

**THE 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 SHRI. V.D. DONGRE, MEMBER (J)**

**And**

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

**Date: -06/04/2023**

<b>Due Admission Matters</b>						
<b>32</b>	OA13/19	A'bad	Adv.Avinash S Deshmukh (Tufansing L Shele)	Removal From Service	For Hearing Reply Filed by R-2 to R-4	03.05.2023
<b>33</b>	OA360/19	A'bad	Adv.AjayDeshpande (Dr.Atul A Deshmukh)	Termination	For Hearing	03.05.2023
<b>34</b>	OA575/19	Beed	Adv.Santosh C Bhosale (Dr.Sachin D Shekde&Ors.)	Challenging G.R.	For Hearing	04.05.2023
<b>35</b>	OA633/19	A'nagar	Adv.A.S. Deshmukh (Meena C Shivagunde) <b><u>Adv.K.U. More for R.No.4</u></b>	Termination	For Hearing Reply Filed by R-1 & R-3	04.05.2023
<b>36</b>	OA09/20	O'bad	Adv.V.B. Wagh (Dr.Anita R Rathod)	Condonation of Technical Breaks/ Increment Etc.	For Hearing	06.06.2023
<b>37</b>	OA115/20	A'bad	Adv.C.V. Dharurkar (Pravin S Thakre)	Appointment	For Hearing	17.04.2023
<b>38</b>	OA116/20	Nanded	Adv.P.B. Rakhunde (ShaikhAkhtarHussainMohd. Hanif)	Dismissal From Service	For Hearing Reply Filed by R-1 & R-2	09.06.2023
<b>39</b>	OA292/20	J'gaon	Adv.Ajay S Deshpande (Bhatu J Borse&Ors.)	Appointment	For Hearing Reply Filed by R-4 & For Filing Affidavit in Rejoinder	09.06.2023

40	OA09/21	A'nagar	Adv.Hemant U Dhage (Ulhas Y Kawade)	Departmental Enquiry	For Hearing Reply Filed by R-1 to R-3	12.06.2023
41	OA529/21	A'bad	Adv.K.B. Jadhav (Kishor N Salve)	Joining/ Continuity of Service	For Hearing	18.04.2023
42	OA831/21	A'bad	Adv.M.B. Bharaswadkar (Anand B Gayake)	Challenging Recruitment Rules	For Hearing Reply Filed by R-2 to R-4 & For Filing Affidavit in Reply For R-1	25.04.2023
43	OA30/22	O'bad	Adv.Sushant B Choudhari (Mahesh S Vaidya)	Selection	For Hearing Reply Filed by R-2	16.06.2023
44	OA33/22	Nanded	Adv.V.B. Wagh (Vitthal N Kokulwar)	Departmental Enquiry	For Hearing Reply Filed by Respondent	03.05.2023
45	OA34/22	Nanded	Adv.V.B. Wagh (Sachin D Shrimanwar)	Departmental Enquiry	For Hearing Reply Filed by Respondent	03.05.2023
46	OA45/22	A'bad	Adv.M.D. Narwadkar (Sanjay D Pathrut&Ors.)	Challenging G.R.	For Hearing Reply Filed by R-1, R-3 & R-4	20.06.2023
47	OA58/22	A'bad	Adv.MohitDeshmukh (Dr. Sanjay K Muley&Ors.)	Advertisement	For Admission Reply Filed by R-2	20.06.2023
48	OA108/22	A'nagar	Adv.Avinash S Khedkar (Sitaram K Zodage)	Revision of Pay Scale	For Hearing Reply Filed by R-1 to R-3	22.06.2023
49	OA144/22	Beed	Adv.A.S. Deshpande (Dr.Dayanand P Jagtap)	Seniority	For Hearing	22.06.2023
50	OA211/22	A'bad	Adv.S.B. Patil (Smita R Achme)	Promotion/ Benefit of ACPS	For Hearing Reply Filed by R-2	03.05.2023
51	OA368/22	O'bad	Adv.SandeepKulkarni/ Adv.A.S. Mirajgaonkar (Ankita D Chunge)	Examination	For Hearing Reply Filed by R-4	06.06.2023

52	OA533/22	A'bad	Adv.V.B. Wagh (Sunil N Jahagirdar)	Major Punishment	For Hearing Reply Filed by R-1 & R-2	06.06.2023
53	OA677/22	Beed	Adv.S.S. Dargad/ Adv.K.G. Salunke (Ambrish K Bhusane&Ors.)	Promotion	For Admission Reply Filed by R-2	17.04.2023
54	OA789/22	O'bad	Adv.R.K. Khandelwal (Sukhdeo R Solankar)	Termination	For Admission	09.06.2023
55	OA932/22	O'bad	Adv.K.G. Salunke (Rahul K Gaikwad)	Major Punishment	For Hearing Reply Filed by R-1 to R-4	19.06.2023
56	OA933/22	O'bad	Adv.K.G. Salunke (Manisha S Shinde)	Major Punishment	Reply Filed by R-1 to R-4	19.06.2023
<b>Final Hearing Matters</b>						
57	OA250/14	A'bad	Adv.Avinash S Deshmukh (The KaryakariAdhikariSanghatna (R.T.O.) Through its Joint Secretary Rameshchandra L Kharade)	Revised Pay Scale	Highcourt Pending Reply Filed by R-2 & R-3	19.06.2023
58	OA45/17	A'bad	Adv.A.S. Deshpande (Sunita R Thite)	Prromotion	Reply Filed by R-1 & R-2	19.06.2023
59	OA445/17 With	O'bad	Adv.A.S. Shelke (Marthwada Van VaSamajikVanikaranRojandari VaKayamKamgarKarmachariV aSarvaShramikSanghatana, Beed&Ors.)	Challenging G.R.	Reply Filed by R-1 to R-6	
60	OA446/17 With	Latur	Adv.A.S. Shelke (Marthwada Van VaSamajikVanikaranRojandari VaKayamKamgarKarmachariV aSarvaShramikSanghatana, Beed&Ors.)	Challenging G.R.	Reply Filed by R-1 to R-6	19.06.2023
61	OA447/17 With	Beed	Adv.A.S. Shelke (Marthwada Van VaSamajikVanikaranRojandari	Challenging G.R.	Reply Filed by R-6	

			VaKayamKamgarKarmachariVaSarvaShramikSanghatana, Beed&Ors.)			
62	OA449/17 With	Jalna	Adv.A.S. Shelke (SarvaShramikSanghKotwalpura, A'bad&Ors.)	Challenging G.R.	Reply Filed by R-1 to R-6	19.06.2023
63	OA450/17 With	A'bad	Adv.A.S. Shelke (SarvaShramikSanghKotwalpura, A'bad&Ors)	Challenging G.R.	Reply Filed by R-1 to R-6	
64	OA451/17 with	Jalna	Adv.A.S. Shelke (SarvaShramikSangh Registration No.AWB-822, Trade Union Centre, Kotwalpura, A'bad&Ors)	Challenging G.R.	Reply Filed by Respondents	
65	OA452/17 With	Beed	Adv.A.S. Shelke (Marthwada Van VaSamajikVanikaranRojandari VaKayamKamgarKarmachariVaSarvaShramikSanghatana, Beed&Ors.)	Challenging G.R.	Reply Filed by R-1 to R-5	
66	OA453/17 With	O'bad	Adv.A.S. Shelke (Marthwada Van VaSamajikVanikaranRojandari VaKayamKamgarKarmachariVaSarvaShramikSanghatana&Ors )	Challenging G.R.	Reply Filed by R-1 to R-5	
67	OA454/17 With	A'bad	Adv.A.S. Shelke (SarvaShramikSangh Registration No.AWB-822, Trade Union Centre, Kotwalpura, A'bad&Ors)	Challenging G.R.	Reply Filed by R-1 to R-5	
68	OA455/17 With	Hingoli	Adv.A.S. Shelke (MarthwadaSarvaShramikSanghatana&Ors.)	Challenging G.R.		
69	OA456/17 With	P'bhnai	Adv.A.S. Shelke (MarthwadaSarvaShramikSanghatana&Ors.)	Challenging G.R.	Reply Filed by R-1 to R-6	
70	OA457/17 With	Dhule	Adv.A.S. Shelke (MarathwadaRajyaRojandariVaKayam Van KamgarKrutiSamiti through Genral Secretary and Oth.)	Challenging G.R.	Reply Filed by R-1 to R-4	

71	OA458/17 With	N'bar	Adv.A.S. Shelke (MarathwadaRajyaRojandariVa Kayam Van KamgarKrutiSamiti through Genral Secretary and Oth.)	Challenging G.R.	Reply Filed by R-1 to R-5
72	OA459/17 With	N'bar	Adv.A.S. Shelke (MarathwadaRajyaRojandariVa Kayam Van KamgarKrutiSamiti and Oth.)	Challenging G.R.	
73	OA494/17 With	A'nagar	Adv.A.S. Shelke (MarathwadaRajyaRojandariVa Kayam Van KamgarKrutiSamiti through Treasurer and Oth.)	Challenging G.R.	Reply Filed by R-4
74	OA113/17 with	Nanded	Adv.A.S. Shelke (MarthwadaSarvaShramikSangh atana, A'bad through Genral Secretary)	Challenging G.R.	Reply Filed by R-1 to R-5
75	OA114/17 With	Hingoli	Adv.A.S. Shelke (MarthwadaSarvaShramikSangh atana and Others)	Challenging G.R.	Reply Filed by Respondents
76	MA325/17 In OASt941/17 With	N'bar	Adv.S.S. Shinde (Bhika K Chaudhari)	M.A. For Condonation of Delay	Reply Filed by R-1 to R-4
77	MA36/19 In MASt82/19 In OASt83/19 With	Hingoli P'bhani	Adv.V.G. Pingle (Pandurang M Kamble&Ors.)	M.A. For Condonation of Delay	Reply Filed by R-1 to R-7
78	MA144/19 In OASt400/19	Hingoli	Adv.V.G. Pingle (Kasturabai J Dhembre)	M.A. For Condonation of Delay	

79	OA829/17 With	Latur	Adv.Vinod D Godbharle (Dattatraya D Jaybhay)	Seniority/ Deemed date of Promotion	<b>WP 7683/18 Bombay HC Nagpur Bench Pending</b> Reply Filed by R-1 to R-4	19.06.2023
80	OA830/17 With	Nanded	Adv.Vinod D Godbharle (Digmabar B Chaure)	Seniority/ Deemed date of Promotion	Reply Filed by R-1 to R-4	19.06.2023

81	OA831/17	Nanded	Adv.Vinod D Godbharle (Raju B Rathod)	Seniority/ Deemed date of Promotion	Reply Filed by R-1 to R-4	19.06.2023
82	OA291/18	Nanded	Adv.Y.P. Deshmukh (Sahebrao G Tawade)	Promotion	Reply filed by R-1 & R-2	13.06.2023
83	OA471/18	Jalna	Adv.S.D. Joshi (Raosaheb K Pangre)	Selection/ Appointment	Reply Filed by R-4 & R-5	16.06.2023
84	OA476/18	Dhule	Adv.Sandesh R Patil (Aasha S Khairnar)	Selection	Reply Filed by R-4	12.06.2023
85	OA941/18	Dhule	Adv.V.B. Wagh (Dr.Neeta K Hatkar)	Challenging G.R.	Reply Filed by R-1 & R-2	07.06.2023
86	OA410/19	A'bad	Adv.AjayDeshpande (Santosh R Jagdale) <b><u>Adv.M.R. Kulkarni For R.No.2</u></b>	Appointment	Reply Filed by R-2	08.06.2023
87	OA800/19	A'nagar	Adv.Sandip R Andhale (Maheshkumar P Sathe)	Appointment	Reply Filed by R-1	08.06.2023
88	OA360/22	Jalna	Adv.S.B. Bhosale (Anil P Khaladkar) <b><u>Adv.V.P. Narwade for R.Nos.4 &amp; 5</u></b>	Examination/ Interview	Reply Filed by R-1, R-3 R-4 & R-5	15.06.2023
89	OA759/22	O'bad	Adv.O.D. Mane/ Adv.A.O. Mane (Manisha A Rashinkar)	Departmental Enquiry	Reply Filed by R-1 to R-3	17.04.2023

**THE 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 SHRI. V.D. DONGRE, MEMBER (J)**

**And**

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

**Date: -06/04/2023 For Reply Board**

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
<b>Due Admission Matters</b>						
1	CP6/23 In OA467/21	A'nagar	Adv J S Deshmukh (Dr. Mohan P Shinde)	Contempt Petition	Last Chance For Filing Affidavit in Reply R- in C.P	20.04.2023
2	CP12/22 In OA265/17	Latur	Adv I D Maniyar (Dr. Suresh M Karamunge) <b><u>Adv P R Tandale for R.No.4</u></b>	Contempt Petition	Final Chance For Filing Affidavit in Reply For R-1 & R- 3	05.06.2023
3	CP7/23 In OA535/19	Dhule	Adv Dr Irale Patil (Nitin D Ingle)	Contempt Petition	For Reply	20.06.2023
4	OA422/18	Beed	Adv K G Salunke (Dr. Raghuvir V Bhosale)	Dismissal	For Filing Affidavit in Rejoinder <b><u>Ref Order Dtd. 20.09.2022</u></b>	19.06.2023
5	OA577/21	Jalna	Adv R N Chavan (Ramdas E Misal) <b><u>Adv Vinod M Vibhute For R.No.4</u></b>	Major Punishment	For Filing Affidavit in Rejoinder	08.06.2023
6	TA13/23 In WP10387/22	A'nagar	Adv Y S Choudhari/ Adv Jiwan J Patil (Digambar B Mule)	Advertisement	For Reply	09.06.2023

7	OA325/22	A'bad	AdvAvinash S Deshmukh (Pradeep P Bahekar&Ors.)	Benefit of A.C.P.S	For Filing Affidavit in Reply	02.05.2023
8	OA474/22	Beed	Adv S SKulkarni/ Adv V S Kadam (Anurath A Lande)	Selection	For Filing Affidavit in Rejoinder	02.05.2023
9	OA487/22 with	Dhule	Adv V B Wagh (Rajesh J Gangurde)	Promotion/ Reversion	As a Last Chance For Filing Affidavit in Reply	04.05.2023
10	OA488/22	Dhule	Adv V B Wagh (Sanjay V Tadvi)	Promotion/ Reversion	For Filing Affidavit in Rejoinder	04.05.2023
11	OA547/22	P'bhani	AdvAmol B Chalak (Ganesh S Chavan)	Examination/ Eligibility/ Select List	For Filing Affidavit in Reply & Reply Filed By R- 2	03.05.2023
12	OA902/22	A'bad	AdvRajendra N Chavan (Anil V Mule)	Misconduct	For Filing Affidavit in Reply	08.06.2023
13	OA905/22	A'bad	Adv J S Deshmukh (Dr. Ansari Shehnaz Begum)	Continuity of Service/ Condonation of Technical Break	For Filing Affidavit in Reply	12.06.2023
14	OA1098/22	N'bar	Adv N L Chaudhari (Dr. Kishor S Agale)	Challenging Clause of G.R.	For Filing Affidavit in Reply	20.04.2023
15	OA08/23	Beed	Adv S D Joshi (Gangadhar J Wadne)	Final Seniority List/ Promotion	For Filing Affidavit in Reply	09.06.2023
16	OA181/23	A'bad	Adv S P Koli (Dr. Pravara P Kulkarni)	Selection Process	Await Service	20.04.2023
17	OA190/23	Latur	Adv S D Joshi (Kishor B Mane)	Department Enquiry/ Punishment	For Reply	09.06.2023
18	OA191/23	Latur	Adv S D Joshi (Deorao A Sawale)	Department Enquiry/ Punishment	For Reply	09.06.2023
19	OA192/23	A'bad	AdvGaurav L Deshpande (Yogesh S Swami &Ors.)	Selection Process (MPSC)	For Reply	20.04.2023
20	OA201/23	Jalna	AdvSandeep R Andhale (Sharad S Borse)	Promotion	For Reply	21.04.2023



21	OA208/23	N'bar	Adv K B Jadhav (Suryabhan E Pawar)	Department Enquiry/	For Reply	12.04.2023
<b>Order Matter</b>						
22	MA273/20 with MA344/21 In OAS684/20	Hingoli	Adv M R Kulkarni (Vasant BShinde) <u>Adv S B Mene For R.No.3 &amp; 4</u>	M.A. For Condonation of Delay	For Filing Affidavit in Rejoinder	19.06.2023

Assistant Registrar  
M. A. T. Bench at A' bad

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

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

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

**Date: -06/04/2023**

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
<b>Regular Admission Matters</b>						
<b>1</b>	OA274/23	J'gaon	Adv.V.B. Wagh (Dinesh S Thakur)	Deputation/ Transfer	<b>Circulation</b>	30.06.2023
<b>2</b>	OA283/23	Beed	Adv.S.S. Dambe (Anil S Patekar)	Recovery		28.06.2023
<b>High On Board Matters</b>						
<b>Due Admission Matters</b>						
<b>4</b>	OA670/19	A'bad	Adv.A.S. Tilve/ Adv.S.P. Tilve (Kaushalya B Jadhav)	Time Bound Promotion/ ACPS/ Salary/ T.A. Arrears	For Hearing Reply Filed by R-1 & R-2	27.06.2023
<b>5</b>	OA165/20	A'nagar	Adv.V.B. Wagh (Babu D Ghute) <b><u>Adv.A.D. Gadekar for R.No.2</u></b>	Interest on Delayed Pyamens	For Hearing Reply Filed by R-2	08.06.2023
<b>6</b>	OA102/21	Nanded	Adv.Suresh D Dhongde (Sangram U Rathod)	Time Bound Promotion/ ACPS/ Benefit of G.R.	Reply Filed by R-1 to R-4	14.06.2023
<b>7</b>	OA156/21	A'bad	Adv.Suresh D Dhongde (Jayshree A Sonwane)	Benefit of G.R./ Time Bound Promotion	For Hearing Reply Filed by R-1 to R-4	14.06.2023
<b>9</b>	OA340/21	A'nagar	Adv.Sharda P Chate (Popat B Ahire)	Pay Scale	Reply Filed by R-1 to R-3	06.07.2023
<b>10</b>	OA341/21	A'nagar	Adv.Sharda P Chate	Pay Scale	Reply Filed	06.07.2023

			(Prashant S Pardhi)		by R-1 to R-3	
11	OA381/21	J'gaon	Adv.Pramod S Gaikwad (Swapnil S Shimpi)	Compassionate Appointment	For Hearing Reply Filed by R-2 & R-3	21.04.2023
12	OA410/21	A'bad	Adv.K.A. Ingle (Tulsiram D Bakle)	Beneit of G.R. (Lad Samiti)	For Hearing	18.04.2023
13	TA09/22 WP8518/22 with	A'nagar	Adv.A.G. Ambetkar (Laxman M Kashid&Ors.)	Refund of Recovered Amount	For Hearing	19.04.2023
14	TA10/22 WP4726/22 with	A'nagar	Adv.A.G. Ambetkar (Namdev V Shelar&Ors.)	Refund of Recovered Amount	For Hearing	
15	OA999/22	A'nagar	Adv.A.G. Ambetkar (Arun M Bangar&Ors.)	Recovery/ Refund of Recovered Amount	For Hearing	
16	OA38/22	A'nagar	Adv.P.G. Tambade/ Adv.A.P. Palve (Dilip B Bharaskar)	Transfer	For Hearing Reply Filed by R-4	23.06.2023

17	OA54/22	Beed A'bad	Adv.V.G. Pingle (Bhagwat S Mane &Ors.)	Departmental Exam/ Benefit of T.B.P.S./ A.C.P.S.	For Hearing Reply Filed by R-1 & R-2 For Filing Affidavit in Rejoinder to Affidavit in Reply of R-1 & R-2 <b>Ref. Order 30.01.2023</b>	28.04.2023
18	OA274/22	Nanded	Adv.A.S. Deshmukh (Vaijnath P Patil)	Transfer	Reply Filed by R-1 to R-3	12.06.2023
19	OA421/22	A'bad	Adv.S.B. Jadhav (Nandkishor V Joshi)	Leave Encashment	Reply Filed by R-1 to R-4	26.04.2023
20	OA645/22	Dhule	Adv.A.M. Hajare (Jayprakash A Patil) <u>Adv.SushilPandit&amp;Adv.S.D. Joshi for R.Nos. 2, 3, 5 &amp; 6</u>	Recovery/ Refund of Recovered Amount	Reply Filed by R-1 to R-3 & R-5, R-6	13.06.2023

21	OA732/22	Beed	Adv.Suresh P Salgar (Avinash H Samudre)	Compassionate Appointment (Lad Page Samiti)	For Hearing Reply Filed by R-1 to R-3	07.07.2023
23	OA1112/22 With Caveat40/22	A'bad	Adv.A.S. Deshmukh (Mohammad Raza Khan) <b><u>Adv.CPO, MAT A'bad For Caveator i.e. The State of Maharashtra Through Additional Chief Secretary, Urban Development Dept. Adv.M.B. Bharaswadkar for R.No.3</u></b>	Transfer	For Hearing Reply Filed by R-1 to R-3	03.05.2023
24	OA19/23	A'nagar	Adv.S.D. Joshi (Dr. Ajit P Thorbole)	Suspension	For Hearing Reply Filed by R-1 to R- 3	02.05.2023
25	OA20/23	A'nagar	Adv.S.D. Joshi (Nanasaheb S Agale)	Suspension	For Hearing Reply Filed by R-1 & R- 3	02.05.2023
<b>Order Matter</b>						
26	MA131/22 In OAS528/22	P'bhani	Adv.V.B. Wagh (Sitaram V Inkare)	M.A. For Condonation of Delay	For Hearing	13.06.2023
<b>Final Hearing Matters</b>						
27	OA638/15	J'gaon	Adv.S.R. Patil (Harichandra D Patil)	Regularisation	<b>Remanded by High Court for Fresh Decision</b> Reply Filed by R-2 & R- 3	04.05.2023
28	OA200/18	Beed	Adv.S.D. Joshi (Dinkar G Shahane)	Fization of Pay/ Pension & Pensionery Benefits	Reply Filed by R-2 to R- 5	21.04.2023
29	OA830/18	Dhule	Adv.Shamsunder B Patil (Shailendra H Mali)	Kotwal	Reply filed by R-3 to R- 5	02.05.2023

			<b><u>Adv.M.V. Bhamre for R.No.5</u></b>			
<b>30</b>	OA415/19	A'bad	Adv.V.B. Wagh (Rajendra S Jagdale)	Time Bound Promotion/ ACPS/ Benefit of G.R.	Reply Filed by R-1 to R- 3	30.06.2023
<b>31</b>	OA434/19	Hingoli	Adv.S.D. Dhongde (Namdeo S Ghone)	Leave/ Salary	Reply Filed by R-2	23.06.2023
<b>32</b>	OA557/19	Nanded	Adv.Shamsunder B Patil (Venkat V Namule&Ors.)	Wages/ Arrears	Reply Filed by R-2 to R- 4	24.04.2023

<b>33</b>	OA938/19	A'bad	Adv.Jayant B Choudhary (Maheboob Khan MohdYousufkhanPathan)	Time Bound Promotion/ ACPS/ Bnefit of G.R.	Reply Filed by R-1 to R-3	30.06.2023
<b>34</b>	OA07/21	A'nagar	Adv.V.B. Wagh (Arun W Thakur)	Arrears of Pay	Reply Filed by Respondent	13.06.2023
<b>35</b>	OA104/21	A'bad	Adv.Suchita A Dhongde (Chandrakant L Shirkhedkar)	Interest on Delayed Payments	Reply Filed by R-1 to R-5	23.06.2023
<b>36</b>	OA186/21	Beed	Adv.K.B. Jadhav (Namdeo A Fad)	Recovery	Reply Filed by R-1 to R-3	09.06.2023
<b>37</b>	OA206/21	A'nagar	Adv.S.B. Solanke (Deepak B Aher&Ors.)	Benefit of Old Pension Scheme	Reply Filed by R-3 to R-5	27.06.2023
<b>38</b>	OA425/21	Nanded	Adv.A.B. Rajkar (Kirtimal M Sonwale)	Transfer	Reply Filed by R-2	27.06.2023

Assistant Registrar  
M. A. T. Bench at A' bad

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

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

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

**Date: -6/04/2023**

**For Reply Board**

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject		
<b>Due Admission Matters</b>						
1	OA567/17	Jalgon	Adv Vinod P Patil (Bebabai P Koli (Sapkale))	Family Pension	One More Last Chance For Filing Affidavit in Reply <b>Ref Order Dtd. 9.11.22</b>	28.04.2023
2	OA909/18	N'bar	Adv Manoj Shelke/ Adv S M Mundik (Atamaram N Mahide)	Kotwal	By Way of Last Chance For Filing Affidavit in Reply	13.06.2023
3	OA327/19	Jalgaon	Adv Amit Savale (Pushpak R Kachve)	Compassionate Appointment	For Filing Affidavit in Reply For R-1 & R-2 & For Filing Affidavit in Rejoinder R-3 <b>Ref Order Dtd. 29.11.22</b>	28.04.2023
4	OA574/21	P'rbn	Adv V G Pingle (Latabai B Savant)	Revision of Pay Fixation/Benefit of T.B.P & A.C.P.S	As a Last Chance For Filing Affidavit in Reply <b>Ref Order Dtd. 21.11.2022</b>	28.04.2023
5	OA631/21	Nanded	Adv A B Rajkar (Shamsundar K Suryawanshi) <b>Adv. Vinesh C Solshe For R.Nos. 2 &amp; 3</b>	Time Bound Promotion/ ACPS	For Filing Affidavit in Rejoinder	30.06.2023
6	OA722/21	Nanded	Adv A B Rajkar	Benefit of Time Bound	For Filing Affidavit in	30.06.2023

			(Ashok K Bhalerao&Ors.) <b><u>Adv Mahesh C Swami</u></b> <b><u>For R- 2 to R-6</u></b>	Promotion/ ACPS	Rejoinder	
<b>7</b>	OA36/22	P'rbn	Adv V G Pingle (Balasaheb N Patharkar) <b><u>Adv G N Patil For R- 4</u></b>	Benefits of T.B.P	For Filing Affidavit in Reply R-1 & R-3 & For Filing Affidavit in Rejoinder <b><u>Ref Order Dtd.</u></b> <b><u>21.12.2022</u></b>	28.04.2023
<b>8</b>	OA73/22	Nandd	AdvSuchitaDhongde (Chakardhar P Wadje) <b><u>Adv D T Devane For R-2</u></b>	Benefit of 3 <sup>rd</sup> T.B.P	As a Most Last Chance For Filing Affidavit in Reply	02.05.2023
<b>9</b>	OA255/22	Hingoli	AdvVivek G Pingle (Namdeo V Agashe&Ors.)	Arrears	For Filing Affidavit in Rejoinder	03.05.2023
<b>10</b>	OA382/22 with	Jalna	Adv R A Joshi (Rajendra R Shah)	Time Bound Promotion/ Benefit of G.R.	As a One More Last Chance For Filing Affidavit in Reply	26.04.2023
<b>11</b>	OA383/22 with	A'bad	Adv R A Joshi (Gangadhar R Muley)	Time Bound Promotion/ Benefit of G.R.	As a One More Last Chance For Filing Affidavit in Reply	26.04.2023

<b>12</b>	OA384/22 with	A'bad	Adv R A Joshi (Suresh L Ghule)	Time Bound Promotion/ Benefit of G.R.	As a One More Last Chance For Filing Affidavit in Reply	26.04.2023
<b>13</b>	OA385/22	A'bad	Adv R A Joshi (Yuvraj S Kalshetty)	Time Bound Promotion/ Benefit of G.R.	As a One More Last Chance For Filing Affidavit in Reply	26.04.2023
<b>14</b>	OA295/22	Latur	Adv K B Jadhav (Bhagwan K Mane)	Time Bound Promotion/ ACPS	For Filing Affidavit in Rejoinder	30.06.2023
<b>15</b>	OA511/22	J'gaon	Adv M G Patil (Sandeep R Patil)	Police Patil	For Reply	02.05.2023

16	OA704/22	Beed	Adv A S Deshmukh/ AdvSaket Joshi (Prakash S AghavPatil)	Suspension/ Reinstatement	For Filing Affidavit in Rejoinder <b>Ref Order</b> <b><u>Dtd.13.02.2023</u></b> & For Insrtuction <b>Ref Order</b> <b><u>Dtd.24.03.2023</u></b>	24.04.2023
17	OA866/22	Hingoli	Adv V G Pingle (Tukaram H Jadhav)	Benefit of Time Bound/ A.C.P.S	For Filing Affidavit in Rejoinder & Reply Filed By R- 2 & R-3 <b>Ref Order</b> <b><u>Dtd15.12.2022</u></b>	03.07.2023
18	OA1091/22	A'nagar	Adv A S Shelke (Babasaheb N Rakte)	Pension &Pensionery Benefits	For Reply	02.04.2023

19	OA1107/22	A'nagar	Adv A S Deshmukh (Shrikrishna V Bhalsing)	Interest on Delayed Payment	For Reply	04.05.2023
20	OA41/23	Nanded	Adv K B Jadhav (Babu B Tukadekar&Ors.)	Increment	One More Chance For Filing Affidavit in Reply	28.04.2023
21	OA75/23	Beed	Adv A S Deshmukh (Umesh M Dhakane) <b><u>Adv S SThombre For R- 5</u></b>	Transfer/ Posting	For Filing Affidavit in Reply	12.04.2023
22	OA80/23	P'rbn	Adv S B Solanke (ShaikhMohseenShaikhKhadar)	Compassionate Appointment (Lad- Page Sumiti)	For Reply	12.04.2023
23	OA110/23	Hingoli	AdvKakasaheb B Jadhav (Balkrushna S Lanjewar) <b><u>Adv R T Deshmukh For R- 5</u></b>	Directions / Counting of Earlier Temporary Service For A.C.P.S. Benefit	For Reply	23.06.2023
24	OA127/23	A'bad	AdvShrikrshna B Solanke (Anusaya N Sawargave)	Study leave	Await Service	27.06.2023
25	OA252/23	A'ngar	Adv A S Deshmukh (Balasaheb Y Dhanave)	Transfer	For Reply	11.04.2023



Order Matters						
26	MA358/21 In OAST313/21	Beed	Adv V S Undre (Sarita V Rode)	M.A. For Condonation of Delay	For Taking Necessary Steps Await Service of Notice <b>Ref Order</b> <b>Dtd.21.10.2022</b>	06.06.2023
27	MA254/22 In OAST626/22	A'bad	AdvPriya R Bharaswadkar (Dr.Megha D Deshmukh)	M.A. For Condonation of Delay	Await Service R- 3	04.05.2023
28	MA420/22 In OAST1554/22	Nanded	Adv D B pawar- Pathrekar/ AdvPrashantDeshmukh (Eknath M Bansode)	MA For Condonation of Delay	For Reply	08.06.2023
29	MA565/22 In OAST1941/22	Nanded	Adv A S Deshpande (Rajeev U Saxena)	M.A. For Condonation of Delay	Await Service	08.06.2023
30	MA27/23 In OAST1510/22	Dhule	AdvNima R Suryawanshi (Bhagyesh S Marathe)	MA For Delay Condonation	For Reply	16.06.2023

Assistant Registrar  
M. A. T. Bench at A' bad

**M.A.NO.43/2023 IN O.A.NO.671/2021 WITH  
C.P.ST.NO.05/2023  
(Nitin Bedse Vs. State of Maharashtra & Ors.)**

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

**DATE : 06-04-2023**

**ORAL ORDER :**

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

2. When the present matter is taken up for consideration, learned P.O. has again sought time to file affidavit in reply to the M.A. The record shows that time was granted till today vide order passed on 23-03-2023 and the matter was directed to be placed High on Board indicating that even if the reply is not filed M.A. will be considered. Since the respondents have failed in filing reply to the M.A., present application is being heard without reply of the respondents.

3. Shri Wagh, learned Counsel for the applicant submitted that order dated 18-01-2023 whereby the respondent no.3 had discontinued the services of the applicant is wholly illegal and unsustainable.

=2= M.A.43/2023 IN O.A.671/2021 WITH C.P.ST.05/2023

Learned Counsel submitted that in the O.A.No.681/1994 filed by the present applicant way back on 20-02-1995 an order was passed by the Tribunal directing the respondent no.2 to not to fill the post by another ad-hoc candidate if no regular appointment is to be made, meaning thereby that in such event the services of the applicant be continued till the regularly selected candidate is appointed on the said post. Learned Counsel submitted that on the strength of the aforesaid order, applicant was continued till 18-01-2023.

4. Learned Counsel submitted that in the meanwhile, the applicant preferred the present O.A. seeking regularization of his services and during the pendency of the O.A., the impugned order has been passed. Learned Counsel submitted that no candidate selected by the Maharashtra Public Service Commission (MPSC) has been posted in place of the applicant in respondent no.3 Medical College. Learned Counsel further submitted that the respondents have misinterpreted the order passed by the Tribunal on 20-02-1995. Learned Counsel submitted that the impugned order could

have been justified had any candidate from MPSC would have been appointed on the said post. Learned Counsel in the circumstances has prayed for staying the effect and operation of the said order and further directions to the respondents to continue the applicant on the said post.

5. Learned Counsel submitted that though the applicant has been selected by MPSC and has been posted at G.T. College & Hospital at Mumbai, he is not willing to join on the said post. Learned Counsel submitted that if the terms and conditions in the appointment order are perused, it is quite obvious that the said appointment will be a fresh appointment and the applicant will be getting at the most 5 to 6 years on the said post and his earlier service of 28 years rendered with respondent no.3 College will not be considered for any purpose. Learned Counsel submitted that in the circumstances, in the interest of justice present M.A. deserves to be allowed.

6. Shri Bhumkar, learned P.O. opposed for granting any such relief as has been prayed for by the applicant. Learned P.O. submitted that no one

=4= M.A.43/2023 IN O.A.671/2021 WITH C.P.ST.05/2023

has been appointed in place of the applicant in respondent no.3 College. He further submitted that there is no possibility of making any appointment even in future as there is no requirement of such post in the said College. Learned P.O. submitted that the applicant has now been selected through MPSC and having regard to the said fact he has been relieved from respondent no.3 College to facilitate his joining at the place of his posting. Learned P.O. submitted that the respondents have not at all acted contrary to the order passed by this Tribunal on 20-02-1995. As such, according to the learned P.O. no case is made out for grant of interim relief as has been prayed for by the applicant. He, therefore, prayed for rejecting the M.A.

7. I have duly considered the submissions advanced on behalf of the applicant as well as the State authorities. I have also perused documents on record. It is not in dispute that the applicant is working with respondent no.3 College on the post of Biochemist since the year 1994. It is also not in dispute that, as referred hereinabove, the applicant had earlier filed O.A.No.681/1994 wherein Tribunal

has given certain directions. It is further not in dispute that on the strength of the said order the applicant was continued in the services of the respondent no.3 till 18-01-2023. It is also not in dispute that the Government issued an advertisement for filling in the posts of Biochemists. In pursuance of the said advertisement applicant also applied for the said post and has also been selected. There is further no dispute that the applicant has been posted at G.T. Hospital Mumbai vide order dated 20-12-2022. The applicant has admittedly not resumed the duties on the said post.

8. It is the contention of the learned Counsel for the applicant that the respondents are misinterpreting the order passed by the Tribunal. Learned Counsel submitted that the order does not say that if the applicant is selected through Maharashtra Public Service Commission (MPSC) he shall be discontinued from his post. The order in clear terms mandates that till a regularly selected candidate is appointed on the post on which the applicant was working at the relevant time, no other ad-hoc candidate shall be substituted. Learned

Counsel submitted that since no one has been appointed on the post on which the applicant was working, there was no reason for the respondents to discontinue the services of the applicant. Learned Counsel further submitted that there is valid reason for the applicant in not joining the new post as joining on the said post on the terms and conditions as are mentioned in the letter of appointment would amount giving up the right accrued in favour of the applicant for consideration of his past service of 28 years discharged by him in the respondent no.3 College. As against it, it has been argued by learned P.O. that there is every justification for passing the impugned order for two reasons; first that, the applicant has been selected by MPSC and further that respondent no.3 is not intending to appoint anybody in place of the applicant.

9. After having considered the submissions as above, it is difficult to accept the request as has been made by the applicant. It is true that, the application filed by the applicant seeking regularization of his services is pending before this Tribunal. It is also true that the applicant has

=7= M.A.43/2023 IN O.A.671/2021 WITH C.P.ST.05/2023

rendered services with the respondent no.3 for the period of 28 years. It is also true that the applicant has been given salary in pay scale and all other benefits as if he was a regularly selected candidate. It is also true that in the period between 1994 to 2022 no one was appointed on the post of the applicant on the recommendation of the MPSC. In spite of the facts as aforesaid, in light of the submissions made on behalf of the State authorities that they are now not intending to appoint anybody on the post of the applicant, respondents cannot be compelled to retain the applicant or the services of the applicant cannot be foisted upon the respondents.

10. The order passed by this Tribunal in the year 1995 on the basis of which services of the applicant were continued from time to time, cannot be interpreted to mean that in no case the applicant shall be discontinued. Perusal of the order would reveal that if the respondents choose not to appoint anybody they cannot be compelled to give appointment to the applicant on the said post. Only



restriction imposed on the respondents is that they cannot appoint anybody else than the present applicant till the regularly selected MPSC candidate becomes available. If the respondents have decided not to appoint anybody in place of the applicant, they cannot be compelled to continue the present applicant on the said post.

11. In so far as the decision taken by the applicant not to join on the post after his selection through MPSC, it can only be said that it is the choice of the applicant whether to join or not to join the post. Only question remains what would be the fate of the O.A. filed by the applicant. It has to be clarified that the said application will be considered on its own merits having regard to the facts and circumstances and more particularly the fact that the applicant has rendered 28 years of service on the said post. However, no case is made out for accepting the request of the applicant made in the present M.A. In the circumstances, following order is passed:

ORDER

[i] M.A.No.43/2023 is rejected.

=9= M.A.43/2023 IN O.A.671/2021 WITH C.P.ST.05/2023

[ii] It is, however, clarified that in the event respondents choose to appoint some candidate other than selected by MPSC, in such case, it will be mandatory on the part of the respondents to appoint applicant and none else.

**VICE CHAIRMAN**

YUK ORAL ORDER 06.04.2023

**ORIGINAL APPLICATION NO.283/2023**  
**(Anil S. Patekar Vs. State of Maharashtra & Ors.)**

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

**DATE : 06-04-2023**

**ORAL ORDER :**

Heard S.S.Dambe, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities.

2. The applicant has preferred the present O.A. challenging the order of recovery directed from the retiral benefits of the applicant on the ground of excess payment made to the applicant. Learned Counsel submits that the applicant has retired from the Government services on 31-03-2022 on attaining the age of superannuation. At the time of his retirement neither any departmental enquiry was pending nor criminal case was pending against the applicant. No dues certificate was also issued in favour of the applicant. Learned Counsel in the circumstances while seeking issuance of notice to the respondents has also prayed for staying the effect and operation of the impugned order thereby staying recovery.

3. Learned P.O. has sought time to file affidavit in reply on behalf of the respondents. Learned P.O submits that for want of instructions he is unable to make any submission on the request made by the applicant for

stay to the recovery. Learned P.O., however, opposed for granting any stay. Learned P.O. invited my attention to the document at paper book page 16. Learned P.O. submitted that while revising pay it has been specifically mentioned that the pay has been fixed subject to the verification by Pay Verification Unit and further that if it is noticed that if any excess payment is made, same is liable to be recovered. Learned P.O. submitted that the applicant is well aware of the said fact and in the circumstances he has prayed that no stay be granting in the matter.

4. After hearing the learned Counsel for the applicant and the learned P.O. and after having gone through the documents filed on record, it appears to me that the applicant has certainly made out a *prima facie* case. At this juncture, nothing can be stated about veracity of the pay verification as has been done by the Pay Verification Unit and further that whether the applicant has given any undertaking in that regard.

5. In the circumstances, issue notices to the respondents, returnable on 28.06.2023. **Till then, respondents shall not effect any recovery in pursuance of the order impugned in the present O.A.**

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

7. 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.

8. 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.

9. 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.

10. S.O. to 28.06.2023.

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

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.253/2021**  
**(Shaikh Nabi Shaikh Muqbul Vs. State of Maharashtra &**  
**Ors.)**

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

**DATE : 06-04-2023**

**ORAL ORDER :**

Shri V.S.Kadam, learned Counsel for the applicant is **absent**. Shri B.S.Deokar, learned Presenting Officer for the respondent authorities is present.

2. In the present matter, on previous date i.e. on 17-03-2023 following order was passed:

*“2. The record shows that on consecutive three preceding dates no one caused appearance for the applicant. However, in the interest of justice S.O. to 6.4.2023. It is made clear that if the matter is not proceeded on the give date, the same shall stands dismissed for want of prosecution.”*

3. Today, also no one has caused appearance for the applicant. In the circumstances, following order is passed:

**ORDER**

O.A. is dismissed for want of prosecution.

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.410/2021  
(Tulsiram Bakle Vs. State of Maharashtra & Ors.)**

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

**DATE : 06-04-2023**

**ORAL ORDER :**

Shri K.A.Ingle, learned Counsel for the applicant is **absent**. Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities is present.

2. The applicant is present in person. His Counsel is absent. Applicant has tendered a copy of G.R. dated 24-02-2023 on record. Copy is given to the learned P.O.

3. Matter be listed for final disposal on 18-04-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 06.04.2023

**ORIGINAL APPLICATION NO.274/2023  
(Dinesh Thakur Vs. State of Maharashtra & Ors.)**

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

**DATE : 06-04-2023**

**ORAL ORDER :**

Heard Smt. A.S.Theorkar, learned Counsel holding for Shri V.B.Wagh, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 30.06.2023.

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

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

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

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

7. S.O. to 30.06.2023.

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

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO.382/2022, 383/2022,  
384/2022 & 385/2022  
(Rajendra Shah & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 06-04-2023**

**ORAL ORDER :**

Shri R.A.Joshi, learned Counsel for the applicants and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. In the present matters, despite due opportunities given to the respondents, they have failed in filing the affidavit in reply.

3. List the matter for hearing on 26-04-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 06.04.2023

**ORIGINAL APPLICATION NO.110/2023  
(Balkrushna Lanjewar Vs. State of Maharashtra & Ors.)**

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

**DATE : 06-04-2023**

**ORAL ORDER :**

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant, Shri S.K.Shirse, learned Presenting Officer for the respondent authorities and Shri K.G.Salunke, learned Counsel holding for Shri R.T.Deshmukh, learned Counsel for respondent no.5, are present.

2. Learned Counsel for respondent no.5 Zilla Parishad submits that Zilla Parishad is not intending to file any reply to the O.A.

3. Learned P.O. has sought time to file affidavit in reply. Time is granted.

4. S.O. to 23-06-2023.

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.255/2022**  
**(Namdeo Agashe & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 06-04-2023**

**ORAL ORDER :**

Shri V.G.Pingle, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. This matter is wrongly placed in no reply board. List the matter for hearing on next date.

3. S.O. to 03-05-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 06.04.2023

**ORIGINAL APPLICATION NO.75/2023  
(Umesh Dhakane Vs. State of Maharashtra & Ors.)**

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

**DATE : 06-04-2023**

**ORAL ORDER :**

Shri A.S.Deshmukh, learned Counsel for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri A.V.Thombre, learned Counsel holding for Shri S.S.Thombre, learned Counsel for respondent no.5, are present.

2. Learned Counsel for respondent no.5 has submitted affidavit in reply on behalf of respondent no.5. Copy of the same is already provided to the learned Counsel for the applicant as well as the learned P.O. Affidavit be taken on record.

3. Learned P.O. submits that during the course of the day affidavit in reply on behalf of respondent authorities will be filed during the course of the day. If it is so submitted, it be taken on record. Copy be given to the learned Counsel for the applicant. Thereafter list the matter for hearing. It will be open for the applicant to file rejoinder, if he so desires.

4. List the matter for hearing on 12-04-2023.

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.1112/2022 WITH CAVEAT  
NO.40/2022  
(Mohammad Raza Khan Vs. State of Maharashtra & Ors.)**

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

**DATE :** 06-04-2023

**ORAL ORDER :**

Shri A.S.Deshmukh, learned Counsel for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri M.B.Bharaswadkar, learned Counsel for respondent no.3 Corporation, are present.

2. Today, though the present matter is listed for hearing, learned C.P.O. appearing for the State authorities has prayed for adjourning the matter on the ground that the State is intending to file additional affidavit on record.

3. Learned Counsel for the applicant has not opposed for granting such time. Municipal Corporation has already filed its reply.

4. Learned Counsel for the applicant submits that rejoinder to the affidavit submitted on behalf of the Corporation will be filed during the course of the day.

5. In the circumstances, matter stands adjourned to 03-05-2023. Interim relief granted earlier to continue till then.

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.41/2023  
(Babu Tukadekar Vs. State of Maharashtra & Ors.)**

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

**DATE : 06-04-2023**

**ORAL ORDER :**

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has again prayed for time to file affidavit in reply. The prayer cannot be accepted since last chance was granted till today for filing reply.

3. Hence, list the matter for hearing on 28-04-2023.

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.19/2023 & 20/2023  
(Dr. Ajit Thorbole & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 06-04-2023**

**ORAL ORDER :**

Shri V.G.Pingle, learned Counsel holding for Shri S.D.Joshi, learned Counsel for the applicants and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned Counsel for the applicant, S.O. to 02-05-2023. Interim relief granted earlier to continue till then.

**VICE CHAIRMAN**

YUK ORAL ORDER 06.04.2023

**T.A.NO.09/2022                      IN                      W.P.NO.8518/2022,  
T.A.NO.10/2022                      IN                      W.P.NO.4726/2022,  
O.A.NO.999/2022  
(Laxman Kashid & Ors Vs. State of Maharashtra & Ors.)**

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

**DATE : 06-04-2023**

**ORAL ORDER :**

Shri A.G.Ambetkar, learned Counsel for the applicants and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has sought leave to submit affidavits in reply in all these matter on behalf of the respondents. No reply order has already been passed. However, since the learned Counsel for the applicant has consented for taking the reply on record, respondents are permitted file the affidavits in reply. Same are taken on record. Copies are provided to the other side.

3. S.O. to 19-04-2023.

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO. 487 OF 2016**

**(Mohammed Badar Akbar Siddiqui Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023**

**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 respondent authorities.

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

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 694 OF 2013**

**(Bashir Khan Daulat Khan Patel Vs. State of Maharashtra & Ors.)**

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

**and**

**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 06.04.2023**

**ORAL ORDER :**

Heard Shri Saket Joshi, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. S.O. to 21.04.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 575 OF 2014**

**(Deepak B. Patil Vs. State of Maharashtra & Ors.)**

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

**and**

**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 06.04.2023**

**ORAL ORDER :**

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. S.O. to 27.04.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 583 OF 2014**

**(Bhauasaheb S. Gaikwad Vs. State of Maharashtra & Ors.)**

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

**and**

**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 06.04.2023**

**ORAL ORDER :**

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

Shri Abhishek C. Deshpande, learned Advocate for the respondent Nos. 5 & 6 (**Absent**).

2. S.O. to 13.04.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 181/2016 WITH M.A.NO. 372 OF 2016  
IN O.A.NO. 67/2016**

**(Jagdishkumar N. Shirsath Vs. State of Maharashtra & Ors.)**

**WITH**

**ORIGINAL APPLICATION NO. 368 OF 2016**

**(Ganesh S. Bawiskar Vs. State of Maharashtra & Ors.)**

**WITH**

**ORIGINAL APPLICATION NO. 490 OF 2016**

**(Shantilal D. Dusane Vs. State of Maharashtra & Ors.)**

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

**and**

**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 06.04.2023**

**ORAL ORDER :**

Heard Shri Sudhir Patil, learned Advocate for the applicants in all these matters, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters and Shri Saket Joshi, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the respondent Nos. 4 & 5 in O.A.No. 67/2016.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 355 OF 2016**

**(Shaikh Jamil Fakir Saheb Vs. State of Maharashtra & Ors.)**

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

**and**

**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 06.04.2023**

**ORAL ORDER :**

Heard Shri D.T. Devane, learned Advocate holding for Shri V.D. Gunale, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

Shri N.S. Kadam, learned Advocate for the respondent Nos. 3 & 4 (**Absent**).

2. S.O. to 18.04.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 909/2018**  
**(Shri Atamaram N. Mahide Vs. State of Maharashtra & Ors.)**

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

**DATE : 6.4.2023**

**ORAL ORDER :**

None appears for the applicant. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. The learned Presenting Officer has tendered across the bar the affidavit in reply on behalf of respondent nos. 2 & 3. It is taken on record. The learned P.O. undertook to supply copy of the affidavit in reply to the learned counsel for the applicant.

3. S.O. to 13.6.2023 for filing the rejoinder affidavit by the applicant, if he so desires.

**VICE CHAIRMAN**

ARJ ORAL ORDER 6.4.2023

**ORIGINAL APPLICATION NO. 186/2021**  
**(Shri Namdeo A. Fad Vs. State of Maharashtra & Ors.)**

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

**DATE : 6.4.2023**

**ORAL ORDER :**

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

2. S.O. 19.6.2023 for hearing. The interim relief granted earlier to continue till then.

**VICE CHAIRMAN**

ARJ ORAL ORDER 6.4.2023



**ORIGINAL APPLICATION NO. 252/2023**  
**(Shri Balasaheb Y. Dhanave Vs. State of Maharashtra & Ors.)**

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

**DATE : 6.4.2023**

**ORAL ORDER :**

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. The learned Chief Presenting Officer has sought time to file the affidavit in reply and take instructions in the present matter. In fact, while issuing notices it was clarified that the respondents shall favourably file the affidavit in reply by this date. However, in the interest of justice further time is granted till 11.4.2023.

3. The matter be listed on the board of hearing matters on 11.4.2023.

**VICE CHAIRMAN**

ARJ ORAL ORDER 6.4.2023

**ORIGINAL APPLICATION NO. 145/2022**  
**(Shri Bhimrao V. Mhaske Vs. State of Maharashtra & Ors.)**

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

**DATE : 6.4.2023**

**ORAL ORDER :**

Heard Shri P.M. Gaikwad, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities. Shri S.S. Shete, learned counsel for respondent no. 5 (**absent**).

2. When the present Original Application is taken up for consideration it is noticed that the respondents have not filed the affidavit in reply despite availing due opportunities. After I heard the learned counsel for the applicant for some time and perused the record, it is revealed that the very first prayer made in the present application is to direct the respondent no. 5 to consider the representation dated 22.11.2021 for release of the salary of the applicant from 3.9.2020 to 15.9.2021. The learned Counsel submitted that the respondent no. 5 did not pay any heed to the said representation and therefore the applicant has filed the present Original Application. The Original Application is presented on 9.2.2022.

3. Having regard to the provisions of the Administrative Tribunals Act, 1985 and more particularly sections 19, 20 & 21 thereof, before completion of the period of 6 months after submitting the representation, the applicant could not have preferred the present Original Application before this Tribunal. However, since much time has lapsed thereafter till today, instead of rejecting the Original Application on the said ground, it appears to me that, ends of justice would meet if the respondent no. 5 is directed to decide the representation of the applicant dated 22.11.2021 on its own merit, however, within the reasonable period.

4. In the circumstances, without going into the merits of the contentions raised in the present Original Application, I deem it appropriate to dispose it of with the following directions :-

**ORDER**

(i) Respondent no. 5 to consider and decide representation of the applicant submitted by him on 22.11.2021 on its own merit and in accordance with the provisions under law within 8 weeks from the date of this order.

::-3-::

**O.A. NO. 145/2022**

(ii) The Original Application stands disposed of, however, without any order as to costs.

**VICE CHAIRMAN**

ARJ ORAL ORDER 6.4.2023

**DATE : 06.04.2023**

**ORIGINAL APPLICATION NO. 289 OF 2023**

**(Dharma H. Dapargude & Anr. Vs. The State of Maha. & Ors.)**

**Per :- Standing directions of Hon'ble  
Chairperson, M.A.T., Mumbai-**

1. Shri P.V. Suryawanshi, learned Advocate for the applicants and Smt. S. K. Deshmukh-Ghate, learned P.O. for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on **27.04.2023**. The case be listed for admission hearing on **27.04.2023**.

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

4. Applicants are authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of 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 acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.

**REGISTRAR**

**M.A. No. 45/2023 in O.A. No. 279/2017**  
**(Rekha A. Bonalwar died through his LR. Raj A. Bonalwar Vs.**  
**State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

The present M.A. is filed for bringing on record the applicant as heir and legal representative of deceased applicant, who filed the O.A. No. 279/2017 seeking family pension to her after death of her deceased husband i.e. Dr. Ashok Lacchmanna Bonalwar a Government servant. The applicant is the son of deceased original applicant. He is minor aged about 14 years. This application is filed through his real maternal aunt namely Sanjivani Marotrao Machewad.

2. The applicant's mother died on 16.08.2022 leaving behind her the applicant as sole legal heir and representative. This application is made on or about 20.01.2023, which is beyond the prescribed period of limitation of 30 days. Hence, the delay condonation and setting aside abetment is also prayed for in the present M.A.

//2// M.A. 45/2023 in  
O.A. 279/2017

3. In support of the application, the maternal aunt of the applicant viz. Sanjivani Marotrao Machewad has filed supporting affidavit.

4. We have heard the arguments advanced by Shri V.G. Pingle, learned Advocate for the applicant on one hand and Smt. M.S. Patni, learned Presenting Officer for the respondents on the other hand.

5. Death certificate produced on record would show that the original applicant Rekha Ashok Bonalwar died on or about 16.08.2022. Birth certificate of the applicant would show that he was born on 8.6.2008. Hence, as on making of this Misc. Application on 20.01.2023, he was about 14 years old. Ration card of Shri Ashok Lacchmanna Bonalwar would show that the original applicant Rekha and the guardian Sanjivani through whom this application is made are real sisters. There is no conflicting interest between the applicant and his guardian Smt. Sanjivani, through whom this application is made. Considering the nature of proceedings, right to sue would survive in the

//3// M.A. 45/2023 in  
O.A. 279/2017

applicant, who is minor son of original application, who has claimed family pension. No doubt there is delay in making application. However, the delay cannot be said to be intentional or deliberate one. Hence, the following order :-

**ORDER**

- (i) M.A. No. 45/2023 is allowed.
- (ii) The delay in making the application is hereby condoned. The abetment order is quashed and set aside. The name of the applicant is allowed to be brought on record as legal representative of deceased applicant through his next friend/guardian, who is maternal aunt. The name of the applicant is allowed to be brought on record in O.A. No. 279/2017.
- (iii) The necessary amendment be carried out in the O.A. within a period of two weeks and to serve the amended copy of the O.A. on the other side.
- (iv) No order as to costs.

**MEMBER (A)**

**MEMBER (J)**



**M.A. No. 578/2022 in O.A. No. 886/2019**  
**(Tukaram S. Jagtap died through his LRs. Jaydip T. Jagtap**  
**& Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

The present Misc. Application is made seeking to bring on record the applicants as heirs and legal representatives of the deceased applicant viz. Tukaram Suryabhan Jagtap, who filed the Original Application seeking to continue his services and challenging his impugned termination order by condoning the delay for setting aside the abatement.

2. The original applicant viz. Tukaram Suryabhan Jagtap died during pendency of the O.A. on 26.06.2021. The applicants did not take necessary steps for bringing their names on record within stipulated period of limitation. Hence, the O.A. is abated.

3. It is stated that the Advocate was not aware of the death of the original applicant, as there was no communication with him. The delay is not deliberate or intentional.

//2// M.A. 578/2022 in  
O.A. 886/2019

4. We have heard the arguments advanced by Shri C.A. Shingare, learned Advocate for the applicant on one hand and Shri V.R. Bhumkar, learned Presenting Officer for the respondents on the other hand.

5. Perusal of the death certificate would show that the original applicant viz. Tukaram Suryabhan Jagtap died on 26.06.2021. Heirship certificate produced on record would show that the applicants are heirs and legal representatives of the deceased applicant viz. Tukaram Suryabhan Jagtap. Considering the nature of proceeding, right to sue would survive in the applicants. No doubt there is delay in making the application and therefore, the original proceedings got abated. However, the said delay cannot be said to be intentional or deliberate one. It is stated that the Advocate of the applicant was not aware about the death of the original Applicant. In view of the same, liberal view is required to be taken. Hence, the following order :-

**ORDER**

(1) M.A. No. 578/2022 is allowed.

//3// M.A. 578/2022 in  
O.A. 886/2019

- (2) The abetment order is quashed and set aside by condoning the delay and the names of the applicants are allowed to be brought on record in O.A. as heirs and legal representatives of the deceased original applicant.
- (3) The necessary amendment be carried out within a period of two weeks and to serve the amended copy of O.A. on the other side.
- (4) No order as to costs.

**MEMBER (A)**

**MEMBER (J)**

KPB ORAL ORDERS 06.04.2023

**M.A. No. 171/2022 in O.A. St. No. 405/2022**  
(Dhanraj P. Kankriya Vs. State of Maharashtra & Ors.)

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

1. By this application, the applicant is seeking condonation of delay of about 3 years and 9 months caused in filing the accompanying O.A.

2. The Original Application is filed under Section 19 of the Administrative Tribunals Act, 1985 seeking direction to the respondents to consider the temporary service of the applicant as qualifying service for pensionary benefits as per Rule 30 of the Maharashtra Civil Services (Pension) Rules, 1982 and to grant other consequential benefits to him. The application is also seeking benefits as per the G.R. dated 7.10.2016 (Annexure A-15 in O.A.), which relates to following subject :-

“कालबद्ध पदोन्नती/सेवांतर्गत आश्वासित प्रगती योजना / सुधारित सेवांतर्गत आश्वासित प्रगती योजनेच्या प्रयोजनासाठी तात्पुरती सेवा देखील विचारात घेणेबाबत”

3. It is stated that the applicant made representation dated 20.12.2016 (Annexure A-16 in O.A.) seeking benefits in view of the judgment and

//2// M.A. No. 171/2022 in  
O.A. St. No. 405/2022

order dated 28.04.2016 passed by the Hon'ble High Court in **W.P. No. 9051/2013** in the matter of **The State of Maharashtra Vs. Smt. Meena A. Kuwalekar and other W.Ps.** The accompanying O.A. was filed on 28.02.2022, whereas the present Misc. Application for condonation of delay is filed on 13.04.2022. There is delay. It is contended that the delay is not deliberate or intentional one. There is merit in the O.A. Similar O.As. are allowed by this Tribunal. Hence the present Misc. Application.

4. The affidavit in reply is filed on behalf of respondent Nos. 1 to 4 by one Uttam Narayan Sonkamble, working as the Joint Director Account and Treasuries Aurangabad Division Aurangabad, thereby he denied all the adverse contentions raised in the M.A. and stated that no sufficient cause is shown by the applicant for condonation of delay.

5. We have heard the arguments advanced by Shri K.B. Jadhav, learned Advocate for the applicant on one hand and Shri N.U. Yadav, learned Presenting Officer for the respondents on the other hand.

//3// M.A. No. 171/2022 in  
O.A. St. No. 405/2022

6. Considering the facts on record, in our considered opinion, the case of the applicant is required to be considered on merits in view of the various decisions of this Tribunal, as well as, the Hon'ble High Court regarding counting of qualifying service for the purpose of ACPS. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. In the facts and circumstances as above, refusing to condone the delay is likely to defeat the cause of justice at the threshold. In the circumstances, in our considered opinion, this is a fit case to condone the delay by imposing the moderate costs of Rs. 1,500/- on the applicant. Hence, we proceed to pass the following order :-

**ORDER**

The Misc. Application No. 171/2022 is allowed in following terms:-

- (i) The delay of 3 years and 9 months caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned

//4// M.A. No. 171/2022 in  
O.A. St. No. 405/2022

subject to payment of costs of Rs. 1,500/- by the applicant. The amount of costs shall be 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 (A)**

**MEMBER (J)**

**M.A. No. 97/2021 in O.A. ST. No. 329/2021  
(Baban R. Zagade Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

By this Misc. Application the applicant is seeking condonation of delay of about 15 years caused in filing the accompanying O.A.

2. The Original Application is filed seeking direction to the respondents to treat the applicant's date of appointment on permanent basis as 12.12.1995 as per the order passed in Review Application No. 29/2021 in O.A. No. 410/2000 & 384/2000 dated 02.07.2003 by this Tribunal and grant him pay and allowances for the said date till the date of his regularization and to direct the respondents to count the temporary / ad-hoc service rendered by the applicant as qualifying service as per Rule 30 of M.C.S. (Pension) Rules, 1982 and to grant him other consequential benefits and further to direct the respondents to decide the various representations made by him in the year 2021.



//2//

MA 97/2021 in  
OA ST. 329/2021

3. The applicant belongs to project affected person category and is holding the requisite certificate in that respect dated 26.6.1995. The applicant passed B.Sc. in the year 1993 and also passed DMLT Course. He also belongs to OBC category. He was holding caste certificate and caste validity certificate. On his application, he was appointed on the post of Laboratory Technician in the year 1995 initially on temporary basis for six months and subsequently in the year 1997. As the applicant was got temporary appointment, he filed O.A. 384/2000 for continuity of service. By interim order dated 16.6.2000, the respondent No. 3 issued appointment order dated 29.06.2000. The said O.A. No. 384/2000 along with O.A. No. 410/2000 filed by similarly situated person namely Shri Ashok Baliram Pawar were decided on 04.05.2001 (Annexure A-11 in O.A.), thereby directing to continue in service with technical breaks until they are replaced by regular selected candidates and if vacancies arose in the quota meant for project affected persons, they may be considered preferentially in those vacancies for regularization.

//3//

MA 97/2021 in  
OA ST. 329/2021

4. The applicant in O.A. No. 410/2000 viz. Ashok Baliram Pawar filed Review Application No. 29/2001, which came to be allowed by this Tribunal by the order dated 02.07.2003 (Annexure A-13 in O.A.), thereby order dated 04.05.2001 commonly passed in O.A. Nos. 384/2000 and 410/2000 was modified as follows :-

*“9. In the light of the above, we hold that the review application deserves to be considered and we hereby modify para 1 of the order dated 4.5.2001 as follows.*

*“The date on which the application of the applicant was first made and forwarded should be considered as the relevant date and not the recommendations made by the committee constituted for the purpose. In the case of applicant in O.A. 410/2000 the application of the applicant dated 6.7.1988 has been forwarded for the first time and this date should be taken as the relevant date. Accordingly, he is entitled to be considered by the Respondents for his appointment as Laboratory Technician on a permanent basis. The applicant in O.A. 384/2000 should also be considered on the same basis.”*

5. In view of above, Shri Ashok Baliram Pawar filed O.A. St. No. 456/2020 along with M.A. No. 215/2020, seeking reliefs which are prayed for by

//4//

MA 97/2021 in  
OA ST. 329/2021

the applicant in the present O.A. The delay in his O.A. is condoned as per the order dated 15.03.2022 i.e. during pendency of this M.A. along with accompanying O.A. Hence, the present M.A.

6. No affidavit in reply is filed filing in this M.A., though several opportunities were given to the respondents.

7. We have heard the arguments advanced by Shri K.B. Jadhav, learned Advocate for the applicant on one hand and Shri B.S. Deokar, learned Presenting Officer for the respondents on the other hand.

8. Perusal of the order dated 15.03.2022 passed in M.A. No. 218/20220 in O.A. St. 456/2020 would show that the same was filed by Shri Ashok Baliram Pawar referred in the present proceeding. In this order, the delay is condoned. In such circumstances, in our considered opinion, it would be just and proper to take a similar view, as the applicant falls under the category of similarly situated person. In the facts and circumstances, the contentions

//5//

MA 97/2021 in  
OA ST. 329/2021

raised by the applicant in this O.A. requires further consideration. The delay is considerable period. However, in the interest of justice and in order to give fair opportunity to the applicant, it would be just and proper to condone the delay by imposing the moderate costs of Rs. 2000/- on the applicant. Hence, we proceed to pass the following order :-

**ORDER**

The Misc. Application No. 97/2022 is allowed in following terms:-

- (ii) The delay of 15 years 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. 2000/- by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal by the applicant within a period of one month from the date of this order.

//6//

MA 97/2021 in  
OA ST. 329/2021

- (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 (A)**

**MEMBER (J)**

**C.P. NO. 6/2023 in O.A. No. 467/2021**  
**(Dr. Mohan P. Shinde Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

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

2. Learned P.O. submitted that the proposal is submitted to the Government and it is under consideration.

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

4. S.O. to 20.04.2023.

**MEMBER (A)**

**MEMBER (J)**

**T.A. 13/2023 (W.P. No. 10387/2022)**  
**(Digambar B. Mule Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Shri Onkar Joshi, learned Advocate holding for Shri Y.S. Choudhari, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Record shows that affidavit in reply is filed on behalf of respondent No. 2 while this matter is pending before the Hon'ble High Court. Thereafter, this matter is transferred to this Tribunal and notices were issued on 9.3.2023.

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

4. S.O. to 09.06.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 547 OF 2022**  
**(Ganesh S. Chavan Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Shri A.B. Chalak, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities. None present on behalf of respondent Nos. 4 to 11, though duly served.

2. At the request of learned P.O., time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 and 3.
3. S.O. to 03.05.2023. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**MEMBER (J)**



**O.A. NO. 616 OF 2022 with M.A. 161/2023**  
**(Sema A. Shaikh & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Shri Avinash Khedkar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities. None present on behalf of respondent Nos. 4 to 11, though duly served.

2. Learned Advocate for the applicants submitted that M.A. No. 161/2023 taken up for seeking amendment may be kept along with the O.A.

3. Accordingly, M.A. No. 161/2023 be kept along with O.A.

4. At the request of learned C.P.O., time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 to 3.

5. S.O. to 03.05.2023. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 784 OF 2022**  
**(Jitesh P. Wagh Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Shri Avinash Khedkar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for respondent No. 9. None present on behalf of respondent Nos. 4 to 8, 10 & 11, though duly served.

2. At the request of learned C.P.O., time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 to 3.

3. S.O. to 03.05.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1021 OF 2022**  
(Madhav K. Khairage Vs. State of Maharashtra & Ors.)

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Shri V.B. Narke, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

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. At the request of learned Advocate for the applicant, S.O. to 14.06.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION ST. NO. 1910 OF 2022**  
**(Shamrao A. Gite Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Shri V.B. Narke, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 14.06.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 24 OF 2023**  
(Ashok O. Mahajan Vs. State of Maharashtra & Ors.)

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Shri V.B. Narke, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 14.06.2023.

**MEMBER (A)**

**MEMBER (J)**

**M.A. No. 96/2023 in O.A. St. No. 173/2023**  
(Sachin U. Shinde & Ors. Vs. State of Maharashtra & Ors.)

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

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

2. Learned Advocate for the applicants in the facts and circumstances of the case seeks liberty to elaborate the jurisdiction clause and prayer clause. Liberty granted.
3. S.O. to 13.04.2023.

**MEMBER (A)**

**MEMBER (J)**

**MA 144/23 in Review St. 513/23 in OA 490/2018**  
**(Bhanudas D. Vaishnav Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notices to the respondents in M.A., returnable on 12.06.2023.

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

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

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

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

7. S.O. to 12.06.2023.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 284 OF 2023**  
(Shaikh Babulal Kadar Vs. State of Maharashtra & Ors.)

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 14.06.2023.

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

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

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

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

7. S.O. to 14.06.2023.

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

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 285 OF 2023**  
(Balanath L. Matsagar Vs. State of Maharashtra & Ors.)

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Shri S.S. Tandale, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 14.06.2023.

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

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

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

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

7. S.O. to 14.06.2023.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 286 OF 2023**  
(Sanjay V. Shejval Vs. State of Maharashtra & Ors.)

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Shri S.S. Tandale, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 14.06.2023.

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

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

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

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

7. S.O. to 14.06.2023.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 287 OF 2023**  
(Pannalal K. Kumavat Vs. State of Maharashtra & Ors.)

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 14.06.2023.

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

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

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

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

7. S.O. to 14.06.2023.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 288 OF 2023**  
(Pathan Nasir Gauskha Vs. State of Maharashtra & Ors.)

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 14.06.2023.

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

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

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

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

7. S.O. to 14.06.2023.

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

**MEMBER (A)**

**MEMBER (J)**

**MA 200/20 in MA 506/18 in OA ST. 1951/18**  
**(Sajed Khan Ajiz Khan Pathan Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Shri R.N. Bharaswadkar, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri V.G. Pingle, learned Advocate for respondent No. 7, are present. Shri C.B. Gore, learned Advocate for respondent Nos. 5 & 6, **absent**.

2. S.O. to 14.06.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

KPB ORAL ORDERS 06.04.2023

**M.A. NO. 295/2021 in O.A. St. No. 1154/2021**  
**(Mrunalini P. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Smt. Suchita Dhongde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.06.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

KPB ORAL ORDERS 06.04.2023

**M.A. No. 511/2022 in O.A. No. 539/2021**  
**(Jagannath S. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

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

2. At the request of learned Advocate for the applicant, S.O. to 21.04.2023.

**MEMBER (A)**

**MEMBER (J)**

KPB ORAL ORDERS 06.04.2023

**ORIGINAL APPLICATION NO. 529 OF 2021**  
**(Kishor N. Salve Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned P.O. placed on record a copy of office order dated 23.03.2023. Same is taken on record and marked as document 'X' for the purpose of identification.
3. Learned Advocate for the applicant seeks time to take instruction from the applicant. Time granted.
4. S.O. to 14.06.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 1149 OF 2022**  
**(Dileep M. Devkate Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

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

2. Learned Chief Presenting Office filed affidavit in reply on behalf of respondent Nos. 1 & 3. Same is taken on record and copy thereof has been served on the other side.
3. S.O. to 17.04.2023. **High on board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 468 OF 2022**  
(Smita S. Ingle Vs. State of Maharashtra & Ors.)

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. At the request of learned C.P.O., S.O. to 17.04.2023 for hearing. Interim relief granted earlier to continue till then. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**

**O.A. Nos. 487/2022 and 488/2022**  
(Rajesh J. Gangurde & Anr. Vs. State of Maharashtra & Ors.)

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicants in both the O.As. and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities in both the O.As.

2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondents in O.A. No. 487/2022.
3. S.O. to 04.05.2023 for filing rejoinder affidavit in O.A. No. 488/2022. Status quo granted earlier in both the O.As. to continue till then.

**MEMBER (A)**

**MEMBER (J)**

**C.P. No. 12/2022 in O.A. No. 265/2017**  
**(Dr. Suresh M. Karamunge Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Shri I.D. Maniyar, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri S.G. Kulkarni, learned Advocate holding for P.R. Tandale, learned Advocate for respondent No. 4.

2. Record shows that in spite of grant of opportunities, the affidavit in reply is not filed on behalf of respondent Nos. 1 & 3. Hence, the present matter will proceed further without affidavit in reply of the respondents in accordance with law.

3. S.O. to 05.06.2023 for admission.

**MEMBER (A)**

**MEMBER (J)**

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

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. The present matter has already been treated as part heard.
3. S.O. to 19.04.2023. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 420 OF 2020**  
**(Anish S. Patel Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

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

2. The present matter has already been treated as part heard.
3. S.O. to 17.04.2023. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 556 OF 2020**  
**(Umakant L. Bedse Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

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

2. The present matter has already been treated as part heard.
3. S.O. to 21.04.2023. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 380 OF 2022**  
**(Bhaskar D. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Shri Swapnil Joshi, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. S.O. to 25.04.2023 for hearing. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 620 OF 2022**  
**(Uddhav A. Chavan Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Shri Abhay Rathod, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri Suhas Shrisat, learned Advocate for respondent Nos. 3 and 4.

2. Learned Advocate Shri Suhas Shirsat, has filed vakalatnama on behalf of respondent Nos. 3 and 4. Same is taken on record.

3. S.O. to 24.04.2023 for hearing. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 147 OF 2018**  
**(Dashrath G. Shinde Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Shri N.G. Talekar, learned Advocate for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. S.O. to 05.06.2023. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 148 OF 2018**  
(Uttam E. Mudiraj Vs. State of Maharashtra & Ors.)

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Shri N.G. Talekar, learned Advocate for the applicant (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. S.O. to 05.06.2023. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 93 OF 2019**  
**(Priyanka J. Janephalkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Shri J.M. Murkute, learned Advocate for the applicant (**Absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 25.04.2023 for hearing. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**

**C.P. No. 29/2020 in O.A. No. 1014/2019**  
**(Bade R. Shirdhar Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Shri C.V. Dharurkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. S.O. to 17.04.2023 for passing necessary order.

**High on Board.**

**MEMBER (A)**

**MEMBER (J)**

KPB ORAL ORDERS 06.04.2023

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

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. S.O. to 27.04.2023 for hearing. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**

**M.A. No. 67/2021 in O.A. St. No. 268/2021**  
**(Chikkahayakanahalli D. Krishnaiah Setty Vs. State of**  
**Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri S.B. Mene, learned Advocate for respondent No. 4.

2. S.O. to 27.04.2023 for further consideration. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**

KPB ORAL ORDERS 06.04.2023

**O.A. No. 682/2021 with O.A. No. 683/2021  
(Ashok K. Mehetre & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

Shri Sudhir Patil, learned Advocate for the applicants in both the O.As. and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities in both the O.As., are present.

2. S.O. to 25.04.2023 for further consideration. **High on board.**

**MEMBER (A)**

**MEMBER (J)**

KPB ORAL ORDERS 06.04.2023



**ORIGINAL APPLICATION NO. 33 OF 2022**  
(Vitthal N. Kokulwar Vs. State of Maharashtra & Ors.)

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

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

2. S.O. to 03.05.2023 for hearing. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 34 OF 2022**  
**(Sachin D. Shrimanwar Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

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

2. S.O. to 03.05.2023 for hearing. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 533 OF 2022**  
(Sunil N. Jahagirdar Vs. State of Maharashtra & Ors.)

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

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

2. S.O. to 06.06.2023 for hearing. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 282 OF 2023**  
**(Vijay Dattu Puri Vs. State of Maharashtra & Ors.)**

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

**DATE : 06.04.2023.**

**ORAL ORDER :**

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

2. The present Original Application is filed seeking direction to the respondent Nos. 1 to 4 not to take coercive action against the applicant like compulsory retirement on the basis of impugned letter dated 16.02.2023 (Annexure A-6) forwarded by the respondent No. 3 to respondent No. 2 considering the mandatory proviso clause of Section 20(4) of the Rights of Persons with Disabilities Act, 2016 and to quash and set aside the said impugned letter.

3. In the facts and circumstances, the applicant has prayed for interim relief in terms of para VI(A), which is as follows :-

**“VI) *INTERIM RELIEF SOUGHT***

A. *Pending hearing and final disposal of the original application, effect and operation of impugned letter dated 16.02.2023 issued by the respondent No.3 to respondent No.2 may*

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*kindly be stayed and considering the provisions of Sec.20 (4) of the Rights of Persons with Disabilities Act, 2016 regular monthly salary from June- 2022 onwards may kindly be directed to pay and further to pay regular monthly salary to applicant.”*

4. The applicant has completed 19 years of service in Forest Department. At present he is working as Range Forest Officer at Kannad Division under the authority of respondent No. 3 i.e. the Chief Conservator of Forest (Territorial) Aurangabad, Van Bhawan Osmanpura, Aurangabad, Dist. Aurangabad. It is class-II post. As per rules of the Forest, he is having supervisory powers and administrative function.

5. It is contended that during the service the applicant said to have suffered disability of partial blindness. In June, 2022, the applicant was transferred from Nandurbar to Aurangabad at Kannad Division as Range Forest Officer. He joined on that post on 22.06.2022. The applicant was on Medical Leave from 30.06.2022 to 29.08.2022. He suffered in Covid-19 pandemic and his health was badly affected in respect of vision. Since July 2022 onwards, regular monthly salary of the applicant is withheld.

6. Initially the applicant was referred to Medical Board, Medical College and Hospital, Aurangabad for

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medical check-up. 'Nil' report was given in respect of the applicant's vision. The applicant was again referred to JJ Hospital, Mumbai by Medial Board, Government Medical College and Hospital, Aurangabad on 21.10.2022. Accordingly, the applicant underwent medical check-up. Thereafter, the respondent No. 3 forwarded the impugned letter dated 16.2.2023 (Annexure A-6) to the respondent No. 2 at Nagpur for guidance in respect of the applicant's partial blindness and opinion whether the applicant can be continued in service or compulsorily retired. It is the contention of the applicant that his apprehension depriving his job contrary to the provision of Section 20(4) of the Rights of Persons with Disabilities Act, 2016. His salary is also being withheld illegally. Hence, the applicant seeks interim relief.

7. Upon perusal of the impugned letter dated 16.02.2023 (Annexure A-6), it is evident that the apprehension of coercive action in respect of the applicant is imminent and reasonable. Perusal of the document nomenclatured as P.F./COM PEN/LEAVE (page No. 38 of paper book) issued by the Medical Board, J.J. Hospital Mumbai would show that there is reference to certificate issued by the Aurangabad Medical Board mentioning as follows:-

“partial optic atrophy”

which can be stated as partial disability in vision.

8. Section 20(4) of the Rights of Persons with Disabilities Act, 2016 is as follows :-

*“20. (4) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service:*

*Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits:*

*Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.”*

9. As per first proviso to Section 20(4) of the Rights of Persons with Disabilities Act, 2016, provides that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits. This provision is mandatory in nature. In view of the same, the guidance sought by the respondent No. 3 by its letter dated 16.02.2016 from respondent No. 2 definitely is in contravention of the above-said provisions of the Disabilities Act. In view of the same, the applicant's apprehension of compulsory retirement of his services is well founded. Hence, this is a fit case to protect the applicant from coercive action as expressed in impugned

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letter dated 16.02.2023 (Annexure A-6). In view of the same, interim relief is granted in following terms :-

“Pending hearing and final disposal of the original application, no coercive action until further order shall be taken by the respondents against the applicant.”

So far as further interim relief in terms of arrears of salary from June 2022 on wards is concerned, the respondents are directed to take necessary steps to redress the said grievance in accordance with law.

10. Issue notices to the respondents, returnable on 12.06.2023.

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

12. 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.

13. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure)



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Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

14. 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.

15. S.O. to 12.06.2023.

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

**MEMBER (A)**

**MEMBER (J)**

