

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

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

And

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

Date:- 06/03/2024

Sr No	Case No.	District	Advocate's & Applicant's name	Subject	Remarks	Next date
Urgent Admission Matters						
1	CP25/24 In OA385/21	Chh.S' Nagar	Adv.K B Jadhav (Sachin B Jadhav)	Contempt Petition		12.04.2024
2	CP26/24 In OA478/21	Chh.S' Nagar	Adv.K B Jadhav (Syed Mujahed Syed Qutabuddin)	Contempt Petition		12.04.2024
3	Rev06/23 In OA490/18	A'bad	Adv.Talekar & Associates (Bhanudas D Vaishnav)	Review Application		29.04.2024
4	MA64/24 In OAS2039/23	Nanded	Adv.J M Murkute (Ankush K Hiwale & Ors.)	M.A. For Sue Jointly	Circulation	27.03.2024
5	MASt87/24 In OAS288/24	A'bad	Adv.S S Thombre (Monali Y Karande)	M.A. For Condonation of Delay	with Office Objection	12.04.2024
6	MASt89/24 In OAS290/24	O'bad	Adv.S S Thombre (Ruchi R Aher)	M.A. For Condonation of Delay	with Office Objection	12.04.2024
7	MASt254/24 In OAS255/24	Beed	Adv.J S Deshmukh (Dr. Vitthal S Karhad & 7 Ors.)	M.A. For Sue Jointly	Circulation with Office Objection	12.04.2024
8	TA03/23 WP13847/21 with	Nashik	Adv.Abhijit S More (Kapil K Gujar & Ors.) <u>Adv.A G Talhar For R.No.1</u>	<u>High Court Time Limit On Or Before 30.06.2023</u> High Court Direction Termination/ Challenging G.R.	For Hearing	20.03.2024

9	TA04/23 WP3935/21 with	Satara	Adv.Dr. Suresh Mane (Gramvikas Shakiya Katrathi Karmachari Sanghthana through President & Ors.)	Termination	
10	TA05/23 WP4762/20 with	Beed	Adv.Sachin S Deshmukh (Vinayak S Ware & Ors.)	Challenging Advertisement	
11	TA06/23 WP4765/20 with	Beed	Adv.Sayyed Tauseef Yaseen (Ubale S Suresh & Ors.)	Challenging Advertisement	
12	TA07/23 WP5233/20 with	Beed	Adv.S A NagarSoge (Pralhad K Ugale) <u>Adv.R R Bangar For R.No.1</u>	Termination	20.03.2024
13	TA08/23 WP5591/20 with	Beed	Adv.S S Thombre (Pravin V Hadade & Anr.) <u>Adv.Umesh Mote For R.Nos.2 & 3</u>	Termination	
14	TA09/23 WP5588/20 with	Beed	Adv.S S Jadhavar (Sonali S Bhosale) <u>Adv.Umesh Mote For R.No.2</u>	Termination	
15	TA10/23 WP5592/20 with	Beed	Adv.S S Thombre (Surekha K Wani & Ors.) <u>Adv.Umesh Mote For R.No.2</u>	Termination	
16	TA11/23 WP7243/20 With	Mumbai	Adv.Mahadev Chaudhari/ Adv.Krishna Rodge (Maharashtra State Contractual Employees Federation, (Prop.) Through its working President Sachin S Jadhav)	Termination	
17	TA16/23 WP5776/21	P'bhani	Adv. Adv.Sayyed Tauseef Yaseen (Gajanan N Tehare & Ors.) <u>Adv.R R Bangar for R.No.1</u>	Termination/ Challenging Circular	

18	OA285/18	A'bad	Adv.Avinash S Deshmukh (Meera J Dolas)	Selection/ Appointment	Reply Filed by R-1 & R-2	
19	OA370/20	A'bad	Adv.Avinash S Deshmukh (Shrimant M Ture)	Modification In G.R./ Revised Pay Scale	Part Heard For Hearing	
20	MA87/23 In OA259/21	A'bad	Adv. C V Dharurkar/ Adv.Vinaya Muley Dharurkar (Megharani P Tarkase & Ors.) <u>Adv. Avinash S Deshmukh</u> <u>for R.Nos.4 & 5</u>	M. A. For Direction	Part Heard For Hearing Reply Filed by R-1 to R-3 in OA259/21 For Filing Affidavit in Reply For R-4 & R-5	27.03.2024
21	MA519/23 In OA151/19	P'rbn	Adv V B Wagh (Sachin A Gade & Ors.)	M.A For Adding Co- Applicants	Part Heard	20.03.2024
Order Matters						
22	MA288/22 In OA599/22	J'gaon	Adv.A S Deshmukh (Tushar T Jadhav) <u>Adv.V V Gujar for R.Nos.3</u> <u>& 4 in OA599/22</u>	M.A. For Allow the Applicant to Join as Law Officer with MHADA	For Hearing	08.04.2024
23	MA284/23 In OAS1141/23	Latur	Adv.Kiran G Salunke (Chayya V Bhosale)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R-3	13.03.2024
24	MA15/24 In MASt33/24 In OA1022/23	Nanded	Adv.H P Jadhav In MASt32/24 & 33/24 (Dr.Chandrakant S Avhad) Adv.B R Kedar In OA1022/23 (Dr.Yogendra G Yeotikar)	M.A.St32/24 For Intervention M.A.St33/24 For Vacating I.R.	For Hearing Reply Filed by R-3 In Both MAs	08.04.2024

25	MA56/24 In OA64/24 With Caveat 43/23 to 70/23	A'bad	Adv.Neha B Kamble (Shubham M Vanjare & Ors.) <u>Adv. Kalvan V Patil/Adv.R R Avhad for Caveators</u> (Nikhil V Patil & Ors.)	M.A.56/24 For Direction	For Hearing Amendment Not Carried Out As Per Order dtd.01.03.2024 Added As Applicants in the OA	15.03.2024
26	MA88/24 In MA62/24 In OA979/23 With Caveat23/23 with	A'bad	Adv.S V Waghmare In MA88/24 (Akshay S Ingole & Ors.) Adv.Swapnil S Daregad/ Adv.Syed Daanyaal Hussain IN MA62/24 For Intervenor (Sushant U Sasane) Adv.M S Shaikh In OA979/23 (Vishvjeet V Kulkarni) <u>CPO For Caveator in OA979/23 i.e. Caveat No.23/23</u> (The State of Maharashtra Through Director of Economics and Statistics, Mah. State)	M.A.88/24 For Intervention M.A.62/24 For Intervention	Reply Filed by R-1 in OA979/23	11.03.2024
27	MA89/24 In OA999/23 With Caveat38/23	A'bad	Adv.S V Waghmare In MA89/24 (Akshay S Ingole & Ors.) Adv.S S Dambe In OA999/23 (Shivaji B Borkar & Ors.) <u>CPO For Caveator in OA999/23 i.e.</u> (The State of Maharashtra Through The Chief Engineer, Public Works Region, Mumbai and President, State Level Co-ordination Committee, Mumbai) Adv.Sangharssh V Waghmare For Intervenor In MA557/23 (Milind S Rathod & Ors.)	M.A.89/24 For Intervention Selection Process		11.03.2024

28	MA90/24 In OA1054/23 With Caveat No38/23	Mumbai	Adv.S V Waghmare In MA90/24 (Akshay S Ingole & Ors.) Adv.Anand D Kawre/ Adv.Vaidehi Pradeep (The Association of Subordinate Service of Engineers, Mah. State through its President Unmesh B Mudbidrikar) <u>CPO For Caveator i.e. Caveat No.38/23</u>	M.A.90/24 For Intervention	Reply Filed by R-1 In OA1054/23	11.03.2024
Due Admission Matters						
29	CP50/19 In OA242/17 with	J'gaoan	Adv.Anant D Sugdare (Mohan R Chaudhari) <u>Adv.Sunita D Shelke for R.Nos.2 & 3</u>	Contempt Petition	For Hearing Reply filed By R-1	10.06.2024
30	CP51/19 In OA648/17 with	J'gaoan	Adv.A D Sugdare (Bhaskar S Patil) <u>Adv.Sunita D Shelke for R.Nos.3 & 4</u>	Contempt Petition	For Hearing Reply filed By R-1	10.06.2024
31	CP52/19 In OA878/16	J'gaoan	Adv.A D Sugdare (Nitinkumar T Adhe) <u>Adv.Sunita D Shelke for R.Nos.3 & 4</u>	Contempt Petition	For Hearing Reply filed By R-1	10.06.2024
32	CP22/21 In OA947/18 with	J'gaoan	Adv.A D Sugdare (Bhagwat T Chaudhari) <u>Adv.Sunita D Shelke for R.No.3</u>	Contempt Petition	For Hearing	10.06.2024
33	CP23/21 In OA432/18 with	J'gaoan	Adv.A D Sugdare (Ajabrao R Patil) <u>Adv.Sunita D Shelke for R.No.3</u>	Contempt Petition	For Hearing	

34	CP24/21 In OA169/18	J'gaon	Adv.A D Sugdare (Shankar D Chaudhari) <u>Adv.Yogesh M Patil For R.No.3</u>	Contempt Petition	For Hearing	
35	CP01/23 In OA608/18	A'bad	Adv.R P Bhumkar (Narendra S Suryawanshi)	Contempt Petition	For Hearing Reply Filed by R-3	10.04.2024
36	CP31/23 In OA603/21	A'bad	Adv.A V Thombre (Sumit G Dongre & Ors.)	Contempt Petition	For Hearing Reply Filed by R-3	04.04.2024
37	CP61/23 In OAST1185/19	A'bad	Adv.Ajay S Deshpande (Amit S Swami)	Contempt Petition	For Hearing Reply Filed by R-1 & R-2 Additional Affidavit in Reply Filed by Respondent	20.03.2024
38	OA758/17	A'bad	Adv.V B Wagh (Dadarao D Borade)	Minor Punishment	For Hearing Reply Filed by R-1 & R-2 Additional Affidavit in Reply Filed by R-1	17.04.2024
39	OA963/17	A'bad	Adv.Avinash S Deshmukh (Vasant D Karke & Ors.)	Not to Terminate the Service/ Regularisation/ Continue in Service	For Hearing Reply filed by R-1 to R-4	01.04.2024
40	OA28/18	P'bhani	Adv.Ganesh J Kore (Shashank B Kamble) <u>Adv.Mahendra Kochar for R.Nos.3 to 5</u>	Appointment	For Hearing Reply Filed by R-1 & R-2	16.04.2024
41	OA236/18	N'bar	Adv.M R Wagh (Krushnalal R Shirshi Gule)	Appointment	For Hearing Reply Filed by R-2 to R-4	16.04.2024
42	OA387/18	Beed	Adv.Avinash S Deshmukh (Pramod V Gite) <u>Adv.R D Khadap for R.No.5</u>	Selection/ Appointment (AMVI) Assessment of Answer Sheet	For Hearing Reply Filed by R-1 to R-5	17.04.2024

43	OA768/18	A'bad	Adv.S S Thombre (Vijaykumar V Giri & Ors.)	Appointment	For Hearing Reply Filed by R-2	17.04.2024
44	OA13/19	A'bad	Adv.Avinash S Deshmukh (Tufansing L Shele)	Removal From Service	For Hearing Reply Filed by R-2 to R-4	27.03.2024
45	OA218/19	P'bhani	Adv.M D Godhamgaonkar (Sharnappa V Mannylikar)	Removal from Service	For Hearing Reply filed by R-1 to R-4	17.04.2024
46	OA262/19	Beed	Adv.D D Korade/ Adv.R P Bhumkar (Vijay U Pawar) <u>Adv.V M Chate for R.No.5</u>	Selection From Ex Serviceman Category	For Hearing Reply Filed by R-3 to R-5	10.04.2024
47	OA556/19	Jalna	Adv.J S Deshmukh (Dr.Shamkant D Gawande) <u>Adv.Umesh S Mote for R.No.4</u>	Condonation of Technical Breaks/ Increments/ Leave	For Hearing Reply Filed by R-1 to R-3	18.03.2024
48	OA757/19	P'bhani	Adv.J S Deshmukh (Dr. Munna Afreen Abdul Gaffar)	Exemption From G.R./ Pay Protection	For Hearing Reply Filed by R-1 to R-4	18.03.2024
49	OA758/19	Nanded	Adv.J S Deshmukh (Dr. Satish V Totawar)	Exemption From G.R./ Pay Protection	For Hearing Reply Filed by R-1 to R-4	18.03.2024
50	OA759/19	Nanded	Adv.J S Deshmukh (Dr.Gopikrishna P Patil)	Exemption From G.R./ Pay Protection	For Hearing Reply Filed by R-1 to R-4	18.03.2024
51	OA760/19	Jalna	Adv.Swapnil A Deshmukh (Vishnu B Jaybhaye)	Major Punishment	For Hearing Reply Filed by R-2 & R-3	17.04.2024
52	OA09/20	O'bad	Adv.V B Wagh (Dr.Anita R Rathod)	Condonation of Technical Breaks/ Increment Etc.	For Hearing	17.04.2024
53	OA40/20	A'bad	Adv.R J Nirmal (Shankar P Dange)	Promotion/ Appointment	For Hearing	18.04.2024

54	OA136/20	Beed	Adv.P D Suryawanshi (Rameshwar G Kadam)	Selection/ Appointment	For Hearing Reply Filed by R-1 to R-3	18.04.2024
55	OA582/20	J'gaon	Adv.D B Shinde (Muktar F Tadvi)	Promotion	For Admission Reply Filed by R-1, R-3 & R-4	27.03.2024
56	OA60/21	J'gaon	Adv.Digamber B Shinde (Ishwar B Baviskar)	Direction/ Promotion	For Hearing Reply Filed by R-1 to R-3	27.03.2024
57	OA61/21	Dhule	Adv.D B Shinde (Shantilal H Deore)	Promotion	For Hearing Reply Filed by R-1 to R-4	27.03.2024
58	OA168/21	Nanded	Adv.Dhananjay A Mane (Prakash R Kirti)	Major Punishment	Reply Filed by R-1	18.04.2024
59	OA225/21	A'nagar	Adv.Santosh S Jadhavar (Surekha B Andhale)	Promotion	For Hearing Reply Filed by R-1 & R-2	10.04.2024
60	OA227/21	A'nagar	Adv.Santosh S Jadhavar (Surekha B Andhale & Ors)	Promotion	For Hearing Reply Filed by R-1 to R-3	10.04.2024
61	OA255/21	O'bad	Adv.C V Dharurkar/ Adv.Vinaya Muley Dharurkar (Ashvini M Dudhbhate) <u>Adv.A S Deshmukh for R.No.5</u> <u>Adv.M B Kolpe for R.No.4</u>	Appointment	For Hearing Reply Filed by R-1 to R-5	13.03.2024
62	OA566/21	A'nagar	Adv.S S Tandale (Manisha H Sonar)	Departmental Enquiry	For Hearing Reply Filed by R-1 to R-3	10.04.2024
63	OA587/21	A'nagar	Adv.A B Rajkar (Pramod G Narsude)	Seniority	For Admission Reply Filed by R-1 & R-2	02.04.2024
64	OA47/22	A'nagar	Adv.S D Joshi (Sanjay V Sonawane)	Interivew	For Hearing Reply Filed by R-1 to R-3	02.04.2024

65	OA352/22	Nanded	Adv.K B Jadhav (Rajaram C Sevalikar)	Promotion	For Hearing Reply Filed by R-1 to R-4	04.04.2024
66	OA1102/22	J'gaon	Adv.R P Bhumkar (Meheub Noor Mahammad Rangarej) <u>Adv.Amol B Chalak For R.No.6</u>	Appointment	For Admission Reply Filed by R-2 to R-4 & R-6	21.03.2024
67	OA300/23 with	A'bad	Adv.Avinash S Deshmukh (Ratnaraj R Jawalgekar) <u>Adv.Ajay Deshpande For Special Council For Respondents</u>	Promotion	For Hearing Reply Filed by R-1 to R-3	11.03.2024
68	OA215/23	A'bad	Adv.Avinash S Deshmukh (Ratnaraj R Jawalgekar) <u>Adv.A B Khrosekhar for R.No.4</u>	Promotion	For Hearing Reply Filed by R-1 to R-3	11.03.2024
69	OA256/23	Latur	Adv.Poonam V Bodkepatil (Shubhangi S Shinde)	Appointment	For Hearing Reply Filed by R-1 & R-2	15.04.2024
70	OA372/23	P'bhani	Adv.K B Jadhav (Raosaheb S Deshmukh)	Couting of Temporary/ Qualifying Service/ Benefits of T.B.P./ A.C.P.S.	For Hearing Reply Filed by R-1 to R-5	
71	OA373/23	P'bhani	Adv.K B Jadhav (Dhanraj P Kankriya)	Couting of Temporary/ Qualifying Service/ Benefits of T.B.P./ A.C.P.S.	For Hearing Reply Filed by R-1 to R-4	
72	OA696/23	A'nagar	Adv.Avinash S Deshmukh (Yuvraj S Pawar)	Cancellation of Appointment	For Hearing	28.03.2024
73	OA697/23	A'nagar	Adv. Avinash S Deshmukh (Amit R Gaikwad)	Cancellation of Appointment	For Hearing	28.03.2024

Final Hearing Matters						
74	OA633/12	A'bad Beed	Adv.H A Joshi (Sachin S Unawane & Ors.)	Selection/ Appointment	<u>Pending Befor Supreme Court</u> Reply Filed by R-1 & R-2	01.04.2024
75	OA736/12	Nanded	Adv.Sudhir Patil (Devidas R Jadhav)	Extention of Age of Retirment	Rply Filed by R-1 to R-3	01.04.2024
76	OA111/13	Nanded	Adv.V S Panpatte/ Adv.S S Haikude (Gajanan M Shikare) <u>Adv.S K Sawangikar for R.No.4 Adv.G J Kore for R.No.3</u>	Appointment	Reply Filed by R-2 & R-3	03.04.2024
77	OA624/13	P'bhani	Adv.M C Ghode (Yogesh P Ghuge & Ors.)	Post of Civil Engineer		03.04.2024
78	OA694/13	Hingoli	Adv.Avinash S Deshmukh (Bashir Khan Daulat Khan Patel)	Promotion	Reply Filed by R-1	03.04.2024
79	OA250/14	A'bad	Adv.Avinash S Deshmukh (The Karyakari Adhikari Sanghatna (R.T.O.) Through its Joint Secretary Rameshchandra L Kharade)	Revised Pay Scale	<u>Pending Before High Court</u> Reply Filed by R-2 & R-3	04.04.2024
80	OA556/14	A'bad	Adv.A S Deshpande (Sanjay R Patange)	Promotion	Reply Filed by R-1 to R-5	04.04.2024
81	OA583/14	A'bad	Adv.S S Thombre (Bhausahab S Gaikwad) <u>Adv.Abhishek C Deshpande for R.Nos.5 & 6</u>	Promotion	Reply Filed by R-1 to R-3 & R-5 & R-6	04.04.2024
82	OA12/17	Nanded	Adv.Sandip G Kulkarni (Babu G Kapale) <u>Adv.G N Patil for R.No.2 & 3</u>	Higher Pay Scale as per Designation/ G.R.	Reply Filed by R-1 to R-3	08.04.2024

83	OA256/17	A'bad	Adv.A S Deshmukh (Rajendra R Londhe)	Dismissal	Reply filed by R-1 to R-4	08.04.2024
84	OA513/17	Latur	Adv.A D Gadekar (Dinkar R Bhosrekar)	Punishment/ Recovery/ D.E.	Reply Filed by R-1 to R-4	21.03.2024
85	OA788/17	P'bhani	Adv.Ajay S Deshpande (Ashok T Ghobale)	Reversion	Reply Filed by R-1 & R-2	08.04.2024
86	OA06/18	Latur	Adv.Avinash S Deshmukh (Ganesh B Kundle)	Removal From Service	Reply Filed by R-1 to R-3	01.04.2024
87	OA471/18	Jalna	Adv.S D Joshi (Raosaheb K Pangre)	Selection/ Appointment	Reply Filed by R-4 & R-5	01.04.2024

Date: -06/03/2024

D.B. For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	CP28/22 In OA583/19	J'gaon	Adv Preeti R Wankhade (Bhaskar D Baviskar)	Contempt Petition	Await Service	26.04.2024
2	CP38/22 In OA573/20	Latur	Adv.K.M. Nagarkar <u>Adv K M Nagarkar</u> <u>has filed leave note</u> <u>from 20.02.2024 to</u> <u>08.03.2024</u> (Prakash B Ghadgine) <u>Adv Amit</u> <u>Dhongde For R-2</u> <u>Adv Amit Dhongde</u> <u>has Filed Leave</u> <u>note From</u> <u>29.02.2024 to</u> <u>15.03.2024</u>	Contempt Petition	For Filing Affidavit in Rejoinder	26.04.2024

3	CP12/23 In OA646/16	Latur	Adv.R.K. Ashtekar (Anil M Kachre & Anr.)	Contempt Petition	For Filing Affidavit in Reply	26.04.2024
4	CP70/23 In OA501/20	A'bad	Adv A B Rajkar (Dr. Prashant B Shamkuwar)	Contempt Petition	For Filing Affidavit in Reply	
5	CP05/24 In OA739/23	Jalgaon	Adv S P Dhobale (Prashant N Kedar)	Contempt Petition	Await Service R-2	20.03.2024
6	OA442/20	A'bad	Adv Vijay V Deshmukh (Bhagwan S Naik)	Seniority List/ Promotion	Reply Filed By R-1 to R-5	03.04.2024
7	OA492/21	Beed O'bad	Adv.V.B. Wagh (Ganesh K Chate & Ors.)	Seniority List/ Promotion	For Filing Affidavit in Reply <u>Ref Order Dtd. 11.10.2021</u>	03.04.2024
8	OA42/22	Dhule	Adv.S.S. Kulkarni/ Adv.A.B. Kulkarni (Surendranath B Shinde) <u>Adv.S.D. Kotkar for R.No.17</u>	Promotion	For Taking Necessary Steps. Await Service 6 to 8,13,14,16,18, 27,29,32,33,37,39, to 45,48,51,53,61 & 68.	04.04.2024
9	OA137/22	Dhule	Adv.Ashish B Rajkar (Abhijit V Bhapkar)	Appointment	As a Last Chance For Filing Affidavit in Rejoinder	27.03.2024
10	OA1053/22	Dhule	Adv.R.L. Jakhade/ Adv.S.A. Kulkarni (Vilas R Malche)	Dismissal Period	As a last chance For Filing affidavit in Reply R-1 & R-3 <u>Ref Order Dtd. 19.06.2023</u>	27.03.2024
11	OA190/23	Latur	Adv.S.D. Joshi (Kishan B Mane)	Departmental Enquiry/ Punishment	For Filing Affidavit in Rejoinder	10.04.2024

12	OA191/23	Latur	Adv.S.D. Joshi (Deorao A Sawale)	Departmental Enquiry/ Punishment	For Filing Affidavit in Rejoinder	10.04.2024
13	OA347/23	Beed	Adv.Kakasaheb B Jadhav (Baban R Zagade)	Counting of Earlier Temporary Service	For Filing Affidavit in Reply	10.04.2024
14	OA695/23	Dhule	Adv Mahesh S Deshmukh (Shubhangi B Patil)	Selection Process	For Filing Affidavit in Rejoinder to the Affidavit in Reply Filed By R-2	15.04.2024
15	OA752/23	A'bad	Adv Poonam V Bodke Patil (Dr. Amol N Kulkarni)	Eligibility/ Interview	Reply Filed By R-1 Await Service	15.04.2024
16	OA786/23	Nanded	Adv D G Kamble/ Adv O R Chavan (Dattatraya P Shahane)	Promotion	For Filing Affidavit in Reply	15.04.2024
17	OA852/23	O'bad	Adv Ganesh J Kore (Vilas D Bhingde)	Promotion	For Filing Affidavit in Reply	29.04.2024
18	OA915/23	P'bhani	Adv.Suchita Dhongde (Rajeshwar G Matpallu)	Promotion	For Filing Affidavit in Reply	24.04.2024
19	OA1045/23	A'bad	Adv S S Ware (Shahmir Shamshoddin Shaikh)	Selection Process	For Filing Affidavit in Reply	15.04.2024
20	OA20/24	Dhule	Adv H P Jadhav (Dr. Chandrakant S Avhad)	Selection Process	For Filing Affidavit in Reply	08.04.2024
21	OA44/24	Nandurbar	Adv Archana J.Pawar (Bhanupriya B.Suryawanshi)	Seniority List	For Filing Affidavit in Reply	26.04.2024

22	OA65/24	P'rbn	Adv R A Joshi (Sachinsingh B Chauhan)	Selection Process	For Filing Affidavit in Reply	26.03.2024
23	OA96/24	A'Bad	Adv Majit S.Shaikh (Sushant U.Sasane& Ors.)	Challenging Notification	For Filing Affidavit in Reply	13.03.2024
24	OA147/24	A'bad	Adv Ajay Deshpande (Amit S Swami)	Departmental Enquiry	Await Service	01.04.2024
25	OA182/24	A'bad	Adv Vishal S Kadam (Ganesh V Pohokar)	Selection Process	Await Service	01.04.2024
Order Matters						
26	MA422/22 In OAS1440/22	Jalgaon	Adv S R Patil (Harichandra D Patil)	M.A For Condonation of Delay	Reply Filed By R-4 As a Last Chance For Filing Affidavit in Reply	16.04.2024
27	MA198/23 In OA139/20	Jalgaon	Adv C C Deshpande (Shravan P Pawara)	M.A For Condonation of Delay	Reply Filed By R-4	16.04.2024
28	MA466/23 In OAS1942/23	A'nagar	Adv Mahesh K Bhosle (Ashwini B Patare)	MA For Condonation of delay	For Filing Affidavit in Reply	16.04.2024
29	MA540/23 In OAS12030/23	O'bad	Adv C V Dharurkar (Kalidas A Bhairat)	M.A For Condonation of Delay	Await Service R-5 Not Properly Served	16.04.2024

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

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

And

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

Date:- 06/03/2024

Suplimentary Board

Sr · N o	Case No.	Distric t	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matter						
1	MA96/24 In OA65/24	P'bhani	Adv.R A Joshi (Sachinsing B Chouhan)	M.A. For Amendment	26.03.2024	

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

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

Before: -THE HON'BLE JUSTICE SHRI V. K. JADHAV, MEMBER (J)

Date: -06/03/2024

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	OA395/22	Latur	Adv.S.D. Joshi (Rajkumar V Ugile) <u>Adv A S Reddy For R-6</u>	Recovery/ Refund of Amount	For Filing Affidavit in Rejoinder	10.4.2024
2	OA688/22	Nanded	AdvAmrutaParanjapeMen ezes (Ashok K Ghuge)	Recovery	Await Service	10.4.2024
3	OA1043/22	A'bad	Adv R N Bharaswadkar <u>Adv R N Bharaswadkar has filed leave note from 06.03.2024 to 11.03.2024</u> (Smt. Bhagubai J Gangawane)	Refund of Recovered Amount	For Filing Affidavit in Reply R-1 to R-5 & For Filing Affidavit in Rejoinder <u>Ref Order</u> <u>Dtd.</u> <u>18.08.2023</u>	10.4.2024
4	OA104/23	P'rbn	Adv R L Jakhade Adv S A Kulkarni (Mahesh B Kavthale)	Show Cause Notice	Await Service R-2	10.4.2024
5	OA122/23	Dhule	Adv J S Deshmukh (Dr.TeliShaikhEmaramSh aikh Ismail)	Recovery	For filing Affidavit in Reply	10.4.2024

6	OA212/23	Hingoli	Adv J S Deshmukh (Dr.Santosh P Pardeshi)	Leave & Increments	For Filing Affidavit in Reply	12.4.2024
7	OA254/23	A'nagar	Adv Manoj R Khutwad (Kailas a Kalke)	Pensioneery Benefits	Reply filed by R-4 & For Filing Affidavit in Reply	12.4.2024
8	OA544/23	A'nagar	Adv S SJadhavar (Umesh D Palve)	Transfer	For Filing Affidavit in Reply	4.4.2024
9	OA603/23	Jalgaon	Adv S B Bhosale (Gutam B Sonwane)	Retirement Benefits	Reply Filed By R-1 to R- 6	12.4.2024
10	OA694/23	Jalgaon	Adv C V Dharurkar (Rosemerry M Walvi)	Pension/ Provisional Pension	For Filing Affidavit in Reply	12.4.2024
11	OA1014/23	P'rbn	AdvMasood C Syed (Ashok B Zamkade)	Old Pension Scheme	Await Service	12.4.2024
12	OA1031/23	Nanded	AdvSantosh S Dambe (Dr.Pradeep M Thakkarwad)	Suspension	As a Last Chance For Filing Affiavit in Reply	2.4.2024
13	OA1097/23	O'bad	AdvAvinash S Deshmukh (Bhalchandra D Tejinkar)	Valuntary Retirement	Await Service	12.4.2024
14	OA112/24	Jalgaon	Adv S D Joshi (Aniruddha P Sontakke)	Transfer	For Filing Affidavit in Reply	7.3.2024

Order Matter						
15	MA88/21 In OASSt323/21	A'bad	Adv R A Joshi (Shrikant K Bhale)	M.A For Condonation of Delay	Reply Filed By R-1 to R-4 & Await Service Ref Order Dtd. 09/01/2023	15.4.2024
16	MA358/22 In OASSt1093/22	A'nagar	Adv S D Joshi (Shriram G Kulkarni) Adv S B Mene For R-3 & R-4 Adv S B Mene has filed leave not from 05.03.2024 to 08.03.2024	M.A For Condonation of Delay	Await Service & For Filing Affidavit in Reply R-3 & R-4	27.3.2024
17	MA140/23 With MASt540/23 In OA206/19	A'bad	Adv C K Shinde (Smt. Amruta R Paralikar)	M.A For Condonation of Delay	For Filing Affidavit in Reply	15.4.2024
18	MA472/23 In OASSt1915/23	A'bad	AdvKakasaheb B Jadhav (Dr.Jyoti S Deshmukh)	M.A For Condonation of Delay	As a Last Chance For Filing Affidavit in Reply	27.3.2024
19	MA06/24 In OASSt3133/22	Dhule	AdvAzizoddin R Syed (Girju D Jagtap)	M.A For Condonation of Delay	Notice not Collected	15.4.2024
20	MA39/24 In OASSt221/24	Ch.S. Nagar	Adv V G Pingle (Ravindra V Pathak)	M.A For Condonation of Delay	Await Service	16.4.2024

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

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

Date: -06/03/2024

Suplimentary Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matter						
1	OA138/24	Latur	Adv G S Shete (Khandu G Joshi)	Direction/ Continuation in Service	Notice not Collected	1.4.2024

ORIGINAL APPLICATION NO. 979/2023
(Vishvjeet V. Kulkarni Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 999/2023
(Shivaji B. Borkar & Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 1054/2023
(The Association of Subordinate Service of Engineers, M.S. through its president Shri Unmesh B. Mudbidrikar Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

S/shri Sachin Deshmukh, learned counsel holding for Shri M.S. Shaikh, learned counsel for the applicant in O.A. No. 979/2023, Shri S.S. Dambe, learned counsel for the applicants in O.A. No. 999/2023 and Shri Yashodeep Deshmukh, learned counsel holding for Shri Anand Kawre, learned counsel for the applicants in O.A. No. 1054/2023, Shri Ajay Deshpande, learned special counsel along with Shri M.B. Bharaswadkar, learned Chief Presenting Officer for respondent authorities in all the matters, S/shri S.V. Waghmare, learned counsel for intervenors in all the matters and Shri Swapnil Daregad, learned counsel for intervenors in O.A. No. 979/2023,

2. Learned counsel Shri Waghmare tendered affidavit in reply on behalf of respondent nos. 3 to 6 in O.A. No. 999/2023 and submits that this reply be treated as reply on behalf of the said respondents in O.A. No. 979 and 1054/2023 also. Same is taken on record and copy thereof has been supplied to other side.

3. Today when the present matters are taken up for consideration, we could hear the arguments of the learned counsel appearing for applicants. We are in process of hearing the learned counsel appearing for the intervenors. Learned special counsel appointed in the present matters will be making submissions thereafter. Learned special counsel apprises the Tribunal that he may require half session of any day to elaborate his submissions. Thus, the arguments are not likely to be completed today or on the next date. It is noticed that appointments are likely to be issued from 07.03.2024. In the aforesaid circumstances, we deem it appropriate to pass the following order:-

::-3-:: O.A.. NO. 979/2023 & ORS.

ORDER

(i) The respondents shall not issue the orders of appointment so far as Junior Engineer (Civil), Group-B, Non-gazetted posts are concerned, till the decision of the present Original Applications.

(ii) The learned counsel appearing for the parties have ensured to cooperate and complete their arguments even reply arguments beyond 13.03.2024.

(iii) S.O. to 12.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 302 OF 2021
(Hitendra P. Chaudhari Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Shri M.V. Thorat, learned counsel for the applicant, is **absent**. Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. Even though, on last date also the applicant and his learned counsel remained absent. The present matter is of the year 2021. It appears that the applicant is not interested in prosecuting the matter. The Original Application thus dismissed in default. No order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION NO. 303 OF 2021
(Rajendrakumar G. Baviskar Vs. State of Maharashtra &
Ors.)**

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

DATE : 06.03.2024

ORAL ORDER :

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

2. None present for the applicant. Even though, on last date also the applicant and his learned counsel remained absent. The present matter is of the year 2021. It appears that the applicant is not interested in prosecuting the matter. The Original Application thus dismissed in default. No order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION NO. 102 OF 2022
(Sumitrabai V. Adke & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 06.03.2024

ORAL ORDER :

Shri D.G. Kamble, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicants seeks time to comply with the order dated 16.10.2023 so also the order dated 22.01.2024. Time granted.

3. S.O. to 10.04.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 322 OF 2022
(Dr. Datta M. Dhanve Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

Shri S.B. Ghute, learned counsel for respondent Nos. 3 & 4, is **absent**.

2. Learned counsel Shri S.B. Ghute appearing for respondent Nos. 3 & 4 is absent. Even on the last date also he remained absent.

3. I request the learned counsel for the applicant to inform Shri S.B. Ghute, learned counsel appearing for respondent Nos. 3 & 4 the next date of hearing in writing.

4. S.O. to 17.04.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 539 OF 2022
(Bhimraj S. Sonkamble Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 20.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 31 OF 2023
(Dr. Vivek B. Khatgaonkar Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Shri V.U. Pawar, learned counsel for the applicant and Shri P.B. Vikhe Patil, learned counsel for respondent No.3, are **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. Even on the last date also the applicant and his counsel remained absent.

3. In view of above, S.O. to 10.06.2024 as a last chance for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 180 OF 2022
(Deepak D. Kharath Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Heard Shri A.B. Rajkar, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities finally at admission stage.

2. Though the applicant has approached this Tribunal by filing this Original Application seeking direction to respondent No.2 to consider the application filed by him dated 18.8.2021 as per the Maharashtra Civil Services (Leave) Rules,1981 and sanction extraordinary leave to the applicant within three months and also seeking direction to respondent No.6 to forward the complete proposal of the applicant to respondent No.2 in terms of his application dated 18.08.2021 to sanction leave to the applicant as per Maharashtra Civil Services (Leave) Rules, 1981, however, learned counsel for the applicant has pointed out that the said application filed by the applicant dated 18.08.2021 (Annexure 'A-4' collectively) is still pending for consideration.

//2//

O.A.180/2022

3. Learned Presenting Officer for the respondents submits that the applicant remained absent on duty without informing the department for inordinate period and though he was given sufficient opportunity to submit valid reasons for his absenteeism, he failed to submit any valid reasons.

4. Learned Presenting Officer, however, submits that the complete proposal has already been submitted to the Additional Commissioner through the Joint Commissioner of State Tax on 13.10.2021 and in view of same, the aforesaid application submitted by the applicant is not rejected yet and still under consideration.

5. The respondent Nos. 1 to 6 have filed their affidavit in reply and in paragraph No.13 it is specifically stated as follows:-

“13. I further most humbly say that; Complete proposal has been already submitted to Hon. Additional Commissioner through Hon. Joint Commissioner of State Tax on 13.10.2021. The applicant’s application is not rejected yet and still under consideration. **The complete proposal is annexed and marked collectively herewith as R-4.**

//3//

O.A.180/2022

6. In view of facts and considering the specific reply filed on behalf of respondent Nos. 1 to 6 in paragraph No. 13, this Original Application can be disposed by giving directions to respondent Nos. 1 and 2 to decide the proposal submitted by the Additional Commissioner through Joint Commissioner of State Tax dated 13.10.2021 and submitted to the respondent No.1 i.e. Special Commissioner, Maharashtra State, Mumbai by Additional Commissioner of State Tax, Nashik on 17.02.2022 in a time bound manner. Hence, the following order:-

ORDER

- (A) The Original Application is partly allowed.
- (B) The respondent No. 1 is hereby directed to decide the proposal submitted by Additional Commissioner of State Tax, Nashik dated 17.02.2022 as expeditiously as possible preferably within three months from the date of this order.

//4//

O.A.180/2022

- (C) In the circumstances there shall be no order as to costs.
- (D) The Original Application is accordingly disposed of.

MEMBER (J)

sas ORAL ORDER 06.03.2024

ORIGINAL APPLICATION NO. 47 OF 2023
(Anil R. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Part heard.

3. S.O. to 27.03.2024 for production of citations by the applicant.

MEMBER (J)

**ORIGINAL APPLICATION NO. 210 OF 2023
(Ganesh D. Chhabilwad Vs. State of Maharashtra & Ors.)**

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

DATE : 06.03.2024

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 27.03.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 06.03.2024

**ORIGINAL APPLICATION NO. 292 OF 2023
(Sameer H. Umralkar Vs. State of Maharashtra & Ors.)**

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

DATE : 06.03.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 27.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 468 OF 2023
(Dr. Prashant S. Shelar Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel holding for Shri J.S. Deshmukh, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

Shri Amol A. Kokad, learned counsel for the respondent No.4, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 10.04.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 834 OF 2023
(Dr. Balasaheb S. Nagargoje Vs. State of Maharashtra &
Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to
11.03.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 06.03.2024

ORIGINAL APPLICATION NO. 968 OF 2023
(Rambhau D. Chavan & Ors. Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 115 OF 2024
(Vijay B. Nikalje & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicants in O.A.No. 115/2024 and holding for Shri Ajay S. Deshpande, learned counsel for applicants in O.A.No. 968/2023, Shri A.P. Basarkar, leaned Presenting Officer for the respondent authorities in O.A.No. 968/2023 and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities in O.A. 115/2024, are present.

2. At the request of learned P.O., S.O. to 27.03.2024 for filing reply in O.A.No. 115/2024/ for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 54 OF 2019
(Varsha S. Pawara Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Shri P.B. Patil, learned counsel for the applicant and Shri V.C. Patil (Ashtekar), learned counsel for respondent No.3, are **absent**. Heard Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. None present for the applicant. Even on the last date also the applicant and his learned counsel remained absent.

3. By filing this Original Application the applicant is challenging the order dated 12.11.2018 passed by the respondents thereby appointing the respondent No.3 on the post of Police Patil of village Fattepur (forest) Tq. Shirpur, Dist. Dhue and seeking cancellation of the said order dated 12.11.2018.

4. During pendency of this Original Application and due to passage of long period, even the term of respondent No.3 as Police Patil of village Fattepur has now been expired. In view of same, I don't think that the cause of action survives.

5. In view of same, the Original Application being infructuous is accordingly disposed of. No costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 620 OF 2018
(Baban D. Gadekar Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. None present for the applicant. Even on the last date also the applicant and his learned counsel remained absent. This is old matter of the year 2018.

3. In view of above, S.O. to 03.06.2024 as a last chance for applicant.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1049 OF 2019
(Pralhad L. Bhalerao Vs. State of Maharashtra & Ors.)**

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

DATE : 06.03.2024

ORAL ORDER :

Shri Yashodeep Deshmukh, learned counsel holding for Shri Anand D. Kawre, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

None present for respondent Nos. 4 & 5.

2. S.O. to 05.04.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 415 OF 2019
(Rajendra S. Jagdale Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. S.O. to 04.06.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 107 OF 2021
(Sukhdeo T. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 06.03.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. S.O. to 03.04.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 748 OF 2021
(Prakash B. Potewar Vs. State of Maharashtra & Ors.)**

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

DATE : 06.03.2024

ORAL ORDER :

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

2. S.O. to 25.04.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.13/2019
(Tufansing L. Shele Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. Arguments of learned Counsel for the applicant are heard for some time.
3. S.O. to 27-03-2024. Part Heard.

MEMBER (A)
YUK ORAL ORDER 06.03.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.147/2014
(Amit Shivanand Swami Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Shri S.G.Kulkarni, learned Counsel holding for Shri Ajay Deshpande, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

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

MEMBER (A)
YUK ORAL ORDER 06.03.2024

VICE CHAIRMAN

M.A.NO.15/2024 IN M.A.ST.NO.33/2024 IN
O.A.NO.1022/2023
(Dr. Chandrakant S. Avhad V/s. Dr. Yogendra Yeotikar & State of
Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 06.03.2024

ORAL ORDER :

Heard Shri H.P.Jadhav, learned Counsel for applicant in M.As., Shri V.R.Bhumkar, learned Presenting Officer for respondent authorities and Shri Swaraj S. Tandale, learned Counsel holding for Shri B.R.Kedar, learned Counsel for applicant in O.A.

2. Present applicant is seeking intervention in O.A.No.1022/2023 claiming that he is necessary party in the said O.A. as he is likely to be affected by any decision which may be delivered in the said matter.

3. Learned Counsel for the applicant graciously consents for allowing the intervention application. Intervention application is allowed. Present applicant in M.A. be impleaded as party respondent no.3 in the O.A. Necessary amendment be carried out within a week. Respondent authorities and Respondent no.3 may file affidavit reply in the O.A.

4. In so far as prayer for vacating interim relief is concerned, applicant may file his say on or before the next date.

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

MEMBER (A)

VICE CHAIRMAN

M.A.NO.96/2024 IN O.A.NO.65/2024
(Sachinsing B. Chouhan Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 06.03.2024

ORAL ORDER :

Heard Shri R.A.Joshi, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Applicant has filed present application seeking amendment in the O.A. by way of taking some additional pleadings which have inadvertently remained to be taken in the O.A. Respondents have not yet filed the reply in the present matter. In the circumstances, we see no impediment in allowing the application. Hence, the following order:

ORDER

M.A. is allowed. Amendment as prayed for be carried out in two week. Amended copy of the O.A. be placed on record and same be served upon the respondents so that the respondents can reply the same.

MEMBER (A)
YUK ORAL ORDER 06.03.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.65/2024
(Sachinsing B. Chouhan Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Heard Shri R.A.Joshi along with Shri Vijay R. Kataria, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Applicant had applied for the post of Deputy Director of Technical Education in pursuance of the advertisement issued by respondent no.2 on 05-12-2023. Applicant possesses qualification as BE, MBA & Ph.D. Respondents have held the applicant ineligible for the said post on two grounds; first that, he is not holding the qualification as prescribed and other that he does not possess the experience as prescribed. In the advertisement the following qualification and experience are prescribed for the subject post (paper book page 36):

“१.१ शैक्षणिक अहता:- Possess Master's Degree in first class or an equivalent grade in a point scale wherever grading system is followed in Engineering or Technology duly recognized by AICTE and passed out from the institute affiliated to a University recognized by UGC;

१.२ अनुभव: Possess experience of not less than ten years either in the field of teaching at degree or diploma level in engineering educational institutes or in administration of technical education or collectively in these fields, gained after acquiring degree in engineering or Technology.”

3. Shri Joshi, learned Counsel for the applicant submitted that post-graduation in MBA which the applicant is possessing is the requisite qualification as prescribed in the advertisement, however, respondents have incorrectly held the applicant ineligible on the said count. Learned Counsel further submitted that when technical education takes in its sweep courses of management also, to restrict the eligibility only for holding the Master's degrees in Engineering or Technology is apparently violative of Article 14 and 16 of the Constitution of India. Learned Counsel submitted that the person who will be working on the post of Deputy Director Technical Education, in fact, will be supervising the courses and allied matters which fall in the definition of technical education, and the technical education very well includes the management courses also.

4. Learned Counsel further submitted that in so far as the experience is concerned, the applicant is working as a Lecturer in Government Polytechnic at Jintur since last more than 12 years and in the application form, that experience was duly disclosed. Learned Counsel in the circumstances prayed for an interim relief thereby directing the respondents to accept the application form of the present applicant and consider his candidature for the subject post.

5. Shri Bhumkar, learned P.O. appearing for the State authorities opposed the request for granting interim relief as has been prayed by the applicant. Learned P.O. submitted that it is the prerogative of the appointing authority to lay down the qualification for recruitment for a particular post in Government service and normally it is for the State to decide the qualification required and the courts or tribunals cannot substitute the requirements on their assessment what the requirement should be. Learned P.O. further submitted that since the applicant is not holding the qualification as prescribed in the advertisement, even by way of

interim relief, no such orders can be issued for accepting the candidature of the present applicant.

6. We have duly considered the submissions made on behalf of the applicant and the State authorities. It appears that the definition of technical education as provided in the AICTE Act contains the degrees or courses in management also as a part of technical education. In the instant matter, applicant is holding degree of BE and thereafter he has done MBA. He also possesses Ph.D. in management. The submissions as are made on behalf of the applicant are difficult to be outrightly rejected, however, at this juncture, having regard to the settled legal position, we find it difficult to direct the MPSC to consider the candidature of the applicant assuming that the applicant holds qualification as prescribed in the said advertisement. In so far as the experience part is concerned we are convinced that the applicant does possess requisite experience.

7. As mentioned above, issue raised by the applicant in present matter that whether the qualification prescribed restricting it only to the Master's degree in Engineering and Technology

violates the provisions under Article 14 and 16 of the Constitution or otherwise is an issue which requires deliberations.

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

ORDER

[i] The appointment, if made on the post of Deputy Director of Technical Education, in pursuance of Advertisement No.130/2023, it shall be subject to outcome of the present O.A.

[ii] MPSC shall endeavour to file the reply on the next date by clarifying the contentions raised in the O.A. so that further efforts can be made to dispose of the matter before the recruitment process reaches to its completion.

9. S.O. to 26-03-2024.

MEMBER (A)

YUK ORAL ORDER 06.03.2024

VICE CHAIRMAN

O.A.NO. 259/2021 WITH M.A.NO. 87/2023
(Megharani P. Tarkase & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Shri C.V. Dharurkar, learned counsel for the applicants (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri Avinash S. Deshmukh, learned counsel for respondent Nos. 4 & 5, are present.

2. Learned counsel appearing for respondent Nos. 4 & 5 has tendered across the bar affidavit in reply on behalf of the said respondents and the same is taken on record. Learned counsel for respondent Nos. 4 & 5 submits that the copy of the affidavit in reply has already served upon the learned counsel for the applicants.

3. In view of above, list the matter for further consideration on 27.03.2024.

MEMBER (A)
ORAL ORDER 06.03.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 370 OF 2020
(Shrimant Maroti Ture Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Arguments of both the sides are heard at length and reserved for orders.

MEMBER (A)
ORAL ORDER 06.03.2024-HDD

VICE CHAIRMAN

O.A.NO. 64/2024 WITH M.A.NO. 56/2024
(Shubham Mohan Vanjare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Ms. Neha Kamble, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

Shri Kalyan V. Patil, learned counsel for caveator **(absent)**.

2. Learned Chief Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 2 and the same is taken on record and copy thereof has been served on the learned counsel for the applicants. Learned C.P.O. submits that most probably there may not be separate affidavit in reply on behalf of respondent No. 1.

3. Since the pleadings are complete, list the matter for hearing on 15.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 06.03.2024-HDD

ORIGINAL APPLICATION ST.NO. 255 OF 2024
(Dr. Vitthal S. Karhad & 7 Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. The office has raised objection about limitation. The objection seems to have raised on the basis of the pleadings that the Non-practicing Allowance is claimed by some applicants from the year 2016 and by some applicants up to the year 2022. Learned counsel pointed out that the cause of action had arisen for the present applicants to approach this Tribunal after the decision rendered by this Tribunal in O.A. No. 01/2015 on 01.03.2023 and, as such, the present O.A. is filed within the period of limitation. The submissions so made deserve to be accepted. The office objection, therefore, stands overruled.

3. Issue notices to the respondents, returnable on 12.04.2024.

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

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

6. 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.

7. 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.

8. S.O. to 12.04.2024.

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

MEMBER (A)

VICE CHAIRMAN

M.A.ST.NO. 254/2024 IN O.A.ST.NO. 255/2024
(Dr. Vitthal S. Karhad & 7 Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

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

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

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

MEMBER (A)

VICE CHAIRMAN

M.A.ST.NO. 87/2024 IN O.A.ST.NO. 88/2024
(Monali Yashwant Karande Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents in delay condonation application, returnable on 12.04.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 12.04.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

M.A.ST.NO. 89/2024 IN O.A.ST.NO. 90/2024
(Ruhi Ravindra Aher Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notices to the respondents in delay condonation application, returnable on 12.04.2024.

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

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

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

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

7. S.O. to 12.04.2024.

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

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 25/2024 IN O.A.NO. 385/2021
(Sachin Bhanudas Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Heard Ms. Rutuja Kulkarni, learned counsel holding for Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri V.R Bhumkar, learned Presenting Officer for the respondent authorities.

2. Issue simple notice to the respondents, returnable on 12.04.2024.

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

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

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

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

7. S.O. to 12.04.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 06.03.2024-HDD

C.P.NO. 26/2024 IN O.A.NO. 478/2021
(Syed Mujahed Syed Qutabuddin Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Heard Ms. Rutuja Kulkarni, learned counsel holding for Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Presenting Officer for the respondent authorities.

2. Issue simple notice to the respondents, returnable on 12.04.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 12.04.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 519/2023 IN O.A.NO. 151/2019
(Sachin Ashok Gade Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks leave to file rejoinder affidavit. In the interest of justice, leave granted. Rejoinder affidavit is taken on record and copy thereof has been served on the learned Presenting Officer.

3. List the matter for further consideration on 20.03.2024.

MEMBER (A)
ORAL ORDER 06.03.2024-HDD

VICE CHAIRMAN

C.P.NO. 70/2023 IN O.A.NO. 501/2020
(Dr. Prashant Babarao Shamkuwar Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Heard Shri Ashish B. Rajkar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant has tendered across the bar the Government Resolution dated 01.03.2024 and the same is taken on record.

3. Learned counsel for the applicant submitted that vide the aforesaid G.R. the order passed by this Tribunal stands complied with.

4. In view of the aforesaid submission, the following order is passed: -

ORDER

The contempt petition stands disposed of however, without any order as to costs.

MEMBER (A)
ORAL ORDER 06.03.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 852 OF 2023
(Vilas D. Bhingde Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Shri Ganesh J. Kore, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, 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. 4 and the same is taken on record and copy thereof has been served on the other side. The learned P.O. submits that no separate affidavit in reply may be filed on other State authorities and they are adopting the reply filed on behalf of respondent No. 4.

3. Pleadings are complete. List the matter for hearing on 29.04.2024.

MEMBER (A)
ORAL ORDER 06.03.2024-HDD

VICE CHAIRMAN

M.A.NO. 88/2024 IN O.A.NO. 979/2023

(Akshany S. Ingole & Ors. Vs. Vishwajit V. Kulkarni & State of Maharashtra & Ors.)

M.A.NO. 89/2024 IN O.A.NO. 999/2023

(Akshany S. Ingole & Ors. Vs. Shivaji B. Borkar & Ors. & State of Maharashtra & Ors.)

M.A.NO. 90/2024 IN O.A.NO. 1054/2023

(Akshany S. Ingole & Ors. Vs. The Association of Subordinate service of Engineers, M.S. Through its president Shri Unmesh B. Mudbidrikar & State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 06.03.2024

ORAL ORDER :

Heard Shri S.V. Waghmare, learned counsel for the respective applicants/ intervenors in M.A. No. 88/2024 In O.A. No. 979/2023, M.A. No. 89/2024 In O.A. No. 999/2023 and M.A. No. 90/2024 In O.A. No. 1054/2023, Shri Ajay Deshpande, learned Special Counsel along with Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities in all the MAs. and Shri Sachin Deshmukh, learned counsel holding for Shri M.S. Shaikh, learned counsel for the applicant in O.A. No. 979/2023, Shri S.S. Dambe, learned counsel for applicants in O.A. No. 999/2023 and Shri Yashodeep Deshmukh, learned counsel holding for Shri Anand Kawre, learned counsel for applicants in O.A. No. 1054/2023.

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2. In all these OAs the present MAs have been filed seeking interventions. In these OAs it is submitted that the applicants are the degree holder candidates and they are likely to be directly affected if any order passed in favour of the applicants in OAs.

3. Learned counsel for the applicants in the OAs have preciously consented for allowing these intervention applications. According to us also the intervention applications deserve to be allowed. Hence, the following order: -

ORDER

- (i) The applicants in the intervention applications shall be added as party respondents in the respective OAs. The necessary amendment be carried out within one week.
- (ii) The intervention applications are allowed in the aforesaid term, however, without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

T.A.NO.03/2023 (W.P.NO.13847/2021)
(Kapil Gujar & Ors. Vs. State of Maharashtra & Ors.)

T.A.NO.04/2023 (W.P.NO.3935/2021)
**(Gramvikas Shaskiya Kantrati Karmachari Sanghatna Through
its President & Ors. Vs. State of Maharashtra & Ors.)**

T.A.NO.05/2023 (W.P.NO.4762/2020)
(Vinayak Ware & Ors. Vs. State of Maharashtra & Ors.)

T.A.NO.06/2023 (W.P.NO.4765/2020)
(Sunil Suresh Ubale & Ors. Vs. State of Maharashtra & Ors)

T.A.NO.07/2023 (W.P.NO.5233/2020)
(Pralhad K. Ugale Vs. State of Maharashtra & Ors.)

T.A.NO.08/2023 (W.P.NO.5591/2020)
(Pravin Hadade & Ors. Vs. State of Maharashtra & Ors.)

T.A.NO.09/2023 (W.P.NO.5588/2020)
(Sonali Bhosale Vs. State of Maharashtra & Ors.)

T.A.NO.10/2023 (W.P.NO.5592/2020)
(Surekha Wani Vs. State of Maharashtra & Ors.)

T.A.NO.11/2023 (W.P.NO.7243/2020)
**(Maharashtra State Contractual Employees Federation, Through
its working President Sachin S. Jadhav Vs. State of Maha.& Ors.)**

T.A.NO.16/2023 (W.P.NO. 5776/2021)
(Gajanan N. Tehare & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 06.03.2024

ORAL ORDER :

Shri Abhijit S. More (T.A. 03/2023), Shri Rahul M. Jade, learned counsel holding for Dr. Suresh Mane (T.A. 04/2023), Shri Sachin S. Deshmukh (T.A. 05/23), Shri S.S. Deogude, learned counsel holding for Shri S.A. Nagargoje (T.A. No. 7/2023), Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre (T.A. 8/23 &

//2//

10/23), Shri S.S. Jadhavar (T.A. 09/23), respective learned counsel for respective applicants, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri Umesh Mote, learned counsel for respondent Zilla Parishad and Shri R.R. Bangar, learned counsel for respondent No. 1 in T.A. 03/23, 07/2023 & 16/23, are present.

Shri Sayyed Tauseef Yaseen, learned counsel for the applicants in T.A. 06/23 & 16/23, Shri Krishna Rodge, (T.A. 11/23), are **absent**.

2. At the request of learned C.P.O. the present matters were kept today for hearing him. Accordingly, the learned C.P.O. has made his submissions.

3. Learned counsel for the applicants submitted that they have already concluded their arguments and nothing to be added from their side.

4. List the matters for hearing on 20.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 06.03.2024-HDD

M.A.NO. 62/2024 IN O.A.NO. 979/2023
(Sushant U. Sasane Vs. Vishwajit V. Kulkarni & State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Heard Shri Swapnil S. Dargad, learned counsel for the applicant/ intervenor, Shri Ajay Deshpande, learned Special Counsel along with Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Sachin Deshmukh, learned counsel holding for Shri M.S. Shaikh, learned counsel for the applicant in O.A. No. 979/2023.

2. It is submitted that the present applicant is having identical grievance as has been raised by the applicant in the O.A. No. 979/2023. The prayer is, therefore, made for impleading the present applicant as co-applicant in the O.A. Hence, the following order: -

ORDER

(i) The M.A. is allowed. The applicant in M.A. be impleaded as co-applicant in the O.A.

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(ii) The necessary amendment be carried out within one week.

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

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 06.03.2024-HDD

ORIGINAL APPLICATION NO. 229 OF 2024
(Ganesh T. Zalwar Vs. State of Maharashtra & Ors.)
(Speaking to minutes)

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

DATE : 06.03.2024

ORAL ORDER :

Heard Shri B.S. Bhale, learned counsel for the applicant.

2. The present matter is not on board. At the request of learned counsel for the applicant, it is taken on board.

3. It appears that inadvertently in para No. 2 of the order dated 28.02.2024, date of the transfer order is mentioned as "21.01.2024" instead of "25.01.2024".

4. In view of above, the said date of transfer order shall be substituted by correct date as "25.01.2024". The motion for speaking to minutes stands disposed of.

MEMBER (J)

O.A. Nos. 205, 206 & 207 all of 2024
(Varsha Landge & Ors. Vs. State of Maharashtra & Ors.)
(Video Conferencing)

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

DATE : 06.03.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel holding for Smt. Punam Mahajan, learned counsel for the applicants in all these O.As., is present.

2. Learned counsel for the applicants seeks short adjournment. Adjournment granted. Inform the learned Chief Presenting Officer accordingly.

3. S.O. to 07.03.2024 at 01.30 p.m. through video conferencing. Interim relief granted earlier, if any to continue till the next date of hearing.

MEMBER (J)

O.A. No. 461/2020 with M.A. No. 62/2021
(Shaikh Rahim Ameeroddin Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Shri R.P. Bhumkar, learned counsel for the applicant in O.A./respondent No. 1 in M.A., Shri Vishal Rathod, learned counsel holding for Shri Shamsunder B. Patil, learned counsel for the applicants in M.A. / respondent Nos. 2 to 4 in O.A. and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 19.04.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 06.03.2024

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

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

DATE : 06.03.2024

ORAL ORDER :

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

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

3. S.O. to 04.04.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

O.A. Nos. 19 & 20 both of 2023

(Dr. Ajit P. Thorbole & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicants in both the O.As. and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities in both the cases, are present.

2. At the request of learned counsel for the applicants, S.O. to 22.04.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 353 OF 2023
(Satyabhama R. Ubale Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned counsel Shri M.S. Mahajan submits that he has instruction to appear for the applicant. Learned counsel thus seeks time. Time granted.

3. S.O. to 23.04.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 22 OF 2024
(Rafiqbeg Nazir Beg Mirza Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that today only the copy of affidavit in reply is received and thus seeks time to file rejoinder affidavit, if any. Time granted.

3. S.O. to 24.04.2024 for hearing.

MEMBER (J)

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

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

DATE : 06.03.2024

ORAL ORDER :

Shri S.N. Boiwar, learned counsel holding for Shri M.K. Deshpande, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 346 OF 2020
(Babu R. Adbalwar Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Shri P.B. Rakhunde, learned counsel for the applicant (**Absent**).

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

2. None present for the applicant. Even though, on last date also the applicant and his counsel remain absent. The present matter is of the year 2020. It appears that the applicant is not interested in prosecuting the present matter. The Original Application thus dismissed in default. No order as to costs.

MEMBER (J)

M.A. No. 156/2022 in O.A. St. No. 621/2021
(Bhimrao S. Bilappatte Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Shri M.L. Muthal, learned counsel for the applicant (**Absent**). Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

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

MEMBER (J)

KPB ORAL ORDER 06.03.2024

ORIGINAL APPLICATION NO. 112 OF 2024
(Aniruddha P. Sonatakke Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 07.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 257 OF 2024
(Suresh V. Patekar Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 07.03.2024.

MEMBER (J)

KPB ORAL ORDER 06.03.2024

ORIGINAL APPLICATION ST. NO. 471 OF 2024
(Chandrakant N. Hajari Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 07.03.2024.

MEMBER (J)

KPB ORAL ORDER 06.03.2024

M.A. No. 368/2023 in O.A. St. No. 1513/2023
(Shankar N. Narawade Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. As none present for the applicant, S.O. to 10.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 06.03.2024

M.A. No. 272/2023 in O.A. St. No. 1086/2023
(Ajaykumar S. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Shri P.D. Bodade, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 26.04.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 06.03.2024

ORIGINAL APPLICATION NO. 1142 OF 2022
(Maya B. Chabukswar Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to comply with the order dated 25.01.2024. Time granted.

3. It is a part heard matter. S.O. to 20.03.2024 for further hearing.

MEMBER (J)

M.A. No. 440/2022 in O.A. No. 314/2021
(Govind A. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Shri Suryawanshi, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

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

MEMBER (J)

KPB ORAL ORDER 06.03.2024

ORIGINAL APPLICATION NO. 303 OF 2014
(Prakash N. Shrivastav Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. It is a part heard matter. At the request of learned Presenting Officer, S.O. to 20.03.2024 for further hearing.

MEMBER (J)

KPB ORAL ORDER 06.03.2024

ORIGINAL APPLICATION NO. 497 OF 2020
(Bhujang V. Godbole Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to comply with the order dated 14.02.2024. Time granted.

3. It is a part heard matter. S.O. to 20.03.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 538 OF 2022
(Narendra L. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. The present matter is reserved for orders.

MEMBER (J)

M.A. No. 567/2019 in O.A. St. No. 2091/2019
(Baburao K. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. Learned counsel for the applicant seeks time to place on record the synopsis of events to the extent of condonation of delay. Time granted.

3. S.O. to 21.03.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 06.03.2024

M.A. No. 227/2021 in O.A. St. No. 901/2021
(Anil V. Mahajan Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 21.03.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 06.03.2024

ORIGINAL APPLICATION ST. NO. 477 OF 2024
(Dilip K. Lamture Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Heard Shri R.A. Joshi along with Shri Vijay R. Katariya, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. The office has raised an objection that the applicant is retired as Principal, Government Polytechnic College, Kolhapur and hence the claim of the applicant do not come within the territorial jurisdiction of this Tribunal.

3. Learned counsel for the applicant has placed reliance on a case of **Shanti Devi alias Shanti Mishra Vs. Union of India and Ors., 2020 (12) SCR 279** in para Nos. 29 and 33 the Hon'ble Apex Court has made the following observations :-

"29. Form the facts of the present case, we are of the considered opinion that part of cause of action has arisen within the territorial jurisdiction of Patna High Court. The deceased petitioner was continuously receiving pension for the last 08 years in his saving bank account in State Bank of India, Darbhanga. The stoppage of pension of late B.N. Mishra affected him at his native place, he

being deprived of the benefit of pension which he was receiving from his employer. The employer requires a retiring employee to indicate the place where he shall receive pension after his retirement. Late Shri B.N. Mishra had opted for receiving his pension in State Bank of India, Darbhanga, State of Bihar, which was his native place, from where he was drawing his pension regularly for the last 08 years, stoppage of pension gave a cause of action, which arose at the place where the petitioner was continuously receiving the pension. We, thus, are of the view that the view of the learned Single Judge as well as the Division Bench holding the writ petition not maintainable on the ground of lack of territorial jurisdiction was completely erroneous and has caused immense hardship to the petitioner.

33. As noted above, the learned single Judge has also observed that petitioner ought to have filed the writ petition in Jharkhand High Court where his earlier writ petition was pending. The earlier writ petition which was initially filed in 2006 in Patna High Court was for refund of the amount as noted above. After dismissal of the writ petition by Patna High Court on the ground of lack of territorial jurisdiction, Shri B.N. Mishra had filed a Writ Petition No.4930 of 2013 in Jharkhand High Court for the relief which was claimed in Writ Petition No.13955 of 2006. As noted above, the cause of action for filing the Writ Petition No. 5999 of 2014 was entirely different. Stoppage of pension and asking for refund of more than Rs. 08 lakhs amount had serious adverse effect on the petitioner, who was staying at his native place Darbhanga. A retired employee, who is receiving pension, cannot be asked to go to another court to file the writ petition, when he has a cause of action for filing a writ petition in Patna High Court. For a retired employee convenience is to prosecute his case at the place where he belonged to and was getting pension. The submission of the learned counsel for the respondent Nos.1 to 3 on principle of forum non conveniens has no substance.”

4. In the instant case, the applicant was holding the post of Principal, Government Polytechnic

College, Kolhapur and he came to be retired on attaining the age of superannuation on 30.04.2023. Thereafter, the applicant has settled and started residing to his native place at Latur. It further appears that retiral benefits including the pension etc. have been paid to the applicant through Latur Treasury office. So far as the amount of leave encashment is concerned, the same has not been paid to the applicant and therefore, the present Original Application has been filed by the applicant.

5. In view of the aforesaid facts, the ratio laid down by the Hon'ble Apex Court in a case of **Shanti Devi alias Shanti Mishra Vs. Union of India and Ors.** (cited supra) and the observations made in para Nos. 29 and 33 thereof are squarely applicable to the facts and circumstances of the present case. There is no reason to ask the retired employee to approach another Bench of this Tribunal to file Original Application, when partly the cause of action arose within the jurisdiction of this Tribunal. Hence, the office objection stands overruled.

6. Issue notices to the respondents, returnable on 29.04.2024.

//4// O.A. St. 477/2024

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

8. 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.

9. 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.

10. 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.

11. S.O. to 29.04.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 263 OF 2024
(Nilesh Vitthal Salunke Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. Heard before issuance of notices to the respondents.

3. Learned counsel for the applicant submits that the applicant is working as Talathi at Sajja Mahi, Tq. Karjat, Dist. Ahmednagar. Learned counsel submits the applicant has been served with the show cause notice dated 29.02.2024 calling upon him to submit his explanation within 24 hours.

4. Learned counsel for the applicant submits that in order to obey the directions given by the superior authority, the applicant has submitted his explanation hurriedly. However, he could not collect the requisite documents and file his detailed reply / explanation to the said show cause notice within the said period of 24 hours.

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O.A. No. 263/2024

5. On perusal of the said show cause notice dated 29.02.2024 (Annexure A-2), it appears that in connection with the certain complaints received against the applicant, the respondent No. 2 has issued show cause notice to the applicant stating therein that the applicant shall submit his explanation within 24 hours. The said period of 24 hours for submission of reply / explanation is very less and sufficient opportunity is necessary to be given to the applicant.

6. In view of the same, it is directed that the applicant shall submit his detailed reply / explanation (as stated before this Tribunal) along with documents, if it is necessary, within a period of 10 days from the date of this order and respondent No. 2 shall accept the same. Upon submission of the said reply / explanation, the respondent No. 2 shall proceed with the enquiry as per the rules, if any. It is ordered accordingly. The Original Application stands disposed of. No order as to costs.

MEMBER (J)

M.A. No. 183/2022 in O.A. St. No. 2093/2019
(Rameshwar Nathulal Gupta Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Heard Shri R.D. Biradar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that by filing the Original Application, the applicant is seeking quashing and setting aside the order dated 16.04.2019 passed by respondent No. 6, by which the respondent No. 6 has denied the pensionary benefits of the applicant. Learned counsel submits that there is a delay of 180 days caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that the applicant in the year 2019 has approached to the Hon'ble High Court of Bombay, Bench at Aurangabad by filing W.P. No. 10228/2019 and by order dated 20.08.2019, the Hon'ble High Court has directed the applicant to avail the alternate efficacious remedy. Learned counsel submits that there is a delay of 180 days caused in approaching this Tribunal, which is not owing to the inaction of the applicant.

//2//

MA 183/2022 in
OA St. 2093/2019

4. Learned Presenting Officer has strongly resisted the applicant on the ground that there is an inordinate delay caused in filing the accompanying O.A., for which no satisfactory explanation has been given by the applicant. Learned P.O. submits that there is no substance in the present M.A. seeking condonation of delay and the same is liable to be dismissed.

5. It appears that the respondent No. 6 by impugned order dated 16.04.2019 denied the pensionary benefits of the applicant. It further appears that in the year 2018 itself, the applicant has approached the Hon'ble High Court of Bombay, Bench at Aurangabad by filing W.P. No. 14059/2018 seeking directions to the respondent authorities to redress his grievance about the pensionary benefits and by order dated 09.01.2019, the Division Bench of the Hon'ble High Court of Bombay, Bench at Aurangabad has disposed of the said W.P. by directing the competent authority to take decision in accordance with law with regard to the grievance of the applicant expeditiously within four months from the date of the order. It further appears that in the

//3//

MA 183/2022 in
OA St. 2093/2019

year 2019, the applicant has again filed W.P. No. 10228/2019 before the Hon'ble High Court of Bombay, Bench at Aurangabad, wherein the learned AGP raises preliminary objection that the petitioner has a remedy before the Maharashtra Administrative Tribunal. Thus by order dated 20.08.2019, the Division Bench of the Hon'ble High Court of Bombay, Bench at Aurangabad has disposed of the said W.P. with liberty to the petitioner (applicant herein) to avail the alternate remedy.

6. In the year 2019 itself the applicant has approached to this Tribunal, however, the application seeking condonation of delay came to be filed pursuant to the objection raised by the office in the year 2019. In view of above, there is no inaction on part of the applicant nor there is deliberate or intentional delay as such. Thus considering the entire aspect of the case, I am inclined to condone the delay caused in filing the accompanying Original Application. Hence, the following order :-

ORDER

- (i) The M.A. No. 183/2022 is hereby allowed.

//4//

MA 183/2022 in
OA St. 2093/2019

- (ii) The delay of 180 days caused in filing the Original Application is hereby condoned.
- (iii) Accompanying O.A. be registered and numbered in accordance with law.
- (iv) Accordingly, M.A. stands disposed of. No order as to costs.

MEMBER (J)

O.A. St. No. 2093/2019

(Rameshwar Nathulal Gupta Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Heard Shri R.D. Biradar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to the respondents, returnable on 07.06.2024.

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

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

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

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

7. S.O. to 07.06.2024.

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

MEMBER (J)

M.A. No. 346/2023 in O.A. St. No. 359/2023
(Pandurang Vitthalrao Misal Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. There is a delay of 11 months caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that the applicant is retired as Circle Officer on 31.07.2019. After his retirement, by order dated Nil/03/2021 on the basis of objection raised by the Pay Verification Unit, Aurangabad, the respondent authorities revised the pay fixation of the applicant and thus proposed to recover the certain amount from his pensionary benefits. Learned counsel submits that the said order was never communicated to the applicant. Further due to outbreak of COVID-19 and the declaration of the lockdown time to time in connection thereto, the applicant could not approach his counsel to prepare Original Application and approach this Tribunal

//2//

M.A. 346/2023 in
O.A. St. 359/2023

within time. Learned counsel submits that there is no inaction on part of the applicant and the applicant prevented from sufficient cause to approach this Tribunal by filing O.A. within stipulated time. Thus the application seeking condonation of delay deserves to be allowed.

4. Learned Presenting Officer has strongly resisted the application for the reason that the applicant has failed to give satisfactory reason for condonation of inordinate delay. The application seeking condonation of delay thus deserves to be rejected.

5. It appears that after retirement of the application i.e. on 31.07.2019, the department has revised his pay fixation on Nil/03/2021 and it further appears that no effective communication in that regard has been made to the applicant. Further the Hon'ble Supreme Court in Suo Motu Writ Petition (C) No. 3 of 2020 has passed the orders time to time in the backdrop of the outbreak of Covid-19 and the declaration of the lockdown in connection thereto and thus extended the period of limitation applicable

//3//

M.A. 346/2023 in
O.A. St. 359/2023

to the proceedings before the Courts/ Tribunals. It appears that as per the order passed by the Hon'ble Supreme Court, the period from 15.03.2020 till 28.02.2022 has been excluded for the purpose of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.

6. In view of above, there is no inaction on part of the applicant, nor there is deliberate or intentional delay as such. Thus considering the entire aspect of the case, I am inclined to condone the delay caused in filing the accompanying Original Application. However, the applicant is required to be saddled with certain costs. Hence, the following order :-

ORDER

(i) The Misc. Application No. 346/2023 is hereby allowed.

(ii) The delay of 11 months caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 200/-

//4//

M.A. 346/2023 in
O.A. St. 359/2023

(Two Hundred Only) to be paid by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

(iii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

(iv) The M.A. accordingly disposed of.

MEMBER (J)

M.A. No. 346/2023 in O.A. St. No. 359/2023
(Pandurang Vitthalrao Misal Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

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

2. After registration, issue notices to the respondents, returnable on 10.06.2024.

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

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

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

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

7. S.O. to 10.06.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 347 OF 2023
(Baban Ramchandra Zagade Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Ms. Rutuja Kulkarni, learned counsel holding for Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted by way of last chance.
3. S.O. to 10.04.2024.

MEMBER (A)
ORAL ORDER 06.03.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1102 OF 2022
(Mehebab Noor Mohammad Rangarej Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant, Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities, are present. None appears for respondent No. 6.

2. Learned Presenting Officer seeks two weeks' time to file affidavit in reply on behalf of respondent No.1. Time granted.
3. S.O. to 21.03.2024.

MEMBER (A)
ORAL ORDER 06.03.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 372 OF 2023
(Raosaheb S. Deshmukh Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 373 OF 2023
(Dhanraj Pannalal Kankriya Vs. State of Maharashtra & Ors.)

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

DATE : 06.03.2024

ORAL ORDER :

Ms. Rutuja Kulkarni, learned counsel holding for Shri Kakasaheb B. Jadhav, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicants submits that the present matters would lie before the Single Bench and not before the Division Bench. The registry shall take appropriate steps and list the matters before the Single Bench.

MEMBER (A)
ORAL ORDER 06.03.2024-HDD

VICE CHAIRMAN

C.P.NO. 50/2019 IN O.A. NO. 242/2017
(Mohan R. Chaudhari Vs. State of Maharashtra & Ors.)

C.P.NO. 51/2019 IN O.A. NO. 648/2017
(Bhaskar S. Patil Vs. State of Maharashtra & Ors.)

C.P.NO. 52/2019 IN O.A. NO. 878/2016
(Nitinkumar T. Adhe Vs. State of Maharashtra & Ors.)

C.P.NO. 22/2021 IN O.A. NO. 947/2018
(Bhagwat T. Choudhari Vs. State of Maharashtra & Ors.)

C.P.NO. 23/2021 IN O.A. NO. 432/2018
(Ajabrao R. Patil Vs. State of Maharashtra & Ors.)

C.P.NO. 24/2021 IN O.A. NO. 169/2018
(Shankar D. Choudhari Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 06.03.2024

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these matters and Smt. Sunita D. Shelke, learned counsel for respondent Nos. 2 & 3 in all these contempt petitions except C.P. No. 24/21 and Shri Yogesh M. Patil, learned counsel for respondent No. 3 in C.P. No. 24/2021, are present.

2. Smt. Sunita D. Shelke, learned counsel for respondent Nos. 2 & 3 has tendered across the bar copy of the order passed by the Hon'ble Supreme Court in SLPs preferred by the said respondents in connection with the present matters. SLPs are dismissed. Documents are taken on record. Learned counsel for respondent Nos. 2 & 3 submits that within 3 months, the order passed by this Tribunal will be complied with.

3. S.O. to 10.06.2024.

MEMBER (A)

VICE CHAIRMAN

