

ORIGINAL APPLICATION NO.959/2018
(Madhvi Panditrao Sigedar Vs. State of Maharashtra & Ors.)

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

DATE : **05.01.2022**

ORAL ORDER :

Heard Shri V.G.Pingle, learned Advocate for the applicant, Smt. Deepali Deshpande, learned Presenting Officer for the respondent nos.1 to 3 and Shri Nitin S. Ingle learned Advocate for respondent no.4.

2. The applicant has filed the present O.A. challenging the order of appointment issued in favour of respondent no.4 on the post of X-Ray Technician and has also sought consequential relief of her appointment on the said post.

3. Advertisement was published on 04-01-2016 for the recruitment on the post of X-Ray Technician. Total 11 posts were advertised. 7 posts were for Open Candidates. Out of said 7 posts for Open candidates, 2 were reserved for Open Female Candidates. In the advertisement published, it was clarified that Female Candidates seeking benefit of reservation from the quota of Open Female must be falling in the category of Non-Creamy Layer and submission of Non-Creamy Layer Certificate was one of the requirement in the general terms and conditions incorporated in the said advertisement.

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4. Alongwith certain other candidates, the applicant as well as respondent no.4 had applied for the said post. In the application forms submitted by the applicant as well as the respondent no.4 both have contended that they belong to Non-Creamy Layer category. After selection process was carried out, as revealed from the letter dated 13-07-2018 under the signature of respondent no.3 written to respondent no.2, total 5 Female Candidates were directed to appear for counseling in order of merit in third round of selection. In the said third round, the candidates were as below in order of merit, (paper book page 28):

SELECTION CATEGORY – OPEN (FEMALE)								
Sr . N o.		Candidate Name	Mobile No.	Hall Ticket No.	Mark s	DOB	Catego ry Name	Gen der
1	Selec tion	GAJAR VANDANA SITARAM	9326720705	150900237	106	03-Jul- 80	Open	F
2	WT 1	PAWAR SHARADA PADMAKAR	9757463561	150900017	106	24- May-93	Open	F
3	WT 2	SIGEDAR MADHAVI PANDITRAO	9420250614	150900004	102	10- Jun-84	Open	F
4	WT 3	GANGAPURK- AR RUPALI PRAMODRAO	9823045680	150900001	102	08- May-85	Open	F
5	WT 4	HAUSARE VINALEE JAYRAM	9049285929	150900248	100	27- Mar-85	Open	F

5. As is revealing from the pleadings in the O.A. as well as from the written statement filed by the respondents, candidate placed at Sr.No.1 namely Gajar Vandana Sitaram did not opt for the post and in the circumstances, the candidate at waiting list no.1 namely, Pawar Sharada Padmakar i.e. respondent no.4 was recommended for her appointment. Since the objection was raised by the applicant for recommendation of the name of respondent no.4, respondent no.3 had sought guidance from the respondent no.2 and after such guidance was received, the respondent no.4 came to be appointed on the post of X-Ray Technician. Said appointment order came to be issued during the pendency of the present O.A. Since there was an order passed by this Tribunal that if any appointment is made on the said post that would be subject to outcome of the present O.A., in the appointment order issued to the respondent no.4, it has been mentioned that the said order is issued subject to outcome of the present O.A.

6. It is the contention of the applicant that the respondent no.4 did not possess the Non-Creamy Layer Certificate on the date of making application for the said post as well as at the time when the candidates were invited for counseling. It is the further contention of the applicant that in the advertisement published on 04-01-2016 as well as in the letter dated 14-06-2018 by which

the candidates were invited for counseling, it was specifically mentioned that it was mandatory for the candidates to produce the Non-Creamy Layer Certificate before attending the counseling. In the said letter, it was also clarified that the candidates failing to produce the documents as required in the said letter may not be permitted to appear for the counseling. It is contention of the applicant that the respondent no.4 on the said date did not produce the Non-Creamy Layer Certificate and inspite of that she was permitted to appear for counseling. It is the further allegation of the applicant that not only that respondent no.4 was permitted to appear for counseling despite the fact that she did not produce Non-Creamy Layer Certificate, the said candidate was held eligible by the selection committee contrary to the provision of law and also contrary to the terms and conditions incorporated in the advertisement as well as in the letter dated 14-06-2018 by which the candidates were invited for counseling.

7. Learned Counsel for the applicant submitted that the respondent nos.2 and 3 were not having any authority to relax the terms and conditions incorporated in the advertisement and in the letter issued on 14-06-2018 whereby it was mandated to produce the Non-Creamy Layer Certificate before appearing for counseling. Learned

Counsel in the circumstances has prayed for setting aside the appointment of respondent no.4 and has prayed the consequential relief for appointment in favour of the applicant.

8. In support of his contention, the learned Counsel for the applicant has relied upon the judgment of Hon'ble the Apex Court in the case of **Bedanga Talukdar V/s. Saifudaullah Khan & Ors. in SLP (C) No.20152-20153/2010** which is referred in the judgment delivered by the Tribunal in O.A.No.42/2016. In paragraph 29 of the said judgment Hon'ble Apex Court has observed thus (paper book page 66):

“29. A perusal of the advertisement in this case will clearly show that there was no power of relaxation. In our opinion the High Court committed an error in directing that the condition with regard to the submission of the disability certificate either along with the application form or before appearing in the preliminary examination could be relaxed in the case of respondent no.1 Such a course would not be permissible as it would violate the mandate of Articles 14 and 16 of the Constitution of India.”

9. In the present matter, neither the learned Counsel for respondent no.4 nor learned P.O. have brought to our notice any clause in the advertisement or in the letter dated 14-06-2018 which gives authority to relax terms and conditions incorporated in the said advertisement or in the said letter. Even otherwise, it is the settled norm that the person claiming benefit meant for Non-Creamy Layer class is under an obligation to submit Non-Creamy Layer Certificate at the time when it is required to be filed during the process of selection.

10. In the present matter, the advertisement was containing a specific clause that the candidates were under an obligation to file on record along with other documents the Non-Creamy Layer Certificate. In the letter of counseling dated 14-06-2018, it was reiterated that filing of such certificate was must before appearing for counseling. Neither in the advertisement nor in the letter dated 14-06-2018 there is any clause which permits the filing of Non-Creamy Layer Certificate at any later stage. As such, in fact, the authorities should not have allowed the appearance of respondent no.4 for counseling when she did not produce on record the Non-Creamy Layer Certificate on the date of counseling.

11. The record shows that Non-Creamy Layer Certificate was not even applied for by the respondent no.4 before the

date of counseling. It is nowhere the case of the respondent no.4 that on the date of making application in pursuance of the advertisement dated 04-01-2016, she was in possession of Non-Creamy Layer Certificate. The record further shows that on 29-06-2018, for the first time, the affidavit came to be sworn either by respondent no.4 or her parents claiming therein to be falling in the category of Non-Creamy Layer. Thereafter, application for obtaining such certificate was preferred on 02-07-2018 and on the same date the certificate was issued. It was then produced before the respondents. It is thus evident that on the date of counseling the respondent no.4 was not having Non-Creamy Layer Certificate.

12. In the sur-rejoinder filed on behalf of respondent nos.1 to 3, it is stated that the respondent authorities were vested with the power to relax the conditions as were mentioned in the advertisement issued on 04-01-2016. In the sur-rejoinder, however, it is not disclosed as to which was the said authority who was having power to relax the conditions incorporated in the advertisement issued on 04-01-2016. The advertisement was issued under the signature of the respondent no.3. From the record it is discernible that the respondent no.3 was only the appointing authority.

13. It is further contended that in view of the said power, the respondent no.4 was given time for furnishing the Non-Creamy Layer Certificate. It is further contended that the respondent no.4 had given written undertaking that she will produce Non-Creamy Layer Certificate within the given time and according to the said undertaking she produced it on record and only thereafter the appointment order was issued in her favour. Neither respondent authorities nor respondent no.4 has placed on record the said undertaking. On the contrary, from the contents of the letter dated 13-07-2018 written by respondent no.3 to respondent no.2, it is revealed that the committee which held the counseling of the candidates had given time to respondent no.4 to submit the Non-Creamy Layer Certificate by 25-06-2018. From the contents of the aforesaid letter, it is further revealed that at the relevant time respondent no.4 had stated before the members of the counseling committee that her Non-Creamy Layer Certificate was at home. Respondent no.4 in her affidavit in reply, however, not stated any such fact that on the date of counseling she was having Non-Creamy Layer Certificate but it had remained at home and therefore was not produced before the members of the counseling committee.

14. The documents filed on record reveal that the Non-Creamy Layer Certificate came to be issued in favour of

respondent no.4 on 02-07-2018 and the same was produced by her in the office of respondent no.3 on 04-07-2018. The record reveals that on the date of counseling not only that the respondent no.4 was not holding Non-Creamy Layer Certificate but by that time she has not even applied for the said certificate with the competent authority. The Non-Creamy Layer Certificate dated 02-07-2018 issued under the signature of the Tahsildar, Kalyan in favour of respondent no.4 reveals that it was issued on the application submitted by respondent no.4 on 02-07-2018. From the contents of the certificate it can also be gathered that the affidavit required to be submitted for getting such Non-Creamy Layer Certificate was of the date 29-06-2018. From the facts mentioned as above, it is discernible that neither on the date of making application for appointment nor on the date of counseling the respondent no.4 was possessing the Non-Creamy Layer Certificate. For the sake of argument even if it is accepted that the respondents were having power to relax the said condition of submitting Non-Creamy Layer Certificate on the date of counseling and provide some more time for filing such certificate on record even that condition does not seem to have been complied with by the respondent no.4. As mentioned hereinabove, the committee which held the counseling had permitted the respondent no.4 to submit the Non-Creamy Layer Certificate by 25-06-2018.

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Admittedly, on the said date also, Non-Creamy Layer Certificate was not produced by the respondent no.4.

15. We have carefully gone through the contents of the advertisement dated 04-01-2016. Clause 31 in the said advertisement which is relied upon by the respondent nos.1 to 3 to canvass that they were having power to relax the conditions reads thus:

“३१. सदर भरती प्रक्रिया पुर्णतः वा अंशतः रद्द करण्याचे अथवा त्यात बदल करण्याचे अधिकार नियुक्ती प्राधिकारी राखून ठेवत आहेत.”

16. No aid of the above clause can be taken for relaxing any term or condition for an individual. If at all any change is to be made invoking the said power, the said change also needs to be notified, so that all similarly situated candidates can derive its benefit. Admittedly it has not been done. As has been held by the Hon'ble Apex Court in the case of **Bedanga Talukdar** (cited supra), conditions in the advertisement cannot be relaxed unless there is a specific provision in that regard in the advertisement itself. In the instant matter, all the prescribed documents/certificates were required to be held by the candidate on the date of advertisement i.e. 04-01-2016 as per clause 14 in the said advertisement and as mentioned in clause 4 of the letter date 14-06-2018

whereby candidates were invited for counseling. There is no mention in the advertisement or in the letter dated 14-06-2018 that Non-Creamy Layer certificate issued after the said date would be accepted in certain circumstances. It is, thus, evident that it was not within the power of the members of the counseling committee to give time to respondent no.4 for submitting such certificate. Even if it is assumed that such discretion was exercisable by the said committee, time to produce such certificate was given to respondent no.4 till 25-06-2018 and respondent no.4 could not produce the Non-Creamy Layer Certificate within the said period. Obviously, respondent no.4 could not have been considered for the appointment for her failure to produce the Non-Creamy Layer Certificate.

17. Respondent no.4 was aware about the necessity of the Non-Creamy Layer Certificate but she has not even applied for it till the date of counseling. It was clearly stated in the advertisement and thereafter in the letter dated 14-06-2018 that the candidates will have to produce all the original documents at the time of counseling and if they fail to do so, their candidature will not be considered even for counseling. It is clear from the record that the respondent no.4 applied for Non-Creamy Layer Certificate on 02-07-2018. In the circumstances, according to us, the

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respondents have grossly erred in giving appointment to respondent no.4 on the subject post.

18. As against it, the present applicant had complied with all the terms and conditions mentioned in advertisement. She had filed on record Non-Creamy Layer Certificate well within the prescribed time limit. In the circumstances, at the relevant time, the applicant was having better claim than the respondent no.4 and the selection committee must have recommended her name for making an appointment. In fact, there was no reason for respondent no.3 to seek any guidance from the respondent no.2 in view of the clear legal and factual position. Respondent no.2 has illegally recommended the respondent no.4 for to be appointed on the subject post.

19. As has been held by the Hon'ble Apex Court in case of ***Bedanga Talukdar*** (cited supra), course adopted by the respondents is in violation of the mandate of Article 14 and 16 of the Constitution of India. The grievance made by the applicant in the present O.A., therefore, deserves to be redressed. For the reasons stated above, following order is passed:

ORDER

- (i) The order appointing respondent no.4 to the post of X-Ray Technician passed by respondent no.3

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on the strength of the directions given by the respondent no.2 in his letter dated 30-10-2018 is quashed and set aside.

(ii) Respondent authorities are directed to consider the candidature of the applicant for the said post of X-Ray Technician, she being at Sr.No.2 in the waiting list prepared by the respondents.

(iii) The application stands allowed in the aforesaid terms without any order as to costs.

(iv) At this juncture, learned Counsel for the respondent no.4 has prayed for staying the effect of this order passed by the Tribunal so as to facilitate the respondent no.4 to approach the Hon'ble High Court against the said order. The request is accepted.

(v) The implementation of the present order passed by this Tribunal shall stand stayed for 4 weeks from the date of uploading of the order on the website of the Tribunal.

MEMBER (A)

MEMBER (J)

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*THIS ORDER IS UPLOADED ON THE WEBSITE ON 18-01-2022

ORIGINAL APPLICATION NO.722/2019
(Gajanan Bansode & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicants, Shri M.S. Mahajan, learned C.P.O. for respondent Nos. 1 to 3, Shri M.B. Kolpe, learned Advocate for respondent No. 4, Shri A.S. Deshmukh, learned Advocate for Respondent Nos. 5, 6, 71, 87, 150, 198, 211, 229, 369, 489, 511, 528, 625, 628 & 629, Shri G.K. Kshirsagar, learned Advocate for the Respondent Nos. 221, 222, 249, 252, 296, 327, 353, 573, 581, 593, 606 & 627, Shri S.G. Chapalgaonkar, learned Advocate for the Respondent Nos.15, 193, 194, 278, 288, 291, 331, 344, 510, 515 & 554 and Shri Ajay U. Chandel, learned Advocate holding for Shri Sandeep Dere, learned Advocate for Respondent Nos. 142, 248, 412, 20, 22, 23, 30, 33, 36, 58, 60, 75, 78, 79, 84, 90, 92, 94, 109, 111, 115, 117, 121, 123, 126, 130, 132, 133, 158, 162, 171, 173, 177, 178, 180, 189, 196, 200, 205, 209, 210, 213, 216, 218, 226, 240, 255, 258, 260, 267, 271, 272, 594, 277, 279, 298, 303, 309, 315, 320, 326, 339, 343, 349, 351, 359, 372, 377, 382, 390, 391, 400, 402, 407, 411, 415, 417, 422, 426, 428, 436, 442, 450, 451, 453, 325, 456, 458, 467,

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475, 477, 478, 479, 488, 491, 500, 502, 512, 514, 517, 533, 535, 536, 541, 545, 550, 367, 560, 563, 565, 568, 569, 596, 603, 618, 619, 624, 626, 630, 634, 636 & 638 and Shri K.B.Jadhav learned Advocate holding for Shri Ashish Rajkar, learned Advocate for the respondent Nos. 105, 317, 443 & 458.

2. S.O. tomorrow i.e. 06-01-2022.

MEMBER (A)

MEMBER (J)

C.P.NO.40/2019 IN O.A.NO.798/2018
(Rajendrakumar Barhate Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

Shri Sachin S. Deshmukh, learned Advocate for the applicant is **absent**.

Smt. Deepali Deshpande, learned Presenting Officer for the respondents is present.

2. When the present matter is taken up for consideration learned P.O. submits that according to the information of the respondents, the applicant has expired. Learned P.O. has also placed on record copy of the death certificate of the applicant. Same is taken on record.

3. Since learned Counsel for the applicant is not present today, the matter stands adjourned to 28-01-2022.

MEMBER (A)

MEMBER (J)

**M.A. No. 420/2021 in O.A. St. No. 1163/2019
(Khandu G. Joshi Vs. State of Maharashtra & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

Heard Shri A.S. Mirajgaonkar, learned Advocate holding for Shri G.S. Shete, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 16.02.2022.

MEMBER (J)

KPB ORAL ORDERS 05.01.2022

ORIGINAL APPLICATION NO. 358 OF 2019
(Prem H. Kagada Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

Heard Shri T.A. Syed, learned Advocate holding for Shri J.M. Murkute, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, time is granted for filing affidavit in reply.

3. S.O. to 14.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 549 OF 2019
(Salim B. Tadvi Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

Heard Shri V.B. Wagh, 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 has expired in the year 2021 during pendency of the present Original Application. He therefore, seeks time for taking necessary steps in the matter. Time granted.

3. S.O. to 15.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 42 OF 2020
(Balasaheb T. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 3. None present on behalf of respondent No. 4, though duly served.

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 1 to 3.

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

4. S.O. to 14.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 345 OF 2020
(Udaysing D. Rajput Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

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

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 and 2. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 14.02.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 206 OF 2021
(Deepak B. Aher & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

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

2. Record shows that the affidavit in reply is already filed on behalf of respondent Nos. 3 to 5.

3. Learned Presenting Officer placed on record a copy of communication dated 23.09.2021 received from the respondent No. 2, whereby it is stated that the affidavit in reply on behalf of respondent No. 2 is not necessary.

4. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent No. 1.

5. S.O. to 16.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 229 OF 2021
(Balbir Singh J. Prasad Tyagi Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

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

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

3. S.O. to 28.01.2022.

MEMBER (J)

KPB ORAL ORDERS 05.01.2022

ORIGINAL APPLICATION NO. 347 OF 2021
(Suresh K. Bharati Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

Heard Smt. R.L. Jakhade, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

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

3. S.O. to 08.02.2022.

MEMBER (J)

KPB ORAL ORDERS 05.01.2022

ORIGINAL APPLICATION NO. 368 OF 2021
(Nanda M. paul and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

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

2. Record shows that affidavit in reply is file only on behalf of respondent No. 4.
3. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 to 3.
4. S.O. to 08.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 380 OF 2021
(Prabhakar A. Bhagat Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

Shri N.L. Choudhari, learned Advocate for the applicant (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 and 2. Same is taken on record.

3. S.O. to 14.02.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

KPB ORAL ORDERS 05.01.2022

ORIGINAL APPLICATION NO. 433 OF 2021
(Chabutai R. Dudhe Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

Shri A.K. Mishra, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, time is granted for filing affidavit in reply.
3. S.O. to 16.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 576 OF 2021
(Atmaram M. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, time is granted for filing affidavit in reply.
3. S.O. to 16.02.2022.

MEMBER (J)

KPB ORAL ORDERS 05.01.2022

**M.A. No. 305/2020 in O.A. St. No. 1228/2020
(Dilipkumar R. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, time is granted as a last chance for filing affidavit in reply in M.A.
3. S.O. to 04.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 358 OF 2019
(Prem H. Kagada Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

Heard Shri T.A. Syed, learned Advocate holding for Shri J.M. Murkute, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, time is granted for filing affidavit in reply.

3. S.O. to 14.02.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 833 OF 2021
(Deepali Y. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

Heard Shri P.N. Nagargoje, learned Advocate holding for Shri D.B. Thoke, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 18.02.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 18.02.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 721 OF 2017
(Subhash K. Paralikar Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

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

MEMBER (J)

KPB ORAL ORDERS 05.01.2022

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

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

DATE : 05.01.2022

ORAL ORDER :

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

2. Record shows that affidavit in reply is already filed on behalf of respondent Nos. 1 to 5.
3. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.
4. The present matter is pertaining to pension and pensionary benefits. Hence, the present O.A. is admitted and it be kept for final hearing on 10.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 372 OF 2019
(Dr. Sanjay V. Deshpande Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

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

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

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

4. S.O. to 17.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 478 OF 2019
(Dr. Anand S. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

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

2. Record shows that affidavit in reply is already filed on behalf of respondent Nos. 1 to 6.

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

4. The present matter is pertaining to pension and pensionary benefits. Hence, the present O.A. is admitted and it be kept for final hearing on 17.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 489 OF 2019
(Vinod R. Kandere Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

Heard Shri T.A. Syed, learned Advocate holding for Shri J.M. Murkute, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 1 to 3.
3. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit, if any.
4. S.O. to 14.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 674 OF 2019
(Madhukar K. Brahmane Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

Heard Shri A.M. Nagarkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

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

4. S.O. to 10.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 1074 OF 2019
(Ashok M. Gadekar Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, time is granted for filing affidavit in reply.
3. S.O. to 09.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 169 OF 2020
(Megha P. Kapure Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

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

2. Record shows that the pleadings up to rejoinder are complete. The present matter is pertaining to compassionate appointment. Hence, the present O.A. is admitted and it be kept for final hearing on 17.02.2022.

MEMBER (J)

**M.A. No. 284/2021 in O.A. St. No. 823/2021
(Sandipan G. Kale Vs. State of Maharashtra & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, time is granted for filing affidavit in reply in M.A.
3. S.O. to 08.02.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 532 OF 2021
(Kaviraj J. Kucche Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 and 2 and Shri C.V. Dharurkar, learned Advocate holding for Shri N.B. Narwade, learned Advocate for respondent No. 3.

2. Learned Advocate for the applicant file affidavit in rejoinder to the affidavit in reply filed by the respondent Nos. 1 to 3 and additional affidavit filed by the respondent Nos. 1 and 2. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 11.01.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 361 OF 2019
(Jijabai J. Sonwane and anr. Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

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

2. Record shows that affidavit in reply is filed on behalf of respondents.
3. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit.
4. S.O. to 09.02.2022.

MEMBER (J)

KPB ORAL ORDERS 05.01.2022

ORIGINAL APPLICATION NO. 189 OF 2020
(Mamta S. Vispute and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicants, S.O. to 08.02.2022.

MEMBER (J)

KPB ORAL ORDERS 05.01.2022

M.A. No. 99/2021 in O.A. St. No. 350/2021
(Mohammad Asgar Mohammad Moosa Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate holding for Shri A.B. Rajkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 09.02.2022.

MEMBER (J)

KPB ORAL ORDERS 05.01.2022

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

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

DATE : 05.01.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 and 2 and Shri K.B. Jadhav, learned Advocate holding for Shri N.N. Desale, learned Advocate for respondent No. 3.

2. Learned Chief Presenting Officer placed on record a copy of letter dated 04.01.2022 addressed by the respondent No. 1 to the respondent No. 3 and seeks time for filing affidavit in reply. Same is taken on record and marked as document 'X-1' for the purpose of identification.

3. S.O. to 06.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 697 OF 2019
(Shobha B. Khade Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

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

2. Learned P.O. for the respondents pointed out that the proposal dated 21.01.2019 submitted by the respondent No.5 to the respondent No.4 for sanction of commutation value of pension is rejected vide order/communication dated 10.05.2019 (Annex. 'R-3, page no.111 of P.B.).

3. Learned Advocate for the applicant submits that the said order/communication is addressed to the Taluka Agriculture Officer, Gangapur, District Aurangabad i.e. the respondent No.5 and the copy of it was not received by the applicant and therefore, it could not be challenged when the present Original Application was presented on 01.08.2019.

4. In view of same, the learned Advocate for the applicant seeks leave to amend the Original

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O.A.697/2019

Application challenging the said order/communication dated 10.05.2019.

5. Liberty as prayed for is granted.

6. The applicant to carry out the amendment within a period of two weeks and to serve the amended copy of the Original Application on the respondents.

7. S.O. to 28.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 310 OF 2020
(Sandip P. Nalwade Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

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

2. This matter is pertaining to transfer. In view of that for final hearing the report of Civil Services Board (C.S.B.) is necessary to appreciate the grievances raised by the applicant in the Original Application.

3. Learned P.O. for the respondents seeks time to produce the same. Time is granted.

4. The respondents in their affidavit-in-reply have referred to internal policy regarding the transfer of the officers working at Mazgaon beyond 15 years and at other places beyond 6 years.

5. The learned P.O. to produce the documents regarding the same also.

6. S.O. to 19.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 531 OF 2021
(Maruti M. Kakad Vs. State of Maharashtra & Ors.)

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

DATE : 05.01.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri A.S. Deshpande, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos.1 to 3 and Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the respondent No.4.

2. By consent of parties, S.O. to 11.01.2022. Interim relief granted earlier to continue till then.

MEMBER (J)

**M.A.NO.05 OF 2022 IN M.A.NO.218 OF 2019 IN
O.A.ST.NO.770 OF 2019
(Punjaji Sakharam Yelne & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

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

2. This application is made by two of the heirs and legal representatives of the original applicant No.4 namely Vikram Govind Chikalkar, who died during pendency of abovesaid original proceedings on 11.01.2020.

3. It is the contention of these applicants that the deceased applicant No.4 i.e. Vikram Govind Chikalkar died on 11.01.2020 leaving behind him the following heirs and legal representatives:-

- (1) Kamlabai Vikram Chikalkar(Applicant No.1)
- (2) Kundlik Vikram Chikalkar (Applicant No.2)
- (3) Dadarao Vikram Chikalkar
- (4) Namdeo Vikram Chikalkar
- (5) Laxmibai Bhaurao Kale and
- (6) Devidas Vikram Chikalkar.

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4. The Original Application is filed along with the delay condonation application for seeking relief of benefits of G.R. dated 31.01.1996 for merging the employees working as “Van Majoor” in the cadre of Class-IV Government servant.

5. In view of same, right to sue would survive in the heirs and legal representatives of the original deceased applicant No.4 i.e. Vikram Govind Chikalkar. Out of total six heirs and legal representatives, four of them have given consent to these two applicants to substitute and continue the original proceeding.

6. The copy of the death certificate (Annex. ‘A-1’ in M.A. No. 5/2021) would show that the said original applicant No.4 died on 11.01.2020. His widow, i.e. the applicant No.1 herein thereafter made application bearing M.A.No.144/2021 on 01.06.2021 for setting aside the abatement order and bringing herself on record as heir and legal representative. However, she withdrew the said proceeding on 26.11.2021 with liberty to file fresh application along with other heirs and legal

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representatives. Thereafter, the present application is made on 03.01.2022.

7. The abovesaid situation would show that the application for bringing heirs and legal representatives on record was not made within 30 days from the death of the deceased original application No.4. The original proceeding stood abated to his extent. This application is made with three fold prayers for setting aside the abatement as well as for brining applicants on record as heirs and legal representatives of the deceased applicant No.4 by condoning the delay.

8. The abovesaid facts on record would show that there is delay of about 22 months in making said application. However, out of that, the period of 01.06.2021 to 26.11.2021 was consumed pursuing the Misc. Application which was defective. The said remedy was persuaded bonafide.

9. The original applicant No.4 died on 11.01.2020. The Covid-19 pandemic situation started from April, 2020 onwards. It was prevailing till 01.06.2021, when

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the applicant No.1 herein made application as discussed earlier.

10. It is settled principle of law that the expression “sufficient cause” is to be construed liberally. In the case in hand delay cannot be said to be intentional or deliberate. Thereby the applicants had nothing to gain.

11. In the circumstances, in my considered opinion, this is a fit case to condone the delay and consequently to quash and set aside the abatement and allow the applicant to be brought on record as heirs and legal representatives of the deceased original applicant No.4 namely Vikram Govind Chikalkar. I therefore, proceed to pass following order:-

ORDER

- (i) The Misc. Application No.05/2022 is allowed.
- (ii) Abatement caused in the matter to the extent of the deceased original applicant No.4 is quashed and set aside and the applicants are allowed to be brought on record as heirs and legal representatives of

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the deceased original applicant No.4 in M.A.No.218 of 2019 in O.A.St.No.770 of 2019 and also in O.A.St.No.770 of 2019 by condoning the delay. The amendment be carried out within a period of one week and to serve the amended copy of the M.A. and O.A. on the other side.

(iii) No order as to costs.

MEMBER (J)

**M.A.NO.218 OF 2019 IN O.A.ST.NO.770 OF 2019
(Punjaji Sakharam Yelne & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 04.02.2022.

MEMBER (J)

SAS ORAL ORDERS 05.01.2022

**C.P. 35/19 IN O.A. 59/17 IN O.A. 273/17
(Vishwanath B. Baswante & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

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

2. Learned counsel for the applicants sought time for taking steps for bringing on record the new incumbents. Time granted.

3. S.O. to 27.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 05.01.2022 – HDD

**C.P. NO. 17/2021 IN O.A. NO. 127/2017
(Trimbak D. Tompe Vs. State of Maharashtra & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

Shri V.P. Golewar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar separate affidavits in reply on behalf of respondent Nos. 4 & 5 and the same are taken on record and copies thereof have been served on the learned counsel for the applicant. Time is sought for filing affidavit in reply on behalf of other respondents. Granted.

3. S.O. to 27.1.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 26 OF 2019
(Vinod S. Muley Vs. State of Maharashtra & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

Shri M.B. Bharaswadkar, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. By consent, S.O. to 19.1.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 523 OF 2020
(Rajkumar G. Sonawane Vs. State of Maha. & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer submits that affidavit in reply of respondent No. 1 is filed and in view of the said affidavit in reply, filing of affidavit in reply by respondent Nos. 2 & 3 may not be necessary. In the circumstances, the present matter be placed for hearing on 8.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 335 OF 2021
(Dyaneshwar B. Bulbule & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

Shri Kailas B. Bhise, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 16, are present. None appears for respondent Nos. 17 to 20.

2. Learned Presenting Officer has tendered across the bar separate affidavits in reply on behalf of respondent Nos. 4 & 8 and the same are taken on record and copies thereof have been served on the learned counsel for the applicants.

3. Affidavit in reply of respondent No. 1 is not yet filed though the last chance was granted on the previous date. In the circumstances, the present case be fixed for hearing on 7.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 463 OF 2021
(Payal P. Tathe Vs. State of Maharashtra & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Despite last chance was given to the respondents to file affidavit in reply, today also the same is not filed. It is stated by the learned Presenting Officer that para-wise remarks are forwarded for approval.

3. Fix the matter for hearing on 1.2.2022. In the meanwhile if the affidavit in reply is received it may be taken on record with copy to the other side in advance.

4. S.O. to 1.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 539 OF 2021
(Jagannath S. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

Shri Santosh B. Bhosale, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 3.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 608 OF 2021
(Pawansing R. Bight Vs. State of Maharashtra & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

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

3. List the matter for hearing on 7.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 700 OF 2021
(Somnath S. Reddy Vs. State of Maharashtra & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

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

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

3. S.O. to 7.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 713 OF 2021
(Yogesh C. Gupta & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

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

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

3. S.O. to 21.1.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 727 OF 2021
(Dipak D. Joshi & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

Ms. A.N. Ansari, learned counsel for the applicants 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. 1 & 3 and the same is taken on record and copy thereof has been served on the learned counsel for the applicants. It is submitted that affidavit in reply of respondent No. 1 may not be necessary.

3. List the matter for hearing on 2.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 735 OF 2021
(Prashant S. Pol Vs. State of Maha. & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

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

2. Learned Presenting Officer submits that affidavit in reply on behalf of respondents will be filed during the course of the day. Copy of the same be served on the other side in advance.

3. List the matter for hearing on 13.1.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 745 OF 2021
(Arvind D. Gaikwad & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

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

2. Learned Chief Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent and the same is taken on record and copy thereof has been served on the learned counsel for the applicants.

3. List the matter for hearing on 21.1.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO. 333/2020 IN O.A.NO. 797/2016
(Gaurav A. Chavan Vs. State of Maha. & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

Shri C.V. Thombre, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

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

3. List the matter for hearing on 1.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 05.01.2022 – HDD

**M.A. NO. 109/2018 IN O.A.ST. 408/2018
(Punjaram N. Wathore Vs. State of Maha. & Ors.)**

WITH

**M.A. NO. 110/2018 IN O.A.ST. 410/2018
(Digambar L. Chavan Vs. State of Maha. & Ors.)**

WITH

**M.A. NO. 111/2018 IN O.A.ST. 412/2018
(Abdul R. Gulab Nabi Vs. State of Maha. & Ors.)**

WITH

**M.A. NO. 269/2018 IN O.A.ST. 1036/2018
(Mirza Rashid Baig Abdul Baig Vs. State of Maha. & Ors.)**

WITH

**M.A. 366/18 IN M.A.ST. 1591/18 IN O.A.ST.1592/18
(Dr. Ravindra A. Daware & Ors. Vs. State of Maha. & Ors.)**

WITH

**M.A. NO. 270/2018 IN O.A.ST. 1034/2018
(Pandurang B. Nilewar Vs. State of Maha. & Ors.)**

WITH

**M.A. NO. 353/2020 IN O.A.ST. 1469/2020
(Smt. Sunanda S. Harsulkar Vs. State of Maha. & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicants in all these cases and Shri I.S. Thorat, learned Presenting Officer for the respondents in all these cases, are present.

2. Learned counsel for the applicants submits that during the course of the day he will place on record second set of all these cases.

3. S.O. to 8.2.2022 for further consideration.

MEMBER (A)

MEMBER (J)

**M.A.NO. 424/2021 IN O.A.ST.NO. 1783/2021
(Nitin A. Bhapkar & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief 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)

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1783 OF 2021
(Nitin A. Bhapkar & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 9.2.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 9.2.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

**M.A.NO. 425/2021 IN O.A.ST.NO. 1785/2021
(Shaikh J. Gafoor & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel for the applicants and Shri M.S. Maharaj, learned Chief 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)

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1785 OF 2021
(Shaikh J. Gafoor & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 9.2.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 9.2.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 111 OF 2013
(Gajanan M. Shikare Vs. State of Maharashtra & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

Shri S.S. Halkude, learned counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 & 2, Shri G.J. Kore, learned counsel for respondent No. 3 and Shri S.K. Sawangikar, learned counsel for respondent No. 4.

2. At the request of learned counsel for the applicant, S.O. to 31.1.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 1419 OF 2021
(Shankar D. Chate Vs. State of Maharashtra & Ors.)**

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

DATE : 05.01.2022

ORAL ORDER :

Shri S.S. Halkude, learned counsel holding for Shri K.M. Nasarkar, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned counsel for the applicant, S.O. to 25.1.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO. 242/2021 IN O.A.NO. 299/2019
(Rahul T. Pol & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 05.01.2022

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. Affidavit in reply is already filed.
3. List the matter for hearing on 2.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 05.01.2022 – HDD

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

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

DATE : 5.1.2022

ORAL ORDER :

Shri U.T.Pathan, learned Advocate for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondents, are present.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.292/2018
(Bhavana H. Thakare Vs. State of Maharashtra & Ors.)

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

DATE : 5.1.2022

ORAL ORDER :

Shri S.D.Dhongde, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

3. With consent of both the parties, S.O. to 17.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.404/2018
(Uddhav G. Gangawane Vs. State of Maharashtra & Ors.)

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

DATE : 5.1.2022

ORAL ORDER :

Shri A.D.Gadekar, learned Advocate for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 5 and Shri R.M. Jade learned Advocate for respondent no.6, are present.

2. With consent of both the parties, S.O. to 19.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.412/2019
(Mohd. Fiaz Mohd Ibrahim Vs. State of Maharashtra & Ors.)

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

DATE : 5.1.2022

ORAL ORDER :

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

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.535/2019
(Nitin Ingale Vs. State of Maharashtra & Ors.)**

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

DATE : 5.1.2022

ORAL ORDER :

Shri D.R.Irale Patil, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.558/2019
(Udalsingh A. Bohara Vs. State of Maharashtra & Ors.)

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

DATE : 5.1.2022

ORAL ORDER :

Shri Angand Kanade, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents, are present.

2. With consent of both the parties, S.O. to 27.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.559/2019
(Janardhan P. Muley Vs. State of Maharashtra & Ors.)

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

DATE : **5.1.2022**

ORAL ORDER :

Shri Angad Kanade, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents, are present.

2. With consent of both the parties, S.O. to 27.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**O.A.NO.626/2019, 641/2019 & 642/2019
(Sheshrao Giri & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 5.1.2022

ORAL ORDER :

Shri S.K.Mathpati, learned Advocate for the applicants in all these cases and Shri M.P.Gude, learned Presenting Officer for the respondents in all these cases, are present.

2. At the request of learned Presenting Officer, S.O. to 13.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 05.01.2022 – HDD

ORIGINAL APPLICATION NO.28/2020
(Anil P. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 5.1.2022

ORAL ORDER :

Shri K.G.Salunke, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents, are present.

2. With consent of both the parties, S.O. to 25.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

C.P.NO.53/2019 IN O.A.NO.207/2018
C.P.NO.54/2019 IN O.A.NO.338/2018
C.P.NO.56/2019 IN O.A.NO.421/2017
C.P.NO.57/2019 IN O.A.NO.335/2017
C.P.NO.58/2019 IN O.A.NO.23/2018
C.P.NO.59/2019 IN O.A.NO.423/2017
C.P.NO.60/2019 IN O.A.NO.422/2017

(Dr. Vinay P. Sonavne & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **5.1.2022**

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicants in all the matters, Shri V.R. Bhumkar, learned Presenting Officer for the respondents in all these matters and Shri P.R. Tandale learned Advocate for respondent no. 5 in C.P. No. 54/2019 in O.A. No. 338/2019, are present.

2. When the present matters are taken up for consideration, it is brought to our notice by the learned P.O. that in similar Contempt Petitions before the principal seat of this Tribunal at Mumbai some orders were passed and the Hon'ble High Court has stayed all those orders in the writ petitions filed against the said orders. The learned P.O., in the circumstances, has prayed for adjourning these matters. The learned Counsel for the applicants has not disputed the facts as are stated by the learned P.O.

3. In the above circumstances, S.O. to 18.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 694/2018
(Somnath S. Reddy Vs. State of Maharashtra & Ors.)

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

DATE : 5.1.2022

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. Sonawane learned Advocate for respondent no. 4 and Shri S.G. Kulkarni, learned Counsel holding for Shri Ajay Deshpande learned Advocate for respondent nos. 5 and 6, are present.

2. At the request of learned C.P.O., S.O. to 7.2.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 184/2020
(Govardhan B. Kawale Vs. State of Maharashtra & Ors.)

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

DATE : 5.1.2022

ORAL ORDER :

Shri V.V. Gujar, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri S.J. Salunke learned Advocate for respondent no. 4, are present.

2. With the consent of both the sides, S.O. to 14.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 46/2021
(Pradhumn R. More Vs. State of Maharashtra & Ors.)**

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

DATE : 5.1.2022

ORAL ORDER :

Shri Dhananjay M. Shinde, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, are present.

2. Learned P.O. has filed affidavit in reply of respondent nos. 1 to 3. It is taken on record and copy thereof has been supplied to the learned Counsel for the applicant.

3. In the circumstances, S.O. to 14.2.2022 for filing rejoinder, if any, and also for hearing at the admission stage.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 260/2021
(Ramrao K. Yadav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **5.1.2022**

ORAL ORDER :

Shri S.D. Munde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. At the request of learned P.O. for the respondents, S.O. to 16.2.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 680/2013
(Vilas R. Gandhane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 5.1.2022

ORAL ORDER :

Shri P.V. Suryavanshi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 10.2.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 187/2020
(Basanti J. Padavi Vs. State of Maharashtra & Ors.)**

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

DATE : 5.1.2022

ORAL ORDER :

Smt. Rutuza L. Jakhade, learned Counsel holding for Shri S.A. Kulkarni, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 28.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 680/2021
(Anil Y. Rokade Vs. State of Maharashtra & Ors.)**

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

DATE : 5.1.2022

ORAL ORDER :

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

2. At the request of learned P.O. for the respondents, S.O. to 9.2.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 449/2020
(Yogesh Panchawatkar Vs. State of Maharashtra & Ors.)

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

DATE : 5.1.2022

ORAL ORDER :

Heard Shri N.E. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents.

2. The matter is closed for orders.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 57/2018
(Uttam Dabhade & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 5.1.2022

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. At the request of learned P.O., S.O. to 7.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 96/2018
(Arun Tike Vs. State of Maharashtra & Ors.)**

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

DATE : 5.1.2022

ORAL ORDER :

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

2. The matter is closed for orders.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 213/2018
(Balaji Sontakke Vs. State of Maharashtra & Ors.)

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

DATE : **5.1.2022**

ORAL ORDER :

Ku. Preeti Wankhade, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. At the request of learned P.O. S.O. to 12.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 582/2017
(Sanjay Kokate & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **05.01.2022**

ORAL ORDER :

Heard Shri A.S. Shelke, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Perused the Original Application and the documents filed along with it as well as the documents filed from time to time by the respondents. In the present O.A. the applicants have made the following prayers :-

"(B) By appropriate order, direction, the Clause 2 of the impugned Government Resolution dated 16.11.2016 to the extent of grant of benefit of designation as per work and pay as per designation w.e.f. 16.11.2016 and without any arrears of payment, may kindly be struck down being violative of article 14 of the Constitution of India.

(C) By appropriate order, direction, it be held and declare that, the applicants are entitled for the benefits of the designation as per pay and pay as per designation w.e.f. 29.9.2003 with all arrears and consequential benefits.

(D) By appropriate order, direction, the respondent No. 1 be directed to confer the benefits of the Government Resolution dated 16.11.2016 in favour of

the applicant employees w.e.f. 29.9.2003 with all arrears and consequential benefits."

3. From the contents of the written statements filed on behalf of the respondents it is revealed that the respondents are not disputing the entitlement of the present applicants for giving them the benefit i.e. the arrears of emoluments as per Government Resolution dated 29.9.2003. We may not refer to each of the written statement filed in the present matter except the last one submitted on 13.12.2018. In para 7 of the said written statement it is contended that in compliance of the order passed in O.A. Nos. 64, 65, 66 and 194/2011 the issue of granting the benefits to the employees, who were applicants in the said O.As. (total 2351 employees), is under active consideration. In para 13 of the said written statement it is also averred that the representation submitted by the present applicants on 3.4.2017 is under active consideration of the Government. In para 14 of the said written statement it is stated that the judgments and the orders of the Tribunal and the Hon'ble High Court are binding on the respondent authorities.

4. Copy of the letter dated 21.6.2019 is also placed on record. The said communication is between the Desk Officer of the State and the Superintending Engineer of the

Command Area Development Authority, Nashik. The Desk Officer has informed the Superintending Engineer, Command Area Development Authority, Nashik that the proposal to release the arrears of emoluments payable to the employees, who were the applicants in O.A. No. 818/2009 and O.A. Nos. 64, 65, 66 & 194/2011 in accordance with the orders passed by this Tribunal in the aforesaid applications is pending at the Government level and the emoluments as directed by this Tribunal to the said employees would be paid after the approval of the Cabinet. As stated in the said letter the proposal for paying the arrears to the applicants in the present application is also similarly pending for paying them the arrears payable to them. It is further stated that for receiving cabinet approval sometime however, may be required.

5. Sum and substance of the contents as are revealing from the written statements of the respondents is that principally the Government has accepted the claim of the present applicants also. The only concern is that time and again a statement is being made before the Tribunal that some more time is required for taking the decision. The letter which we have referred hereinabove is of the year 2019. Thus, 03 years have lapsed thereafter, but no decision has been taken by the State.

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O.A. NO. 582/2017

6. In the above circumstances, the present Original Application can be disposed of with a direction to the respondents that as per the stand taken by the respondents in the written statement and more particularly in the communication dated 21.6.2019, referred by us hereinabove, arrears payable to the applicants may be paid to them within the period of 6 months from the date of this order.

7. The present Original Application stands disposed of in the above terms with no order as to costs.

MEMBER (A)

MEMBER (J)