pay fixation as per G.R	Reply Filed By R-1 to R-3	
38	OA837/19 with	J'gaon	Adv.S.R.Sapkal (Sarika N Kadam)	Recovery / Pay fixation as per G.R	Reply Filed By R-1 to R-3	
39	OA838/19 with	J'gaon	Adv.S.R.Sapkal (Ashwini R Dhattrak)	Recovery / Pay fixation as per G.R	Reply Filed By R-1 to R-3	
40	OA839/19 with	J'gaon	Adv.S.R.Sapakal (Bhavna A Sangore)	Recovery / Pay fixation as per G.R	Reply Filed By R-1 to R-3	

41	OA915/19	J'gaon	Adv.S.R. Sapkal (Roshni S Zatale)	Recovery	Reply Filed By R-1 to R-3	12.6.2023
42	OA198/19	Latur	Adv.R.P. Bhumkar (Achyut R Kulkarni & Ors.) <u>Adv.S.B. Mene for R.Nos.2, 4 & 5</u>	Time Bound Promotion/ ACPS/ Benefit as Per G.R.	Reply Filed by R-1 & R-3	26.6.2023
43	OA439/20	Beed	Adv.Milind K Deshpande (Bhimrao B Bangar)	Recovery	Reply Filed by R-1 to R-6	12.6.2023
44	OA514/20	Beed	Adv.A.S. Deshmukh (Kamlakar B Kulkarni)	Incrememnt/ Refixation of Pension	Reply Filed by R-3 to R-5	19.6.2023
45	OA362/21	Beed	Adv.H.P. Jadhav (Usha A Pawar)	Family Pension & Other Pensionery Benefits	Reply Filed by R-1, R-3 to R-5	19.6.2023
46	OA601/21	A'bad	Adv.A.S. Shelke (Ramesh M Darekar)	Regularisation	Reply Filed by R-1 to R-4	26.6.2023
47	OA484/22	N'bar	Adv.S.U. Chaudhari (Jayendra P Ahire)	Transfer	Reply Filed by R-1	4.5.2023

Date: -5/04/2023

S.B. For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject		Next date
Due Admission Matters						
1	TA19/22 WP12463/21	A'nagar	Adv D R Jaybhar (Ramdas K Kolkar)	Provisional Pension/ Pension & Pensionery Benefits	Await Service	14.6.2023
2	OA431/22	P'bhani	Adv S S Thombre (Baliram B Chavan)	Pensionery Benefits	For Filing Affidavit in Reply	14.6.2023
3	OA514/22	P'bhani	Adv K B Bhise (Madhukar S Dudhgaonkar)	Interest on Delayed Payment	Reply Filed By R- 2 & R- 3 & For Filing Affidavit in Reply Ref Order Dtd. 19.10.2022	12.6.2023

4	OA772/22	A'nagar	Adv A S Khedkar (Moreshwar D Narwale)	Withdrawal of Benefit of T.B.P	For Filing Affidavit in Reply	14.6.2023
5	OA795/22	Latur	Adv V P Golewar (Dr. Vishwanath S Biradar)	Pension & Pensionary Benefit/ Arrears of Salary	By Way of Last Chance For Filing Affidavit in Reply	14.6.2023
6	OA965/22 With	O'bad	Adv Ganesh J Kore (Prabhakar M Kawathekar)	Annual Increments/ Other Monetary Benefits	One More Chance For Filing Affidavit in Reply	17.4.2023
7	OA966/22 With	O'bad	Adv Ganesh J Kore (Bhalchandra P Dharurkar)	Annual Increments	One More Chance For Filing Affidavit in Reply	
8	OA967/22 With	O'bad	Adv Ganesh J Kore (Pandharenath B Dhorge)	Annual Increments/ Other Monetary Benefits	One More Chance For Filing Affidavit in Reply	
9	OA968/22 With	O'bad	Adv Ganesh J Kore (Jilani Azimoddin Shaikh) <u>Adv S D Dhongde For R- 2 in O.A No. 968/22</u>	Annual Increments/ Other Monetary Benefits	One More Chance For Filing Affidavit in Reply	
10	OA969/22 With	O'bad	Adv Ganesh J Kore (Shaikh Rahim Shaikh Chand)	Annual Increments/ Other Monetary Benefits	One More Chance For Filing Affidavit in Reply	
11	OA880/22 With	O'bad	Adv Ganesh J Kore (Ajgar Ali Mohiddin Shaikh)	Annual Increments	Reply Filed By R-1 & R-2	
12	OA881/22 With	O'bad	Adv Ganesh J Kore (Vilas V Sathe)	Annual Increments/ Other Monetary Benefits	One More Chance For Filing Affidavit in Reply	
13		O'bad	Adv Ganesh J Kore (Dipak S Sherkhane)	Annual Increments/ Other Monetary	Reply Filed By R-1 & R-2	

	OA1028/22			Benefits		
14	OA1049/22	Nanded	Adv V G Sakolkar (Latabai T Rathod)	Refund of Recovered Amount	Reply Filed By R- 2, R-3 & R-5 For Filing Affidavit in Rejoinder Ref Order Dtd. 20.02.2023	14.6.2023
15	OA1131/22	J'gaon	Adv S R Patil (Nagesh G Patil)	Suspension/ Revocation of Suspension	Awati Service For R-1	17.4.2023
16	OA1162/22	Nanded	Adv S B Patil (Bhimrao N Kokate)	Re-Fixation of Pay & Recovery	For Reply	20.6.2023
17	OA01/23	J'gaon	Adv C V Dharurkar (Shashikant J Ingle)	Suspension/ Reinstatement	Await Service	4.5.2023
18	OA83/23	P'bhani	Adv Mirza Mazhar J Baig/ Adv Waseem Rahim Baig (Mohd Sardar Mohd Abrar)	Compassionate Appointment	Await Service	15.6.2023
19	OA141/23	Latur	Adv V G Pingle (Rukhmin S Mendhake)	Time Bound Promotion	For Reply	19.6.2023
20	OA161/23	O'bad	Adv H P Jadhav (Balu S Bharnale & Ors.)	Old Pension Scheme	For Reply	6.6.2023
21	OA163/23	Nanded	Adv V B Wagh (Shantaram M Shinde)	Suspension/ Revocation of Suspension	For Reply	28.4.2023
22	OA166/23	A'bad	Adv Amruta Paranjape- Menezes (Sunil R Kharat)	Transfer	Notice Not Collected	4.5.2023
Order Matters						
23	MA292/22 In OAS1116/22	A'bad	Adv S B Solanke (Shaikh Imran Shaikh Ahmed)	M.A. For Condonation of Delay	For Filing Affidavit in Reply	27.4.2023
24	MA426/22 In OAS1868/22	A'bad	Adv J S Deshmukh (Pradyumnakumar P Gosavi)	M A For Condonation of Delay	By Way Of Last Chance For Filing Affidavit in Reply	25.4.2023
25	MA454/22 In MA58/22 In OAST221/22	Beed	Adv J M Murkute (Sindhu B Wanve & Ors.)	M.A. For Condonation of Delay	Await Service	6.6.2023

ORIGINAL APPLICATION NO. 1139 OF 2022
(Vitthal M. Kakade & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri A.S. Khedkar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

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

3. S.O. to 06.06.2023 for hearing. **High on board.**

MEMBER (A)

MEMBER (J)

M.A.NO. 439 OF 2022 IN O.A.NO. 498 OF 2022
(Sandip L. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Smt. Archana S. Therokar, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant on instructions seeks permission to withdraw the Original Application as well as Misc. Application.

3. In view of the above, we have no reason to refuse permission to withdraw the O.A. as well as M.A. when the withdrawal is sought unconditionally. Hence, permission to withdraw the O.A. as well as M.A. is granted.

4. In view of the same, the Original Application as well as Misc. Application stand disposed of as withdrawn with no order as to costs.

MEMBER (A)

MEMBER (J)

M.A.NO. 163/2022 IN O.A.ST.NO. 1492/2021
(Goroba S. Barde Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri A.S. Bayas, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. S.O. to 04.05.2023 for hearing.

MEMBER (A)

MEMBER (J)

**M.A.NO. 79 OF 2021 IN O.A.ST.NO. 288 OF 2021
(Pralhad V. Fiske Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri S.G. Magare, learned Advocate holding for Shri Hemant D. More, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. S.O. to 03.05.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 271 OF 2023

(Anil S. Chavan Vs. State of Maharashtra & Ors.)

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

and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 05.04.2023

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 27.04.2023.

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 27.04.2023.

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

MEMBER (A)

MEMBER (J)

**M.A.NO. 41/2021 & M.A.ST.NO. 90/0021 WITH
M.A.ST.NO. 89/2021 IN O.A.ST.NO. 91/2021
(Marathwada Van Va Samajik Vanikaran Rojandari Va Kayam
Kamgar Karmachari Va Sarva Shramik Sanghtana through its
General Secretary Uddhav G. Mahanor Vs. State of Maharashtra
& Ors.)**

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri G.R. Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The applicants preferred M.A.No. 41/2021 & M.A.St.No. 90/2021 seeking leave to sue jointly.

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

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

MEMBER (A)

MEMBER (J)

M.A.ST.NO. 89/2021 IN O.A.ST.NO. 91/2021
(Marathwada Van Va Samajik Vanikaran Rojandari Va Kayam
Kamgar Karmachari Va Sarva Shramik Sanghtana through its
General Secretary Uddhav G. Mahanor Vs. State of Maharashtra
& Ors.)

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

DATE : 05.04.2023
ORAL ORDER :

Heard Shri G.R. Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

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 05.06.2023.

MEMBER (A)

MEMBER (J)

**M.A.NO. 42/2021 & M.A.ST.NO. 66/0021 WITH
M.A.ST.NO. 67/2021 IN O.A.ST.NO. 68/2021**
(Sarva Shramik Sangh through its President H.S. Sonawane &
Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri G.R. Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The applicants preferred M.A.No. 42/2021 & M.A.St.No. 66/2021 seeking leave to sue jointly.

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

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

MEMBER (A)

MEMBER (J)

M.A.ST.NO. 67/2021 IN O.A.ST.NO. 68/2021
(Sarva Shramik Sangh through its President H.S. Sonawane &
Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri G.R. Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

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

3. S.O. to 05.06.2023.

MEMBER (A)

MEMBER (J)

**M.A.NO. 65/2021 & M.A.ST.NO. 271/0021 WITH
M.A.ST.NO. 272/2021 IN O.A.ST.NO. 274/2021
(Marathwada Sarva Shramik Sanghtana through its Joint
Secretary, Uddhav Namdeo Shinde & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri G.R. Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh, learned Chief Presenting Officer for the respondent authorities.

2. The applicants preferred M.A.No. 65/2021 & M.A.St.No. 271/2021 seeking leave to sue jointly.

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

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

MEMBER (A)

MEMBER (J)

M.A.ST.NO. 272/2021 IN O.A.ST.NO. 274/2021
(Marathwada Sarva Shramik Sanghtana through its Joint
Secretary, Uddhav Namdeo Shinde & Ors. Vs. State of
Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri G.R. Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

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 05.06.2023.

MEMBER (A)

MEMBER (J)

**M.A.NO. 92/2021 & M.A.ST.NO. 245/0021 WITH
M.A.ST.NO. 244/2021 IN O.A.ST.NO. 241/2021
(Sarva Shramik Sangh through its President, Harishchandra
Shankarrao Sonwane & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri G.R. Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. The applicants preferred M.A.No. 92/2021 & M.A.St.No. 245/2021 seeking leave to sue jointly.

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

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

MEMBER (A)

MEMBER (J)

M.A.ST.NO. 244/2021 IN O.A.ST.NO. 241/2021
(Sarva Shramik Sangh through its President, Harishchandra
Shankarrao Sonwane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri G.R. Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

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 05.06.2023.

MEMBER (A)

MEMBER (J)

**M.A.NO. 93/2021 & M.A.ST.NO. 249/0021 WITH
M.A.ST.NO. 248/2021 IN O.A.ST.NO. 246/2021
(Sarva Shramik Sangh through its President, Harishchandra
Shankarrao Sonwane & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2023

ORAL ORDER :

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

2. The applicants preferred M.A.No. 93/2021 & M.A.St.No. 249/2021 seeking leave to sue jointly.

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

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

MEMBER (A)

MEMBER (J)

M.A.ST.NO. 248/2021 IN O.A.ST.NO. 246/2021
(Sarva Shramik Sangh through its President, Harishchandra
Shankarrao Sonwane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

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

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 05.06.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 345 OF 2017

(Abhiman M. Kale Vs. State of Maharashtra & Ors.)

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

and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 05.04.2023

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned Advocate for the respondent Nos. 2 to 6.

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

3. Learned Advocate for the applicant filed additional affidavit along with documents. The same is taken on record and copy thereof has been served on the other side.

4. S.O. to 25.04.2023. **High on board.**

MEMBER (A)

MEMBER (J)

M.A.NO. 249/2020 IN O.A.ST.NO. 1009/2019
(Bharat S. Maher Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Shri S.S. Thombre, learned Advocate for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned Advocate for the applicant, S.O. to 12.06.2023 for hearing.

MEMBER (A)

MEMBER (J)

M.A.ST.NO. 432/2023 IN O.A.ST.NO. 295/2023
(Shubham H. Waghmare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri Mohd Aseem, learned Advocate holding for Shri Sayyed Tauseef Yaseen, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. At the request of the learned Advocate for the applicants, S.O. to 28.04.2023.

MEMBER (A)

MEMBER (J)

**M.A.ST.NO. 1958/2022 IN M.A.ST.NO. 1611/2022 IN
O.A.ST.NO. 1612/2022**

(Fakirchand S. Thorat & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Mrs. M.A. Kulkarni, learned Advocate for the applicants (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned Advocate for the applicants, S.O. to 26.04.2023.

MEMBER (A)

MEMBER (J)

C.P.NO. 29 OF 2022 IN O.A.NO. 283 OF 2021
(Gautam A. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri H.S. Bali, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit in rejoinder.

3. In view of the same, S.O. to 26.04.2023 for hearing.

MEMBER (A)

MEMBER (J)

C.P.NO. 36 OF 2022 IN O.A.NO. 53 OF 2020
(Kailas K. Sasane Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri H.S. Bali, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

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 C.P.

3. S.O. to 26.04.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 765 OF 2022

(Vasant B. Shinde Vs. State of Maharashtra & Ors.)

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

and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 05.04.2023

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Affidavit in rejoinder filed on behalf of the applicant is taken on record and copy thereof has been served on the other side.

3. S.O. to 23.06.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 661 OF 2017
(Shailendra S. Kapse Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri K.D. Pote, learned Advocate holding for Shri A.G. Ambetkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. The present matter has already been treated as part heard.
3. S.O. to 26.04.2023. **High on board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 443 OF 2018
(Jagannath W. Vispute Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri M.R. Wagh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. The present matter has already been treated as part heard.
3. S.O. to 27.04.2023. **High on board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 82 OF 2019
(Devendra R. Dandgavhal & Ors. Vs. State of Maharashtra &
Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Advocate holding for Shri Shankar Borkute, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Affidavit in reply filed on behalf of the respondent Nos. 1 & 2 to the amended O.A. is taken on record and copy thereof has been served on the other side.

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

4. S.O. to 20.04.2023. **High on board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 431 OF 2020
(Purushottam G. Khule Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities. Shri Suresh P. Salgar, learned Advocate for the respondent Nos. 3 to 5, **absent**. Shri S.D. Joshi, learned Advocate for the respondent No.6 has filed a **leave note**.

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

3. S.O. to 24.04.2023. **High on board**.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 83 OF 2021
(Ashok R. Tonde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri Gajanan K. Kshirsagar, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 19.04.2023. **High on board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 655 OF 2022

(Madhav C. Padvi Vs. State of Maharashtra & Ors.)

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

and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 05.04.2023

ORAL ORDER :

Heard Shri F.R. Tandale, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 25.04.2023. **High on board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 526 OF 2022
(Sachin D. Dahihande Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri A.S. Khedkar, learned Advocate holding for Shri G.R. Rathod, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. S.O. to 26.04.2023 for hearing. **High on board.**

MEMBER (A)

MEMBER (J)

**M.A.ST.NO. 1274/2022 IN M.A.NO. 35/2019 IN
O.A.ST.NO. 47/2019**

(Rajendra P. Ghanwat & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri A.B. Chalak, learned Advocate for the applicants in M.A.St.No.1274/2022/intervenors, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Vinod Joshi, learned Advocate for the applicant in M.A.No. 35/2019 in O.A.St.No. 47/2019.

2. At the request of the learned Advocate for the Original Applicant, time is granted for filing short affidavit in reply to the intervention application.

3. S.O. to 21.04.2023 for hearing.

MEMBER (A)

MEMBER (J)

**M.A.NO. 542/2022 WITH M.A.NO. 261/2022 WITH
M.A.NO. 257/2022 IN O.A.NO. 447/2022**

(Dr. Shivshakti D. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Shri S.S. Thombre, learned Advocate for the applicant in M.A. 542 of 2022/ intervenor, Shri R.R. Kale/Shri S.B. Bhosale, learned Advocate for the applicants in M.A.Nos. 261/2022 & M.A.Nos. 257/2022, are **(Absent)**. Shri G.M. Ghongade, learned Advocate holding for Shri Mohit Deshmukh, learned Advocate for the applicants in O.A.No. 447/2022 and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 25.04.2023 for rehearing. **High on board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 601 OF 2022
(Deepak U. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. Shri Suhas R. Shirsat, learned Advocate filed **VAKALATNAMA** on behalf of the applicant. It is taken on record.

3. S.O. to 08.06.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 670 OF 2022
(Dr. Rajeshree Nirmal Agarwal Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Smt. Vijaya Adkine, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Affidavit in rejoinder filed on behalf of the applicant is taken on record and copy thereof has been served on the other side.

3. S.O. to 03.05.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 42 OF 2016

(Jailal G. Kasliwal Vs. State of Maharashtra & Ors.)

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

and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 05.04.2023

ORAL ORDER :

Shri A.D. Gadekar, learned Advocate for the applicant (**Absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 20.04.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 624 OF 2013
(Yogesh P. Ghuge & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Shri M.C. Ghode, learned Advocate for the applicants (**Absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 09.06.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

T.A. 11/1999 (W.P. 3251/1993)
T.A. 19/1999 (W.P. 2311/1994)
T.A. 26/1999 (W.P. 2772/1993)
T.A. 47/1999 (W.P. 776/1993)
T.A. 07/1999 (W.P. 3765/1997)
T.A. 06/2006 (W.P. 4261/1995)
T.A. 36/2002 (W.P. 3007/1991)
M.A. 311/2008 in T.A. 42/1999 (W.P. 1274/1991)
T.A. 17/1999 (W.P. 2791/1994)
T.A. 35/1998 (W.P. 296/1998)
M.A. 309/2008 in T.A. 24/1999 (W.P. 3607/1993)
M.A. 306/2008 in T.A. 36/1999 (W.P. 652/1994)
T.A. 28/1999 (W.P. 1253/1991)
T.A. 30/1999 (W.P. 617/1994)
T.A. 33/1999 (W.P. 3796/1997)
T.A. 34/1999 (W.P. 3620/1997)
T.A. 37/1999 (W.P. 1382/1994)
T.A. 14/1999 (W.P. 3770/1997)
T.A. 16/1999 (W.P. 1226/1991)
T.A. 13/1999 (W.P. 777/1995)
T.A. 20/1999 (W.P. 882/1991)
T.A. 38/1999 (W.P. 329/1992)

(Marathwada Serva Shramik Sanghatana through its
Joint Secretary M.S. Sonwane & Ors. V/s. State of
Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

Heard Shri G.A. Jadhav, learned Advocate
holding for Shri S.K. Shelke, learned Advocate for
the applicants in respective matters and

//2/ T.A.11/1999 (W.P.3251/1993
& Ors.)

Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters.

Shri Vivek Bhavthankar, learned Advocate for the respondent Nos. 2 & 3 in T.A.No.11/2019, Shri S.R. Barlinges, Shri Subhash Mundhe, Shri B.B. Yenge, learned Advocates for the applicants in respective matters and Shri Goverdhan Ganoji, party in person in T.A.No.06/2006, are **absent**.

2. S.O. to 26.04.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 10 OF 2021
(Shivaji S. Amberao Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2023.

ORAL ORDER :

Shri S.A. Deshmukh, learned Advocate for the applicant (**Absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. Record shows that in spite of grant of opportunities, the affidavit in reply is not filed on behalf of respondents. Hence, the present matter will proceed further without affidavit in reply of the respondents in accordance with law.

3. S.O. to 21.06.2023 for admission.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 537 OF 2022
(Namdeo M. Wade Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2023.

ORAL ORDER :

Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Advocate for the applicant filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.
3. S.O. to 06.06.2023 for admission.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 703 OF 2022
(Shivaji V. Galande Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2023.

ORAL ORDER :

Shri G.R. Jadhav, learned Advocate holding for Shri O.B. Boinwad, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., time is granted for filing affidavit in reply on behalf of respondent Nos. 1 and 2.
3. S.O. to 22.06.2023.

MEMBER (A)

MEMBER (J)

T.A. No. 7/2021 (W.P. No. 10329/2021)
(Shilpa A. Chate Vs. State of Maharashtra & Ors.)

WITH

T.A. No. 8/2021 (W.P. No. 10446/2021)
(Sonali R. Raghuwanshi Vs. State of Maharashtra & Ors.)

WITH

T.A. No. 9/2021 (W.P. No. 11027/2021)
(Sahil Badshaha Shaikh & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2023

ORAL ORDER :

S/shri Shri A.C. Darandale & H.U. Dhage, learned Advocates for the respective applicants in respective cases (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases.

2. Notices not collected by the applicants in all these cases.

3. As none present for the applicants, S.O. to 17.04.2023 for dismissal.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 110 OF 2021
(Dr. Namdeo R. Pawar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 5.4.2023

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 11.4.2023.

VICE CHAIRMAN

ORAL ORDER 5.4.2023-HDD

ORIGINAL APPLICATION NO. 261 OF 2023
(Vidya S. Ghorpade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 5.4.2023

ORAL ORDER :

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

2. The applicant has filed the present Original Application challenging the order of recovery directed to be made from the retiral benefits of the applicant on account of excess payment made to the applicant during the period between 2015 and 2022. The recovery is for the amount more than Rs. 7 lacks. Learned counsel for the applicant submits that the applicant retired in the year 2022 on attaining the age of superannuation. At the relevant time neither the Departmental Enquiry nor any Judicial Proceeding was pending against the applicant. It is further submits that while retiring the applicant nothing was whispered about the excess payment made to the applicant and after one year of her retirement, now recovery is sought. Learned counsel in the circumstances, while praying for issuing the notices to the respondents, has also prayed for interim relief thereby staying the effect and operation of the impugned order to the extent of recovery.

3. I have gone through the impugned order and other documents filed on record. The applicant has certainly made out a *prima facie* case for grant of interim relief. In the circumstances, the following order is passed.

ORDER

(i) Issue notices to the respondents, returnable on 14.06.2023. **Till then the execution and implementation of the order impugned in the present O.A. dated 16.2.2023 shall stand stayed to the extent of recovery.**

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

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

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

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

(vi) S.O. to 14.06.2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 177 OF 2021
(Lata B. Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 5.4.2023

ORAL ORDER :

Heard Shri Santosh S. Jadhavar, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration and after I heard learned counsel appearing for the applicant, as well as, learned Presenting Officer for some time, it is revealed that the applicant had previously filed a complaint (ULP No. 297/1997) before the learned Industrial Court. Learned Industrial Court vide its judgment and order passed on 29.9.2004 allowed the said complaint, thereby directing the respondents to grant permanency to the present applicant in the post of Nurse with all the benefits attached to the said post from the date of order. It is also revealed that the State Government though filed the Writ Petition before the Hon'ble High Court challenging the aforesaid decision of the learned Industrial Court and though the Hon'ble High Court had issued rule in the matter, has not granted the interim stay. In the circumstances, the applicant has been continued in

service and time to time the orders have been issued in favour of the applicant subject to the decision of the Hon'ble High Court in the pending Writ Petition. In the meanwhile it appears that the Government took a decision in respect of the staff nurses alike present applicant to regularize them. The Government decided to regularize the services of such nurses by requiring them to appear for one written examination and staff nurses who passed the said examination have been considered for the benefit of regularization.

3. It is the contention of the applicant in the present O.A. that several such staff nurses have been extended such benefit from the date of their initial appointment. In the present matter the applicant has filed on record the letter dated 4.12.2017 under the signature of District Civil Surgeon, Ahmednagar, whereby he has directed the Sub District Hospital and Rural Hospitals to submit the proposals of such staff nurses working in the respective offices with certain documents for the purpose of regularizing their services. It is the contention of the applicant in the present O.A. that accordingly after having scrutinized the documents submitted by the applicant though she has been regularized, the date of regularization is shown "15.4.2015", the present OA is filed seeking direction against the respondents to

regularize the services of the applicant from the date of her initial appointment and not from 15.4.2015.

4. After having heard the arguments advanced by the learned counsel for the applicant and thereafter reply to it by the learned Presenting Officer, it appears to me that in view of the pendency of the Writ Petition filed by the present respondents in the Hon'ble High Court, wherein rule has been granted but no interim relief has been granted, it may not be appropriate for this Tribunal to take up the matter having same prayers. Learned Presenting Officer invited my attention to the orders, which are placed on record to show that every order has been issued giving further appointment to the applicant mentioning therein that it is subject to the decision of the Writ Petition pending before the Hon'ble High Court.

5. In the aforesaid circumstances, it appears to me that it would be inappropriate for this Tribunal to take up matter and pass certain orders when the Writ Petition is pending before the Hon'ble High Court involving same issue, wherein, as I noted earlier, rule has been granted. It appears to me that, whatever has been submitted by the learned counsel for the applicant before this Tribunal can also be submitted by him before the Hon'ble High Court in the aforesaid pending Writ Petition, may be by filing Civil Application in that regard bringing to the

notice of the Hon'ble High Court the subsequent developments in the matter and praying for decision in the said W.P. in view of the subsequent developments and the regularization orders passed by the respondents on the basis of the policy decision taken by them.

6. At this juncture, learned counsel for the applicant has sought leave to withdraw the present O.A. with liberty to agitate the prayers made in the present application before the Hon'ble High Court in the pending Writ Petition. Learned Presenting Officer does not have any objection for granting such liberty.

7. In the aforesaid circumstances, the present O.A. is permitted to be withdrawn by the applicant with liberty as prayed for. There shall be no order as to costs.

VICE CHAIRMAN

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

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 5.4.2023

ORAL ORDER :

Heard Shri V.D. Gunale, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 21.04.2023.

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 21.04.2023.

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

VICE CHAIRMAN

**M.A.NO. 426/2022 IN O.A.ST.NO. 868/2022
(Pradyumnakumar P. Gosavi Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 5.4.2023

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Today also time is sought for filing affidavit in reply. Last chance was granted till today. In the circumstances, the request is rejected.

3. List the matter for hearing on 25.4.2023.

VICE CHAIRMAN

ORAL ORDER 5.4.2023-HDD

**ORIGINAL APPLICATION NO. 1131 OF 2022
(Nagesh G. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 5.4.2023

ORAL ORDER :

Shri Sandesh R. Patil, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant. Respondent No. 1 though is stated to be not served, learned P.O. submits that he is causing appearance on behalf of respondent No. 1 also and respondent No. 1 does not intend to file separate affidavit in reply. Learned counsel for the applicant submits that the applicant does not wish to file any rejoinder affidavit.

3. List the matter for hearing on 17.4.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1 OF 2023
(Shashikant J. Ingle Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 5.4.2023

ORAL ORDER :

Shri C.V. Dharurkar, learned counsel for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 2 and the same is taken on record. She undertakes to supply the copy of affidavit in reply to the learned counsel for the applicant.

3. S.O. to 4.5.2023 for filing rejoinder affidavit, if any.

VICE CHAIRMAN

ORAL ORDER 5.4.2023-HDD

ORIGINAL APPLICATION NO. 1162 OF 2022
(Bhimrao Namdeorao Kokate Vs. State of Maharashtra &
Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 5.4.2023

ORAL ORDER :

Shri Shamsunder B. Patil, learned counsel for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 5 and the same is taken on record. He undertakes to serve the copy of the affidavit in reply on the learned counsel for the applicant.

3. S.O. to 20.6.2023 for filing rejoinder affidavit, if any.

VICE CHAIRMAN

ORAL ORDER 5.4.2023-HDD

**ORIGINAL APPLICATION NO. 201 OF 2021
(Vasant Gokul Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 5.4.2023

ORAL ORDER :

Shri S.S. Jadhavar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 13.4.2023. Part heard.

VICE CHAIRMAN

ORAL ORDER 5.4.2023-HDD

**ORIGINAL APPLICATION NO. 431 OF 2022
(Baliram Balaji Chavan Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 5.4.2023

ORAL ORDER :

Shri S.S. Thombre, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1, 2 & 4 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. At the request of learned counsel for the applicant, S.O. to 14.6.2023 for filing rejoinder affidavit, if any.

VICE CHAIRMAN

ORAL ORDER 5.4.2023-HDD

ORIGINAL APPLICATION NO. 514 OF 2022
(Madhukar S. Dudhgaonkar Vs. State of Maharashtra &
Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 5.4.2023

ORAL ORDER :

Shri K.B. Bhise, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. List the matter for hearing on 12.6.2023.

VICE CHAIRMAN

ORAL ORDER 5.4.2023-HDD

**ORIGINAL APPLICATION NO. 294 OF 2022
(Ganpat S/o. Kondiba Sidam Vs. State of
Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 5.4.2023

ORAL ORDER :

Heard Shri Avinash Khedkar, learned counsel holding for Shri S.S. Gangakhedkar, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri N.S. Kadam, learned counsel for respondent Nos. 3, 4 & 5.

2. The applicant has preferred the present Original Application seeking the following relief:-

“B) By allowing this Original Application, kindly quash and set-aside the impugned order/communication dated 08.02.2022 issued by the respondent No. 5 being arbitrary, illegal and contrary to the settled provisions of Law and consequently the direct the respondent authorities to refund the amount deducted from the salary of the applicant.”

3. It is the case of the applicant that the officer concerned, who has issued the impugned order dated 08.02.2022 was not competent to issue such orders. Learned counsel for the applicant has

submitted that the order passed by the officer not having authority and jurisdiction to pass such order has to be held *non est* and cannot be acted upon. The applicant has, therefore, prayed for setting aside the said order.

4. The respondents have filed the affidavit in reply and have opposed the contentions raised in the O.A. After having gone through the pleadings of the parties and after having heard learned counsel for the parties, the following facts are revealed.

That the applicant is alleged to have obtained the salary for the period between 1.12.2019 and 6.8.2020 unauthorizedly though in the entire said period he did not attend the duties.

5. During the course of the arguments, learned counsel for respondent Nos. 3 to 5 pointed out that the applicant himself has admitted that he has unauthorizedly received the salary of the said period and has also undertaken for refund of the said amount in installments. Such letter and the bond allegedly executed by the applicant are produced on record by the respondents. The same are brought to my notice.

6. From the pleadings and the arguments advanced, it is also revealed that the departmental enquiry has been initiated against the applicant, as well as, one Shri Ajay Shivankar. The charge against the applicant is that though he remained absent in the period between 1.12.2019 and 6.8.2020, he withdrew the salary of the aforesaid period to which he was not entitled. Shri Shivankar is charged with the misconduct that without verifying the facts he disbursed the amount of salary in favour of the applicant.

7. Having regard to the facts as aforesaid, no effective decision can be taken, in respect of the prayers made in the present O.A. This Tribunal while passing interim order on 31.03.2022 has protected the interest of the applicant, thereby staying recovery against him. If the recovery is to be made on the ground that the applicant withdrew the salary of the period in which he has not worked, unless the said charge is proved, the right of recovery may not accrue in favour of the respondents. Similarly if it is the contention of the applicant that the order is issued by the authority,

who is not competent, even that aspect can be considered by the enquiry officer. Prima facie, the contention of the applicant cannot be accepted for the reason that the order of recovery is not passed by the officer, who has issued the communication impugned in the present O.A. However, I will not make any more discussion in the issue, in view of the enquiry pending in the matter.

8. For the aforesaid reasons, it appears to me that the present O.A. can be disposed of by directing the respondents to complete the departmental enquiry against the applicant as expeditiously as possible and preferably within the period of six months from the date of this order, till then the effect and operation of the interim order passed by this Tribunal on 31.3.2022 shall continue to remain in force.

9. The Original Application stands disposed of in the aforesaid terms. There shall be no order as to costs.

VICE CHAIRMAN

