

M.A.NO.348/2021 WITH O.A.NO.832/2016
(Vishal P. Gangawane Vs. State of Maharashtra & Ors.)

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

DATE : **06.04.2022**

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Advocate for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Kakasaheb B. Jadhav learned Advocate for respondent no.2 in O.A.No.832/2016.

Shri P.S.Dighe learned Advocate for respondent no.4 and Shri Parag Bhosale learned Advocate for respondent no.5 in O.A.No.832/2016, are **absent**.

2. Learned Counsel for the applicant seeks leave to amend the prayer clause. Leave granted as prayed for. Necessary amendment be carried out forthwith.

3. Arguments are heard at length. On a query made by the Tribunal whether the merit list of candidates for the post of Driver was published or not, the learned CPO submits that he will take instructions and will file necessary affidavit. Only for that purpose, the matter stands adjourned till Monday i.e. 11-04-2022.

4. S.O. to 11-04-2022.

MEMBER (A)

MEMBER (J)

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

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

DATE : **06.04.2022**

ORAL ORDER :

Heard Shri S.D.Joshi, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents.

2. Arguments of Shri Joshi learned Counsel for the applicant, are heard for some time.

3. At the request of learned Presenting Officer, S.O. to 18-04-2022.

MEMBER (A)

MEMBER (J)

**C.P.NO.01/2020 IN O.A.NO.824/2016
(Dr. Asha Kadam Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

Shri S.B.Patil, learned Advocate for the applicant and
Smt. Sanjivani Ghate, learned Presenting Officer for the
respondents, are present.

2. S.O. to 06-05-2022.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDERS 06.04.2022

**O.A.NOS. 825, 864, 865, 866 AND 867/2016
(Prakash A. Gaikwad & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

Shri Vijay B. Jogdand Patil, learned Counsel for the applicants in all these cases, Shri S.K.Shirse, learned Presenting Officer for the respondent authorities in all these cases and Shri H.A. Joshi, learned Counsel for respondent nos. 7 to 9 in O.A. No. 825/2016, are present.

S/shri Satyajit Bora / P.P. Kothari, learned Counsel for respondent no. 5 in O.A. Nos. 865, 866 & 867 all of 2016 and Shri Pradeep Patil, learned Counsel for respondent no. 5 in O.A. No. 864/2016, are **(absent)**.

2. S.O. to 06-06-2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.852/2017 & 853/2017
(Nilesh Kale & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

Ku. Anagha Pandit, learned Advocate holding for Shri S.B.Talekar, learned Advocate for the applicants, Shri M.P.Gude, learned Presenting Officer for the respondent authorities and Shri R.D.Khadap, learned Advocate for respondent no.5 in both cases, are present.

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.1069/2019
(Prabhakar Kathar Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

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

2. S.O. to 07-06-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.80/2020
(Dr. Md. Ashfaque Md. Ashraf Tinmaswala Vs. State of
Maharashtra & Ors.)

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

DATE : **06.04.2022**

ORAL ORDER :

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

2. S.O. to 07-06-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.194/2021
(Vinod Ghewande Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

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

2. S.O. to 08-06-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.324/2021
(Sharad Kothawale Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

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

2. S.O. to 09-06-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.05/2022
(Nitin Bhapkar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **06.04.2022**

ORAL ORDER :

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

2. S.O. to 09-06-2022.

MEMBER (A)

MEMBER (J)

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

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

DATE : **06.04.2022**

ORAL ORDER :

Shri M.C.Ghode, learned Advocate for the applicants is **absent**. Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents is present.

2. S.O. to 20-06-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.304/2014
(Popat Bachkar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **06.04.2022**

ORAL ORDER :

Shri M.C.Syed, learned Advocate for the applicants and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 20-06-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.245/2015
(Jagannath Mhaske Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

Ku. Anagha Pandit, learned Advocate holding for Shri S.B.Talekar, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents, are present.

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.139/2017
(Shaikh Liyakat Shaikh Dildar Vs. State of Maharashtra &
Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

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

2. S.O. to 17-06-2022.

MEMBER (A)

MEMBER (J)

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

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

DATE : 06.04.2022

ORAL ORDER :

Shri Rahul Awsarmal, learned Advocate for the applicant, Shri S.K.Shirse, learned Presenting Officer for the respondent authorities and Shri V.B.Wagh, learned Advocate for respondent nos.4 to 8, are present.

2. S.O. to 04-05-2022.

MEMBER (A)

MEMBER (J)

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

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

DATE : 06.04.2022

ORAL ORDER :

Ku. Anagha Pandit, learned Advocate holding for Shri S.B.Talekar, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 04-05-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.903/2018
(Dr. Jalindar Ambhore Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

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

2. S.O. to 05-05-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.79/2019
(Prakash F. Patil Vs. State of Maharashtra & Ors.)

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

DATE : **06.04.2022**

ORAL ORDER :

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

2. S.O. to 05-05-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.248/2019
(Vikram Mate & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

Shri V.G.Pingle, learned Advocate for the applicants, Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities and Shri S.D.Dhongde, learned Advocate for respondent nos.3 & 4, are present.

2. S.O. to 06-05-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.320/2020
(Santosh Dhongde Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

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

2. S.O. to 06-05-2022.

MEMBER (A)

MEMBER (J)

M.A. No. 43/2021 in O.A. St. 72/2021
(Khan Mohammad Arbaz Mohammad Kazim Khan Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri Shaikh Wajeed Ahmed, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Record shows that in spite of grant of many opportunities, the affidavit in reply is not filed on behalf of respondents in M.A.

3. By this Misc. Application, the applicant is seeking condonation of delay of about 1 year, 3 months and 17 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 challenging the rejection of claim for appointment on compassionate ground dated 23.10.2018 (Annexure A-4 of the O.A.) issued by the respondent.

4. The applicant is the son of deceased Mohammed Kazim Khan. His father died in harness while in service on 21.09.2017. The applicant made application

//2//

M.A. 43/2021 in
O.A. St. 72/2021

for appointment on compassionate ground on 05.09.2018 (Annexure A-3 of the O.A.) i.e. within prescribed period of limitation. However, his said application came to be rejected by the impugned order dated 23.10.2018 (Annexure A-4 in the O.A.)

5. Thereafter, the applicant said to have approached the local Advocate at Parbhani District and thereafter, in the month of January, 2020 to the Advocate at Aurangabad for filing Original Application. Learned Advocate at Aurangabad asked him to bring all the necessary documents for filing Original Application. Thereafter, Covid-19 lockdown was declared in the month of March, 2020. Hence, the applicant could file the O.A. along with this Misc. Application only on or about 09.02.2021. In view of the same, there is delay of about 1 year, 3 months and 17 days caused in filing the accompanying O.A.

6. In the case in hand, it appears that the applicant made application for compassionate appointment well within time limit. Limitation for filing Original Application said to have been expired on 22.10.2019, as the impugned order is dated 23.10.2018. Hence,

//3//

M.A. 43/2021 in
O.A. St. 72/2021

there is delay of about 1 year, 3 months and 17 days caused in filing the accompanying O.A.

7. It is a settled principle of law that the expression “sufficient cause” is to be construed liberally. From the facts and circumstances, some negligence can be attributed to the applicant for taking necessary steps for collecting documents in time. However, the delay cannot be said to be deliberate and intentional. Thereby the applicant had nothing to gain. In view of the same, in my considered opinion, this is a fit case to condone the delay by imposing the moderate costs of Rs. 1,000/- on the applicant. Hence, I proceed to pass following order :-

ORDER

The Misc. Application No. 43/2021 is allowed in following terms:-

- (i) The 1 year, 3 months and 17 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1,000/- by the applicant. The amount of costs shall be

//4//

M.A. 43/2021 in
O.A. St. 72/2021

deposited in the Registry of this Tribunal by the applicant within a period of one month from the date of this order.

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

MEMBER (J)

**M.A. St. 503/2022 in M.A. 419/2021 in O.A. St. 1799/2021
(Nilabai P. Mamulwar & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. By this Misc. Application, the applicants are seeking permission to sue the respondents jointly.

3. The O.A. along with application for condonation of delay is filed seeking compassionate appointment for the applicant No. 2. It is stated that the name of the applicant No. 1 was deleted in the year 2008, as she crossed the age of 40 years. Thereafter, the applicant No. 2 made application for compassionate appointment on 07.03.2012.

4. In these circumstances, the applicants are seeking relief for applicant No. 2. In view of the same, the interest of applicants cannot be said to have been conflicting and they can be said to have common underline interest. Therefore, this is a fit case to grant permission to the applicants to sue the respondents jointly. Hence, I proceed to pass following order :-

//2// MA St. 503/22 in MA
419/21 in OA St. 1766/21

ORDER

1. The M.A. St. No. 503/2022 is allowed.
2. The applicants are allowed to sue the respondents jointly subject to payment of court fee stamps, if not paid.
3. The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (J)

M.A. No. 419/2021 in O.A. St. No. 1799/2021
(Nilabai P. Mamulwar & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents in M.A.
3. S.O. to 06.05.2022.

MEMBER (J)

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

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

DATE : 06.04.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 04.05.2022.

MEMBER (J)

KPB ORAL ORDERS 06.04.2022

ORIGINAL APPLICATION NO. 672 OF 2019
(Mahesh D. Tipale Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Shri V.G. Salgare, learned Advocate for the applicant (**Absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer submits that during the course of the day he will file affidavit in reply during the course of the day.

3. S.O. to 08.06.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 1018 OF 2019
(Suresh G. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

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

2. The present Original Application is filed challenging the impugned order dated 06.11.2019 issued by the respondent No. 6, thereby directing the Reserve Police Inspector to relieve the applicant w.e.f. 20.11.2019 from the post of Police Head Constable-Driver.

3. Learned Advocate for the applicant under written instructions from the applicant dated 03.04.2022 submits that the applicant seeks permission to withdraw the present Original Application, as he does not wish to prosecute the same. Copy of the said written application dated 03.04.2022 is taken on record and marked as document 'X' for the purpose of identification.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 1070 OF 2019
(Suryabhan B. Nagre Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Shri V.G. Salgare, learned Advocate for the applicant (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri U.S. Mote, learned Advocate for respondent No. 3.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 and 2.

3. S.O. to 02.05.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1048 OF 2019
(Ravindra M. Garje Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

Shri Dhananjay Mane, learned Advocate for the applicant (**Absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

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

3. S.O. to 27.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 08 OF 2020
(Arvind M. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that he has received copy of the affidavit in reply of respondent No. 1 today.

3. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondent Nos. 2 to 4.

3. S.O. to 02.05.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 173 OF 2020
(Dr. Santosh S. Palve Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri V.M. Mane, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri K.B. Jadhav, learned Advocate for respondent No. 4.

2. At the request of learned Presenting Officer for respondent Nos. 1 to 3 and learned Advocate for respondent No. 4, time is granted for filing affidavit in reply.

3. S.O. to 22.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 403 OF 2020
(Atul T. Jatale Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

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

3. S.O. to 05.05.2022.

MEMBER (J)

KPB ORAL ORDERS 06.04.2022

ORIGINAL APPLICATION NO. 579 OF 2020
(Shaikh Ambreen Fatema Abdul Hafiz Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

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

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

3. S.O. to 05.05.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 49 OF 2021
(Vandana P. Sarode Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Shri D.K. Dagadkhair, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 06.05.2022.

MEMBER (J)

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

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

DATE : 06.04.2022

ORAL ORDER :

Heard Smt. Amruta Pansare, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

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

3. S.O. to 06.05.2022.

MEMBER (J)

KPB ORAL ORDERS 06.04.2022

**ORIGINAL APPLICATION NO. 115 OF 2021
(Kadubai S. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 and 2.

3. S.O. to 06.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 129 OF 2021
(Dr. Sheshrao P. Lohgave Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant (**Absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 06.05.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 178 OF 2021
(Nandkishor C. Ramdin Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.
3. S.O. to 27.04.2022.

MEMBER (J)

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

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

DATE : 06.04.2022

ORAL ORDER :

Shri K.G. Salunke, learned Advocate for the applicant (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 06.05.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

KPB ORAL ORDERS 06.04.2022

ORIGINAL APPLICATION NO. 316 OF 2021
(Manikarni N. Rankhame @ Monikarani S. Kanke Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing short affidavit of the concerned officer placing on record status report as observed in farad sheet order dated 03.03.2022. Time granted.

3. S.O. to 27.04.2022.

MEMBER (J)

KPB ORAL ORDERS 06.04.2022

ORIGINAL APPLICATION NO. 328 OF 2021
(Vijaykumar G. Biradar Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri Uday Hude, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Presenting Officer submits that para-wise remarks of sur-rejoinder are pending before the Government for approval and therefore, he seeks time for filing sur-rejoinder. Time granted.

3. S.O. to 05.05.2022.

MEMBER (J)

KPB ORAL ORDERS 06.04.2022

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

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

DATE : 06.04.2022

ORAL ORDER :

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

2. Await service of notice on the respondent No. 1.

3. AS none present for the applicant, S.O. to 06.05.2022 for taking necessary steps.

MEMBER (J)

KPB ORAL ORDERS 06.04.2022

ORIGINAL APPLICATION NO. 470 OF 2021
(Nanda K. Kshirsagar Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Shri M.B. Kolpe, learned Advocate for the applicant (**absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 02.05.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

KPB ORAL ORDERS 06.04.2022

**ORIGINAL APPLICATION NO. 502 OF 2021
(Rana P. Pardeshi Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri A.S. Mirajgaonkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the impugned suspension order of the applicant dated 05.11.2020 issued by the respondent No. 2 is revoked by the respondent No. 2 i.e. the Superintendent of Police, Ahmednagar vide order dated 24.11.2021, which is already produced on record and marked as document 'X' for identification.

3. In view of the same, the grievance of the applicant raised in the present Original Application said to have been redressed. Hence, the O.A. stands disposed of with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 583 OF 2021
(Jitendra M. Panje Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents.
3. Record shows that already last chance was granted to the respondents for filing affidavit in reply. In the interest of justice, one more last chance is granted to the respondent for filing affidavit in reply subject to payment of costs of Rs. 1000/- (Only Rs. One Thousand). The amount of costs shall be deposited in the Registry of this Tribunal.
4. S.O. to 27.04.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 592 OF 2021
(Khandu H. Wane Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned Advocate for the applicant (**Absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. As none present for the applicant, S.O. to 05.05.2022 for taking necessary steps.

MEMBER (J)

KPB ORAL ORDERS 06.04.2022

**ORIGINAL APPLICATION NO. 703 OF 2021
(Hema S. Dangat Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

Shri V.S. Undre, learned Advocate for the applicant (**Absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 5 & 7 and Shri R.A. Joshi, learned Advocate for respondent No. 6.

2. Await service of notice on the respondents.
3. As none present for the applicant, S.O. to 06.05.2022 for taking necessary steps.

MEMBER (J)

**ORIGINAL APPLICATION NO. 729 OF 2021
(Ramesh L. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 02.05.2022.

MEMBER (J)

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

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

DATE : 06.04.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 25.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 194 OF 2022
(Alkesh B. Naglot Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 25.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 219 OF 2022
(Dattu G. Tarate Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri S.N. Lute, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 02.05.2022.

MEMBER (J)

M.A. No. 427/2021 in O.A. St. No. 1816/2021
(Gajanan B. Dandge & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 3. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 06.05.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

KPB ORAL ORDERS 06.04.2022

ORIGINAL APPLICATION NO. 1082 OF 2019
(Naresh W. Sakpal Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri L.V. Sangit, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant filed rejoinder affidavit (short affidavit). Same is taken on record and copy thereof has been served on the other side.
3. Opportunity is granted to the respondents to respond the abovesaid short affidavit.
4. S.O. to 27.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 508 OF 2017
(Syed Azam Syed Lal Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri Asif Ali, learned Advocate holding for Smt. A.N. Ansari, learned Advocate for the applicant and Smt. Sanjivani K. Deshmuk-Ghate, learned Presenting Officer for the respondents.

2. On perusal of record, it reveals that on last date i.e. on 08.03.2022, learned Presenting Officer placed on record the status report in respect of SLP filed before the Hon'ble Supreme Court along with a copy of communication dated 07.03.2022 received from the resp. No. 3, which is marked 'X' for identification.

3. Learned Presenting Officer submits that the interim relief of stay is granted in the abovesiad SLP and to substantiate the same, she placed on record a copy of communication dated 13.10.2017 received from the Government Advocate. Same is taken on record and marked as documents 'X-1' for the purpose of identification.

3. In view of above, S.O. to 15.07.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 507 OF 2020
(Anil S. Burkul Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

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

2. Pleadings are complete. The present matter is pertaining to sanction of leave. Hence, the O.A. is admitted and it be fixed for final hearing on 10.06.2022.

MEMBER (J)

KPB ORAL ORDERS 06.04.2022

ORIGINAL APPLICATION NO. 551 OF 2020
(Kiran S. Pathare Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Shri M.B. Kolpe, learned Advocate for the applicant (**Absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 05.05.2022.

MEMBER (J)

KPB ORAL ORDERS 06.04.2022

ORIGINAL APPLICATION NO. 394 OF 2021
(Rekha R. Mohite & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Record shows that pleadings up to rejoinder are complete. The present matter is pertaining to compassionate appointment. Hence, the O.A. is admitted and it be fixed for final hearing on 08.06.2022.

MEMBER (J)

KPB ORAL ORDERS 06.04.2022

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

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Record shows that pleadings up to rejoinder affidavit are complete. The present matter is pertaining to transfer under the policy of couple convenience. Hence, the O.A. is admitted and it be fixed for final hearing on 04.05.2022.

MEMBER (J)

KPB ORAL ORDERS 06.04.2022

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

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri V.M. Maney, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 08.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 06.04.2022

ORIGINAL APPLICATION NO. 507 OF 2020
(Anil S. Burkul Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

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

2. Pleadings are complete. The present matter is pertaining to sanction of leave. Hence, the O.A. is admitted and it be fixed for final hearing on 10.06.2022.

MEMBER (J)

KPB ORAL ORDERS 06.04.2022

**M.A.NO.96 OF 2020 IN O.A.ST.NO.239 OF 2020
(Kailas P. Walekar Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 02.05.2022.

MEMBER (J)

SAS ORAL ORDERS 06.04.2022

**MA 151/2022 in MA 229/2021 in OA St.655/2021
(Pundlik N. Amberao Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri A.G. Vasmatkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks permission to file appropriate delay condonation application. Permission as prayed for is granted.
3. S.O. to 04.05.2022.

MEMBER (J)

SAS ORAL ORDERS 06.04.2022

M.A.NO.204/2021 IN O.A.ST.NO.848 OF 2021
(Yogesh G. Salunkhe Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, S.O. to 27.4.2022.

MEMBER (J)

SAS ORAL ORDERS 06.04.2022

ORIGINAL APPLICATION NO.617 OF 2021
(Kiran P. Chaudhari Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos.1 to 3 and Shri K.M. Nagarkar, learned Advocate for the respondent No.4.

2. Record shows that two communications dated 03.02.2021 along with annexure are already produced by learned Presenting Officer for the respondents. However, it is not mentioned in farad-sheet.

3. Today it is said to have been taken on record and marked as document 'X-1' for the purpose of identification.

4. The present matter is closed for order.

MEMBER (J)

ORIGINAL APPLICATION NO.532 OF 2007
(Amarkhan Ibrahim Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri Asif Ali, learned Advocate holding for Smt. A.N. Ansari, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant invited my attention to farad-sheet order dated 13.11.2007 whereby it is mentioned that as the alleged rash and negligent act of applicant causing motor vehicle accident is involved in the Criminal Revision Application filed by the applicant before the Hon'ble High Court Bench at Aurangabad, it will be proper to keep this Original Application pending till the decision of Criminal Revision Application.

3. Learned Advocate for the applicant submitted that the said Criminal Revision bearing No.20/2006 is still pending.

4. The applicant to produce on record the present status report about the said case by the next date.

5 S.O. to 25.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.598 OF 2015
(Noorunnisa Begum Abdul Rehman Vs. State of Maharashtra
& Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Heard Smt. Kalpalata Patil- Bharaswadkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. The present matter is closed for order.

MEMBER (J)

**ORIGINAL APPLICATION NO.799 OF 2016
(Bhura R. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 13.04.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 06.04.2022

ORIGINAL APPLICATION NO.748 OF 2017
(Parasram N. Sopnawane Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Samt. Sanjivani K. Desshmukh-Ghate, learned Presenting Officer for the respondent Nos.1, 2, 4 to 6 and Smt. S.S. Bhuse, learned Advocate for the respondent No.3.

2. By consent of all the parties, S.O. to 09.06.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.853 OF 2018
(Pramod C. Bute Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 19.04.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.103 OF 2019
(Balkrishna R. Chhallare Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Shri S.N. Suryawanshi, learned Advocate for the applicant, is **absent**. Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 29.04.2022.

MEMBER (J)

O.A.NOS.124 TO 127 ALL OF 2019
(Arun K. Gosawi & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Shri D.K. Dagadkhair, learned Advocate for the applicants in all these matters, is **absent**. Heard Shri S.K. Shirse, learned Presenting Officer for the respondents in all these matters.

2. In view of absence of learned Advocate for the applicants, S.O. to 08.06.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 06.04.2022

**ORIGINAL APPLICATION NO.544 OF 2019
(Sandip S. Shejul Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

Heard Dr. C.S. Tembhornikar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 22.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.889 OF 20191
(Vijaykumar G. Birajdar Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri Udaykumar E. Hude, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 05.05.2022.

MEMBER (J)

SAS ORAL ORDERS 06.04.2022

**ORIGINAL APPLICATION NO.205 OF 2021
(Ramesh Y. Gunjal Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 18.04.2022 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO.771 OF 2021
(Sunil A. Thete Vs. State of Maharashtra & Ors.)**

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

DATE : 06.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 12.04.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.451 OF 2019
(Suryakant R. Biradar Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

Shri S.B. Patil, learned Advocate for the applicant, is **absent**. Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

3. In view of absence of learned Advocate for the applicant, S.O. to 29.04.2022

MEMBER (J)

ORIGINAL APPLICATION NO.800 OF 2021
(Sunil A. Thete Vs. State of Maharashtra & Ors.)

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

DATE : 06.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 12.04.2022 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 763 OF 2021
(Sandip W. Khadse Vs. State of Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

Shri R.J. Nirmal, learned counsel for the applicant and S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply by way of last chance. However, it is noticed that due opportunities are already availed by the respondents. In the circumstances list the matter for hearing on 20.4.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 702 OF 2021
(Vivekanand P. Dhongade Vs. State of Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

Shri A.S. Khedkar, learned counsel for the applicant and Mrs. Deepali S. Deshpand, learned Presenting Officer for the respondents, are present.

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

3. List the matter for hearing on 15.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 555 OF 2014
(Sudhir A. Sathe Vs. State of Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

Shri Prafulla Bodade, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 7.6.2022.

MEMBER (A)

MEMBER (J)

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

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

DATE : 6.4.2022

ORAL ORDER :

Shri Prafulla Bodade, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 7.6.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO. 68/2022 IN O.A.NO. 692/2021
(Sachin S. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

Shri A.S. Mirajgaonkar, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.

3. S.O. to 8.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.4.2022-HDD

ORIGINAL APPLICATION NO. 311 OF 2019
(Rakha I. Manikhedkar Vs. State of Maharashtra & Ors.)

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

DATE : **6.4.2022**

ORAL ORDER :

Shri A.S. Mirajgaonkar, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Learned counsel for the applicant seeks leave of this Tribunal to correct the address of respondent No. 3. Permission granted. The necessary amendment be carried out forthwith.

3. After carrying out the necessary amendment by the applicant, issue notice to respondent No. 3, returnable on 8.6.2022.

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. Applicants are directed to file affidavit of compliance and notice.

8. S.O. to 8.6.2022.

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

MEMBER (A)

MEMBER (J)

M.A.NO. 40/2021 IN O.A.ST.NO. 30/2021
(Ashok M. Pakashkar Vs. State of Maharashtra & Ors.)

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

DATE : **6.4.2022**

ORAL ORDER :

Shri D.A. Mane, learned counsel for the applicant (absent). Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present. Shri S.P. Pandit, learned counsel for respondent Nos. 1, 4, 5 & 6, are present.

2. At the request of learned counsel for respondent Nos. 1, 4, 5 & 6, S.O. to 8.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.4.2022-HDD

**ORIGINAL APPLICATION NO. 495 OF 2020
(Suyog D. Suradkar Vs. State of Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

Ms. Vaishali K. Bhalerao, learned counsel holding for Shri Pramod A. Kulkarni, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned counsel for the applicant seeks time. Time granted.
3. S.O. to 18.4.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO. 13/2020 IN O.A.ST.NO. 2428/2019
(Sanjay R. Dargude Vs. State of Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

Shri N.L. Jadhav, learned counsel holding for Shri M.R. Wagh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned counsel for the applicant seeks time. Time granted.

3. S.O. to 8.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.4.2022-HDD

M.A.NO. 153/2022 IN O.A.ST.NO. 604/2022
(Datta B. Nannaware & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **6.4.2022**

ORAL ORDER :

Heard Shri V.P. Golewar, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

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

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 604 OF 2022
(Datta B. Nannaware & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

Heard Shri V.P. Golewar, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 10.6.2022.
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. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 10.6.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 403/2022
(Vitthal T. Chaudhari Vs. State of Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

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

2. Learned counsel for the applicant seeks time. Time granted.
3. S.O. to 26.4.2022.

MEMBER (A)

MEMBER (J)

**O.A.NOS. 526/18, 715/18, 219/19, 220/19, 344/19,
345/19 AND 347/19,
(Dr. Prachi K. Haridas & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these cases and Shri Ashish B. Shinde, learned counsel for respondent No. 4 in O.A. No. 220/2019, are present.

2. Learned Chief Presenting Officer has sought time for filing affidavit in reply on behalf of respondent Nos. 1 to 3 in all these cases. Time granted.

3. S.O. to 22.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.4.2022-HDD

O.A.NOS. 304 & 305 BOTH OF 2019
(Pandharinath M. Ahire & Anr. Vs. State of Maha. & Ors.)

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

DATE : **6.4.2022**

ORAL ORDER :

Shri Harish S. Bali, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents in both these cases, are present.

2. Learned counsel for the applicant seeks time for filing rejoinder affidavit. Time granted.

3. S.O. to 10.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.4.2022-HDD

ORIGINAL APPLICATION NO. 1066/2019
(Vasant A. Manorkar Vs. State of Maharashtra & Ors.)

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

DATE : **6.4.2022**

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri Shamsunder B. Patil, learned counsel for respondent Nos. 3 & 4, are present.

2. Learned Presenting Officer, as well as, learned counsel for respondent Nos. 3 & 4 seek time for filing affidavit in reply. Time granted.

3. S.O. to 13.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 41/2020
(Nagesh C. Kumbre Vs. State of Maharashtra & Ors.)

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

DATE : **6.4.2022**

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 13.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 113/2020

(Graduate Part Time Employees Association, Dhule through its President Sanjay N. Brahmane (Tembhekar) Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 6.4.2022

ORAL ORDER :

Shri Ashish B. Rajkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 14.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 123/2020
(Manaji V. Surose & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **6.4.2022**

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2 and Shri S.B. Mene, learned counsel for respondent No. 3, are present.

2. Learned Presenting Officer, as well as, learned counsel for respondent No. 3 seek time for filing affidavit in reply. Time granted.

3. S.O. to 14.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 387/2020
(Ajay R. More Vs. State of Maharashtra & Ors.)

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

DATE : **6.4.2022**

ORAL ORDER :

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

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

3. S.O. to 15.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.4.2022-HDD

ORIGINAL APPLICATION NO. 419/2020
(Ashish D. Dhakane Vs. State of Maharashtra & Ors.)

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

DATE : **6.4.2022**

ORAL ORDER :

Shri P.G. Tambade, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 15.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.4.2022-HDD

ORIGINAL APPLICATION NO. 552/2020
(Vyankat N. Gaikwad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **6.4.2022**

ORAL ORDER :

Shri M.B. Bharaswadkar, learned counsel for the applicant, Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri Sharad V. Natu, learned counsel for respondent Nos. 4, 8 & 9, are present.

2. S.O. to 15.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.4.2022-HDD

ORIGINAL APPLICATION NO. 4/2022
(Shaikh Jarjaribaksh Gufoor Vs. State of Maharashtra & Ors.)

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

DATE : **6.4.2022**

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 9.6.2022 for filing rejoinder affidavit.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 86/2022
(Ranjit D. Shingare Vs. State of Maharashtra & Ors.)

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

DATE : **6.4.2022**

ORAL ORDER :

Shri R.D. Khadap, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 17.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.4.2022-HDD

ORIGINAL APPLICATION NO. 225/2022
(Sanjarkumar N. Deshatwar Vs. State of Maharashtra & Ors.)

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

DATE : **6.4.2022**

ORAL ORDER :

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

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

3. S.O. to 17.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 240/2022
(Ankij P. Sawai Vs. State of Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

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

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

3. S.O. to 17.6.2022.

MEMBER (A)

MEMBER (J)

M.A.NO. 109/2020 IN O.A.NO. 927/2019
(Sunil S. Kuvar Vs. State of Maharashtra & Ors.)

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

DATE : 6.4.2022

ORAL ORDER :

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

2. Await service.
3. S.O. to 6.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.4.2022-HDD

**M.A.NO. 67/2021 IN O.A.ST.NO. 268/2021
(Chikkahayakanahalli Doodaiah Krishnaiah Setty Vs. State of
Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri S.B. Mene, learned counsel for respondent No. 4, are present.

2. Learned Presenting Officer, as well as, learned counsel for respondent No. 4 seek time for filing affidavit in reply. Time granted.

3. S.O. to 6.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.4.2022-HDD

**M.A.NO. 9/2022 IN O.A.ST.NO. 1541/2021
(Laxmi B. Taji Vs. State of Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

Shri P.G. Tambade, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 7.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.4.2022-HDD

**M.A.NO. 10/2022 IN O.A.ST.NO. 1586/2021
(Nathrao S Chate Vs. State of Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

Shri P.G. Tambade, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 7.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.4.2022-HDD

**M.A.NO. 68/2022 IN O.A.NO. 692/2021
(Sachin S. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

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

2. Learned counsel for the applicant has tendered across the bar the order dated 4.3.2022, whereby the applicant has given admission at the Government Nursing College at Nagpur. The copy of the said order is taken on record.

3. Learned Presenting Officer seeks time to give comments on the document so filed by the applicant today. Time granted.

4. S.O. to 8.6.2022.

MEMBER (A)

MEMBER (J)

**O.A.NOS. 98, 141, 142, 200, 205, 206, 207, 208 & 101
ALL OF 2022
(Sunil B. Rajemod & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

S/Shri S.B. Patil, S.S. Kulkarni & M.S. Karad, learned counsel for the applicants in respective cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases, are present.

2. Learned Chief Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 3 in all these cases and the same is taken on record and copy thereof has been served on the other side.

3. List all these cases for hearing on 13.4.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 181 OF 2022
(Sahebrao Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

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

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

3. S.O. to 13.4.2022.

MEMBER (A)

MEMBER (J)

M.A. 362/2019 IN O.A. ST. 1539/2019
(Prakash W. Bhambre Vs. State of Maharashtra & Ors.)

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

DATE : 6.4.2022

ORAL ORDER :

Shri Harish S. Bali, learned Counsel for the applicant and Shri M.S. Mahajan, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 5.5.2022 for hearing.

MEMBER (A)

MEMBER (J)

**M.A. 32/2021 IN O.A. ST. 138/2021
(Gopal D Ghuge Vs. State of Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

Shri S.D. Munde, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 7.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

M.A. 60/2021 IN O.A. 85/2021
(Dr. Balaji M. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 6.4.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 9.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

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

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

DATE : 6.4.2022

ORAL ORDER :

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

2. The learned C.P.O. has tendered across the bar short affidavit in behalf of respondent nos. 1 to 3. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 11.4.2022 for hearing. **High on Board.**

MEMBER (A)

MEMBER (J)

**MA 141/21 WITH MA 121/21 IN OA 295/19 WITH CP 3/21
(State of Maharashtra & Ors. Vs. Mah. Rajya Hangami Hivtap
Prayogashala Karmachari Sanghatana)**

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

DATE : 6.4.2022

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 9.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

M.A. 185/2021 IN O.A. 257/2021
(Nanasaheb L. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 6.4.2022

ORAL ORDER :

Shri K.B. Jadhav, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 13.6.2022 for final hearing.
3. The interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

M.A. 192/2021 IN O.A. 258/2021
(Laxman N. Sormare Vs. State of Maharashtra & Ors.)

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

DATE : 6.4.2022

ORAL ORDER :

Shri K.B. Jadhav, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 13.6.2022 for final hearing.
3. The interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

M.A. 371/2021 IN O.A. 415/2019
(Rajendra S. Jagdale Vs. State of Maharashtra & Ors.)

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

DATE : 6.4.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 2.5.2022 for final hearing.

MEMBER (A)

MEMBER (J)

M.A. 157/2022 IN O.A. 104/2022
(Bhagwan N. Ugalmugale Vs. State of Maharashtra & Ors.)

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

DATE : 6.4.2022

ORAL ORDER :

Smt. Priya R. Bharaswadkar, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 7.4.2022 for final hearing.

MEMBER (A)

MEMBER (J)

M.A. 313/2020 IN O.A. 246/2020

M.A. 314/2020 IN O.A. 238/2020

M.A. 315/2020 IN O.A. 239/2020

**O.A. NOS. 240, 241, 242, 243, 244, 245, 248 AND 249
ALL OF 2020**

(Vinod V. Jaware & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 6.4.2022

ORAL ORDER :

Shri S.Y. Shinde, learned Counsel for the applicants in M.A./respondents in O.A., Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri S.R. Sapkal, learned Counsel for applicants in O.A.s, are present.

2. With the consent of both the sides, S.O. to 10.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**O.A. NOS. 852 AND 853 BOTH OF 2017
(Nilesh D. Kale & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

Ms. Anagha Pandit, learned Counsel holding for Shri S.B. Talekar, learned Counsel for the applicants in both the matters, and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in both the matters and Shri R.D. Khadap, learned Counsel for respondent no. 5 in both the matters, are present.

2. With the consent of both the sides, S.O. to 21.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 324/2021
(Sharad D. Kothawale Vs. State of Maharashtra & Ors.)

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

DATE : 6.4.2022

ORAL ORDER :

Shri A.S. Deshmukh, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 9.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 5/2022
(Nitin A. Bhapkar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 6.4.2022

ORAL ORDER :

Shri A.S. Deshmukh, learned Counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 9.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

C.P. 15/2014 IN O.A. 1128/1999
(Revannath R. Landge Vs. State of Maharashtra & Ors.)

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

DATE : 6.4.2022

ORAL ORDER :

Shri A.S. Deshmukh, learned Counsel for the applicant and Shri S.V. Advant, learned special Counsel for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 11.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 154/2021
(Surendra H. Gandam Vs. State of Maharashtra & Ors.)

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

DATE : 6.4.2022

ORAL ORDER :

Shri Satish Chitgopekar, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 2.5.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 25/2021
(Shankar P. Dange Vs. State of Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

Shri Akshay Malviya, learned Counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri S.B. Jadhav, learned Counsel for respondent no. 4, are present.

2. With the consent of both the sides, S.O. to 18.4.2022 for hearing. **To be treated as part heard.**

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 959/2019
(Rahul D Sathe Vs. State of Maharashtra & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

Shri R.D. Khadap, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 7.4.2022 for hearing. **High on Board.**

MEMBER (A)

MEMBER (J)

O.A. NOS. 160 AND 844/2018
(Nilesh P. Bansude & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 6.4.2022

ORAL ORDER :

S/shri S.S. Dambe & A.S. Kulkarni, learned Counsel for the applicants in respective matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 7.4.2022 for hearing. **High on Board.**

MEMBER (A)

MEMBER (J)

**O.A.NO. 904/2018 WITH C.P.NO. 4/2022 WITH
M.A.NO.175/2021
(Shaikh Ayyub Shaikh Jaleel Vs. State of Maha. & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

Heard Shri Zia Ul Mustafa, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. It is the contention of the applicant that on the basis of the recommendation of 'Shri Laad Page Committee' having regard to his educational qualification he must have been given appointment to the post of Group Instructor, whereas he has been given appointment on the post of Instructor.

3. Learned Presenting Officer pointed out that the applicant had filed an application on 15.9.2012 seeking compassionate appointment and in the said application itself applicant had claimed the appointment on the post of Instructor and he resumed on the said post without raising any grievance. Learned Presenting Officer has submitted that the applicant is, therefore, estopped from raising grievance that any injustice has been caused to him.

4. We have perused application submitted by the applicant to the Collector, Parbhani on 15.9.2012. It is

**:: - 2 - :: O.A. 904/18 WITH C.P.NO. 4/22
WITH M.A.NO.175/21**

true that in the said application the applicant himself has claimed appointment on the post of Instructor. As per the recommendations of Shri Laad Page Committee if the legal heir or nominee of any deceased class-IV employee, more particularly Sweeper and if the said legal heir or nominee is duly qualified he can be given an appointment also on any class-III post. It is not in dispute that the post of Instructor is a Class-III post and the applicant was possessing the necessary qualification for to be appointed on the said post.

5. In the aforesaid circumstances, it does not appear to us that any case is made out by the applicant for grant of any relief as claimed by him in the present O.A. The O.A. being devoid of any substance deserves to be dismissed and is accordingly dismissed. In view of the dismissal of O.A., the contempt petition and the miscellaneous applications arising thereof also stand disposed of. There shall be no order as to costs.

6. The applicant may compete for the promotional post as and when occasion arises and if he is found eligible his case may be considered on merit by the respondents.

MEMBER (A)

MEMBER (J)

C.P. 36/2018 IN O.A. 846/2011
C.P. 37/2018 IN O.A. 843/2011
C.P. 38/2018 IN O.A. 842/2011
C.P. 39/2018 IN O.A. 278/2012
C.P. 40/2018 IN O.A. 634/2011
C.P. 41/2018 IN O.A. 277/2012

(Vilas S. Patil & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 6.4.2022

ORAL ORDER :

Shri Prafulla Bodade, learned Counsel holding for Shri J.B. Choudhary, learned Counsel for the applicants in all these matters and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. With the consent of both the sides, S.O. to 8.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 654 OF 2021
(Madnesh Ashokrao Mudiraj Vs. State of Maha. & Ors.)**

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

DATE : 6.4.2022

ORAL ORDER :

Heard Mrs. P.S. Gondhalekar along with Shri C.V. Dharurkar, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The applicant was appointed as Shikshan Sevak w.e.f. 16.09.2009. He belongs to S.T. category (Koli-Mahadeo). The applicant was posted to serve at Government Ashram School at Mohpur, Tq. Mahur as per the appointment letter dated 24.8.2009. Prior to resuming duties of Shikshan Sevak the applicant had obtained the admission for B.Ed. course. The applicant completed B.Ed. course on 10.6.2010. After completing the period of three years as Shikshan Sevak the applicant was appointed as Primary Teacher at the same Ashram School w.e.f. 18.9.2012. The pay scale was also made applicable to him of the said post from same date i.e. 18.9.2012.

3. In the present application it is the grievance of the applicant that he has been wrongly denied the Graduate Teacher's pay scale though the same has been made applicable to some of the primary teachers junior to him.

The relevant seniority list is placed on record by the applicant.

4. The respondents in the affidavit in reply filed by them have contended that the applicant while entering into the Government service suppressed the fact that he had taken admission for B.Ed. course. It is the further contention of the respondents that for completing the said B.Ed. course the applicant had taken long leave and he remained away from the duty for about 64 days. It is the further contention of the respondents that the period of said 64 days was treated as leave without pay and considering the facts as aforesaid the relief as has been claimed by the applicant has not been given to him. According to the respondents, no illegality or irregularity has been committed by the respondents. The respondents have, therefore, prayed for dismissal of the O.A.

5. Learned counsel appearing for the applicant submitted that the applicant had never suppressed the fact that he was undergoing the B.Ed. course while he was appointed on the post of Shikshan Sevak. Learned counsel submitted that in the application submitted by the applicant seeking leave at the relevant time he has honestly mentioned the reason that he was taking leave for appearing to the B.Ed. examination. Learned counsel

further submitted that at the relevant time no objection was raised neither any action was taken against the applicant and after completing the period of three years on the post of Shikshan Sevak the applicant was appointed on the post of Primary Teacher w.e.f. 18.9.2012. The appointment order is placed on record as Annexure 'A-5'. From 18.9.2012 the regular pay scale of the post of Primary Teacher was made applicable to the applicant.

6. From the pleadings in the affidavit in reply filed by the respondents and documents, which are filed on record it is revealed that some complaints were received in respect of some teachers including the present applicant, who have completed their B.Ed. course while in service. The respondents have placed on record some documents in that regard. It appears that the complaints were received in respect of about 7 such teachers. The committee consisting of 3 members submitted the report in that regard to the Additional Commissioner, Tribal Development, Amravati. We have gone through the said report. Reading of the said report apparently revealed that in case of the present applicant though finding has been recorded that the applicant is found guilty of completing B.Ed. course while in service and without taking any permission therefor. No further action is, however proposed against the applicant, as well as, some other teachers, whereas from the contents of the report itself it

reveals that in respect of some of the teachers, action was suggested.

7. Learned counsel for the applicant invited our attention to the report in respect of Shri A.R. Shinde (page-74 of the paper book). In respect of said Shri Shinde the enquiry committee has recorded a finding that Shri Shinde had made an application seeking permission for appearing B.Ed. examination, but the Project Officer did not take cognizance of the said application in the reasonable period. It is further noted that since Shri Shinde had taken without pay leave for appearing in the B.Ed. examination during the period when he was working on the post of Shikshan Sevak and accordingly his service period as Shikshan Sevak was extended by the number of days on which he was on leave, it cannot be said that said Shri Shinde has obtained B.Ed degree while on duty. It is the contention of the present applicant that while considering his case unequal treatment has been given to him than given to Shri Shinde. According to the applicant, he has been thus discriminated.

8. We find substance in the allegation so made by the applicant. From the documents on record, it is clear that the applicant had also obtained leave for appearing for the examination of B.Ed. The documents on record further show that 64 days period of his absence was treated as

leave without pay and for taking note of the said fact the Headmaster of the Ashram School Mohpur, Tq. Kinwat, Dist. Nanded had written a letter to the Project Officer on 28.4.2010, wherein it was specifically disclosed that the applicant had remained absent for the purpose of appearing in the examination of B.Ed. It, therefore, cannot be said that the applicant had intentionally suppressed the said fact or has not disclosed the said fact.

9. In the aforesaid circumstances, it appears to us that the respondents shall consider the case of the applicant in the manner they have considered the case of Shri A.R. Shinde. Having regard to the fact that the applicant remained away from duty for about 64 days while he was working as Shikshan Sevak, the service period of the applicant on the post of Shikshan Sevak can be reasonably extended by 64 days. In turn, the appointment given to the applicant on the post of Primary Teacher shall be deemed to have issued 64 days later than it was given to him and treating the said date as the date of initial appointment of the applicant on the post of Primary Teacher the case of the applicant be considered for extending the benefit of graduate pay scale to him alike Shri A.R. Shinde, if the applicant is found otherwise entitled for the said pay scale.

10. Respondents shall complete the aforesaid exercise within 3 months from the date of this order.

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O.A. NO. 654 OF 2021

11. The Original Application stands allowed in the aforesaid terms however, without any order as to costs.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 6.4.2022-HDD