

ORIGINAL APPLICATION NO.1038/2022
(Prakash Sumanlal Jain Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 06.08.2024

ORAL ORDER :

Shri A.D.Sonar, learned counsel for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, Shri M.S.Bansod, learned Counsel for respondent nos.5 & 6 and Shri J.B.Choudhary, learned Counsel for respondent nos.7 & 8, are present.

2. Though ample opportunities are granted reply is not filed by respondent nos.1, 2 and 4. Learned P.O. prays for a week's time for filing affidavit in reply on behalf of the said respondents. Time is granted by way of last chance.

3. Learned Counsel for applicant submits that from last two years matter is pending for reply of the respondent authorities. If reply is not filed till next date, matter will be heard without reply of the respondents.

4. S.O. to 21-08-2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.260/2019
(Mukund Bajirao Jagtap Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Heard Shri C.V.Dharurkar, learned counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration, it is brought to our notice that respondents have not acted upon the order passed by the appellate authority on 03-11-2017. The applicant has approached this Tribunal by filing the present O.A. challenging the punishment imposed upon him in the departmental enquiry by the disciplinary authority and thereafter as modified by the appellate authority. This matter though is ready for hearing has not been heard till date. It is brought to our notice that the applicant is being paid the pension according to the punishment which

was initially imposed by the disciplinary authority, meaning thereby that the punishment which was imposed by the disciplinary authority thereby bringing the applicant to his basic pay of the lower post of Police Constable, the pension has been determined and the same is being paid.

3. Learned Counsel pointed out that, applicant had preferred an appeal against the punishment imposed by the disciplinary authority to the departmental appellate authority and the appellate authority has modified the said order. Learned Counsel pointed out that the appellate authority has directed for bringing the pay of the applicant down to the entry level pay of the Police Constable till the date of superannuation of the applicant. In other words, after retirement the pension of the applicant is liable to be fixed on the last wages drawn by the applicant on the post of Police Hawaldar. Learned Counsel further submitted that, though the order in appeal has been passed on 03-11-2017, respondents have not taken consequential steps and the applicant is getting pension determined on

earlier punishment i.e. determined on the basis of wages payable to the Police Constable.

4. Learned Counsel further submitted that the applicant has made genuine efforts to convince the respondents to act upon the orders passed by the appellate authority, however, till date no amend has been made.

5. From the order passed by the appellate authority it is quite evident that the punishment period was restricted by the appellate authority to the date of attaining the age of superannuation by the applicant. In the circumstances, pension of the applicant was liable to be fixed on the basis of his last drawn pay on the post of Police Hawaldar. In the circumstances, though the present matter is likely to be heard within next few days, we deem it appropriate to pass the following order:

ORDER

[i] Respondents shall within two weeks determine afresh the amount payable to the applicant by way of pension on the basis of his last drawn pay on the post of Police Hawaldar.

=4=

O.A.NO.260/2019

[ii] The respondents shall pay the arrears of the amount of pension to the applicant within eight weeks from the date of this order and submit the report of compliance before the Tribunal.

6. S.O. to 27-08-2024 for further consideration.

MEMBER (A)

YUK ORAL ORDER 06.08.2024

VICE CHAIRMAN

**O.A. NOS. 997, 998, 999, 1000, 1001, 1002, 1003,
1004, 1006, 1097, 1098 AND 947 ALL OF 2019 AND
O.A. NOS. 107/2020 WITH O.A. NO. 244/2022
(Dr. Ahmed Munibuddin & Ors. Vs. The State of Maharashtra &
Ors.)**

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

DATE : 06.08.2024

ORAL ORDER :

Shri M.R. Kulkarni & Ms. Preeti Wankhade, learned counsel for the applicants in respective matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 07.08.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 06.08.2024

O.A. NOS. 28, 01 and 02 ALL OF 2022
(Girish A. Bibave & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

S/shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel and K.G. Salunke, learned counsel for the applicants in all these matters and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. Learned Presenting Officer submits that during the course of the day seniority list as on 25.05.2004 will be placed on record with requisite number of copies.

3. List the matters for hearing on 14.08.2024. **Part heard.**

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 272/2024
(Jyotsana B. Gangurde Vs. The State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

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

2. Though the matter is shown in await service category, learned Presenting Officer submits that he has received instructions from the respondents to appear on their behalf and during the course of the day he will file affidavit in reply. If it is filed, it be taken on record and copy thereof be supplied to the learned counsel for the applicant.

3. List the matter for hearing on 03.10.2024. In the meanwhile it will be open for the applicant to file rejoinder affidavit, if he so desires.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 504/2024
(Jaherkhan Shabbirkhan Pathan Vs. The State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

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

2. On request of learned counsel for the applicant, issue fresh notice to the respondents, returnable on 04.10.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 04.10.2024
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 264/2024 IN O.A. ST. NO. 817/2023
(Sachin G. Gawali Vs. The State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

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

2. Applicant is not intending to file rejoinder affidavit.

3. List the matter for hearing on 23.08.2024

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 06.08.2024

M.A. 553/2023 IN O.A. ST. 2153/2023
(Priyanka Y. Kalshetty Vs. The State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel undertakes to place on record the addresses of private respondents. On submitting such addresses, issue notice to the respondents, returnable on 04.10.2024.

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

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

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

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

7. S.O. to 04.10.2024

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 172/2024
(Akshay D. Pawar Vs. The State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 455/2024
(Mahadev B. Kapse Vs. The State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Shri P.S. Koshti, learned counsel for the applicant in O.A. No. 172/2024, Smt. Priyanka Deshpande, learned counsel for the applicant in O.A. No. 455/2024 and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities in both the matters, are present.

2. Time is sought by learned Presenting Officer for filing affidavit in reply of the respondents in O.A. No. 172/2024.

3. S.O. to 30.08.2024. The interim relief granted in O.A. No. 455/2024 to continue till then.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 06.08.2024

C.P. NO. 30/2024 IN O.A. NO. 463/2019
(Ravikant R. Hadoltikar Vs. The State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Smt. Sanjivani Deshmukh Ghate, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned counsel for respondent no. 03, are present.

2. Learned Presenting Officer appearing for respondent authorities and learned counsel for respondent no. 3 have sought to file affidavit in reply. Time granted.
3. S.O. to 04.10.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 06.08.2024

C.P. NO. 74/2024 IN O.A. NO. 115/2023
(Satish S. Kulkarni Vs. The State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to the respondent no. 02, returnable on 04.10.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 04.10.2024
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 780/2024
(Feroz Iqbal Khan Vs. The State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Heard Shri M.S. Mahajan, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 07.10.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 07.10.2024
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 805/2024
(Umesh Yashwantrao Kankawar Vs. The State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Heard Shri O.D. Mane, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 07.10.2024.

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

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

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

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

7. S.O. to 07.10.2024

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 704/2023
(Ramdas H. Lohakare Vs. The State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

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

2. S.O. to 30.08.2024. The Interim Relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 06.08.2024

ORIGINAL APPLICATION NO. 253/2023
(Rakesh S. Dabhale Vs. The State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Shri Pratik Jadhav, learned counsel holding for Shri S.N. Pagare, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant has tendered rejoinder on behalf of the applicant. It is taken on record and copy thereof is supplied to other side.
3. List the matter for hearing on 03.10.2024.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 357/2023 IN O.A. NO. 06/2023
(The State of Maharashtra & Ors. Vs. Pandurang Lomole)

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

DATE : 06.08.2024

ORAL ORDER :

Shri V.G. Pingle, learned Presenting Officer for the applicants in M.A./respondent authorities in O.A. and Shri V.B. Wagh, learned counsel for respondent in M.A./applicant in O.A., are present.

2. S.O. to 29.08.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 06.08.2024

**M.A. NO. 28/2024 WITH M.A. NO. 29/2024 WITH
M.A. NO. 30/2024 IN O.A. ST. 2064/2023
(Motiram Bhaurao Atole (Died) through L.Rs. Smt. Shantabai
w/d Motiram Atole & Ors.Vs. The State of Maharashtra & Ors.)**

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

DATE : 06.08.2024

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned counsel for the applicants, Shri V.G. Pingle, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent no. 3, are present.

2. Applicant, Motiram Bhaurao Atole, died during pendency of the Original Application. The legal representatives are intending to prosecute the matter further and therefore they have filed M.A. No. 29/2024 for taking their names on record and since some delay has been occurred for filing said application, M.A. No. 28/2024 has been filed by them for condonation of the said delay.

3. The learned Presenting Officer appearing for respondent authorities and learned counsel for respondent no. 03 submit for passing appropriate order.

4. After hearing the submissions of both the sides and after going through the documents placed on record we are inclined to allow the Misc. Applications. Hence, we pass the following order:-

:: 2 - ::

ORDER

- (i) Delay caused in filing applications for bringing on record legal heirs of the deceased Govt. employee stands condoned. Abatement, if any, stands set aside.
- (ii) Legal Representatives be taken on record. Necessary amendment in the O.A. be carried out forthwith.
- (iii) Misc. Application Nos. 28 and 29 both of 2024 stand allowed, however, without any order as to costs.
- (iv) List the M.A. no. 27/2024 filed for condonation of delay caused in filing O.A. ST. 2054/2023 on 04.10.2024.
- (v) Respondents to file affidavit in reply in M.A. no. 27/2024 on the next date.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 344/2024 IN O.A. 780 /2017
(Ramhari Namdeo Kamble Vs. The State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned counsel for the applicants and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Present Misc. Application has been filed seeking stay to the order dated 25.7.2024 issued by respondent no. 3, whereby the applicant is directed to resume at Shri Datta India Pvt. Ltd. Hamidwada, Kagal, Dist. Kolhapur. It is the contention of the applicant that having considered the previous GRs and orders while accommodating surplus employees the applicant could not have been given posting out of Revenue Division. In the circumstances, M.A. is filed seeking stay to the execution of the aforesaid order.

3. After having heard the submissions advanced by the learned counsel appearing for the applicant and the learned Presenting Officer for the respondent authorities and after having gone through the documents placed on record it does not appear to us that any case is made out by the applicant for accepting the request to stay the execution and operation of the order dated 25.07.2024. The order which is brought to our notice specifically demonstrates

**:: - 2 - :: M.A. NO. 344/2024 IN
O.A. 780 /2017**

that the applicant will be liable to be posted anywhere in the State. Learned counsel submitted that posts are vacant in Aurangabad Division and in the circumstances the respondents should have first considered to transfer or appoint the applicant in the same Revenue Division, however, without considering the said aspect the impugned order has been issued. We are however, not impressed with the submission so made by the learned counsel for the applicant. It is revealed from the arguments and the documents placed on record that the Government has been making all efforts to protect the services of the employees and has taken due care that the services of such employees are not put to an end. In the circumstances, the employee must be ready to go anywhere he is transferred. Even though the post may be vacant at Aurangabad Revenue Division we may not indulge in that aspect since it is exclusive prerogative of the Government to decide where the services of the employee are required and are to be utilized. In the circumstances, Misc. Application deserves to be dismissed. Learned counsel prayed for early hearing of the O.A. It appears to us also that the O.A. needs to be heard and disposed of as early as possible. Hence, the following order: -

ORDER

(i) Misc. Application stands dismissed however, without any order as to costs.

**:: - 3 - :: M.A. NO. 344/2024 IN
O.A. 780 /2017**

(ii) List the OA for hearing on 27.08.2024. **High on board.**

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 06.08.2024

ORIGINAL APPLICATION NO. 696 OF 2022
(Sarjerao V. Thombre & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Shri A.S. Shelke, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Even though the last chance is granted, no reply has been filed on behalf of respondents.
3. List the matter on 23.08.2024 with liberty to the respondents to file reply, if any, till then.

MEMBER (J)

O.A.NOS. 509 TO 516 ALL OF 2024
(Arun A. Ghate & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Smt. S.A. Ghate-Deshmukh, learned counsel for the applicants in all these O.As., Shri D.M. Hange, learned Presenting Officer for the respondent authorities, Shri V.S. Kande, learned counsel holding for Shri A.S. Reddy, learned counsel for respondent No.4 in O.A.No. 509, 510, 511 all of 2024 and Shri S.R. Erande, learned counsel for respondent No.4 in O.A.No. 512/2024 &, are present.

2. At the request made on behalf of respondents, time granted for filing affidavit in reply.

3. S.O. to 09.09.2024.

MEMBER (J)

**O.A.NO. 763/ 2024 WITH Caveat No. 36/2024
(Jayshri R. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 06.08.2024

ORAL ORDER :

Shri Vijay A. Dhakne, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri Moinpasha Shaikh Farid, learned counsel for respondent No.4/Caveator, are present.

2. I have heard learned counsel for the applicant for some time.

3. The respondent No.4 -Caveator is duly served. Learned counsel appearing for respondent No.4-Caveator seeks time to file reply.

4. Learned counsel for the applicant has insisted for interim relief. However, if the respondent No.4 is appointed as Police Patil instead of the applicant, his appointment would be subject to outcome of this Original Application.

5. S.O. to 13.08.2024 for filing reply.

MEMBER (J)

ORIGINAL APPLICATION NO. 790 OF 2021
(Gajanan B. Aundhekar Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 07.10.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 06.08.2024

ORIGINAL APPLICATION NO. 1025 OF 2023
(Sangita B. Lonari Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Shri Amit Tandulkar, learned counsel holding for Shri N.N. Bhagwat, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri S.R. Wani, learned counsel holding for Shri G.V. Wani, learned counsel for respondent No.4, are present.

2. By consent of parties, S.O. to 21.08.2024 for hearing.

MEMBER (J)

**M.A.NO. 306/2021 IN O.A.ST.NO. 1305/2021
(Kiransingh A. Pal Vs. State of Maharashtra & Ors.)**

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

DATE : 06.08.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 3 & 4, are present.

2. At the request of learned counsel for respondent Nos. 3 & 4, S.O. to 07.10.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 06.08.2024

**M.A.NO. 307/2021 IN O.A.ST.NO. 1307/2021
(Trynbak V. Chaudhari Vs. State of Maharashtra & Ors.)**

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

DATE : 06.08.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

Smt. Sunita D. Shelke, learned counsel for respondent Nos. 2 to 4, is **absent**.

2. None present for respondent Nos. 2 to 4.
3. S.O. to 07.10.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 06.08.2024

**ORIGINAL APPLICANT ST. NO. 2447 OF 2023
(Dr. Ambadas V. Sontakke Vs. State of Maharashtra & Ors.)**

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

DATE : 06.08.2024

ORAL ORDER :

Shri Kartik Katariya, learned counsel holding for Shri N.B. Narwade, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 13.08.2024.

MEMBER (J)

SAS ORAL ORDER 06.08.2024

**M.A.NO. 311/2024 IN O.A.ST.NO. 1332/2024
(Premraj B. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 06.08.2024

ORAL ORDER :

Heard Shri Ishwar D. Narode, learned counsel holding for Shri Amol S. Sawant, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents in M.A., returnable on 10.10.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// M.A. 311/2024 In
O.A.St. 1332/2024

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

7. S.O. to 10.10.2024.

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

MEMBER (J)

SAS ORAL ORDER 06.08.2024

**M.A.NO. 317/2024 IN O.A.ST.NO. 696/2024
(Haribhau D. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 06.08.2024

ORAL ORDER :

Heard Shri S.P. Dhobale, learned counsel holding for Shri G.N. Kulkarni, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents in M.A., returnable on 11.10.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// M.A. 317/2024 In
O.A.St. 696/2024

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 11.10.2024.

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

MEMBER (J)

SAS ORAL ORDER 06.08.2024

**ORIGINAL APPLICATION NO. 754 OF 2024
(Sangita V. Parate Vs. State of Maharashtra & Ors.)**

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

DATE : 06.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant as directed submits the copy of C.P.No. 400/2023 in W.P.No. 648/2002 so also the copy of W.P.No. 648/2002.

3. Learned counsel for the applicant is requested to give the copies of above petitions to the learned P.O. today itself.

4. S.O. to 13.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 828 OF 2024
(Dr. Arun D. Jarhad Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant has insisted for interim relief. However, on perusal of the impugned transfer order dated 03.08.2024 though it appears to be a midterm and mid-tenure, however, the same has been issued on administrative grounds/request. The administrative reasons may not be specifically mentioned in the impugned transfer order itself.

3. Learned P.O. seeks time to place before this Tribunal the minutes of meeting of Civil Services Board and to file reply elaborating the grounds therein as to what was the need to transfer the applicant midterm and mid-tenure.

4. **It is needless to say that even if the applicant is relieved and the charge is given to**

//2//

O.A. 828/2024

the incumbent, the same would be subject to outcome of this Original Application.

5. Issue notice to respondents, returnable on 19.08.2024.

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

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

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

9. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date.

//3// O.A. 828/2024

Applicant is directed to file affidavit of compliance and notice.

10. S.O. to 19.08.2024.

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

MEMBER (J)

SAS ORAL ORDER 06.08.2024

ORIGINAL APPLICATION NO. 829 OF 2024
(Pramod S. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Heard Shri Jiwan J. Patil, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the applicant who is working as Tahsildar, Ashthi, Dist. Beed came to be transferred by impugned order dated 03.08.2024 to Tahsildar (Election), office of District Collector, Nagpur in terms of the directives issued by the Election Commission of India.

3. Learned counsel for the applicant submits that in terms of paragraph No.3 of the directives issued by Election Commission of India by letter dated 31.07.2024 there are two primary conditions which are as follows:-

(i) if she/he is posted in her/his home district ;

(ii) if she/he has completed three years in that district during last four (4) years

//2// O.A. 829/2024

4. Learned counsel for the applicant submits that by order dated 01.06.2023, the applicant came to be transferred from Aurangabad to Assistant District Supply officer, Beed and by order dated 30.06.2023, he came transferred from the post of Assistant District Supply Officer, Beed to the post of Tahsildar, Ashthi, Dist. Beed.

5. Learned counsel for the applicant submits that the District Beed is not the home district of the applicant nor he has completed three years in Beed District during last four years as per the condition No.2 of the paragraph No.3 of the directives issued by Election Commission of India by letter dated 31.07.2024.

6. I find much substance in the submissions made on behalf of applicant by learned counsel. It appears that both the conditions in terms of paragraph No.3 prima-facie appears to be not attracted. The applicant is thus entitled for protection by way of interim order. Hence, the following order:-

ORDER

(i) Issue notice to respondents, returnable on 21.08.2024. **Till then, interim relief in terms of**

//3//

O.A.829/2024

prayer clause 'D' to the extent of applicant is granted, which reads thus:-

“Pending hearing and final disposal of the present original application grant stay to the impugned order of transfer dated 03/08/2024 (Annexure 'D')

- (ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- (iii) 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.
- (iv) 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.
- (v) 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.

//4//

O.A.829/2024

Applicant is directed to file affidavit of compliance and notice.

(vi) S.O. to 21.08.2024.

(vii) Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

SAS ORAL ORDER 06.08.2024

**O.A.NO. 830/2024 WITH Caveat No. 42/2024
(Pallavi M. Temkar Vs. State of Maharashtra & Ors.)**

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

DATE : 06.08.2024

ORAL ORDER :

Heard Shri Jiwan J. Patil, learned counsel for the applicant, Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Y.V. Kakade, learned counsel for respondent No.3/Caveator.

2. Learned counsel for the applicant submits that the applicant came to be transferred from Himayatnagar, Dist. Nanded, however, she has not been given posting so far. Learned counsel for the applicant submits that the respondent No.3 is transferred by order dated 03.08.2024 in place of applicant, which will become vacant on account of her transfer.

3. Learned counsel for the applicant submits that though no specific posting is given to the applicant, however, in the same order dated 03.08.2023, the applicant has been directed to report the Divisional Commissioner's Office and be there till the posting is given.

//2// O.A. 830/2024

4. There is a reference in the impugned transfer order dated 03.08.2024 that the applicant and other employees as mentioned in the said order came to be transferred in terms of the directives issued by the Election Commission of India by letter dated 31.07.2024 in view of the General Elections to Legislative Assembly in the State of Maharashtra due in the year 2024.

5. Learned counsel for the applicant submits that the applicant's case does not fall in both the conditions which are the basis for her midterm and mid-tenure transfer. The applicant's home district is Hingoli. Secondly by order dated 31.01.2024, the applicant came to be transferred from the post of Tahsildar Manwat, Dist. Parbhani to Tahsildar, Himayatnagar, Dist. Nanded (present place of working) and within eight months she came to be transferred by passing the impugned order dated 03.08.2024.

6. Thus considering these submissions and since both the conditions mentioned in paragraph No.3 of the directives issued by the Election Commission of India prima-facie appears to be not followed, the

//3//

O.A. 830/2024

applicant is entitled for protection by way of interim relief. Hence, the following order:-

ORDER

(i) Issue notice to respondents, returnable on 21.08.2024. **Till then, interim relief in terms of prayer clause 'D' to the extent of applicant is granted, which reads thus:-**

“Pending hearing and final disposal of the present original application grant stay to the impugned order of transfer dated 03/08/2024 (Annexure 'C')

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

(iii) 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.

(iv) 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.

//4// O.A. 830/2024

(v) 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.

(vi) S.O. to 21.08.2024.

(vii) Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

SAS ORAL ORDER 06.08.2024

O.A.NOS. 324 TO 330 ALL OF 2024
(Dr. Manohar T. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicants in all these O.As., Shri D.M. Hange, learned Presenting Officer for the respondent authorities, in all these O.As. and Shri R.S. Pawar, learned counsel for respondent No.5 in O.A.No. 326/2024, are present.

2. By consent of both the sides, S.O. to 12.08.2024 for hearing in **urgent admission category**.

3. Status quo granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 185 OF 2020
(Baliram B. Mahale Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri A.B. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. In compliance with the order dated 24.07.2024, learned P.O. submits the seniority list along with short affidavit. The same is taken on record and copy thereof is given to learned counsel appearing for the applicant today itself.

4. Learned counsel for the applicant seeks time to go through the same and make the appropriate submissions on the next date. Time granted.

5. S.O. to 13.08.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 495 OF 2023
(Raziabee Shaikh Mohammed Vs. State of Maharashtra &
Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Heard Shri Sudhir Patil, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. The present matter is reserved for order.

MEMBER (J)

ORIGINAL APPLICATION NO. 1068 OF 2023
(Gunaji G. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Shri P.G. Suryawanshi, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. At the request of learned counsel for the applicant, S.O. to 21.08.2024 as a last chance for further hearing.

MEMBER (J)

**M.A.NO. 229/2021 IN O.A.ST.NO. 655/2021
(Pundlik N. Ambhore Vs. State of Maharashtra & Ors.)**

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

DATE : 06.08.2024

ORAL ORDER :

Shri Amol G. Vasmatkar, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. At the request of learned P.O., S.O. to 26.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 06.08.2024

M.A.NO. 310/2020 IN O.A.ST.NO. 2061/2019
(Jagdish K. Mahenrakar Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No.3, are present.

2.

MEMBER (J)

SAS ORAL ORDER 06.08.2024

**M.A.NO. 212/2015 IN O.A.ST. NO. 441/2015 WITH
M.A.NO. 214/2015 IN O.A.ST. NO. 451/2015 WITH
M.A.NO. 240/2015 IN O.A.ST. NO. 957/2015 WITH
M.A.NO. 241/2015 IN O.A.ST. NO. 955/2015 WITH
M.A.NO. 242/2015 IN O.A.ST. NO. 960/2015 WITH
MA 202/2014 IN MA ST. 447/2014 IN OA ST. 449/2014 WITH
M.A.NO. 217/2015 IN O.A.ST. NO. 437/2015 WITH
M.A.NO. 215/2015 IN O.A.ST. NO. 443/2015 WITH
M.A.NO. 227/2015 IN O.A.ST. NO. 455/2015 WITH
M.A.NO. 228/2015 IN O.A.ST. NO. 453/2015 WITH
(Suresh M. Tulapurkar & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 06.08.2024

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicants in all these cases, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities in all these cases, Shri Vishal Rathod, learned counsel holding for Shri S.B. Patil, learned counsel for the respondent Nos. 2 to 4 in M.A. Nos. 240/15, 241/15 & 242/15 and Shri R.H. Wagh, learned counsel for respondent No.2 in M.A.No. 227/2015, are present.

2. Learned counsel appearing for respondent No.2 in M.A.No. 227/2015 submits affidavit in reply on behalf of said respondent. The same is taken on record and copy thereof is given to other side.

3. At the request of learned counsel appearing for respondent Nos. 2 to 4 in M.A. Nos. 240/15, 241/15, 242/15, S.O. to 08.10.2024 for final hearing.

MEMBER (J)

M.A. 319/2024 in M.A. St. 813/2024 in O.A. 929/1999
(Narayan N. Wakchaure died though legal heirs Smt. Suman Narayan
Wakchaure & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Heard Shri I.S. Thorat, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. The present Misc. Application is filed to prosecute the M.A. St. No. 813/2024 jointly. All the applicants are legal heirs of deceased Government employee i.e. Naryan Nimbaji Wakchaure and the matter is about the withdrawal of gratuity amount, which is deposited way back in the year 1999 in terms of the interim order passed by this Tribunal on 14.10.1999 in O.A. No. 929/1999.

3. In view of the same and for the reasons stated in the application, the M.A. No. 319/2024 is hereby allowed. The applicants are permitted to sue jointly M.A. as filed by them, subject to payment of court fee stamps, if not paid.

4. The M.A. No. 319/2024 stands disposed of accordingly. No order as to costs.

MEMBER (J)

MA 320/2024 in MA St. 813/2024 in OA 929/1999
(Narayan N. Wakchaure died though legal heirs Smt. Suman Narayan
Wakchaure & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Heard Shri I.S. Thorat, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. The present Misc. Application is filed for amendment in M.A. St. No. 813/2024 in O.A. No. 929/1999 seeking thereby permission to add applicant Nos. 2 to 5, who are also legal heirs of deceased Government employee i.e. Narayan Nimbaji Wakchaure in the aforesaid M.A. St. No. 813/2024.

3. Learned counsel for the applicants submits that the applicant No. 1 is the mother of applicant Nos. 2 to 5 has filed aforesaid M.A. St. No. 813/2024 for withdrawal of Gratuity amount of Rs. 55,908/- deposited in terms of the interim order passed by this Tribunal in O.A. No. 929/1999 dated 14.10.1999. The said amount is still lying in this Tribunal. The applicant No. 1 has filed the aforesaid Misc. Application St. No. 813/2024 without adding

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other legal heirs, who are the sons of applicant No. 1 and deceased Narayan. Learned counsel submits that the applicant No. 1 Suman is also getting family pension and the applicant Nos. 2 to 5 have given no objection for the same.

4. In view of above and for the reasons stated in the application, the M.A. No. 320/2024 is hereby allowed. The applicant No. 1 is permitted to add applicant Nos. 2 to 5 in the aforesaid M.A. St. No. 813/2024 in O.A. No. 929/1999 and further the applicants are allowed to add para Nos. 2-A to 2-D on page No. 2-A of the above M.A. St. No. 813/2024. The applicant shall carry out the necessary amendment in the M.A. St. No. 813/2024 within a period of two weeks from the date of this order. The applicant to file amended copy of the M.A. St. No. 813/2024 before this Tribunal and served the same to the learned P.O.

5. The Misc. Application No. 320/2024 is accordingly disposed of. No order as to costs.

MEMBER (J)

M.A. St. No. 813/2024 in O.A. No. 929/1999
(Narayan N. Wakchaure died though legal heirs Smt. Suman Narayan
Wakchaure & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Heard Shri I.S. Thorat, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants seeks leave to delete prayer clause 10(B) of M.A. Leave granted. Prayer clause 10(B) shall be deleted forthwith.

3. Issue notices to respondents in M.A., returnable on 16.10.2024.

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

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

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

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

8. S.O. to 16.10.2024.

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

MEMBER (J)

M.A. No. 289/2022 in O.A. St. No. 1064/2022
(Vijay G. Palaskar Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Heard Shri P.V. Ambade, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. There is a delay of 08 years and 06 months caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that when the applicant was working as Junior Clear in the office of respondent No. 6, the Departmental Enquiry was initiated against the applicant and the enquiry officer held the applicant guilty for one charge. Learned counsel submits that by order dated 04.07.2002, the departmental appeal preferred by the applicant against the said order passed by the enquiry officer was also dismissed. The applicant therefore preferred revision and by order dated 23.09.2002; the revisionary authority has dismissed the said revision. Learned counsel submits that being aggrieved by the same; the applicant has

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MA 289/2022 in
OA St. 1064/2022

approached this Tribunal by filing O.A. No. 237/2004. By order dated 19.04.2011, this Tribunal has allowed the said O.A. Learned counsel submits that being aggrieved by the same, the State has challenged the said order by filing W.P. No. 5860/2011 before the Hon'ble High Court of Bombay, Bench at Aurangabad. By order dated 08.09.2011, the Hon'ble High Court of Bombay, Bench at Aurangabad has disposed of the aforesaid W.P. with the observations as per 6(III) that though the respondent-employee (applicant herein) would not be entitled to back-wages for the period during which he was out of the employment, the same shall be taken into consideration as continuity in service for the purposes only of pensionary benefits. On 19.09.2011, the applicant came to be retired from the service. Thereafter, on 02.02.2012 the applicant has made representation to grant him extraordinary leave for the period from 22.01.2002 to 19.09.2011. Even in the month of October 2014, the applicant has again submitted an application and thereafter continuously on 03.06.2015, 17.08.2015, 27.09.2016 and last representation was dated 19.06.2019.

//3//

MA 289/2022 in
OA St. 1064/2022

4. Learned counsel for the applicant submits that thereafter the applicant could not approach this Tribunal due to outbreak of Covid-19 pandemic and declaration and continuation of lockdown from time to time by the State Government. Even the Hon'ble Supreme Court in Suo Motu Writ Petition No. 3 of 2020 has taken cognizance of the said calamities and extended time of limitation in all proceedings before the Courts / Tribunals. Learned counsel submits that there is continuous cause action. There is no intentional or deliberate delay as such. Learned counsel thus submits that the delay may be condoned.

5. Learned Presenting Officer has strongly resisted the application on the ground that there is an inordinate delay caused in approaching this Tribunal. Learned P.O. submits that in the month of December, 2015, the order has been passed by the Government to consider the said period of absence as extraordinary leave without pay. Even entry of the said order was taken in the service book of the applicant. Copy of the service book was obtained by the applicant in the year 2019 itself. Learned P.O.

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OA St. 1064/2022

submits that there is no satisfactory explanation tendered by the applicant for condonation of delay. Learned P.O. submits that there is no substance in the present Misc. Application seeking condonation of delay and the same is liable to be dismissed.

6. The respondents have submitted a copy of the said order dated Nil/12/2015 (Exhibit R-2). On perusal of the same, it appears that there is nothing to indicate that the said order has been served on the applicant. Even in the representations submitted by the applicant from time to time including his last representation of the year 2019 there is a specific request to follow the orders and directives issued by the Hon'ble High Court of Bombay, Bench at Aurangabad in the aforesaid W.P. No. 5860/2011. It thus appears that if the said order is not communicated to the applicant till the year 2019 by the department on its own and even assuming that the applicant came to know about it in the year 2019 after obtaining the copy of the service book, the delay, if any, has to be counted from the said year 2019. Thereafter, due to outbreak of Covid-19 the State Government has declared the lockdown and

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OA St. 1064/2022

considering this situation the Hon'ble in Suo Motu Writ Petition (C) No. 3 of 2020 has passed the orders time to time in the backdrop of the outbreak of Covid-19 and the declaration of the lockdown in connection thereto and thus extended the period of limitation applicable to the proceedings before the Courts/ Tribunals. It appears that as per the order passed by the Hon'ble Supreme Court, the period from 15.03.2020 till 28.02.2022 has been excluded for the purpose of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.

7. Even if on perusal of the said order dated Nil/12/2015 (Exhibit R-2), it prima-facie appears that the said order is contrary to the directives issued by the Hon'ble High Court of Bombay, Bench at Aurangabad in the aforesaid W.P. No. 5860/2011, the applicant is prevented from sufficient cause to approach this Tribunal within time. There is no deliberate or intentional delay as such, nor there is inaction on part of the applicant. I am thus inclined to condone the delay caused in filing the

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OA St. 1064/2022

accompanying Original Application, subject to payment of some costs by the applicant. Hence, the following order :-

ORDER

- (i) The Misc. Application No. 289/2022 is hereby allowed.
- (ii) The delay of 08 years and 06 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. 500/- (Five Hundred Only) to be paid by the applicant. The amount of costs shall be paid to the M.A.T. Bar Association within a period of one month from the date of this order.
- (iii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.
- (iv) The M.A. accordingly disposed of.

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 1064/2022
(Vijay G. Palaskar Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Heard Shri P.V. Ambade, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to respondents, returnable on 15.10.2024.

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

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

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

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

7. S.O. to 15.10.2024.

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

MEMBER (J)

**M.A. No. 310/2020 in O.A. St. No. 2061/2019
(Jagdish K. Mahendrakar Vs. State of Maharashtra & Ors.)**

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

DATE : 06.08.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No. 3, are present.

2. As none present for the applicant, S.O. to 14.10.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 06.08.2024

**M.A. No. 303/2022 in O.A. St. No. 708/2022
(Nagnath M. Adamankar Vs. State of Maharashtra & Ors.)**

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

DATE : 06.08.2024

ORAL ORDER :

Shri S.M. Kamble, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 16.10.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 06.08.2024

**M.A. No. 383/2023 in O.A. St. No. 1196/2023
(Vishwas C. Mohite Vs. State of Maharashtra & Ors.)**

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

DATE : 06.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant seeks time to file synopsis of events to explain the delay, since the delay is more than 08 years. Time granted.

3. S.O. to 22.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 406 OF 2018
(Arun S. Gosavi Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

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

2. S.O. to 03.10.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 516 OF 2021
(Vishwasrao V. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

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

2. As none present for the applicant, S.O. to 10.10.2024 for hearing.

MEMBER (J)

T.A. No. 01/2023 (W.P. No. 9807/2022)
(Ganesh D. Gund Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 27.09.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 06.08.2024

ORIGINAL APPLICATION NO. 1045 OF 2022
(Rajendra V. Desale Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Shri Navin Shah, learned counsel for the applicant (**Absent**).

Heard Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent No. 4.

2. None present for the applicant. Even though the last chance is granted for hearing, none remained present for the applicant. The present matter is pertaining to Police Patil pending before this Tribunal since 2022. It appears that the applicant is not interested in prosecuting the present matter. The Original Application is thus dismissed in default.

MEMBER (J)

ORIGINAL APPLICATION NO. 289 OF 2023
(Dharma H. Durpargude & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicants and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 27.09.2024 for hearing.

MEMBER (J)

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

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

DATE : 06.08.2024

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant, Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.F. Sahikh, learned counsel holding for Shri Amol Kokad, learned counsel for respondent No. 4, are present.

2. At the request of learned Presenting Officer, S.O. to 13.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 546 OF 2023
(Kamaji M. Thombare Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Shri S.S. Randive, learned counsel for the applicant and Shri H.P. Kshirsagar, learned counsel for respondent No. 4, are **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 01.10.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 658 OF 2023
(Pratibha S. Kharinar Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Shri S.A. Raut, learned counsel holding for Shri N.L. Choudhary, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 30.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 675 OF 2023
(Ramdas H. Paithane Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Shri M.R. Deshmukh, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 30.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 771 OF 2023
(Atul U. Mahajan Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicant (**Leave Note**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note filed by learned counsel for the applicant, S.O. to 04.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 870 OF 2023
(Vijay P. Bauskar Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

None present for the applicant. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 26.09.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 06.08.2024

ORIGINAL APPLICATION NO. 100 OF 2024
(Padmakar G. Pathak Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Shri M.R. Deshmukh, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits that the respondent Nos. 1 and 2 are adopting the affidavit in reply filed on behalf of respondent No. 3.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 26.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 498 OF 2023
(Ratnakala M. Mohite Vs. State of Maharashtra & Ors.)

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

DATE : 06.08.2024

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicant (**Leave Note**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 to 4. Same is taken on record along with spare copy for the applicant.

3. S.O. to 05.09.2024 for filing rejoinder affidavit, if any.

MEMBER (J)