ORIGINAL APPLICATION NO. 365/2022
(Shri Nilesh B. Dighe Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Shri M.S. Taur, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. When the present matter is taken up for consideration the learned Presenting Officer tendered across the bar the office order dated 5.5.2022 passed by the respondent no. 4. The order reveals that the applicant has been relieved from the post which he was holding on the establishment of respondent no. 4. As is revealing from the pleadings in the Original Application the only impediment for the respondent nos. 1 to 3 for issuing appointment order in favour of the applicant was that he has not been relieved by the respondent no. 4 on whose establishment the applicant was previously working.

3. As directed in the order passed by this Tribunal on 26.4.2022 the applicant is now free to approach the

respondent nos. 1 to 3. The matter shall be kept for filing affidavit in reply by the respondents.

4. S.O. to 12.7.2022.

MEMBER (A) **VICE CHAIRMAN**

ARJ ORAL ORDERS 6.5.2022

M.A. 195/2022 IN O.A. ST. 839/2022
(Shri Bibhishan N. Hawale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

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

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

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

MEMBER (A) **MEMBER (J)**

ORIGINAL APPLICATION ST. NO. 839/2022
(Shri Bibhishan N. Hawale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022
ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Issue notice to respondents, returnable on 5.7.2022.

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

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

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

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

7. S.O. to 5.7.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A) **MEMBER (J)**

M.A. 197/2022 IN O.A. ST. 826/2022
(Shri Sanket D. Khairnar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

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

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

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

MEMBER (A) **MEMBER (J)**

O.A. ST. 826/2022
(Shri Sanket D. Khairnar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Issue notice to respondents, returnable on 23.6.2022.

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

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

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

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

7. S.O. to 23.6.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A) **MEMBER (J)**

ORIGINAL APPLICATION NO. 413/2022
(Dr. Rajesh Dnyanoba Subhedar Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

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

2. The applicant at present is working as ad-hoc Professor in respondent no. 4 college. The learned counsel submits that since year 2015 onwards the applicant is working on ad-hoc basis on the post of Professor. In the present Original Application it is the prayer of the applicant that the respondents shall continue him on the post of Professor till regularly selected candidate is appointed on said post. The learned counsel submitted that the candidates like the applicant, who were also working on ad-hoc basis on the post of Professor in respondent no. 4 college, have been reverted. He, therefore, prayed for a direction against the respondents to allow the applicant to work on the post of Professor on ad-hoc basis till the regular appointment is made.

3. The learned Presenting Officer has opposed the submissions.

4. After hearing the submissions advanced by the learned counsel for the applicant and after going through the documents we deem it appropriate to pass the following order :-

O R D E R

1. **In case the respondents are intending to appoint any other person on the post of Professor (Anesthesia) on ad-hoc basis, then the present applicant be continued on the said post on ad-hoc basis till regularly selected candidate becomes available in view of the judgment of the Hon'ble Bombay High Court in Writ Petition No. 9877/2010 (Dr. Manisha d/o Govindrao Choudhary Vs. the State of Maharashtra & Ors.), which lays down that an ad-hoc employee cannot be replaced by another ad-hoc employee and in case ad-hoc arrangement is required to be continued, same ad-hoc employee should be continued till regularly selected candidate is available.**

2. Issue notice to respondents, returnable on 12.6.2022.

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

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

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

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

7. S.O. to 12.6.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A) **VICE CHAIRMAN**

M.A. ST. 800/2022 IN O.A. ST. 801/2022
(Dr. Sanjay Kumarrao Muley & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri S.G. Chapalgaonkar, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The learned counsel for the applicants, on instructions seeks leave to delete the names of applicant nos. 7 & 9 with liberty to said applicants to file application at appropriate forum.

3. Leave granted as prayed for with liberty as prayed for. Thus the names of applicant nos. 7 & 9 stand deleted.

4. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicant nos. 1 to 6 & 8 have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted to the said applicants, subject to payment of court fee stamps, if not paid.

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

MEMBER (A) **MEMBER (J)**

ORIGINAL APPLICATION ST. NO. 801/2022
(Dr. Sanjay Kumarrao Muley & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Heard Shri S.G. Chapalgaonkar, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Today by passing separate order in M.A. St. 800/2022 leave is granted to the learned counsel to delete names of applicant nos. 7 & 9. Hence, the present O.A. shall proceed so far as applicant nos. 1 to 6 & 8 only.

3. The applicants in the present Original Application are Medical Officers working with State Government. They are aspiring for promotion on the post of District Health Officer. As submitted by the learned counsel, the Departmental Promotion Committee has already commenced process. It is the grievance of the applicants that they are excluded from consideration for promotion to the said post of D.H.O. on the ground that they do not possess the required qualification as prescribed in the 'Civil Surgeon Cadre, Group-A and District Health Officer Cadre,

Group-A in the Maharashtra Health Services, Group-A (Recruitment) Rules, 2021' (hereinafter referred to as Rules of 2021).

4. Shri Chapalgaonkar, learned counsel appearing for the applicants submits that the qualification prescribed in the Rules of 2021 for the post of D.H.O. is M.B.B.S. degree of a statutory University and Post Graduate Degree of a Statutory University in Preventive and Social Medicine or the qualification prescribed in First & Second Schedule of Indian Medical Council Act, 1956 or any other qualification recognized as equivalent thereto by the Medical Council of India. The learned counsel further submitted that the applicants held the degree of M.B.B.S. and degree of M.P.H. acquired from Sree Chitra Institute. According to the learned counsel, the applicants thus fulfill the aforesaid requirement.

5. The learned counsel brought to our notice that Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum (for short Sree Chitra Institute) is established by the Act of Parliament. The learned counsel submitted that M.P.H. degree held by the applicants is included in First Schedule of the Indian Medical Council Act, 1956. The learned counsel further submitted that, if the respondents are directed to provisionally consider the

applicants also for promotion to the post of D.H.O., subject to final outcome of the present O.A., no prejudice is likely to be caused to anyone. However, if the applicants are not considered and if the D.P.C. finalizes the process of promotion, the applicants would lose the chance of their selection in spite of having prescribed qualification.

6. The submissions so made are opposed by the learned P.O. According to the learned P.O., the applicants are not holding the required qualification as prescribed in the rules. The learned P.O. has tendered across the bar the communication received to the office of the Chief Presenting Officer from the respondents. The learned P.O. has pointed out that in the letter dated 6.7.2021 received to one Dr. Vijaykumar Wagh from the National Medical Commission it has been clarified that the degree of Public Health accorded by Sree Chitra Institute is equivalent to Diploma in Public Health. The learned P.O. submitted that when qualification is Post Graduate Degree of statutory University in Public Health or equivalent qualification, apparently the applicants are not holding the said qualification and therefore their request cannot be accepted.

7. As against the submissions made by the learned P.O. the learned counsel for the applicants has tendered across

the bar the letter dated 17.9.2021 from the National Medical Commission, which is the information received to Dr. Vijaykumar Gopinath Wagh. The learned counsel brought to our notice that in the aforesaid communication the information is provided that the M.P.H. degree awarded by Sree Chitra Institute is added in the list of M.D. after infectious diseases and it's a Master's Degree.

8. We have carefully considered the submissions advanced by the learned counsel appearing for the applicants and the learned Presenting Officer for the respondents. The issue, which falls for our consideration in the present matter is whether the M.P.H. degree can be said to be the adequate qualification prescribed in the Rules of 2021 and more particularly as prescribed in clause 4(b)(3) thereof. The material which is brought to our notice is insufficient for reaching to any firm conclusion. The documents filed on record by the applicants, however, *prima-facie* show that the Degree of M.P.H. awarded by Sree Chitra Institute is added in the first schedule to the Medical Council of India Act, 1956. The documents on record also reveal that Sree Chitra Institute has been established by the Act of Parliament. The documents on record further show that as per Government Resolution dated 10.12.1998 the name of Sree Chitra Institute is included in the category of Institute of National

Importance. The Resolution dated 10.12.1998 reveals that the degrees and diplomas awarded by the university established by Act of Parliament or recognized by University Grant Commission are held to be valid for securing the appointments in the Government excluding the posts of teaching staff in the Government Colleges. The document which is tendered by the learned Presenting Officer and the document placed on record by the applicant, both are under the signature of Dr. Vijay Oza, CPIO of the National Medical Commission. The information placed on record by the applicants reveals that MPH degree awarded by Sree Chitra Institute is added in Schedule 1 appended to Medical Council Act, 1956.

9. From the documents filed on record the applicants have certainly made out a *prima facie* case. The contention of the applicants that they hold the required qualification prescribed in the Rules of 2021 is difficult to be out-rightly rejected at this stage. As has been submitted on behalf of the applicants the process for promotion to the post of DHO is likely to be completed by end of this month. It is practically not possible to decide the present application finally in such a short span. In the circumstances, if the applicants are not considered even provisionally by the DPC they will be losing the chance of their promotion and will be prejudicially affected. In the meanwhile if the

process of promotion is completed the very purpose of filing application by the applicants would be frustrated. In the circumstances, we are inclined to accept the prayer of the applicants for grant of interim relief in their favour as has been prayed by them. If the applicants ultimately fail to establish their contentions, they will be out of race and the eligible candidates can be appointed. The applicants have undertaken to complete the hearing in the present application expeditiously without seeking any adjournment. In the circumstances, we deem it appropriate to pass the following order :-

O R D E R

1. **The respondents are directed to provisionally consider the present applicants for selection on the post of District Health Officer, from 75% quota, subject to final outcome of the present O.A. The respondents shall file the affidavit in reply as early as possible even during the course of vacation and the matter shall be listed for final disposal at admission stage on 16.6.2022.**

2. Issue notice to respondents, returnable on 16.6.2022.

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

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

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

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

7. S.O. to 16.6.2022.

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

MEMBER (A) **VICE CHAIRMAN**

M.A. No. 89/2019 in O.A. St. No. 43/2019
(Gunaji Dagdu Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

O R D E R

1. The present Misc. Application is made seeking condonation of delay of about 5 months and 23 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 challenging the order of recovery dated 18.07.2017 (Annexure -1 in the O.A.) from the pensionary benefits.

2. The applicant retired on superannuation on 31.12.2016 from the post of Round Forest Officer. However, after his retirement for the first time the respondent authorities first time communicated to him about the deduction of excess pay fixation period commencing from 10.11.2011 to 31.12.2016. It is the contention of the applicant that the applicant has a good case on merits as per the settled principle of law about the recovery. The applicant was not responsible for wrong pay fixation. The applicant made representation. He was under impression that it would be considered and he will get relief. In the circumstances, there is delay of about 5 months and

23 days caused in filing the accompanying O.A., which is sought to be condoned.

3. The affidavit in reply on behalf of respondent No. 3 is filed by one Sachin Uttam Shinde, working as Assistant Conservator of Forests, Kannad in the office of Deputy Conservator of Forests, Aurangabad, thereby he denied all the adverse contentions raised in the present Misc. Application. It is contended that no sufficient cause has been shows by the applicant for condonation of inordinate delay. Hence, the present Misc. Application is liable to be dismissed.

4. I have heard the arguments advanced by Shri K.B. Dantal, learned Advocate for the applicant on one hand and Smt. M.S. Patni, learned Presenting Officer for the respondents on the other hand.

5. The impugned order under challenge is dated 18.07.2017 (Annexure- 1 in O.A.). The alleged recovery of excess payment on account of wrong pay fixation is for the period commencing from 10.11.2011 to 30.12.2016. It seems that the applicant made representation dated 27.02.2018 (page No. 33 of the paper book in O.A.) to the Deputy Conservator of

Forests, Aurangabad. The Original Application along with this application for condonation of delay is filed on or about 08.01.2019. In view of above, there seems to be delay of about 5 months and 23 days caused in filing the accompanying O.A. The facts on record would show that the representation dated 27.02.2018 was made within a period of one year from the date of impugned order of recovery dated 18.07.2017. In view of the same, contentions of the applicant that he was under bona-fide belief that his representation would be considered cannot be said to be unusual.

6. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. In the circumstances, the said delay seems to be marginal one. Refusing to condone the delay is likely to defeat the cause of justice at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay by imposing the moderate costs of Rs. 500/- on the applicant. Hence, I proceed to pass following order :-

O R D E R

The Misc. Application No. 89/2019 is allowed in following terms:-

(i) The delay of 6 months and 23 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 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 (J)

KPB ORAL ORDERS 06.05.2022

M.A. No. 204/2021 in O.A. St. No. 848/2021
(Yogesh Gopichand Salunkhe Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

O R D E R

1. The present Misc. Application is filed seeking condonation of delay of about 177 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985, challenging the impugned communication dated 23.04.2018 (Annexure A-9 in O.A.) issued by the respondent No. 2 rejecting the applicant's claim for compassionate appointment on the ground that substitution of name is not provided in the policy of compassionate appointment.

2. The applicant is the son of the deceased viz. Gopichand Ramchand Salunkhe, who was working in the Police Department with the respondent No. 2 i.e. the Superintendent of Police, Jalgaon. He died in harness on 21.07.2001. Thereafter, the mother of the applicant viz. Kalabai submitted application to the respondent No. 2 on 10.07.2002 seeking appointment on compassionate ground. Name of the applicant's mother was included in the waiting list. She was, however not given posting, as there was no vacancy. Her name was deleted as per the communication dated

15.11.2010 (Annexure A-2), as she completed requisite age of 40 years. The applicant attained the age of majority in the year 2010. The applicant's mother made application dated 31.07.2013 for appointment to the applicant on compassionate ground, as he the then attained the age of majority. Subsequently, the applicant also made application dated 22.10.2013 (Annexure A-4 collectively in O.A.). He made various representations thereafter till July 2015 urging for compassionate appointment. The name of the applicant appeared in the waiting list in the year 2017 at Sr. No. 34. Thereafter by the impugned communication dated 23.04.2018 the claim of the applicant came to be rejected. The applicant ought to have filed the O.A. by 22.04.2019. Before, that the applicant made representation dated 19.03.2018 (Annexure A-7 in O.A.) as his name did not appear in the waiting list of the year 2018. According to the applicant the requisite period of six months expired in September, 2019 for filing the O.A. The O.A. is filed in or about July, 2021.

3. It is the further contention of the applicant that in early 2020 the Covid-19 pandemic started and

therefore, the applicant could not file the O.A. in time. Hence, the present Misc. Application.

4. The affidavit in reply on behalf of respondent No. 2 is filed by one Shri Ambadas Shantaram More, working as Police Inspector, (Human Resources) in the office of Superintendent of Police, Jalgaon, Dist. Jalgaon thereby he denied all the adverse contentions raised in the present Misc. Application. It is contended that no sufficient cause has been shows by the applicant for condonation of inordinate delay and therefore, the present Misc. Application is liable to be dismissed.

5. I have heard the arguments advanced by Shri Saket Joshi, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant on one hand and Smt. M.S. Patni, learned Presenting Officer for the respondents on the other hand.

6. Considering the dates involved in the matter, it is evident that from the date of impugned order dated 23.04.2018 one year limitation expired on or about 22.04.2019. However, it appears that just before the issuance of the said impugned order, the applicant

made representation dated 19.03.2018, as his name did not appear in the waiting list of the year 2018. The said representation ought to have been considered by the respondents within a period of six months. However, before that only by the impugned order dated 23.04.2018 representation of the applicant came to be rejected. In view of the same, the commencement of limitation period would start from 23.04.2018. As already observed, the said requisite period of one year of limitation expired on 22.04.2019. The Original Application along with the present Misc. Application is filed on or about 19.07.2021. In view of the same, the delay is about 2 years and three months caused in filing the accompanying O.A.

7. The present matter is regarding claim of the applicant for compassionate appointment. His name was also taken in the waiting list of the candidates to be appointed on compassionate ground. However, same is rejected for want of provisions of accommodation / substitution. The said aspect would be considered at the time of hearing of the O.A. From the facts on record, some negligence can be attributed to the applicant. However, the said negligence cannot

be said to be deliberate and gross one. Thereby the applicant had nothing to gain.

8. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. Refusing to condone the delay is likely to defeat the cause of justice at the threshold. It cannot be said that the applicant is defeating anybody else's right. The applicant is urging his right of getting compassionate appointment and his name was also included in the waiting list. In the circumstances, in my considered opinion, by taking liberal approach and by imposing moderate costs on the applicant, this is a fit case to condone the delay. I compute the costs of Rs. 1500/- on the applicant.

9. Learned Advocate for the applicant placed reliance on the decision of the Hon'ble Apex Court in Suo Motu Writ Petition (C) No. 3 of 2020 and subsequent M.A. Thereby the limitation period from 15.03.2020 to 28.02.2022 is exempted. In the present case, however, the cause of action arose in April, 2019 about one year before exemption of limitation due to Covid-19 pandemic was made applicable. In these circumstances, in my humble

opinion, the said citation may not be much helpful/ applicable to the applicant in the instant case. Hence, I proceed to pass following order :-

O R D E R

The Misc. Application No. 204/2021 is allowed in following terms:-

(ii) The delay of 177 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1500/- 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 (J)

M.A. No. 297/2020 in O.A. St. No. 1203/2020
(Jayant S. Bhamare Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

O R D E R

1. The present Misc. Application is made seeking condonation of delay of about 4 years and 10 months caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 seeking declaration that the applicant is entitled to get the benefits of higher post i.e. Muster Clerk in view of the G.R. dated 29.09.2003 with all consequential benefits with arrears from 29.09.2003 and also seeking direction to the respondent No. 1 to decide the representation and recommendation sent by the respondent No. 2 dated 13.06.2014.

2. It is the case of the applicant that he joined the Water Resources Department as on 01.10.1979 as Mukadam. He was confirmed as a CRTE on 01.10.1984 as Mukadam. From 1987 to 1997 he was a Muster Clerk and he was entrusted several types of work. It is stated that the applicant retired on or about 30.04.2017. The Government issued G.R. dated 29.09.2003 for “designation as per work and pay scale

as per designation". According to this G.R., the respondent No. 2 i.e. The Superintending Engineer, Small Scale Irrigation (Water Conservation) Circle, Nashik sent proposal dated 13.06.2014 (Annexure A-5 in the O.A.) for sanction of higher post's pay scale to the applicant. In the background of representation along with certificate dated 03.10.2013 (Annexure A-4 collectively in O.A.) submitted by the applicant he is seeking benefits. The respondent No. 2 being satisfied by the documents produced by the applicant, submitted the abovesaid proposal dated 13.06.2014 with his recommendation to the respondent No. 1. The same is not yet decided by the respondent No. 1. Hence, the applicant filed the Original Application along with this Misc. Application for condonation of delay on 02.11.2020.

3. According to the applicant, there is delay of about 4 years and 10 months in seeking remedy. In fact, the applicant was waiting for positive response from the respondents and therefore, there is dely. It is not deliberate or intentional. The applicant has got a good case on merits. Hence, this Misc. Application.

4. The affidavit in reply is filed on behalf of respondent Nos. 2 and 3 by one Sunil Ganjidhar Pawar, working as Sub Divisional Water Conservation Officer, Soil and Water Conservation Sub-Division, Dhule, thereby he denied all the adverse contentions raised in the present Misc. Application. It is contended that no sufficient cause has been shown by the applicant for condonation of inordinate delay. Hence, the present Misc. Application is liable to be dismissed.

5. I have heard the arguments advanced by Shri V.G. Pingle, learned Advocate for the applicant on one hand and Shri D.R. Patil, learned Presenting Officer for the respondents on the other hand.

6. From the dates involved in the matter, the O.A. ought to have been filed in December, 2016. However, the same is filed on 02.11.2020. In view of the same, there is delay of about 4 years and 10 months caused in filing the accompanying O.A.

7. The applicant is seeking relief on the basis of alleged recommendation made by the respondent No. 2 vide proposal dated 13.06.2014 (Annexure A-5 in O.A.). No doubt there is delay, which is attributable to

the applicant. However, the same cannot be said to be intentional or gross one. Thereby the applicant had nothing to gain. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. Refusing to condone the delay is likely to defeat the cause of justice at the threshold. If the matter is decided on merits, thereby right of any other Government servant is likely to be affected. The applicant is pursuing benefits, but belatedly. In the facts and circumstances, in my considered opinion, this is a fit case to condone the delay by construing the expression 'sufficient cause' liberally and by imposing the moderate costs of Rs. 2000/- on the applicant. Hence, I proceed to pass following order :-

O R D E R

The Misc. Application No. 297/2020 is allowed in following terms:-

(iii) The delay of 4 years and 10 months 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.

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

MEMBER (J)

KPB ORAL ORDERS 06.05.2022

M.A. No. 325/2020 in O.A. St. No. 332/2020
(Vilas S. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

O R D E R

1. The present Misc. Application is made seeking condonation of delay of about 1426 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 seeking direction against the respondents to release regular pension and amount of gratuity with interest to the applicant as early as possible and also directions to the respondent No. 2 for deciding the applications / representations of the applicant dated 08.10.2018 and 10.01.2019 (Annexure A-4 collectively in O.A.) in accordance with law.

2. The applicant joined the service of State Government as Accountant on 21.06.1983. He served in the Agricultural Department of the State Government. In the year 1987, he was transferred to the Finance Department i.e. the respondent No. 1 from 04.04.2012 to 18.06.2014. He served as Chief Accountant and Finance Officer with Zilla Parishad, Aurangabad. He retired on 31.03.2015 (wrongly mentioned as 31.05.2015) on attaining the age of

superannuation. There was no any Departmental Enquiry pending against him at the time of retirement. However, the respondent authorities have not released his regular pension and amount of gratuity.

3. It is stated that after his retirement on superannuation, private complaint was made against him regarding alleged irregularities and illegalities committed while working in Zilla Parishad, Aurangabad. However, the said complaint is false one and afterthought. The applicant was granted only provisional pension for some period. The applicant is not getting regular pension and has also not received amount of gratuity. He made several representations to the respondents. His last representation is dated 08.10.2018. The respondent No. 1 by it's letter dated 28.02.2019 (Annexure A-5 in O.A.) directed the respondent No. 2 to decide the same. However, it is not decided by the respondent No. 2. The applicant, therefore, filed W.P. No. 450/2020 before the Hon'ble High Court. However, the Hon'ble High Court by the order dated 09.01.2020 disposed of the said W.P. observing that alternate remedy is available to the applicant. The applicant therefore, filed the Original

Application along with the present Misc. Application for condonation of delay. In view of the same, the said delay is not deliberate or intentional. The applicant is waiting for the decision on his several representations and more particularly last representation dated 08.10.2018. Hence, this Misc. Application for condonation of delay.

4. The affidavit in reply is filed on behalf of respondent Nos. 1 to 3 by one Shri Ravikumar Balajirao Linganwad, working as Joint Director, Account and Treasuries, Aurangabad Division, Aurangabad, thereby he denied all the adverse contentions raised by the applicant in the present Misc. Application. However, it is not disputed that the applicant is not getting regular pension and has also not received amount of gratuity. It is further stated that no sufficient cause has been shown by the applicant for condonation of inordinate delay. The applicant would not be entitled for relief as sought for in the O.A. unless departmental enquiry / court case comes to an end. In view the same, the present Misc. Application is liable to be dismissed.

5. I have heard the arguments advanced by Shri Prashant Deshmukh, learned Advocate for the applicant on one hand and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents on the other hand.

6. The applicant is seeking relief of regular pension and amount of gratuity with interest. He retired on 31.03.2015. According to the respondents, the applicant was paid provisional pension from 01.04.2015 till December, 2020.

7. There are rival contentions as regards pendency of criminal case against the applicant. Admittedly, however, the criminal case is lodged against the applicant after his retirement. It's relevancy has to be seen. Moreover, it appears that the applicant made representation dated 08.10.2018 (page No. 39 of the paper book in O.A.). The same is pending. Some time was consumed, as the applicant first approached before the Hon'ble High Court by filing W.P. No. 450/2020, which was disposed of on 09.01.2020. The Original Application along with the present Misc. Application is filed on or about 24.02.2020.

8. In view of the dates involved in the matter, it seems that there is delay of about 1426 days caused for filing the accompanying O.A. However, the said delay cannot be said to be deliberate or intentional one. It appears that one representation was also made by the applicant in the year 2018, but that apart the applicant has not received pensionary benefits and amount of gratuity. Controversy raised in the O.A. about the regular pension and gratuity amount with interest is required to be decided on merits.

9. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. No doubt in the facts and circumstance, some negligence can be attributed to the applicant in not approaching this Tribunal in time. The said delay cannot be said to be intentional and gross one. Thereby the applicant had nothing to gain. Refusing to condone the delay is likely to defeat the cause of justice at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay by imposing the moderate costs of Rs. 1000/- on the applicant. Hence, I proceed to pass following order :-

O R D E R

The Misc. Application No. 325/2020 is allowed in following terms:-

(iv) The delay of 1426 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1000/- 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 (J)

M.A. No. 07/2021 in O.A. St. No. 1416/2020
(Chandrasen Venkatrao Lahade Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

O R D E R

1. The present Misc. Application is made seeking condonation of delay of about 1 year and 3 months caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985, challenging the impugned order dated 28.09.2018 (Annexure A-7 in O.A.) issued by the respondent No. 3 i.e. the Joint Director, Technical Education, Aurangabad, ordering recovery of an amount of Rs. 8,00,000/- from the pensionary benefits of the applicant alleging that the same amount was defalcated by the applicant while working at Latur.

2. It is the case of the applicant that he was appointed as Lecturer in Government Polytechnic, Latur by the order dated 17.09.1982. By the order dated 3.07.1997, the applicant was promoted as Departmental Head in the Electrical Department. He worked at various places and retired on superannuation on 31.03.2018. It is contended that after retirement, the applicant shockingly received the impugned order dated 28.09.2018 issued by the

respondent No. 3, thereby the respondent No. 3 without perusing the record totally relied upon the report submitted by the enquiry committee. The enquiry was conducted without any notice to the applicant and without seeking any explanation. In view of the same, the impugned order of recovery is not legal and proper. The applicant seeks to challenge the same. After issuance of the impugned order, the applicant made representation / appeal to the respondent No. 3 to review the order, but in vain.

3. The applicant is still waiting for the result on his representation /appeal. The applicant is suffering from various elements. In view of the same, there is delay in filing the accompanying O.A., which is not deliberate or intentional. Hence, this Misc. Application.

4. The affidavit in reply on behalf of respondent Nos. 1 to 5 is filed by one Mahesh Dattopant Shivankar, working as I/c Joint Director in the office of Joint Director Technical Education, Regional Office, Aurangabad, thereby he denied all the adverse contentions raised in the O.A. and submitted that the impugned order of recovery is legal and proper and the

same is issued after seeking Enquiry Report. It is contended that no sufficient cause has been shown by the applicant for condonation of inordinate delay. The present Misc. Application therefore is liable to be dismissed.

5. I have heard the arguments advanced by Shri H.P. Jadhav, learned Advocate for the applicant on one hand and Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 5 on the other hand. Shri S.L. Bhapkar, learned Advocate for respondent No. 6, **absent**.

6. Record shows that the present delay application along with the accompanying O.A. is filed on or about 16.12.2020. The impugned order sought to be challenged in the O.A. is dated 28.09.2018. In view of the same, there is delay of about 1 year and 3 months caused in the filing the accompanying O.A. From the facts and circumstances, it can be seen that some negligence can be attributed to the applicant in not approaching this Tribunal in time. However, the said delay cannot be said to be deliberate or intentional one. Thereby the applicant had nothing to gain.

7. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. Considering the facts and circumstances of the case, refusing to condone the delay is likely to defeat the cause of justice at the threshold. The applicant seems to have case on merit. In view of the same, in my considered opinion, this is a fit case to condone the delay by construing the expression 'sufficient cause' liberally and by imposing the moderate costs of Rs. 1000/- upon the applicant. Hence, I proceed to pass following order :-

O R D E R

The Misc. Application No. 07/2021 is allowed in following terms:-

(i) The delay of 1 year and 3 months 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. 1000/- 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 (J)

KPB ORAL ORDERS 06.05.2022

M.A. No. 96/2020 in O.A. St. No. 239/2020
(Kailas Ramdas Walekar Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

O R D E R

1. The present Misc. Application is made seeking condonation of delay of about 10 months caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985, challenging the impugned communication / letter dated 02.04.2018 (Annexure A-9 in O.A.) issued by the respondent No. 3 rejecting the request of the applicant for cancellation of benefits of Karkoon post, which was granted to the applicant by the order dated 06.12.2008 and seeking consequential directions.

2. The applicant was initially appointed on 29.12.1988 with the respondents on daily wages. Thereafter he was appointed on CRTE on 29.12.1993 as Helper. He was granted first time bound promotional pay scale on 29.12.2006. While working on CRTE, the State Government issued G.R. dated 29.09.2003 thereby granted the pay scales and designations as per the works of the employees. As per the said G.R., the applicant was not granted designation and pay scale for the post of Clerk from

the date of the said G.R. i.e. 29.09.2003. Office of the respondent No. 3 issued order dated 06.12.2008 thereby granting designation and pay scale of Karkoon post in the pay scale of Rs. 3050-75-3950-85-4590 to the applicant w.e.f. 18.03.2008.

3. It is submitted that the applicant was transferred from Kolhapur Division to Aurangabad Division in the month of September, 2010 and was posted at Sub-Division, Jalna. The respondent No. 5 issued letter dated 05.05.2017 to the respondent No. 4 and requested to cancel the pay scale and designation as Karkoon of the applicant. The respondent No. 5 had recommended the case of the applicant. But the said proposal was returned to the respondent No. 5 and the respondent No. 5 was directed to submit the proposal to the respondent No. 3 Kolhapur Division. Accordingly, the respondent No. 5 submitted proposal dated 28.07.2017 to the respondent No. 3 and requested to cancel the post of Karkoon and designation and pay scale which was given to him as per work. At that point of time, the applicant was not working in Kolhapur Division. The applicant thereafter made detailed representation to the respondent No. 3

on 28.12.2017. The respondent No. 3 however, by the impugned letter / communication dated 02.04.2018 rejected the request of the applicant for cancellation of the order dated 06.12.2008. Being aggrieved by the said order, the applicant filed the accompanying O.A. along with the present Misc. Application for condonation of delay. The delay is not deliberate or intentional one. The applicant has good case on merits in view of the various cause laws including case law of the Hon'ble Apex Court. Hence, the present Misc. Application.

4. The affidavit in reply is jointly filed on behalf of respondent Nos. 4 to 6 by one Vaijanath Apparao Galande, working as Executive Engineer, Mechanical Division No. 2, Aurangabad and also joint affidavit in reply on behalf of respondent Nos. 1 to 3 is filed by him, thereby he denied all the adverse contentions raised by the applicant in the present Misc. Application and contended that no sufficient cause has been shows by the applicant for condonation of inordinate delay. The present Misc. Application therefore is liable to be dismissed.

5. The applicant filed the rejoinder affidavit denying all the adverse contentions raised in the affidavits in reply.

6. I have heard the arguments advanced by Shri K.B. Jadhav, learned Advocate for the applicant on one hand and Smt. M.S. Patni, learned Presenting Officer for the respondents on the other hand.

7. The accompanying O.A. along with the present Misc. Application is filed on or about 07.02.2020. The impugned letter sought to be challenged in the O.A. is dated 02.04.2018. In view of the same, there is delay of about 10 months caused in filing the accompanying O.A. Considering the facts and circumstances, the said delay cannot be said to be deliberate or intentional. No doubt some negligence can be attributed to the applicant in not approaching this Tribunal in time. However, the same cannot be said to be gross one.

8. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. The applicant is seeking relief in respect of his own right without affecting rights of another Government servant. In these circumstances, refusing to condone

the delay is likely to defeat the cause of justice at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay by construing the expression 'sufficient cause' liberally and by imposing the moderate costs of Rs. 750/- upon the applicant. Hence, I proceed to pass following order:-

O R D E R

The Misc. Application No. 96/2020 is allowed in following terms:-

(i) The delay of 10 months 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. 750/- 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 (J)

M.A. No. 551/2019 in O.A. St. No. 2227/2019
(Mohammad Siddiqu Mohammad Sarwar Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

O R D E R

1. The present Misc. Application is made seeking condonation of delay of about 3 years, 7 months and 5 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985, challenging the act of the respondent of recovery of an amount of Rs. 1,84,730/- being excess amount made to the applicant.

2. The applicant joined the services of respondent No. 1 as Field Worker on 24.04.1985. He worked on the same post till 15.11.2003. On 15.11.2003, he came to be promoted as Multipurpose Worker (MPW) or Health Worker/ Servant. The respondent No. 1 granted pay scale admissible to the post of the applicant since 2003 till his retirement. The applicant came to be retired from the services of the respondent No. 1 on 31.08.2014. Thereafter, recovery of an amount of Rs. 1,84,730/- was shown against the applicant, as excess payment being made to him during the period from 2003 to 2014 and the same was recovered from him on or about 08.04.2015. The applicant seeks refund of the

said amount by filing accompanying Original Application along with the present Misc. Application.

3. It is contended that the delay is not deliberate or intentional. After retirement, the applicant is suffering from illness and therefore, he could not file the O.A. in time. Hence, the present Misc. Application for condonation of delay.

4. The affidavit in reply on behalf of respondent No. 1 is filed by one Akash Ashokrao Deshmukh, working as District Malaria Officer, Nanded, Dist. Nanded, thereby he denied all the adverse contentions raised in the O.A. and contended that the recovery is righty made from the applicant, as there was payment of excess amount to the applicant from 2003 till his retirement. It is contended that no sufficient cause has been shown by the applicant for condonation of inordinate delay. The present Misc. Application therefore is liable to be dismissed.

5. I have heard the arguments advanced by Shri G.N. Kulkarni, learned Advocate for the applicant on one hand and Shri D.R. Patil, learned Presenting Officer for the respondents on the other hand.

6. The present Misc. Application along with the accompanying O.A. is filed on or about 14.11.2019. The action of recovery sought to be challenged in the O.A. is dated 08.04.2015. In view of the same, there is delay of about 3 years, 7 months and 5 days caused in filing the accompanying O.A. as contended by the applicant.

7. In order to substantiate the ground of illness, the applicant placed on record various medical certificates dated 10.11.2015, 03.09.2019 and 06.11.2019. Perusal of the said medical certificates would show that the applicant is suffering from hypertension and diabetes. His right eye is also operated. That apart, the applicant is seeking his personal right of refund of recovered amount. By considering O.A. filed by the applicant, any other Government servant's right is not likely to be affected. No doubt, some negligence can be attributed to the applicant in not approaching this Tribunal in time. However, the same cannot be said to be gross one

8. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally.

Considering the facts and circumstances of the case, refusing to condone the delay is likely to defeat the cause of justice at the threshold. The applicant seems to have case on merit. In view of the same, in my considered opinion, this is a fit case to condone the delay by construing the expression 'sufficient cause' liberally and by imposing the moderate costs of Rs. 1500/- upon the applicant. Hence, I proceed to pass following order :-

O R D E R

The Misc. Application No. 551/2019 is allowed in following terms:-

(i) The delay of 3 years, 7 months and 5 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1500/- 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 (J)

ORIGINAL APPLICATION NO. 465 OF 2021
(Azad Khadarsaheb Patel Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri B.S. Deshmukh, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri V.B. Wagh, learned Advocate for respondent Nos. 3 to 6.

2. The present Original Application is filed seeking mandatory order or direction against the respondent Nos. 1 and 2 to consider the claim proposal / application dated 16.03.2021 (Annexure A-13 collectively at page No. 118 of the paper book) of the present applicant for transfer at any specified place in Nashik, Kolhapur or Sangli district and more particularly one of the transferred places of respondent Nos. 3 to 8 herein who are transferred by the order dated 06.08.2021 (Annexure A-17), by setting aside the said order dated 06.08.2021 to that extent.

3. Previously the applicant filed O.A. No. 481/2019 seeking transfer as per his representation dated 28.02.2019 at the specified place in Pune and Nashik District. The said O.A. was disposed of by the order dated 26.06.2019 in following terms :-

"(a) In case applicant makes fresh representation for posting at Nashik, and whenever in future an occasion to fill in any post of Clerk-Typist or an equal post arises, applicant's candidature be considered on its own merit, as well as, on sympathetic grounds.

(b) Learned Chief Presenting Officer is directed to communicate this order to the concerned respondents.

(c) Parties shall bear own costs. "

4. Pursuant to that order, the applicant did not make fresh application necessarily mentioning of the said order. But he made application / representation dated 21.01.2020 (Annexure A-10 at page No. 95 of the paper book) seeking transfer any of the post in Sangli, Kolhapur and Nashik district mentioned therein.

5. The applicant is working as Clerk-cum-Typist on his present post since 2014. Even if the applicant completed more than five years, he was not considered for transfer in the General Transfers of the year 2020, as well as, General Transfers of the year 2021. It is the

grievance of the applicant that the respondent Nos. 3 to 8, who were appointed after him in the year 2016 or 2017, in general transfer order dated 06.08.2021 (Annexure A-17) they were accommodated by way of transferring them.

6. Be that as it may, the office of respondent No. 2 by letter dated 30.03.2022 (Annexure A-8 collectively at page No. 183 of the paper book), has called options for the General Transfers of the year 2022. Name of the applicant is at Sr. No. 12 at page No. 187 of the list of the officials due for transfer.

7. In these circumstances, at this stage, during the course of arguments, learned Advocate for the applicant submitted that the present O.A. may be disposed of by giving requisite directions to the respondent Nos. 1 & 2 for considering the representations of the applicant and options given by the applicant thereof and to accommodate him on the vacant post in the General Transfers of the year 2022.

8. Learned Advocate for the applicant further submitted that the applicant in addition to his earlier representation dated 21.01.2020 (Annexure A-10 at

page No. 95 of the paper book), representation dated 16.03.2021 (Annexure A-13 collectively at page No. 118 of the paper book) in prescribed format giving options and representation dated 23.07.2021 (Annexure A-14 at page No. 122 of the paper book) were also made. That apart, the applicant has recently made representation dated 05.04.2022 on similar footing and by giving options. Learned Advocate for the applicant produced the said representation today, which is in the pro-forma is taken on record and is being placed at page Nos. 197 to 202 of the paper book. The applicant has also given representation dated 08.10.2021 (Annexure AA-1 collectively at page No. 171 of the paper book) seeking transfer on medical grounds.

9. Learned Presenting Officer for respondent Nos. 1 and 2 submitted that the necessary order may be passed for considering such representations of the applicant.

10. Learned Advocate for respondent Nos. 3 to 8 also submitted that without affecting the rights of the respondent Nos. 3 to 8, necessary orders may be passed for consideration of representations of the applicant.

11. In the facts and circumstances as above, it is evident from the record that the applicant has completed tenure for more than 8 years on his present posting in the office of Assistant Government Prosecutor, Pachora , Dist. Jalgaon. Since 2020 his name is taken in the waiting list of the Government officials, who were due for transfer. The applicant is giving options also for such transfer. It is also a matter of record that the O.A. No. 481/2019 was filed by the present applicant making grievance that his representations for transfer were not considered. The said O.A. was disposed of by this Tribunal by the order dated 26.06.2019. However, while making such representations, the applicant did not refer to this order dated 26.06.2019 passed in O.A. No. 481/2019. Moreover, it is also a matter of record that the respondent Nos. 3 to 8, who are appointed after 2015 were being accommodated and transferred.

12. In these circumstances, in my considered opinion, it would be just and proper to direct the respondent Nos. 1 and 2 to consider the various representations made by the applicant for posting

preferably in the district Kolhapur and Sangli and more particularly, contending his personal health ground and health grounds of his parents at the earliest and more preferably in the General Transfers of the year 2022 on the vacant post. In view of above, I proceed to pass following order :-

O R D E R

The Original Application No. 465/2021 is partly allowed in following terms :-

(a) The respondent Nos. 1 and 2 are directed to consider the representations dated 21.01.2020 (Annexure A-10 at page No. 95 of the paper book), 16.03.2021 (Annexure A-13 collectively at page No. 118 of the paper book), 23.07.2021 (Annexure A-14 at page No. 122 of the paper book), 08.10.2021 (Annexure AA-1 collectively at page No. 171 of the paper book) and most preferably representation dated 05.04.2022 (page No. 197 of the paper book) made by the applicant thereby seeking transfer in Kolhapur or Sangli District whenever in the

nearest future an occasion to fill in any post of Clerk-Typist or an equivalent post arises, to transfer the applicant on such post on it's own merit, as well as, on sympathetic grounds.

(b) Learned Presenting Officer is directed to communicate this order to the concerned respondents.

(c) Accordingly, O.A. stands disposed of with no order as to costs.

MEMBER (J)

KPB ORAL ORDERS 06.05.2022

ORIGINAL APPLICATION NO. 424 OF 2022
(Raosaheb K. Jare Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 28.06.2022.

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

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

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

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

7. S.O. to 28.06.2022.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 425 OF 2022
(Ramdas H. Lohakare Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 28.06.2022.

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

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

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

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

7. S.O. to 28.06.2022.

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

MEMBER (J)

M.A. St. 570/2022 in O.A. St. No. 571/2022
(Ashok G. Jondhale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate holding for Shri H.V. Patil, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 27.06.2022.

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 840 OF 2022
(Sachin R. Gupta Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri U.R. Awate, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 17.06.2022.

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

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

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

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

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

7. **The point of maintainability of the O.A. on the point of not filing departmental appeal against the order of suspension is kept open. Registry to register the O.A.**

8. S.O. to 17.06.2022.

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

MEMBER (J)

KPB ORAL ORDERS 06.05.2022

ORIGINAL APPLICATION NO. 591 OF 2021
(Vaishnavi S. Landage Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

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

2. As none present for the applicant, S.O. to 04.07.2022.

MEMBER (J)

KPB ORAL ORDERS 06.05.2022

M.A. No. 620/2019 in O.A. St. No. 355/2019
(Sunedh D. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that the respondent No. 2 has issued order dated 08.07.2008 (Annexure-A to the O.A.) rejecting the claim of the applicant.

3. In view of the same, learned Advocate for the applicant submits that he would take necessary steps in the matter.

4. S.O. to 30.06.2022.

MEMBER (J)

M.A. No. 18/2020 in O.A. No. 81/2018
(Sayyed Wali Abdul Khadar Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri D.A. Bide, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 10.06.2022

MEMBER (J)

KPB ORAL ORDERS 06.05.2022

M.A. St. 554/2022 in O.A. No. 44/2020
(State of Maharashtra & Ors. Vs. Asha S. Gaikwad)

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

DATE : 06.05.2022
ORAL ORDER :

Heard Shri M.P. Gude, learned Presenting Officer for the applicants in the present M.A. / respondents in O.A. and Shri K.B. Jadhav, learned Advocate for respondent in the present M.A./ applicant in O.A.

2. By this Misc. Application, the applicants / respondents in O.A. are seeking extension of further four weeks' time from 27.11.2021 for compliance of the order passed in O.A. No. 44/2020, wherein the applicants / respondents in the said O.A. were directed to consider the claim of the applicant for appointment on compassionate ground from the requisite vacant posts or even by creating supernumerary posts by taking into consideration the seniority in the waiting list and to complete the entire exercise of appointing the applicant on compassionate ground in accordance with law within a period of four months from the date of said order.

3. At this stage, learned Presenting Officer submits that applicants / respondent in O.A. No. 44/2020 have already preferred Writ Petition before the Hon'ble High Court in this respect.

4. In view of the same, the M.A. stands disposed of with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 116 OF 2018
(Sanjay M. Deokate Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Smt. Kanchan Saraf, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. At the request of learned Advocate for the applicant, S.O. to 14.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 335 OF 2020
(Arjun N. Pache Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

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

3. By consent of both the sides, S.O. to 10.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 15 OF 2017
(Subhashh M. Sonwane Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Shri Sanjay Kolhare, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 17.06.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 487 OF 2018
(Ramchandra L. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 17.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 06.05.2022

ORIGINAL APPLICATION NO. 810 OF 2019
(Shamsunder M. Choudhari Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 06.07.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 97 OF 2020
(Tukaram V. Sanap Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri M.R. Andhale, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 04.07.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 525 OF 2020
(Anita R. Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Smt. Kanchan Saraf, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 06.07.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 498 OF 2021
(Navnath R. Sanap Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri O.D. Mane, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the order dated 08.10.2021 passed by this Tribunal is not complied with by the respondents.

3. Learned Presenting Officer submits that in this regard, the respondents have filed sur-rejoinder and have raised appropriate pleadings in para No. 6 as to why they are not able to implement that order.

4. In view of the same, S.O. to 16.06.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 522 OF 2021
(Ravindra D. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri O.D. Mane, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 16.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 06.05.2022

ORIGINAL APPLICATION NO. 712 OF 2021
(Dr. Subhash G. Kabade Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

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

2. The present matter is to be treated as part heard.

3. By consent of both the sides, S.O. to 07.06.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 737 OF 2021
(Arun S. Kapadane Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 09.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 06.05.2022

M.A.NO.84 OF 2019 IN O.A.NO.921 OF 2018
(Shriram B. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORDER

This application is made seeking condontion of delay of about 8 years and 4 months caused in filing the Original Application under Section 19 of Administrative Tribunals Act, 1985 seeking directions against the respondents to refund the recovered amount of Rs.52,232/- deducted from the monthly salary of the applicant while in service as per various recovery orders dated 19.06.2009, 11.06.2009 and 06.11.2009 (Exh. 'A-2' collectively in O.A.) for the alleged excess amount paid on account of grant of time bound pay scale of selection grade.

2. The applicant was initially appointed to the post of Industrial Inspector – Class 'III' post on 30.05.1983 till 21.11.2014. Thereafter, he was promoted to the post of Industrial Officer (Technical) and retired on 28.02.2015. Thereafter the applicant along with other 49 employees filed Original Application No.363/2016 before this Tribunal seeking directions against the respondents to take decision for amalgamating the post of Industrial Inspector- Class 'III' and Industrial Inspector (Selection Grade) in the Industries Energy

and Labour Department as well as seeking refund of the amount of un-authorisedly ducted from the salary of the applicant.

3. During pendency of the said Original Application, first prayer of amalgamation was satisfied. The second prayer for refund was still there. However, the Hon'ble Tribunal disposed of the said Original Application by order dated 13.11.2017 (Exh. 'A-1' in M.A.) grating liberty to the applicants to approach the Tribunal, whenever fresh cause of action arises.

4. Meanwhile, the applicant got knowledge of the judgment and order of Hon'ble Supreme Court dated 18.12.2014 in the case of ***State of Punjab & Ors. Vs. Rafiq Masih (White Washer's case) report in 2014 SCW 501*** in respect of recovery and refund. The applicant, therefore, along with three other employees filed O.A.St.No.529/2018 praying refund of recovered amount. By order dated 02.08.2018 (Exh. 'A-2' in M.A.), liberty was granted to the applicants therein to file separate O.As. Accordingly, in the month of November, 2018 the applicant filed the present Original Application along with delay condonation

application. There is a continuous cause of action as claimed by way of monetary benefit to the pensioners as per settled law. The delay is not deliberate. Hence this application.

5. Affidavit-in-reply is filed on behalf of the respondent Nos.1 to 4 by one Balwant Suryakantrao Joshi working as the Joint Director of Industries, Aurangabad. Thereby he denied all the adverse contentions raised in the application. However, the previous litigation as pleaded by the applicant is not disputed. According to these respondents, the impugned orders of recovery are of June, 2009. The applicant had challenged recovery by previous O.A. in 2016 but the same is withdrawn. Huge delay of more than 6 years is not at all explained by the applicant. The applicant has slept over his alleged right for many years. Hence, the application is liable to be dismissed.

6. I have heard the arguments advanced by Shri P.B. Salunke, learned Advocate holding for Shri V.G. Salgare, learned Advocate for the applicant on one hand and Shri S.K. Shrise, learned Presenting Officer for the respondent on other hand.

7. Learned Advocate for the applicant strenuously urged before me that the applicant is seeking monetary relief. The law as regards the recovery of excess amount on account of wrong pay fixation is settled in the year, 2014 in the case of ***State of Punjab & Ors. etc. Vs. Rafiq Masih (White Washer's)*** report in 2014 and accordingly, the relief was sought by the applicant by filing the Original Application in the year 2016 as well as in the year, 2018.

8. That apart, he further submitted that the applicant is a pensioner and as the applicant is being Class 'III employee, the amount was not recoverable. It is continuous cause of action and therefore, liberal approach should be adopted. To support the said submission, he placed reliance on the decision of the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad in the case of ***Shiba Rani Maity and Ors. Vs. The State of West Bengal passed in W.P.No.29979 and 27562 (W) of 2016*** decided on 18.01.2017. After adverting with the various case laws of Hon'ble Supreme Court in ***State of Punjab & Ors. etc. Vs. Rafiq Masih (White Washer's)*** and ***Jagdev***

Singh (supra) case it is observed in para No.15 and 16 as follows:-

> "15. The only other question is that whether the writ petition should be entertained in spite of delay of about 17 years in approaching this Court. In a judgment and order dated 6 September, 2010 delivered in MAT 1933 of 2010 passed by a Division Bench of this Court and held that although the petitioner had approached the Court after a lapse of nine years, no third party right had accrued because of the delay and it was only the petitioner who suffered due to non-payment of the withheld amount on account of alleged over-drawal. Accordingly the Division Bench set aside the order of the Learned Single Judge by which the writ petition had been dismissed only on the ground of delay.
>
> 16. Following the Division Bench judgment of this Court adverted to above, I hold that it is only the petitioner who suffered by reason of the wrongful withholding of the aforesaid sum from his retiral benefits. Although there has been a delay of about 17 years in approaching this Court, the same has not given rise to any third party right and allowing this writ application is not going to affect the right of any third part. It may also be noted that the Hon'ble Apex court observed in its decision in the case of Union of India Vs. Tarsem Singh, MANU/SC/7976/2008 : (2008) 3 SCC 648 that relief may be granted to a writ petitioner in spite of the delay if it does not affect the right of third parties."

9. Learned Presenting Officer appearing on behalf of the respondents opposed the submission made on behalf of the applicant and submitted that there is huge delay of more than 8 years and no plausible explanation is forthcoming. Even if the petition filed by the applicant in the year 2016 is taken into consideration, there is the delay of about 6 years. Hence, this is not a fit case to condone the delay.

10. Considering the facts of the present case, it can be seen that the orders of recovery are passed on account of excess payment being made to the applicant on account of wrong pay fixation. Prima-facie, any misrepresentation or fraud being played by the applicant on the respondents for seeking excess payment is not shown. It is a fact that in the year 2016, the applicant and others had filed Original Application with one of the prayers of refund within about 1 year from the date of retirement.

11. Thereafter, this applicant and three others filed Original Application for the same relief in the year, 2018 itself which was disposed of by order dated 02.08.2018 granting liberty to the applicants therein

to file Original Application separately. Thereafter, in the month of November, 2018 this Original Application along with delay condonation application has filed by the applicant.

12. In the circumstances as above, some negligence can be attributed to the applicant in not approaching the Tribunal in time. However, considering the monetary claim of the applicant it cannot be said that this is going to affect the right of any other Government employees. In such circumstances, the case law relied upon by the applicant in the matter of ***Shiba Rani Maity and Ors.*** (cited supra) would be applicable to hold that this is a fit case to condone the delay.

13. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. I have already observed that some negligence can be attributed to the applicant in not approaching the Tribunal in time. However, the same cannot be said to be gross or deliberate one. In the year 2016 itself, the Original Application for this relief and some other reliefs was already entertained. In this situation, in my

considered opinion, this is a fit case to condone the delay of 8 years 4 months caused in filing the Original Application by imposing moderate costs upon the applicant. I compute the costs of Rs.2000/-(Rs. Two Thousand only) on the applicant and proceed to pass the following order: -

O R D E R

The Misc. Application No. 84/2019 in O.A.No.921/2018 is allowed in following terms:-

(A) The delay of 8 years and 4 months caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 2000/- (Rs. Two Thousand only) by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

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

MEMBER (J)

M.A.NO.85 OF 2019 IN O.A.NO.922 OF 2018
(Hanshraj Masu Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORDER

This application is made seeking condontion of delay of about 5 years and 4 months caused in filing the Original Application under Section 19 of Administrative Tribunals Act, 1985 seeking directions against the respondents to refund the recovered amount of Rs.44,272/- deducted from the monthly salary of the applicant while in service as per recovery order dated 25.06.2012 (Exh. 'A-2' in O.A.) for the alleged excess amount paid on account of grant of time bound pay scale of selection grade.

2. The applicant was initially appointed to the post of Statistical Assistant and subsequently promoted to the post of Industrial Inspector- Class 'III' on 29.05.1987 and posted as a Extension Officer (Industries). He retired from the said post on 03.11.2017. The applicant along with other 49 employees filed Original Application No.363/2016 before this Tribunal seeking directions against the respondents to take decision for amalgamating the post of Industrial Inspector- Class 'III' and Industrial Inspector (Selection Grade) in the Industries Energy

and Labour Department as well as seeking refund of the amount of un-authorisedly ducted from the salary of the applicant.

3. During pendency of the said Original Application, first prayer of amalgamation was satisfied. The second prayer for refund was still there. However, the Hon'ble Tribunal disposed of the said Original Application by order dated 13.11.2017 (Exh. 'A-1' in M.A.) grating liberty to the applicants to approach the Tribunal, whenever fresh cause of action arises.

4. Meanwhile, the applicant got knowledge of the judgment and order of Hon'ble Supreme Court dated 18.12.2014 in the case of ***State of Punjab & Ors. Vs. Rafiq Masih (White Washer's case) report in 2014 SCW 501*** in respect of recovery and refund. The applicant, therefore, along with three other employees filed O.A.St.No.529/2018, praying refund of recovered amount. By order dated 02.08.2018 (Exh. 'A-2' in M.A.), liberty was granted to the applicants therein to file separate O.As. Accordingly, in the month of November, 2018 the applicant filed the present Original Application along with delay condonation

application. There is a continuous cause of action as claimed by way of monetary benefit to the pensioners as per settled law. The delay is not deliberate. Hence this application.

5. Affidavit-in-reply is filed on behalf of the respondent Nos.1 to 4 by one Balwant Suryakantrao Joshi working as the Joint Director of Industries, Aurangabad. Thereby he denied all the adverse contentions raised in the application. However, the previous litigation as pleaded by the applicant is not disputed. According to these respondents, the impugned order of recovery is of June, 2012. The applicant had challenged recovery by previous O.A. in 2016 but the same is withdrawn. Huge delay of more than 4 years is not at all explained by the applicant. The applicant has slept over his alleged right for many years. Hence, the application is liable to be dismissed.

6. I have heard the arguments advanced by Shri P.B. Salunke, learned Advocate holding for Shri V.G. Salgare, learned Advocate for the applicant on one hand and Shri S.K. Shrise, learned Presenting Officer for the respondent on other hand.

7. Learned Advocate for the applicant strenuously urged before me that the applicant is seeking monetary relief. The law as regards the recovery of excess amount on account of wrong pay fixation is settled in the year, 2014 in the case of ***State of Punjab & Ors. etc. Vs. Rafiq Masih (White Washer's)*** report in 2014 and accordingly, the relief was sought by the applicant by filing the Original Application in the year 2016 as well as in the year, 2018.

8. That apart, he further submitted that the applicant is a pensioner and as the applicant is being Class 'III employee, the amount was not recoverable. It is continuous cause of action and therefore, liberal approach should be adopted. To support the said submission, he placed reliance on the decision of the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad in the case of ***Shiba Rani Maity and Ors. Vs. The State of West Bengal passed in W.P.No.29979 and 27562 (W) of 2016*** decided on 18.01.2017. After adverting with the various case laws of Hon'ble Supreme Court in ***State of Punjab & Ors. etc. Vs. Rafiq Masih (White Washer's)*** and ***Jagdev***

Singh (supra) case it is observed in para No.15 and 16 as follows:-

> "15. The only other question is that whether the writ petition should be entertained in spite of delay of about 17 years in approaching this Court. In a judgment and order dated 6 September, 2010 delivered in MAT 1933 of 2010 passed by a Division Bench of this Court and held that although the petitioner had approached the Court after a lapse of nine years, no third party right had accrued because of the delay and it was only the petitioner who suffered due to non-payment of the withheld amount on account of alleged over-drawal. Accordingly the Division Bench set aside the order of the Learned Single Judge by which the writ petition had been dismissed only on the ground of delay.
>
> 16. Following the Division Bench judgment of this Court adverted to above, I hold that it is only the petitioner who suffered by reason of the wrongful withholding of the aforesaid sum from his retiral benefits. Although there has been a delay of about 17 years in approaching this Court, the same has not given rise to any third party right and allowing this writ application is not going to affect the right of any third part. It may also be noted that the Hon'ble Apex court observed in its decision in the case of Union of India Vs. Tarsem Singh, MANU/SC/7976/2008 : (2008) 3 SCC 648 that relief may be granted to a writ petitioner in spite of the delay if it does not affect the right of third parties."

9. Learned Presenting Officer appearing on behalf of the respondents opposed the submission made on behalf of the applicant and submitted that there is huge delay of more than 5 years and no plausible explanation is forthcoming. Even if the petition filed by the applicant in the year 2016 is taken into consideration, there is the delay of about 4 years. Hence, this is not a fit case to condone the delay.

10. Considering the facts of the present case, it can be seen that the orders of recovery are passed on account of excess payment being made to the applicant on account of wrong pay fixation. Prima-facie, any misrepresentation or fraud being played by the applicant on the respondents for seeking excess payment is not shown. It is a fact that in the year 2016, the applicant and others had filed Original Application with one of the prayers of refund before the date of his retirement.

11. Thereafter, this applicant and three others filed Original Application for the same relief in the year, 2018 itself which was disposed of by order dated 02.08.2018 granting liberty to the applicants therein

to file Original Application separately. Thereafter, in the month of November, 2018 this Original Application along with delay condonation application has filed by the applicant.

12. In the circumstances as above, some negligence can be attributed to the applicant in not approaching the Tribunal in time. However, considering the monetary claim of the applicant it cannot be said that this is going to affect the right of any other Government employees. In such circumstances, the case law relied upon by the applicant in the matter of ***Shiba Rani Maity and Ors.*** (cited supra) would be applicable to hold that this is a fit case to condone the delay.

13. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. I have already observed that some negligence can be attributed to the applicant in not approaching the Tribunal in time. However, the same cannot be said to be gross or deliberate one. In the year 2016 itself, the Original Application for this relief and some other reliefs was already entertained. In this situation, in my

considered opinion, this is a fit case to condone the delay of 5 years 4 months caused in filing the Original Application by imposing moderate costs upon the applicant. I compute the costs of Rs.2000/-(Rs. Two Thousand only) on the applicant and proceed to pass the following order: -

O R D E R

The Misc. Application No. 85/2019 in O.A.No.922/2018 is allowed in following terms:-

(A) The delay of 5 years and 4 months caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 2000/- (Rs. Two Thousand only) by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

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

MEMBER (J)

M.A.NO.86 OF 2019 IN O.A.NO.923 OF 2018
(Shivaji M. Shelke Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORDER

This application is made seeking condontion of delay of about 5 years and 7 months caused in filing the Original Application under Section 19 of Administrative Tribunals Act, 1985 seeking directions against the respondents to refund the recovered amount of Rs.43,507/- deducted from the monthly salary of the applicant while in service as per recovery order dated 04.04.2012 (Exh. 'A-2' collectively in O.A.) for the alleged excess amount paid on account of grant of time bound pay scale of selection grade.

2. The applicant was initially appointed to the post of Junior Clerk on 06.01.1983 under Joint Director of Industries, Aurangabad. Thereafter, he was promoted to the post of Industrial Inspector and posted as a Extension Officer (Industries) and retired on 30.08.2015. Thereafter, the applicant along with other 49 employees filed Original Application No.363/2016 before this Tribunal seeking directions against the respondents to take decision for amalgamating the post of Industrial Inspector- Class 'III' and Industrial Inspector (Selection Grade) in the Industries Energy

and Labour Department as well as seeking refund of the amount of un-authorisedly ducted from the salary of the applicant.

3. During pendency of the said Original Application, first prayer of amalgamation was satisfied. The second prayer for refund was still there. However, the Hon'ble Tribunal disposed of the said Original Application by order dated 13.11.2017 (Exh. 'A-1' in M.A.) grating liberty to the applicants to approach the Tribunal, whenever fresh cause of action arises.

4. Meanwhile, the applicant got knowledge of the judgment and order of Hon'ble Supreme Court dated 18.12.2014 in the case of ***State of Punjab & Ors. Vs. Rafiq Masih (White Washer's case) report in 2014 SCW 501*** in respect of recovery and refund. The applicant, therefore, along with three other employees filed O.A.St.No.529/2018 praying refund of recovered amount. By order dated 02.08.2018 (Exh. 'A-2' in M.A.), liberty was granted to the applicants therein to file separate O.As. Accordingly, in the month of November, 2018 the applicant filed the present Original Application along with delay condonation

application. There is a continuous cause of action as claimed by way of monetary benefit to the pensioners as per settled law. The delay is not deliberate. Hence this application.

5. Affidavit-in-reply is filed on behalf of the respondent Nos.1 to 4 by one Balwant Suryakantrao Joshi working as the Joint Director of Industries, Aurangabad. Thereby he denied all the adverse contentions raised in the application. However, the previous litigation as pleaded by the applicant is not disputed. According to these respondents, the impugned order of recovery is of April, 2012. The applicant had challenged recovery by previous O.A. in 2016 but the same is withdrawn. Huge delay of more than 4 years is not at all explained by the applicant. The applicant has slept over his alleged right for many years. Hence, the application is liable to be dismissed.

6. I have heard the arguments advanced by Shri P.B. Salunke, learned Advocate holding for Shri V.G. Salgare, learned Advocate for the applicant on one hand and Shri S.K. Shrise, learned Presenting Officer for the respondent on other hand.

7. Learned Advocate for the applicant strenuously urged before me that the applicant is seeking monetary relief. The law as regards the recovery of excess amount on account of wrong pay fixation is settled in the year, 2014 in the case of ***State of Punjab & Ors. etc. Vs. Rafiq Masih (White Washer's)*** report in 2014 and accordingly, the relief was sought by the applicant by filing the Original Application in the year 2016 as well as in the year, 2018.

8. That apart, he further submitted that the applicant is a pensioner and as the applicant is being Class 'III employee, the amount was not recoverable. It is continuous cause of action and therefore, liberal approach should be adopted. To support the said submission, he placed reliance on the decision of the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad in the case of ***Shiba Rani Maity and Ors. Vs. The State of West Bengal passed in W.P.No.29979 and 27562 (W) of 2016*** decided on 18.01.2017. After adverting with the various case laws of Hon'ble Supreme Court in ***State of Punjab & Ors. etc. Vs. Rafiq Masih (White Washer's)*** and ***Jagdev***

Singh (supra) case it is observed in para No.15 and 16 as follows:-

> "15. The only other question is that whether the writ petition should be entertained in spite of delay of about 17 years in approaching this Court. In a judgment and order dated 6 September, 2010 delivered in MAT 1933 of 2010 passed by a Division Bench of this Court and held that although the petitioner had approached the Court after a lapse of nine years, no third party right had accrued because of the delay and it was only the petitioner who suffered due to non-payment of the withheld amount on account of alleged over-drawal. Accordingly the Division Bench set aside the order of the Learned Single Judge by which the writ petition had been dismissed only on the ground of delay.
>
> 16. Following the Division Bench judgment of this Court adverted to above, I hold that it is only the petitioner who suffered by reason of the wrongful withholding of the aforesaid sum from his retiral benefits. Although there has been a delay of about 17 years in approaching this Court, the same has not given rise to any third party right and allowing this writ application is not going to affect the right of any third part. It may also be noted that the Hon'ble Apex court observed in its decision in the case of Union of India Vs. Tarsem Singh, MANU/SC/7976/2008 : (2008) 3 SCC 648 that relief may be granted to a writ petitioner in spite of the delay if it does not affect the right of third parties."

9. Learned Presenting Officer appearing on behalf of the respondents opposed the submission made on behalf of the applicant and submitted that there is huge delay of more than 5 years and no plausible explanation is forthcoming. Even if the petition filed by the applicant in the year 2016 is taken into consideration, there is the delay of about 4 years. Hence, this is not a fit case to condone the delay.

10. Considering the facts of the present case, it can be seen that the orders of recovery are passed on account of excess payment being made to the applicant on account of wrong pay fixation. Prima-facie, any misrepresentation or fraud being played by the applicant on the respondents for seeking excess payment is not shown. It is a fact that in the year 2016, the applicant and others had filed Original Application with one of the prayers of refund within about 1 year from the date of retirement.

11. Thereafter, this applicant and three others filed Original Application for the same relief in the year, 2018 itself which was disposed of by order dated 02.08.2018 granting liberty to the applicants therein

to file Original Application separately. Thereafter, in the month of November, 2018 this Original Application along with delay condonation application has filed by the applicant.

12. In the circumstances as above, some negligence can be attributed to the applicant in not approaching the Tribunal in time. However, considering the monetary claim of the applicant it cannot be said that this is going to affect the right of any other Government employees. In such circumstances, the case law relied upon by the applicant in the matter of ***Shiba Rani Maity and Ors.*** (cited supra) would be applicable to hold that this is a fit case to condone the delay.

13. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. I have already observed that some negligence can be attributed to the applicant in not approaching the Tribunal in time. However, the same cannot be said to be gross or deliberate one. In the year 2016 itself, the Original Application for this relief and some other reliefs was already entertained. In this situation, in my

considered opinion, this is a fit case to condone the delay of 5 years 7 months caused in filing the Original Application by imposing moderate costs upon the applicant. I compute the costs of Rs.2000/-(Rs. Two Thousand only) on the applicant and proceed to pass the following order: -

O R D E R

The Misc. Application No. 86/2019 in O.A.No.923/2018 is allowed in following terms:-

(A) The delay of 5 years and 7 months caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 2000/- (Rs. Two Thousand only) by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

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

MEMBER (J)

M.A.NO.87 OF 2019 IN O.A.NO.924 OF 2018
(Dhananjay Pandharinath Patil Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORDER

This application is made seeking condontion of delay of about 8 years and 4 months caused in filing the Original Application under Section 19 of Administrative Tribunals Act, 1985 seeking directions against the respondents to refund the recovered amount of Rs.47,830/- deducted from the monthly salary of the applicant while in service as per recovery order dated 15.06.2009 (Exh. 'A-2' in O.A.) for the alleged excess amount paid on account of grant of time bound pay scale of selection grade.

2. The applicant was initially appointed to the post of Industrial Inspector (Class 'III') post on 04.05.1983. Thereafter, he was promoted to the post of Industrial Officer (Technical) and retired on 31.03.2016. Thereafter the applicant along with other 49 employees filed Original Application No.363/2016 before this Tribunal seeking directions against the respondents to take decision for amalgamating the post of Industrial Inspector- Class 'III' and Industrial Inspector (Selection Grade) in the Industries Energy

and Labour Department as well as seeking refund of the amount of un-authorisedly ducted from the salary of the applicant.

3. During pendency of the said Original Application, first prayer of amalgamation was satisfied. The second prayer for refund was still there. However, the Hon'ble Tribunal disposed of the said Original Application by order dated 13.11.2017 (Exh. 'A-1' in M.A.) grating liberty to the applicants to approach the Tribunal, whenever fresh cause of action arises.

4. Meanwhile, the applicant got knowledge of the judgment and order of Hon'ble Supreme Court dated 18.12.2014 in the case of ***State of Punjab & Ors. Vs. Rafiq Masih (White Washer's case) report in 2014 SCW 501*** in respect of recovery and refund. The applicant, therefore, along with three other employees filed O.A.St.No.529/2018 praying refund of recovered amount. By order dated 02.08.2018 (Exh. 'A-2' in M.A.), liberty was granted to the applicants therein to file separate O.As. Accordingly, in the month of November, 2018 the applicant filed the present Original Application along with delay condonation

application. There is a continuous cause of action as claimed by way of monetary benefit to the pensioners as per settled law. The delay is not deliberate. Hence this application.

5. Affidavit-in-reply is filed on behalf of the respondent Nos.1 to 4 by one Balwant Suryakantrao Joshi working as the Joint Director of Industries, Aurangabad. Thereby he denied all the adverse contentions raised in the application. However, the previous litigation as pleaded by the applicant is not disputed. According to these respondents, the impugned orders of recovery are of June, 2009. The applicant had challenged recovery by previous O.A. in 2016 but the same is withdrawn. Huge delay of more than 6 years is not at all explained by the applicant. The applicant has slept over his alleged right for many years. Hence, the application is liable to be dismissed.

6. I have heard the arguments advanced by Shri P.B. Salunke, learned Advocate holding for Shri V.G. Salgare, learned Advocate for the applicant on one hand and Shri S.K. Shrise, learned Presenting Officer for the respondent on other hand.

7. Learned Advocate for the applicant strenuously urged before me that the applicant is seeking monetary relief. The law as regards the recovery of excess amount on account of wrong pay fixation is settled in the year, 2014 in the case of ***State of Punjab & Ors. etc. Vs. Rafiq Masih (White Washer's)*** report in 2014 and accordingly, the relief was sought by the applicant by filing the Original Application in the year 2016 as well as in the year, 2018.

8. That apart, he further submitted that the applicant is a pensioner and as the applicant is being Class 'III employee, the amount was not recoverable. It is continuous cause of action and therefore, liberal approach should be adopted. To support the said submission, he placed reliance on the decision of the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad in the case of ***Shiba Rani Maity and Ors. Vs. The State of West Bengal passed in W.P.No.29979 and 27562 (W) of 2016*** decided on 18.01.2017. After adverting with the various case laws of Hon'ble Supreme Court in ***State of Punjab & Ors. etc. Vs. Rafiq Masih (White Washer's)*** and ***Jagdev***

Singh (supra) case it is observed in para No.15 and 16 as follows:-

> "15. The only other question is that whether the writ petition should be entertained in spite of delay of about 17 years in approaching this Court. In a judgment and order dated 6 September, 2010 delivered in MAT 1933 of 2010 passed by a Division Bench of this Court and held that although the petitioner had approached the Court after a lapse of nine years, no third party right had accrued because of the delay and it was only the petitioner who suffered due to non-payment of the withheld amount on account of alleged over-drawal. Accordingly the Division Bench set aside the order of the Learned Single Judge by which the writ petition had been dismissed only on the ground of delay.
>
> 16. Following the Division Bench judgment of this Court adverted to above, I hold that it is only the petitioner who suffered by reason of the wrongful withholding of the aforesaid sum from his retiral benefits. Although there has been a delay of about 17 years in approaching this Court, the same has not given rise to any third party right and allowing this writ application is not going to affect the right of any third part. It may also be noted that the Hon'ble Apex court observed in its decision in the case of Union of India Vs. Tarsem Singh, MANU/SC/7976/2008 : (2008) 3 SCC 648 that relief may be granted to a writ petitioner in spite of the delay if it does not affect the right of third parties."

9. Learned Presenting Officer appearing on behalf of the respondents opposed the submission made on behalf of the applicant and submitted that there is huge delay of more than 8 years and no plausible explanation is forthcoming. Even if the petition filed by the applicant in the year 2016 is taken into consideration, there is the delay of about 6 years. Hence, this is not a fit case to condone the delay.

10. Considering the facts of the present case, it can be seen that the orders of recovery are passed on account of excess payment being made to the applicant on account of wrong pay fixation. Prima-facie, any misrepresentation or fraud being played by the applicant on the respondents for seeking excess payment is not shown. It is a fact that in the year 2016, the applicant and others had filed Original Application with one of the prayers of refund within about 1 year from the date of retirement.

11. Thereafter, this applicant and three others filed Original Application for the same relief in the year, 2018 itself which was disposed of by order dated 02.08.2018 granting liberty to the applicants therein

to file Original Application separately. Thereafter, in the month of November, 2018 this Original Application along with delay condonation application has filed by the applicant.

12. In the circumstances as above, some negligence can be attributed to the applicant in not approaching the Tribunal in time. However, considering the monetary claim of the applicant it cannot be said that this is going to affect the right of any other Government employees. In such circumstances, the case law relied upon by the applicant in the matter of ***Shiba Rani Maity and Ors.*** (cited supra) would be applicable to hold that this is a fit case to condone the delay.

13. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. I have already observed that some negligence can be attributed to the applicant in not approaching the Tribunal in time. However, the same cannot be said to be gross or deliberate one. In the year 2016 itself, the Original Application for this relief and some other reliefs was already entertained. In this situation, in my

considered opinion, this is a fit case to condone the delay of 8 years 4 months caused in filing the Original Application by imposing moderate costs upon the applicant. I compute the costs of Rs.2000/-(Rs. Two Thousand only) on the applicant and proceed to pass the following order: -

O R D E R

The Misc. Application No. 87/2019 in O.A.No.924/2018 is allowed in following terms:-

(A) The delay of 8 years and 4 months caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 2000/- (Rs. Two Thousand only) by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

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

MEMBER (J)

ORIGINAL APPLICATION NO.1026 OF 2019
(Keshav M. Soudarmal Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

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

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

3. S.O. to 29.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.341 OF 2020
(Mangala M. Pande Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

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

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

3. S.O. to 24.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.342 OF 2020
(Savita N. Murmunde Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

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

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

3. S.O. to 24.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.343 OF 2020
(Bhimrao S. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri S.B. Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

3. S.O. to 24.06.2022.

MEMBER (J)

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

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

DATE : 06.05.2022

ORAL ORDER :

Heard Smt. Amruta Pansare, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. At the request of the learned Advocate for the applicant, time is granted for taking necessary steps.

4. S.O. to 01.07.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.584 OF 2020
(Gopalrao R. Kulkarni (Died) Through His LRs. Sumanbi G. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Shri M.L. Dharashive, learned Advocate for the applicant, is **absent**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 & 3 to 5.

3. S.O. to 01.07.2022.

MEMBER (J)

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

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

DATE : 06.05.2022

ORAL ORDER :

Shri D.K. Dagadkhair, learned Advocate for the applicant, is **absent**. Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 01.07.2022.

MEMBER (J)

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

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

DATE : 06.05.2022

ORAL ORDER :

Heard Smt. Amruta Pansare, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

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

3. S.O. to 01.07.2022.

MEMBER (J)

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

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

DATE : 06.05.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant, is **absent**. Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

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

3. S.O. to 01.07.2022.

MEMBER (J)

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

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 09.06.2022 for admission.

MEMBER (J)

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

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri Shamsundar B. Patil, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the service is complete and he would file service affidavit in the office in respect of service of notice upon the respondent No.1.

3. Affidavit-in-reply filed on behalf of the respondent Nos.1 to 5 is taken on record and copy thereof has been served on the other side.

4. S.O. to 04.07.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

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

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

DATE : 06.05.2022

ORAL ORDER :

Shri M.B. Kolpe, learned Advocate for the applicant, is **absent**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 04.07.2022 for filing affidavit-in-rejoinder, if any

MEMBER (J)

ORIGINAL APPLICATION NO.504 OF 2021
(Dilip B. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Shri M.D. Godhamgaonkar, learned Advocate for the applicant, is **absent**. Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 04.07.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

ORIGINAL APPLICATION NO.505 OF 2021
(Bhaskar V. Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Shri G.N. Kulkarni, learned Advocate for the applicant, Shri I.D. Maniyar, learned Advocate for the respondent No.3 and Shri S.S. Ware, learned Advocate for the respondent No.4, are **absent**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos.1 and 2.

2. In view of absence of learned Advocate for the applicant, S.O. to 04.07.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

ORIGINAL APPLICATION NO.601 OF 2021
(Ramesh M. Darekar Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri Ganesh Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of all the respondents to amended O.A.

3. S.O. to 04.07.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.650 OF 2021
(Prakash T. Vaichal Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Shri A.D. Kawre, learned Advocate for the applicant, is **absent**. Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 04.07.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

ORIGINAL APPLICATION NO.651 OF 2021
(Dr. Shivaji D. Birare Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Smt. Kanchan Saraf, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, time is granted for taking necessary steps.

3. S.O. to 05.07.2022.

MEMBER (J)

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

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

DATE : 06.05.2022

ORAL ORDER :

Shri Vikram S. Undre, learned Advocate for the applicant, is **absent**. Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos.1 to 5 & 7 and Shri R.A. Joshi, learned Advocate for the respondent No.6.

2. Await service of notice on the respondents.

3. In view of absence of learned Advocate for the applicant, S.O. to 05.07.2022 for taking necessary steps.

MEMBER (J)

O.A.NOS.60, 61, 116 TO 136 AND 158 ALL OF 2022
(Abhaykumar S. Salve & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri S.A. Deshmukh, learned Advocate for the applicants in all these O.As. and Shri D.R. Patil, learned Presenting Officer for the respondents in all these O.As.

2. At the request of the learned P.O., time is granted as a last chance for filing affidavit-in-reply on behalf of the respondents in all these matters.

3. S.O. to 09.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.89 OF 2022
(Bhaskar V. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri M.S. Taur, learned Advocate holding for Shri A.M. Hajare, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

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

3. S.O. to 04.07.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.287 OF 2022
(Pratibha M. Lohar Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Affidavit-in-reply filed on behalf of the respondent Nos.1 to 3 is taken on record and copy thereof has been served on the other side.

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

4. S.O. to 06.06.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO.340 OF 2022
(Nandkishor S. Chitlange Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 05.07.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.453 OF 2020
(Bhatu R. Mahale Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri Rahul P. Savale, learned Advocate holding for Shri Vinod P. Patil, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 06.07.2022.

MEMBER (J)

M.A.NO.417 OF 2018 IN O.A.ST.NO.1785 OF 2018
(Dangal S. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

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

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

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

4. S.O. to 01.07.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.89 OF 2020
(Madhukar G. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

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

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

3. S.O. to 06.07.2022.

MEMBER (J)

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

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri P.H. Patil, learned Advocate holding for Shri Prakashing B. Patil, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos.1 & 2. Shri V.C. Patil (Ashtekar), learned Advocate for the respondent No.3, is **absent**.

2. At the request of the learned Advocate for the applicant, S.O. to 05.07.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.122 OF 2019
(Shaikh Ahamed Abdul Sattar Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri P.H. Patil, learned Advocate holding for Shri Prakashsing B. Patil, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 05.07.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.781 OF 2018
(Suryakant M. Garude & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri Dilip Mutalik, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicants, S.O. to 05.07.2022 for final hearing.

MEMBER (J)

M.A.NO.34 OF 2021 IN O.A.ST.NO.122 OF 2021
(Vijay R. Shringare Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Shri Dilip Mutalik, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Record shows that the affidavit-in-rejoinder is already filed on behalf of the applicant.

3. At the request of the learned Advocate for the applicant, S.O. to 05.07.2022 for hearing.

MEMBER (J)

M.A.NO.25 OF 2022 IN O.A.NO.699 OF 2021
(Narayan N. More Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

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

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

3. S.O. to 05.07.2022.

MEMBER (J)

M.A.NO.419 OF 2021 IN O.A.ST.NO.1799 OF 2021
(Nilabai P. Mamulwar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

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

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

3. S.O. to 05.07.2022.

MEMBER (J)

M.A.NO.427 OF 2021 IN O.A.ST.NO.1816 OF 2021
(Gajanan B. Dandge & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants submits that she has not received the copy of affidavit-in-reply filed on behalf of the respondent Nos.1 to 3.

3. Learned P.O. for the respondents submits that she will furnish the copy of reply to learned Advocate for the applicants.

4. Learned Advocate for the applicants submits that the applicants do not wish to file affidavit-in-rejoinder.

5. S.O. to 06.06.2022 for hearing.

MEMBER (J)

Date :06.05.2022

ORIGINAL APPLICATION NO.433 OF 2022
(Prakash Bhimrao Kamble V/s The State of Maharashtra & Ors.)

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

1. Shri V.G. Pingle, learned Advocate for the applicant and Shri D.R. Patil, ld. P.O. for the respondents, are present

2. Circulation is granted. Issue notices to the respondents, returnable on 15.06.2022. The case be listed for admission hearing on **15.06.2022**.

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

4. Applicant is 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. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

06.05.2022/sas registrar notice/

Date :06.05.2022

ORIGINAL APPLICATION NO.438 OF 2022
(Smt. Sunita wd/o Sharad Gaikwad & Ors. V/s The State of Maharashtra & Ors.)

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

1. Shri V.G. Pingle, learned Advocate for the applicants and Shri S.K. Shirse, ld. P.O. for the respondents, are present

2. Circulation is granted. Issue notices to the respondents, returnable on 16.06.2022. The case be listed for admission hearing on **16.06.2022**.

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

Date :06.05.2022

ORIGINAL APPLICATION NO.441 OF 2022
(Gajanan A. Taralkar V/s The State of Maharashtra & Ors.)

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

1. Shri P.S. Anerao, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, ld. P.O. for the respondents, are present

2. Circulation is granted. Issue notices to the respondents, returnable on 16.06.2022. The case be listed for admission hearing on **16.06.2022**.

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

4. Applicant is 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. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date :06.05.2022

M.A.NO.205/2022 IN O.A.ST.NO.794/2022
(Dr. Deepak K. Shejwal V/s The State of Maharashtra & Ors.)

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

1. Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri N.U. Yadav, ld. P.O. for the respondents, are present

2. Circulation is granted. Issue notices to the respondents in M.A.No.205/2022, returnable on 15.06.2022. The case be listed for admission hearing on **15.06.2022**.

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

4. Applicant is 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. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date :06.05.2022

M.A.NO.206/2022 IN O.A.ST.NO.796/2022
(Dr. Amol P. Khairnar V/s The State of Maharashtra & Ors.)

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

1. Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri S.K. Shirse, ld. P.O. for the respondents, are present

2. Circulation is granted. Issue notices to the respondents in M.A.No.206/2022, returnable on 15.06.2022. The case be listed for admission hearing on **15.06.2022**.

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

4. Applicant is 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. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date :06.05.2022

M.A.NO.207/2022 IN O.A.ST.NO.798/2022
(Dr. Manjusha d/o Punjaji Tambse V/s The State of Maharashtra & Ors.)

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

1. Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri M.P. Gude, ld. P.O. for the respondents, are present

2. Circulation is granted. Issue notices to the respondents in M.A.No.207/2022, returnable on 15.06.2022. The case be listed for admission hearing on **15.06.2022**.

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

4. Applicant is 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. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

06.05.2022/sas registrar notice/

Date :06.05.2022

M.A.NO.202/2022 IN O.A.ST.NO.781/2022
(Dr. Yogesh s/o Motilal Borse V/s The State of Maharashtra & Ors.)

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

1. Ms. Preeti R. Wankhade, learned Advocate for the applicant and Smt. Deepali S. Deshpande, ld. P.O. for the respondents, are present

2. Circulation is granted. Issue notices to the respondents in M.A.No.202/2022, returnable on 15.06.2022. The case be listed for admission hearing on **15.06.2022**.

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

4. Applicant is 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. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date :06.05.2022

M.A.NO.203/2022 IN O.A.ST.NO.783/2022
(Dr. Smita Ashokkumar Bora V/s The State of Maharashtra & Ors.)

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

1. Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri V.R. Bhumkar, ld. P.O. for the respondents, are present

2. Circulation is granted. Issue notices to the respondents in M.A.No.203/2022, returnable on 15.06.2022. The case be listed for admission hearing on **15.06.2022**.

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

4. Applicant is 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. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date :06.05.2022

M.A.NO.204/2022 IN O.A.ST.NO.792/2022
(Dr. Bharati Machhindra Patil V/s The State of Maharashtra & Ors.)

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

1. Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri D.R. Patil, ld. P.O. for the respondents, are present

2. Circulation is granted. Issue notices to the respondents in M.A.No.204/2022, returnable on 15.06.2022. The case be listed for admission hearing on **15.06.2022**.

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

4. Applicant is 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. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

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

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

DATE : 06.05.2022

ORAL ORDER :

Shri Shamsundar B. Patil, learned Advocate for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondents, are present.

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

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO.767/2021
(Baliram Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Smt. Vidya Taksal, learned Advocate holding for Smt. Suchita Dhongde, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents, are present.

2. Learned Advocate for the applicant states that she does not wish to file rejoinder affidavit. Hence, the matter be placed for hearing on 18-07-2022.

MEMBER (A) **VICE CHAIRMAN**

M.A.NO.35/2018 IN O.A.ST.NO.97/2018
(Nilesh Tagad Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Shri P.G.Tambde, learned Advocate holding for Shri S.S.Jadhavar, learned Advocate for the applicant, Shri B.S.Deokar, learned Presenting Officer for the respondent authorities and Shri M.B.Kolpe, learned Advocate for respondent no.2, are present.

2. S.O. to 27-06-2022.

MEMBER (A) **VICE CHAIRMAN**

M.A.NO.327/2019 IN O.A.ST.NO.1212/2019
(Dr. Suryakant Nagshettiwar Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

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

2. S.O. to 28-06-2022.

MEMBER (A) **VICE CHAIRMAN**

M.A.NO.83/2020 IN O.A.ST.NO.1036/2019
(Dr. Naresh Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Ku. Anagha Pandit, learned Advocate holding for Shri S.B.Talekar, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities and Shri Rakesh Jain, learned Advocate for respondent no.4, are present.

2. S.O. to 28-06-2022.

MEMBER (A) **VICE CHAIRMAN**

M.A.NO.103/2020 IN O.A.ST.NO.146/2020
(Ramchandra Palmate Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Shri P.G.Tambde, learned Advocate holding for Shri V.P.Golewar, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents, are present.

2. S.O. to 29-06-2022.

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO.76/2019
(Nilesh Badgujar Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

ORAL ORDER :

Shri H.V.Patil, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondents, are present.

2. S.O. to 13-06-2022.

MEMBER (A) **VICE CHAIRMAN**

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

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

DATE : 06.05.2022

ORAL ORDER :

Shri V.G.Pingle, learned Advocate for the applicant, Shri N.U.Yadav, learned Presenting Officer for the respondent authorities and Shri S.D.Dhongde, learned Advocate for respondent nos.3 and 4, are present.

2. S.O. to 01-07-2022.

MEMBER (A) **VICE CHAIRMAN**

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

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

DATE : 06.05.2022

ORAL ORDER :

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

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

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO. 598 OF 2021
(Bramhdev M. Latpate Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Smt. Vidya Taksal, learned counsel holding for Shri Suresh D. Dhongde, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 18.7.2022.

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO. 624 OF 2021
(Pradeep D. Mulgir Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Smt. Vidya Taksal, learned counsel holding for Smt. Suchita A. Dhongde, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of respondent Nos. 2 & 4. Time granted.

3. S.O. to 18.7.2022.

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO. 644 OF 2021
(Dilip B. Wani Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Smt. Vidya Taksal, learned counsel holding for Smt. Suchita A. Dhongde, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. On instructions, learned counsel for the applicant submits that the applicant does not wish to file rejoinder affidavit. In the circumstances, the present case be listed for hearing on 18.7.2022.

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO. 694 OF 2021
(Avinash G. Chonde Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Shri Anand Deshpande, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 19.7.2022. Interim relief granted earlier to continue till then.

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO. 695 OF 2021
(Narayan D. Mundhe Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Shri Anand Deshpande, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 19.7.2022. Interim relief granted earlier to continue till then.

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO. 696 OF 2021
(Nagesh V. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Shri Anand Deshpande, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 19.7.2022.

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO. 780 OF 2021
(Dr. Gajanan A. Surwade Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 20.7.2022.

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO. 782 OF 2021
(Dhrupatrao P. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Shri G.K. Kshirsagar, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 20.7.2022.

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO. 784 OF 2021
(Raghunath L. Bhadke Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. Learned counsel for the applicant submits that respondent No. 8 has refused to accept the notice. She has placed on record the envelope containing the notice on respondent No. 8.

3. Await service of notice on respondent No. 8.

4. S.O. to 20.7.2022.

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO. 792 OF 2021
(Rajendra B. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

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

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

3. S.O. to 20.7.2022.

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO. 30 OF 2022
(Mahesh S. Vaidya Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

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

2. On instructions, learned counsel for the applicant submits that the applicant does not wish to file rejoinder affidavit. In the circumstances, list the present case for hearing on 21.7.2022.

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO. 53 OF 2022
(Sudhakar N. Dusane Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

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

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

3. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

4. S.O. to 22.7.2022.

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO. 165 OF 2022
(Bhaskar N. Patil & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Shri R.P. Bhumkar, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 22.7.2022.

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO. 197 OF 2022
(Abhijit V. Bharne Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Shri G.K. Muneshwar, learned counsel for the applicant (**absent**). Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

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

3. S.O. to 22.7.2022.

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO. 211 OF 2022
(Smita R. Achme Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

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

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

3. S.O. to 5.7.2022.

MEMBER (A) **VICE CHAIRMAN**

M.A.NO. 521/2019 IN O.A.ST.NO. 1930/2019
(Prashant P. Sonagraa Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Shri A.D. Kaware, learned counsel for the applicant (**absent**). Shri D.R. Patil, learned Presenting Officer for the respondents, is present.

2. Since nobody appears for the applicant, S.O. to 14.7.2022.

MEMBER (A) **VICE CHAIRMAN**

M.A.NO. 90/2020 IN O.A.NO. 1067/2019
(Prakash S. Paware Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Shri Dhananjay Mane, learned counsel for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondents, is present.

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

3. S.O. to 14.7.2022.

MEMBER (A) **VICE CHAIRMAN**

M.A.NO. 198/2022 IN O.A.ST.NO. 829/2022
(Shilpa S. Dhanmane & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)
DATE : 6.5.2022

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicants, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri P.G. Tambade, learned counsel holding for Shri S.S. Jadhavar, learned counsel for respondent No. 3.

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

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

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

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION ST.NO. 829 OF 2022
(Shilpa S. Dhanmane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicants, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri P.G. Tambade, learned counsel holding for Shri S.S. Jadhavar, learned counsel for respondent No. 3.

2. The applicants are intending to apply for the post of Lower Grade Stenographer. The Maharashtra Public Service Commission (for short "the Commission") has advertised 45 posts to be filled in of Lower Grade Stenographer vide advertisement No. 42/2022. It is the grievance of the applicants that though they possess the required qualification they are unable to submit their online application forms as the name of the Institute from which they have acquired the training is not finding place in the "top-up-menu" as an Eligible Examination Board. Learned counsel for the applicants brought to our notice certificates of the applicants. He submitted that the Institute namely Gramin Technical & Management Campus is duly affiliated with the Maharashtra State Board of Technical Education.

Learned counsel has tendered across the bar the documents in that regard. Learned counsel further submitted that as the name of the said Institute is not reflected in the "top-up-menu" the applicants are likely to be deprived of from submitting their application forms. Learned counsel in the circumstances has prayed for interim relief. By way of interim relief the applicants are seeking directions against the Commission to provisionally accept their application forms subject to outcome of the present O.A.

3. Learned Presenting Officer has opposed for grant of any interim relief stating that there may be some valid reason for not having the name of the concerned Institution in the application form to be filled in online by the applicants. According to him, no case is, therefore, made out for grant of any interim relief.

4. Shri P.G. Tambade, learned counsel holding for Shri S.S. Jadhavar, learned counsel for respondent No. 3 submitted that the Institute from which the applicants have completed the training is duly affiliated with the respondent No. 3. Learned counsel however, could not explain whether the respondent No. 3 has communicated the name of the said Institution to the Commission for including the name of the said Institution in the format of online application, so that it may appear in the "top-up-menu".

5. We have carefully considered the submissions advanced by the learned counsel appearing for the parties. We have also perused the documents on record.

6. We are *prima facie* satisfied that the applicants possess the qualification prescribed in the advertisement. Their forms are not being accepted for the reason that the name of the Institution from which the applicants have completed their training is not finding place in the "top-up-menu" as an Eligible Examination Board. As has been submitted by the learned counsel appearing for respondent No. 3 and as is revealing from the documents produced on record by the applicants, *prima facie*, there is reason to believe that the Institute from which the applicants have completed their training is duly affiliated with the Maharashtra State Technical Education Board. At present, there is no concrete information on record whether respondent No. 3 has communicated the name of the said Institute to the Commission or otherwise. It is brought to our notice that last date for submitting online application forms is 12th May, 2022. As we have noted hereinabove we are *prima facie* satisfied that the applicants are holding the required qualification. In the circumstances, they cannot be deprived from submitting their application forms for the reason beyond their control. If the interim relief as prayed for is not granted in favour of the applicants, they would suffer irreparable loss. If their forms are provisionally accepted, no prejudice is likely to be caused to anyone.

6. For the reasons above, we deem it appropriate to pass the following order: -

O R D E R

1) Issue notices to the respondents, returnable on 16.6.2022.

2) The MPSC shall provisionally accept the application forms of the applicants in the present O.A., subject to outcome of the O.A.

3) Respondent No. 3 shall within a week communicate the name of the Institute namely Gramin Technical & Management Campus, to the Commission, if already not communicated and if the said Institute is complying with norms, if any prescribed for including its name in the "top-up-menu"

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

5) 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.

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

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

8) Affidavit in reply be filed on or before the next date, so that the O.A. can be decided on merits at the earliest.

9) S.O. to 16.6.2022.

10) Steno copy and Humdast is allowed to both parties. Learned Presenting Officer is directed to communicate this order to respondent Nos. 2 & 3.

MEMBER (A) **VICE CHAIRMAN**

Date : 06.05.2022
M.A.NO. 199/2022 IN O.A.ST.NO. 837/2022
(Arjun Bhimrao Koli V/s State of Maha. & Ors.)

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

1. Shri Suresh D. Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for respondents, are present.

2. Circulation is granted. Issue notices to the respondents in M.A. No. 199/2022, returnable on 13.06.2022. The case be listed for admission hearing on **13.06.2022**.

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

4. Applicant is 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. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 06.05.2022
M.A.NO. 200/2022 IN O.A.ST.NO. 836/2022
(Kiran S/o. Shivcharan Giri V/s State of Maharashtra & Ors.)

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

1. Shri A.V. Thombre, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents, are present.

2. Circulation is granted. Issue notices to the respondents in M.A. No. 200/2022, returnable on 14.06.2022. The case be listed for admission hearing on **14.06.2022**.

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

4. Applicant is 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. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 06.05.2022
ORIGINAL APPLICATION NO. 431 OF 2022
(Baliram S/o. Balaji Chavan V/s State of Maharashtra & Ors.)
Per :– Standing directions of Hon'ble Chairperson, M.A.T., Mumbai

1. Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 14.06.2022. The case be listed for admission hearing on **14.06.2022**.

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

4. Applicant is 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. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 06.05.2022
ORIGINAL APPLICATION NO. 432 OF 2022
(Ramesh R. Kagne V/s State of Maha. & Ors.)

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

1. 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 respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 14.06.2022. The case be listed for admission hearing on **14.06.2022**.

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

4. Applicant is 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. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 06.05.2022
M.A.NO. 201/2022 IN O.A.ST.NO. 828/2022
(Gajanan S/o. Purushottam Rohankar V/s State of Maha. & Ors.)

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

1. Shri K.P. Rodge, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondents, are present.

2. Circulation is granted. Issue notices to the respondents in M.A. No. 201/2022, returnable on 14.06.2022. The case be listed for admission hearing on **14.06.2022**.

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

4. Applicant is 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. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

ORIGINAL APPLICATION NO. 1 OF 2022
(Vishnu Bapurao More Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer submits that respondents may most probably adopt the affidavit in reply filed in O.A. No. 2/2022, if the facts are similar and nothing is to be newly added in the affidavit in reply. Learned Presenting Officer further submitted that in any case the statement in that regard will be made or if required the affidavit in reply will be filed in the first week after vacation.

3. S.O. to 8.6.2022.

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO. 2 OF 2022
(Shantilal D. Hiwarale Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 8.6.2022. The interim relief granted earlier to continue till then.

MEMBER (A) **VICE CHAIRMAN**

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

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

DATE : 6.5.2022

ORAL ORDER :

Heard Shri V.V. Gujar, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri S.J. Salunke, learned counsel for respondent No. 4.

2. The present case is not on today's board. It is taken on board.

3. Shri S.J. Salunke, learned counsel for respondent No. 4 submits that as he was held up in the matter before the Hon'ble High Court, could not attend the present matter. Learned counsel submits that the written statement filed on behalf of the respondent No. 4 shall be treated as arguments on behalf of respondent No. 4. The contention is recorded. The matter is reserved for orders.

MEMBER (A) **VICE CHAIRMAN**

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

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

DATE : 6.5.2022

ORAL ORDER :

Shri J.M. Murkute, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. By consent of both the parties, S.O. to 7.6.2022.

MEMBER (A) **VICE CHAIRMAN**

M.A.NO. 82/2022 IN O.A.NO. 419/2021
(Deepak P. Dungahu Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Heard Shri Amol Chalak, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The applicant is intending to bring on record the subsequent events, which have occurred during the pendency of the O.A. and the prayers based on the events.

3. Learned Presenting Officer has submitted for passing appropriate orders.

4. In view of the fact that the events which are occurred during the pendency of the present O.A. are intended to be brought on record, we are inclined to allow the present application. Hence, the following order: -

O R D E R

The application is allowed. The necessary amendment be carried out within two weeks from the date of this order.

2) It would be open for the respondents to file affidavit in reply if they so desire to the amended portion of the O.A.

3) List the O.A. for further consideration on 15.6.2022

MEMBER (A) **VICE CHAIRMAN**

ORAL ORDERS 6.5.2022-HDD

C.P. 1/2022, M.A. 1/2022, M.A. 337/2021, M.A. 309/2021 IN T.A. 2/2021 (W.P. 2612/2021)
(Smt. Samiksha Chandrakar & Anr. Vs. State of Maharashtra & Ors.)

T.A. 1/2021 (W.P. 4908/2021)
(Shri Shivaji T. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

C.P. 1/2022, M.A. 1/2022, M.A. 337/2021, M.A. 309/2021 IN T.A. 2/2021 (W.P. 2612/2021)

Shri Ajay Deshpande, learned counsel for the applicants, Shri P.R. Katneshwarkar / Shri M.S. Mahajan, learned special counsel / learned C.P.O. for respondent nos. 1 to 4 and Shri V.D. Sapkal, learned senior counsel instructed by Shri Ujwal S. Patil with Shri Bhalchandra Shinde, learned counsel for respondent nos. 5 to 10, are present.

T.A. 1/2021 (W.P. 4908/2021)

Shri Avinash S. Deshmukh, learned counsel for applicant, Shri P.R. Katneshwarkar / Shri M.S. Mahajan, learned special counsel / learned C.P.O. for respondent nos. 1 & 2, Shri V.D. Sapkal, learned senior counsel instructed by Shri Ujwal S. Patil with Shri Bhalchandra Shinde, learned counsel for respondent nos. 3 to 5 and

Shri C.V. Dharurkar, learned counsel for respondent nos. 6 to 8, are present.

2. T.A. No. 1/2021 is not on today's board. It is taken on board.

3. In T.A. No. 1/2021 and T.A. No. 2/2021 the arguments are concluded and the matters are reserved for orders. Due to paucity of time the matters could not be decided till this date. The Advocates appearing in these matters today have submitted pursis on behalf of their respective clients stating therein that they may not have any objection, if matters are decided in the period of vacation. The pursis so filed are taken on record.

4. In M.A. No. 1/2022 in T.A. 2/2021 the rejoinder is filed and the same is taken on record along with documents annexed thereto. Learned counsel undertakes to provide the copies of the rejoinder along with documents annexed thereto to all the concerned parties.

5. All these matters are reserved for orders.

MEMBER (A) **VICE CHAIRMAN**

ORAL ORDERS 6.5.2022-HDD

ORIGINAL APPLICATION NO. 474 OF 2018
(Prashant P. Vaidya Vs. State of Maharashtra & Ors.)

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

DATE : 6.5.2022

ORAL ORDER :

Heard Shri Ajay Deshpande, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. The present matter is not on today's board. It is taken on board.

3. Learned counsel for the applicant submits that though on request of the applicant the Tribunal has permitted to delete the names of respondent Nos. 3 to 5 from the array of respondents and accordingly the names of the said respondents stand deleted, the applicant has now realized that the said respondents are necessary parties and the dispute raised in the present OA may not be effectively decided without the said respondents are added as party respondents in the present application. Learned counsel in the circumstances, has prayed for recall of the said order dated 5.2.2019.

4. Learned Presenting Officer has submitted for passing appropriate orders.

5. In view of the request made on behalf of the applicant, the order dated 5.2.2019 is recalled.

6. Issue notices to the respondent Nos. 3 to 5, returnable on 24.6.2022.

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

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

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

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

11. S.O. to 24.6.2022.

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

MEMBER (A) **VICE CHAIRMAN**

ORIGINAL APPLICATION NO.793 OF 2021
WITH
ORIGINAL APPLICATION NO.794 OF 2021
(Amit Gaikwad & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 06.05.2022

O R D E R

(i) The order dated 06-12-2021 whereby the respondents have cancelled the appointments of the applicants is quashed and set aside.

(ii) Respondents are directed to reconsider their decision having regard to the observations made in the body of the present order, within 8 weeks from the date of this order.

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

(BIJAY KUMAR)
MEMBER (A)

(JUSTICE P.R. BORA)
VICE CHAIRMAN

Place : Aurangabad
Date : 6th May, 2022