

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

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

And

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

Date:- 07/02/2024

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	CP67/23 In OA25/19	A'bad	Adv R N Bharashwadkar (Dnyaneshwar D Kale)	Contempt Petition	07.06.2024	
2	CP11/24 In OA372/19	A'bad	Adv Avinash S Deshmukh (Dr. Sanjay V Deshpande)	Contempt Petition	22.02.2024	
3	OA1023/23	P'bhani	Adv.S S Jadhavar (Vinayak U Banchod)	Challenging Notification	21.02.2024	
4	TA04/24 In WP1225/24	A'nagar	Adv V B Wagh Adv Shrinivas S Wagh (Ananda V Korde)	Selection Process	Removed from board	
5	TA05/24 In WP1226/24	Beed	Adv V B Wagh/ Adv Shrinivas S Wagh (Sainath U Deokar)	Selection Process	21.02.2024	
6	MA40/24 In OAS224/24	Beed	Adv B R Kedar (Pradeep M Chaudhari & Ors.)	M.A for Sue Jointly	07.03.2024	
7	OA66/24	Nanded	Adv Shaikh Iqbal Ahmed (Mohammad Mudassir Ahmed)	Promotion	18.03.2024	

8	OAS232/24	A'bad	Adv Ajay Deshpande (Amit S Swami)	Departmental Enquiry	06.03.2024	
9	OA805/23	P'bhani Etc.	Adv Talekar & Associates (Shaikh Rafeek Gabru & Ors.)	Challenging Regularization	Removed from board	
Order Matters						
10	MA51/21 In OAS184/21	Hingoli	Adv.Preeti R Wankhade (Sangameshwar M Kadam)	M.A. For Condonation of Delay	01.04.2024	
11	MA94/22 In OAS249/22	O'bad	Adv.G.J. Kore (Dipak S Sherkhane)	M.A. For Condonation of Delay	01.04.2024	
12	MA05/23 With MA398/21 In OAS1666/22	A'bad	Adv H P Jadhav (Sadashiv S Shingare)	M.A For Amendment For M.A 05/23 M.A For Condonation of delay M.A.398/21	21.03.2024	
13	MA239/23 In MA359/22 In OA729/222 with	Jalna	Adv.V B Wagh in MA239/23 in OA729/22 (Dnyaneshwar B Jadhav & Ors.) Adv.Amol B Chalak For Intervenor in MA359/22 (Pavansing M Chungda & Ors.)	M.A.239/23 For Direction M.A.359/22 For Intervention	20.02.2024	
14	MA257/23 In MA563/22 In	Beed	Adv.V G Pingle In MA257/23 in OA730/22 (Gajanan P Chaudhari	M.A.257/23 For Direction M.A.563/22 For	20.02.2024	

	OA730/22		& Ors.) <u>Adv.R A Joshi For Intervenor in MA563/22</u> (Bhausahab R Bhosale & Ors.)	Intervention		
15	MASt391/23 In OA139/21	A'nagar	Adv.R.N. Bharaswadkar (Sunil R Barse) <u>Adv.Vivek U Rathod For R.Nos.6 & 7 in OA139/21</u>	M.A. For Stay & Direction	11.03.2024	
16	MA437/23 In MA35/23 In OA812/22	A'bad	Adv.Prasad D Jarare In MA437/23 (Rashtra Seva Arogya Karmachari Sanghatna through its Secretary Kailas T Harkal) Adv.K.G. Gaikwad/ Adv.N.S. Ingle In MA35/23 (Ganesh G Zagade & Ors.) <u>Adv.Prasad D Jarare in OA812/22</u> (Rashtra Seva Arogya Karmachari Sanghatna through its Secretary Kailas T Harkal)	MA437/23 For I.R. M.A.35/23 For Intervention	07.03.2024	
17	MA282/23 In OA453/18 With	A'bad	Adv.R.N. Bharaswadkar (Balasaheb R Mendhekar & Ors.) <u>Adv.S.S. Dambe for R.Nos.5 to 12 In O.A</u>	M.A. For Direction	07.03.2024	

18	MA283/23 In OA454/18	A'bad	Adv.R.N. Bharaswadkar (Balaji B Budhwant & Ors.)	M.A. For Direction	07.03.2024	
Due Admission Matters						
19	CP30/19 In OA526/11	A'bad	Adv.Avinash S Deshmukh (Mohd. Azizullah Khan since died through his widow Smt. Qusiya Shameen M.A. Khan)	Contmept Petition	13.02.2024	
20	CP61/23 In OAST1185/19	A'bad	Adv.Ajay S Deshpande (Amit S Swami)	Contempt Petition	06.03.2024	
21	OA577/17	N'bar	Adv.A.G. Ambetkar (Ramesh G Chaudhari) <u>Adv.A.S. Deshmukh</u> <u>for R.No.3</u>	Appointment	Disposed of	
22	OA768/18	A'bad	Adv.S.S. Thombre (Vijaykumar V Giri & Ors.)	Appointment	06.03.2024	
23	OA771/18	P'bhani	Adv.B.A. Dhengle (Shrihari D Ghogare) <u>Adv.M.V. Bharuka</u> <u>for R.No.4</u>	Selection/ Appointment	28.02.2024	
24	OA872/18	A'nagar	Adv.Arvind G Ambetkar (Arun M Gir)	Departmental Enquiry	28.02.2024	
25	OA31/19	J'gaon	Adv.Kunal A Kale (Vivek P Bhamre) <u>Adv.N.R. Dayama</u> <u>for R.No.4</u>	Promotion/ Service Benefits	15.03.2024	

26	OA556/19	Jalna	Adv.J.S. Deshmukh (Dr.Shamkant D Gawande) <u>Adv.Umesh S Mote</u> <u>for R.No.4</u>	Condonation of Technical Breaks/ Increments/ Leave	06.03.2024
27	OA757/19	P'bhani	Adv.J.S. Deshmukh (Dr. Munna Afreen Abdul Gaffar)	Exemption From G.R./ Pay Protection	06.03.2024
28	OA758/19	Nanded	Adv.J.S. Deshmukh (Dr. Satish V Totawar)	Exemption From G.R./ Pay Protection	06.03.2024
29	OA759/19	Nanded	Adv.J.S. Deshmukh (Dr.Gopikrishna P Patil)	Exemption From G.R./ Pay Protection	06.03.2024
30	OA41/20	Hingoli	Adv.Avinash S Deshmukh (Nagesh C Kumbre)	Continuation	15.03.2024
31	OA107/20	Nanded	Adv.M.R. Kulkarni (Dr.Abdul Mubashir Abdul Majid Siddiqui & Ors.)	Count the Part Service/ Refixation of Pay	15.03.2024
32	OA04/21	J'gaon	Adv.Ajay S Deshpande (Kiran S Pawar)	Promotion	12.02.2024
33	OA56/21	A'bad	Adv.Vijay C Suradkar (Santosh S Kamble)	Termination	18.03.2024
34	OA59/21	A'bad	Adv.Vijay C Suradkar (Baban S Ramfale)	Termination	18.03.2024
35	OA77/21	A'bad Hingoli Nanded	Adv.V B Wagh (Vishvanath H Mahindrakar & Ors.)	Reversion	27.02.2024

36	OA122/21	P'bhani	Adv.M.A. Granthi/ Adv.M.K. Bhosale (Mohan B Rathod)	Promotion	26.03.2024
37	OA397/21	A'bad	Adv.Avinash S Deshmukh (Abhijeet M Bhise & Ors.)	Appointment/ Absorption	12.02.2024
38	OA600/21	Nanded	Adv.K.B. Jadhav (Subhash G Dhutur)	Promotion	19.03.2024
39	OA607/21	Jalna	Adv.Pushpak U Gujrathi (Sachin K Pawar)	Appointment	12.03.2024
40	OA688/21	A'bad	Adv.Santosh S Dambe (Eknath B Parmeshwar)	D.E./ Punishment	04.03.2024
41	OA01/22	A'bad	Adv.K G Salunke (Vishnu B More)	Promotion	22.02.2024
42	OA02/22	Jalna	Adv.K G Salunke (Shantilal D Hiwarale)	Promotion	22.02.2024
43	OA32/22	Dhule	Adv.P.P. Dawalkar (Yogesh U Aher)	Appointment	14.03.2024
44	OA374/22	A'bad	Adv.K.B. Jadhav (Vijay D Dehade)	Major Punishment/ Compulsory Retirement	13.03.2024
45	OA386/22	A'bad	Adv.K.B. Jadhav (Lata D Dehade)	Major Punishment/ Compulsory Retirement	13.03.2024
46	OA426/22	Nanded	Adv.B.G. Deshmukh (Urmila S Phule @ Urmila P Narwade)	Selection Process/ Merit List	22.03.2024

47	OA578/22	Hingoli	Adv.S.S. Kulkarni (Shailesh U Pawar)	Seniroyty/ Promotion	27.02.2024	
48	OA11/23	P'bhani	Adv.V.G. Pingle (Gangadhar K Yelhare) <u>Adv R K Asthekar</u> <u>For R-6 to R-8</u> <u>Adv A N Nagargoje</u> <u>For R-5</u>	Final Seniority List/ Promotion	26.03.2024	
49	OA128/23	Latur	Adv.A.A. Phad (Gajanan H Shinde)	Promotion	15.03.2024	
Final Hearing Matters						
50	OA689/15	O'bad	Adv.S.B. Talekar (Dr.Shrikant B Tambe) <u>Adv.Pradeep R Patil</u> <u>for R.No.5</u> <u>Adv.V.B. Wagh for</u> <u>R.No.6</u>	Selection	23.02.2024	
51	OA595/16	O'bad	Adv.Bharat R Waramaa (Dhanraj R Dhumare) <u>Adv.Avinash S.</u> <u>Deshmukh for R.No.5</u>	Appointment	26.02.2024	
52	OA233/16	A'bad	Adv.S.K. Mathpati (Pankaj W Pangul)	Seniority/ Promotion	26.02.2024	
53	OA588/16	P'bhani	Adv.R.B. Narwade Patil (Dnyaneshwari M Barse)	Selection/ Appointment	26.02.2024	
54	OA103/17 With	A'bad	Adv.S.D. Joshi (Navanth A Matsagar)	Seniority/ Promotion Carrear Assured Progress Scheme	04.03.2024	

55	OA104/17	A'bad	Adv.S.D. Joshi (Vitthal S Pawal)	Seniority/ Promotion Carrear Assured Progress Scheme	04.03.2024
56	OA603/17 With	Latur	Adv.A S Deshmukh (Jaideep A Limbale & Ors)	Challenging G. R.	26.02.2024
57	OA604/17 With	P'bhani	Adv.Avinash S Deshmukh (Kishor S Sabhadinde & Ors)	Challenging G. R.	
58	OA605/17 With	O'bad	Adv.Avinash S Deshmukh (Pratap B Jalkute)	Challenging G. R.	
59	OA606/17 With	Beed	Adv.Avinash S Deshmukh (Bhausahab B Rathod & Ors)	Challenging G. R.	
60	OA607/17 With	Nanded	Adv.Avinash S Deshmukh (Praveen A Kulkarni & Ors)	Challenging G. R.	
61	OA608/17 With	A'nagar	Adv.Avinash S Deshmukh (Sachin M Ralebhat)	Challenging G. R.	
62	OA609/17 With	A'bad	Adv.Avinash S Deshmukh (Pramod U Nade)	Challenging G. R.	
63	OA780/17	Beed	Adv.P R Wankhade (Ramhari N Kamble)	Challenging G. R.	

64	OA664/17	A'bad	Adv.Ajay Deshpande (Shaikh Kalim Sk. Mannu)	Dismissal	12.02.2024
65	OA08/18	Dhule	Adv.Usha N Jadhav (Devendra S Jade)	Termination	01.03.2024
66	OA829/18 With	Mumbai	Adv.Talekar & Associates (Kiran P Prabhakar Kolte)	Selection Process	01.03.2024
67	OA96/20	A'bad	Adv.Talekar & Associates (Kiran P Kolte)	Appointment	01.03.2024
68	OA410/19	A'bad	Adv.Ajay Deshpande (Santosh R Jagdale) <u>Adv.M R Kulkarni</u> <u>For R.No.2</u>	Appointment	20.02.2024
69	OA1030/19	Dhule	Adv.Talekar & Associates (Dr.Jaya P Dighe) <u>Adv.A.B. Rajkar for</u> <u>R.No.5 to 12 & 14</u> <u>Adv.A.S. Shelke for</u> <u>R.No.15</u> <u>Adv.N.S. Choudhary</u> <u>for R.No.13</u>	Seniority Deem Date	01.03.2024
70	OA166/20	Dhule	Adv.Avinash S Deshmukh (Shashikant P Kulkarni)	Cancelation of Promotion / Seniority Posting	01.03.2024
71	OA277/21	Latur	Adv.K B Jadhav (Shivaji N Wagh)	Reversion	28.02.2024

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

And

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

Date:- 07/02/2024
Board

Suplimentary

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Horizontal Reservation Group Matters						
1	OA85/17 (Due)	Latur	Adv.J M Murkute (Nikita K Bhange)	Selection/ Appointment	Dismissed	
2	OA34/18 (Due)	Beed	Adv.S S Thombre (Kishor B Khedkar) <u>Adv.M B Kolpe for</u> <u>R.Nos.4 & 5</u> <u>Adv.B N Gadegaonkar</u> <u>for R.No.6</u>	Appointment	27.02.2024	
3	OA72/18 (Due)	Beed	Adv.Avinash D Aghav (Anant J Hange)	Appointment	Dismissed	
4	OA224/18 (Due)	A'nagar	Adv.Saisagar A Ambilwade (Snehal R Harade) <u>Adv.M B Kolpe for</u> <u>R.No.3</u> <u>Adv.H A Joshi For</u> <u>R.Nos.4 to 14</u> <u>Adv.M P Bhaskar for</u> <u>R.Nos.15 to 17</u>	Selection/ Appointment	Dismissed	
5	OA231/18 (Due) With	A'nagar	Adv.Abhay R Rathod/ Adv.Prithvi A Rathod (Aishwarya V Mudholkar) <u>Adv.M B Kolpe for</u> <u>R.No.2</u> <u>Adv.H A Joshi for</u> <u>R.No.3</u>	Selection/ Appointment	Dismissed	

6	OA232/18 (Due) With	J'gaon	Adv.Abhay R Rathod (Dipak I Rajput) <u>Adv.M B Kolpe for R.No.2 Adv.H A Joshi for R.No.10, 14, 20, 26, 34, 35, 38, 43, 46, 47, 49, 51 & 52 Adv.V B Wagh for R.No.30 Adv.Amol S Gandhi for R.No.14</u>	Recruitment Process/ Selection/ Appointment Motor Vehicle Inspector	Dismissed	
7	OA233/18 (Due)	A'bad	Adv.Abhay R Rathod/ Adv.P A Rathod (Namrata A Shinde) <u>Adv.Swati B Nakhate For R.Nos. 6 & 65 Adv.M B Kolpe for R.No.2</u>	Recruitment Process/ Selection/ Appointment Motor Vehicle Inspector	Dismissed	
8	OA313/18 (Due)	Beed	Adv.B S Choure/ Adv.P K Wagh (Anusaya B Kute) <u>Adv.M B Kolpe for R.No.3 Adv.A S Shelke for R.No.4</u>	Selection	Dismissed	
9	OA350/18 (Due)	Dhule	Adv.Avinash S Deshmukh (Dr. Balwant K Choure)	Appointment	27.02.2024	
10	OA480/18 (Due)	O'bad	Adv.S S Thombre (Balasdaheb Jalindar Salgar)	Selection/ Appointment	Disposed of	
11	OA485/18 (Due) With	Beed	Adv.Avinash S Deshmukh (Dr. Mahesh B Phad)	Appointment	27.02.2024	

12	OA486/18 (Due)	Dhule	Adv.Avinash S Deshmukh (Amarsingh R Hazari)	Appointment	27.02.2024	
13	OA914/18 (Due)	O'bad	Adv.Ganesh J Kore (Rohan S Jadhav)	Selection	Disposed of	
14	OA985/18 (Due)	Beed	Adv.Aashish T Jadhavar (Rahul R Tidke)	Seletion/ Appointment Allow to appear for Interview	Dismissed	
15	OA635/19 (Due)	A'bad	Adv.S S Thombre (Ketki A Wadmare)	Appointment	Disposed of	

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

And

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

Date:- 07/02/2024

Suplimentary Board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Part Heard Matter						
1	OA1049/23	A'bad	Adv.S S Dambe (Shivaji R Kachare & Ors.)	Promotion	08.02.2024	

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

Date: - **07/02/2024**

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks
Due Admission Matters					
1	CP37/23 In Review No 05/22 In OA 981/19	P'rbn	Adv Ganesh V Mohekar (Dr. Ravindra K Deshmukh)	Contempt Petition	12.02.2024
2	CP51/23 In OA361/18	A'bad	Adv A D Sugdare (Anil G Tornekar)	Contempt Petition	14.03.2024
3	CP53/23 In OA360/18	A'bad	Adv A D Sugdare (Mohmmad A Sami)	Contempt Petition	14.03.2024
4	CP54/23 In OA359/18	A'bad	Adv A D Sugdare (Sunil M Bandawar)	Contempt Petition	14.03.2024
5	CP55/23 In OA358/18	A'bad	Adv A D Sugdare (Haseeb Ur. Rehman Khan)	Contempt Petition	14.03.2024

6	CP63/23 In OA661/19	Beed	Adv.RN. Bharaswadkar (Satish N Bhandwalkar)	Contempt Petition	04.03.2024
7	CP64/23 In OA660/19	Beed	Adv.RN Bharaswadkar (Rajrath S Jaybhaye)	Contempt Petition	04.03.2024
8	CP65/23 In OA630/19	Beed	Adv RN Bharaswadkar (Bhaskar E Dhere)	Contempt Petition	04.03.2024
9	OA866/19	A'bad	Adv.Umesh K Ruparel/ Adv.K.V. Patil (Santoshsing K Rajput) <u>Adv Kakasaheb B Jadhav R-6 & R-11</u>	Selection List	01.03.2024
10	OA.441/22	Beed	Adv PS.Anerao (Gajanan A.Taralkar)	Promotion	19.03.2024
11	OA504/22	A'bad	Adv.A.S. Deshpande (Kiran S Pawar)	De Novo Enquiry	27.02.2024
12	OA681/22	Nanded	Adv.Yogesh P Deshmukh (Nashaboina S Yadgiri) <u>Adv.S.B. Patil for R.Nos.2 & 3</u>	Dismissal	19.03.2024
13	OA873/22	A'nagar	Adv.S.B. Patil (Dr. Vidya M Shingare)	Eligibility	19.03.2024

14	OA.990/22	A'bad	Adv BT.Bodkhe (Archana T.Tribhuvan)	P.G.Admission	20.03.2024	
15	TA.25/23 WP.14978/23	Jalgaon	Adv BS.Deshmukh (Pramod V.Sonar)	Promotion	15.02.2024	
16	OA28/23	Latur	Adv.Talekar & Associates (Vijay R Sarole) <u>Adv K F Shingare</u> <u>For R-3</u>	Show Cause Notice/ Termination	27.02.2024	
17	OA68/23	Jalna	Adv.K.J. Suryawanshi (Dr. Rohini S Deshmukh)	Examination	27.02.2024	
18	OA87/23	Jalna	Adv Ajay S Deshpande (Milind S Ghorpade & Ors.)	Departmental Examination	01.03.2024	
19	OA130/23	Nanded	Adv.I.D. Maniyar (Baban S Ghodge)	Seniority List/ Promotion	04.03.2024	
20	OA259/23	A'nagar	Adv V B Wagh (Sunita D Jarhad)	Departmental Enquiry	26.03.2024	
21	OA270/23	N'bar	Adv.Swaraj S Tandale (Mohanrao K Suryawanshi)	Departmental Enquiry	21.03.2024	
22	OA.320/23	Latur	Adv MS.AN.Ansari (Baburao H.Biradar)	Major Punishment	19.03.2024	

23	OA361/23	N'bar	Adv.D.S. Bagul (Zakirhusain Mohamad Khan Pathan)	Promotion	21.03.2024	
24	OA864/23	Dhule	Adv Avinash S Deshmukh (Amarsingh R Hazari)	Continuation of Service	26.02.2024	
25	OA918/23	Nanded	Adv A S Deshmukh (Bhimrao G Parodwad)	Promotion	28.02.2024	
26	OA945/23	P'rbn	Adv S S Jadhavar (Sumit M Lande & Ors.)	Selection Process	21.02.2024	
27	O960/23	Jalna	Adv S S Jadhavar (Mahadu R Munmane)	Selection Process	21.02.2024	
28	OA1019/23	A'bad	Adv.S.A. Deshmukh (Rajendra P Kamble)	Selection Process	07.03.2024	
29	OA.13/24	Ch.Sam.Nagar	AdvSwaraj S.Tandale (Gansh T Saaste)	Deparmental Enquiry	23.02.2024	
Order Matters						
29	MA148/23 In OA268/23	P'bhani	Adv.G.V. Mohekar (Kishor M Nikam)	M.A.For I.R.	26.02.2024	

30	MA319/23 In OAS1077/23	J'gaon	Adv.Harish S Bali/ Adv.S H Bali (Khushal B Nemade)	M.A.For Delay Condonation	29.02.2024	
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**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

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

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

Date: -07/02/2024

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	OA491/19	P'rbn	Adv J M Murkute (Satish S More)	Minor Punishment Suspension Period	For Filing Affidavit in reply	1.3.2024
2	OA834/19	A'bad	Adv.Vivek G.Pingle (Ravikant R Hadoltikar)	Interest on Delayed payments	Await Service	1.3.2024
3	OA595/22	N'bar	Adv S D Joshi (Dr. Dinesh S Ravtale)	Joining/ Salary & Allowances	For Filing Affidavit Reply	1.3.2024
4	OA1069/22	A'nagar	Adv V B Wagh (Sachin R Shinde)	Posting	Await Service	5.3.2024
5	OA1136/22	A'nagar	Adv V B Wagh (Ramdas N Sangle)	Revision of Pension	Await Service <u>Ref Order Dtd.</u> <u>21.12.2022</u> & By way of Last Chance For Filing Affidavit in Reply	5.3.2024
6	OA1137/22	A'nagar	Adv V B Wagh (Ravindra G Barde)	Revision of Pension	Await Service <u>Ref Order Dtd.</u> <u>21.12.2022</u> & By way of Last Chance For Filing Affidavit in Reply	5.3.2024
7	OA1155/22	A'nagar	Adv L V Sangit / AdvMrs. M L Sangit (Sagar A Zinzurde)	Compassionate Appointment	For Filing Affidavit in Reply	22.2.2024
8	OA32/23	Beed	Adv A S Deshmukh (Babamiya P Pathan)	Compassionate Appointment	Reply Filed By R-1 to R- 4 & Await Service R-5	5.3.2024

9	OA40/23	Nanded	Adv Abhijit Namde (Sunanda D Shinde) <u>Adv S B Mene For R-2 & R-4</u>	Family Pension & Other Benefits	Reply Filed by R-3 & Await Service	14.3.2024
10	OA104/23	P'rbn	Adv R L Jakhade Adv S A Kulkarni (Mahesh B Kavthale)	Show Cause Notice	Await Service R-2	6.3.2024
11	OA212/23	Hingoli	Adv J S Deshmukh (Dr. Santosh P Pardeshi)	Leave & Increments	For Filing Affidavit in Reply	6.3.2024
12	OA254/23	A'nagar	Adv Manoj R Khutwad (Kailas a Kalke)	Pensioneery Benefits	For Filing Affidavit in Reply	6.3.2024
13	OA603/23	Jalgaon	Adv S B Bhosale (Gutam B Sonwane)	Retirement Benefits	For Filing Affidavit in Reply	6.3.2024
14	OA647/23	P'rbn	Adv V B Wagh/ Adv A S Therokar Adv V P Adkine (Subodh G Khillare & Ors.)	Directions/ Compassionate Appointment	For Filing Affidavit in Reply R-1 <u>Ref.Order</u> <u>Dtd:15-12-</u> <u>23</u>	29.2.2024
15	OA.732/23	A'bad	Adv.Kakasaheb B. Jadhav (Prabhakar T. Rathod)	Pay fixation / Recovery Refund of Recovered Amount	For Filing Affidavit in reply R-1 To R-4 <u>Ref.Order</u> <u>Dtd:6-11-23</u>	7.3.2024
16	OA733/23	Jalgaon	Adv M.R. Kulkarni (Shashikant U.Patil)	Direction /Leave Encashment	For Filing Affidavit in Reply	7.3.2024
17	OA848/23	A'bad	Adv S S Dambe (Sudam P Korde)	Deem Date of Promotion	For Filing Affidavit in Reply	7.3.2024
18	OA959/23	Beed	Adv B A Darak/ Adv A D Gadekar (Dr.Deepali A Gavhane- Katte)	Medical Leave	For Filing Affidavit in Reply	14.3.2024
19	OA1044/23	A'bad	Adv V B Wagh (Hussaini A Samra)	Regularize the Service	For Filing Affidavit in Reply	7.3.2024

20	OA39/24	Nanded	Adv S S Thombre (Umakant K Damekar & Anr.)	Deputation Period	Await Service	7.3.2024
Order Matter						
21	MA209/22 In OAS108/21	Beed	Adv M R Kulkarni Adv Mujahed Hussin (Ashok r Jujgar)	M.A For Condonation of Delay	For Filing Affidavit in Reply	11.3.2024
22	MA330/22 In OAS1196/22	A'nagar	Adv Madhav Ghode (Vaibhav V Shirsath)	M.A For Condonation of Delay	Last Chance For Filing Affidavit in Reply <u>Ref.Order</u> <u>Dtd:4-8-23</u>	19.3.2024
23	MA306/23 In OAS666/23	A'bad	Adv Dr. Kalpalata Patil- Bharaswadkar (Ganesh R Gorde & Ors.)	M.A For Condonation of Delay	For Filing Affidvit in Reply	12.3.2024
24	MA471/23 In OAS1797/23	A'bad	Adv K B Jadhav (Dr. Yadav S Sonkamble)	M.A For Condonation of Delay	For Filing Affidavit in Reply	13.3.2024
25	MA581/23 In OAS2457/23	Nanded	Adv Avinash Deshmukh (Neeta D Chavan & Ors.)	M.A For Condonation of Delay	Await Service	14.3.2024

ORIGINAL APPLICATION NO. 815 OF 2023
(Bijusing D. Gusing Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

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

2. It appears that though the applicant was due for transfer and his transfer was recommended by the Civil Services Board from Nanded to Aurangabad, the said order of transfer was cancelled solely on the ground that the post of VJ-A, to which the applicant belongs, is not vacant at Aurangabad.

3. In response to the query made by this Tribunal, learned Presenting Officer on instructions from the officer of the department, who is present before the Tribunal submits that there are 08 sanctioned posts under VJ-A category in Aurangabad Division and at present 12 employees are posted in the same category. Learned P.O. submits that those additional 04 employees are now being treated from Open category.

//2//

O.A. No. 815/2023

4. Learned Presenting Officer has however pointed out that till today the applicant has neither joined his original place in Nanded Division nor accepted the transfer order latter in time informing him that his earlier transfer order came to be cancelled.

5. In view of the above confusing submissions, the learned Presenting Officer is directed to file short affidavit making it clear as to how many sanctioned posts of VJ-A category in Aurangabad Division and out of that, if 08 persons from that category are now working in the division and as to what is the tenure of each of said 08 persons in VJ-A category and also 04 additional persons though from VJ-A category now being treated as employee in the Open category.

5. It is a part heard matter. S.O. to 14.02.2024 for further hearing.

MEMBER (J)

O.A. Nos. 70, 71, 73, 74, 75 & 76 all of 2021
(Vitthal R. Thombre & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicants in all these O.As., Shri N.U. Yadav, learned Presenting Officer for the respondent authorities in all these O.As., Shri M.P. Gude, learned counsel for respondent Nos. 3 & 4 in O.A. Nos. 70 & 71 both of 2021, Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3 in O.As. No. 73, 74 & 75 all of 2021 and Shri Shamsunder B. Patil, learned counsel for respondent No. 4 in O.A. No. 76/2021, are present.

2. At the request of learned counsel for the applicants, S.O. to 03.04.2024 for hearing. Till then, liberty to file the affidavit in reply, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 40 OF 2023
(Sunanda D. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Shri Abhijit Namde, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 and 4, are present.

2. Learned Presenting Officer appears for respondent No. 1 and seeks time to file affidavit in reply, if any. Time granted.

3. S.O. to 14.03.2024 for filing affidavit in reply on behalf of respondent Nos. 1, 2 & 4.

MEMBER (J)

ORIGINAL APPLICATION NO. 959 OF 2023
(Dr. Deepali A. Gavhane-Katte Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Shri A.D. Gadekar, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 14.03.2024.

MEMBER (J)

**M.A. No. 330/2022 in O.A. St. No. 1196/2022
(Vaibhav V. Shirsath Vs. State of Maharashtra & Ors.)**

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

DATE : 07.02.2024

ORAL ORDER :

Shri Madhav Ghode, learned counsel for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 to 3 in M.A. Same is taken on record along with spare copy for the applicant.

3. List the matter for hearing on 19.03.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1155 OF 2022
(Sagar A. Zinzurde Vs. State of Maharashtra & Ors.)**

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

DATE : 07.02.2024

ORAL ORDER :

Shri L.V. Sangit, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 22.02.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 595 OF 2022
(Dr. Dinesh S. Ravtale Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

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

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

3. S.O. to 01.03.2024.

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 147 OF 2024
(Nandkumar V. Nagapure Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.02.2024.

MEMBER (J)

**M.A. No. 38/2024 in O.A. St. No. 02/2024
(Shankar C. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 07.02.2024

ORAL ORDER :

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

2. Issue notices to the respondents in M.A., returnable on 02.04.2024.

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 02.04.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 104 OF 2024
(Vishnu S. Darade Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Heard Shri Gajanan Kadam, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. I have found no case for interim relief. Issue notices to the respondents, returnable on 21.02.2024.

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 21.02.2024.

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

MEMBER (J)

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

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

DATE : 07.02.2024

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 21.02.2024

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 21.02.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 116 OF 2024
(Madhav A. Lokulwar Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Heard Shri J.M. Murkute, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 21.02.2024.

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 21.02.2024.

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

MEMBER (J)

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

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

DATE : 07.02.2024

ORAL ORDER :

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

2. Learned Presenting Officer seeks time comply with the directions given by this Tribunal in the order dated 23.01.2024. Learned Presenting Officer submits that the appointment order of the applicant is dated 03.10.1984 and the said appointment order is at Annexure A-1. On perusal of the said appointment order, it appears that the applicant is a candidate recommended by the Social Welfare Department. Learned Presenting Officer submits that the respondent authorities have called the information from the District Social Welfare Officer, District Social Welfare Office, Chatrapati Sambhaji Nagar by communication dated 24.01.2024 in this regard, however, the said information is still awaited. Learned Presenting Officer submits and learned counsel for the applicant also accepted that the said information, if received would go to the route of the case.

3. It is a part heard matter. S.O. to 21.02.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 251 OF 2020
(Sandu R. Magar Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Shri D.K. Dagadkhair, learned counsel for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. There is no compliance of the order dated 23.01.2024, wherein the learned counsel for the applicant sought time to take appropriate steps with regard to filing of the charge-sheet against him.

3. Though the matter is part heard, as none present for the applicant, S.O. to 28.02.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 35 OF 2022
(Vikas R. Pradhan Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. The Original Application is allowed. The reasons would follow. In the circumstances, there shall be no order as to costs.

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 : 07.02.2024

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Part heard.

3. At the request of learned Presenting Officer, S.O. to 26.02.2024 for taking instructions in continuation with the order dated 20.12.2023.

MEMBER (J)

ORIGINAL APPLICATION NO. 735 OF 2023
(Suryakant D. Nikam Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 19.03.2024 for hearing.

MEMBER (J)

M.A. No. 131/2022 in O.A. St. No. 528/2022
(Sitaram V. Inkare Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Heard Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. This is an application seeking condonation of delay of 3 years, 02 months and 12 days (1170 days) caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that the applicant was initially appointed on 09.07.1973 on daily wages and after completion of 05 years tenure on 08.04.1978, he was eligible to be absorbed on CRT as per report of Kalelkar Samiti. The applicant was working on the post of Agar Karkoon. He was sent for training in view of his absorption on the post of Civil Engineering Assistant. Though the applicant has completed training, he was not absorbed on the post of Civil Engineering Assistant pursuant to the G.R. dated 31.01.1989 till his retirement.

//2//

M.A. 131/2022 in
O.A. St. 528/2022

4. Learned counsel for the applicant submits that in terms of the G.R. dated 16.09.2016 issued in response to the judicial pronouncement in this regard, the employees working in the Irrigation Department were held entitled for grant of exemption after crossing the age of 45 years from passing proficiency departmental examination. Learned counsel submits that vide communication dated 28.07.2017, the respondent authorities rejected the representation dated 20.06.2017 stating therein that the applicant is not entitled for grant of exemption from passing proficiency departmental examination after crossing the age of 45 years.

5. Learned counsel submits that the delay is not intentional or deliberate, but it has occurred in view of the communication dated 28.07.2017 and the order in respect of ACPS dated 27.12.2018 granted to the applicant. Learned counsel submits that it is a recurring cause of action.

6. Learned counsel for the applicant submits that the applicant is at present 72 years old and in view of the same, he could not approach this Tribunal within time due to his age related ailments. Learned

//3//

M.A. 131/2022 in
O.A. St. 528/2022

counsel submits that the present Misc. Application deserves to be allowed.

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

8. The applicant is retired person and at present 72 years of age. There is no intentional or deliberate delay as such. It appears that the applicant is prevented from sufficient cause to approach this Tribunal due to various reasons including his age related ailments. I have find much substance in the submissions that there is a recurring cause of action. Thus considering the entire aspect of the case, I am inclined to condone the delay caused in filing the accompanying O.A. However, the applicant is required to be saddled with certain costs. Hence, the following order :-

//4//

M.A. 131/2022 in
O.A. St. 528/2022

ORDER

(i) The Misc. Application No. 131/2022 is hereby allowed

(ii) The delay of 3 years, 2 months and 12 days (1170 days) 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 deposited in the Registry of this Tribunal within a period of one month from the date of this order.

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

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

MEMBER (J)

O.A. St. No. 131/2022

(Sitaram V. Inkare Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Heard Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to the respondents, returnable on 01.04.2024.

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 01.04.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 710 OF 2018
(Rajendra S. More Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Shri P.B. Patil, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 03.04.2024 for final hearing.

MEMBER (J)

ORAL ORDER 07.02.2024 sas

**ORIGINAL APPLICATION NO. 101 OF 2019
(Ashok R. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 07.02.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned counsel for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri S.R. Dheple, learned counsel for respondent No.4, are present.

2. Learned counsel for the respondent No.4 submits that inadvertently the wrong date was taken and therefore, he could not remain present on the last date.

3. At the request of learned counsel for the applicant, S.O. to 01.04.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 255 OF 2019
(Subhash D. Thale Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Shri V.G. Salgare, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08.02.2024.

MEMBER (J)

ORAL ORDER 07.02.2024 sas

ORIGINAL APPLICATION NO. 405 OF 2019
(Shishupal S. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

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

2. S.O. to 08.02.2024.

MEMBER (J)

ORAL ORDER 07.02.2024 sas

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

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

DATE : 07.02.2024

ORAL ORDER :

Shri V.G. Salgare, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri Umesh S. Mote, learned counsel for respondent No.3, are present.

2. S.O. to 08.02.2024.

MEMBER (J)

ORAL ORDER 07.02.2024 sas

ORIGINAL APPLICATION NO. 254 OF 2023
(Kailas A. Kalke Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Shri Manoj R. Khutwad, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits that the respondent No. 4 has already filed affidavit in reply. However, some time is required to file reply on behalf of other respondents.

3. Time granted.

4. S.O. to 06.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 732 OF 2023
(Prabhakar T. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits the affidavit in reply on behalf of respondent Nos. 1,3 & 4 and submits that the respondent No.2 is adopting the affidavit in reply filed by respondent Nos. 1, 3 & 4. The same is taken on record and copy thereof is already given to other side.

3. Learned counsel for the applicant seeks time to file affidavit in rejoinder, if necessary. Time granted.

4. S.O. to 07.03.2024 for filing affidavit in rejoinder, if any/ for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 175 OF 2021
(Ajay R. More Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 689 OF 2021
(Ajay R. More Vs. State of Maharashtra & Ors.)**

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

DATE : 07.02.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant in both the O.As. and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities in both the O.As., are present.

2. Learned counsel for the applicant on instructions submits that the post of Junior Architect is vacant in the establishment of respondent No.2 and if the applicant is appointed on the said vacant post, the applicant is ready to forgo his prayer about the posting at Aurangabad.

3. Learned P.O. is directed to take specific instructions in this regard till the next date of hearing.

4. S.O. to 22.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 983 OF 2023
(Anil Laxmanrao Uphad Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that though the applicant has prayed to quash and set aside the suspension order dated 27.10.2023 issued by the respondent No.3 placing thereby the applicant under suspension from the post of Circler Officer, Ranjni, Tq. Ghansawangi, Dist. Jalna and further directions to respondent No.3 to revoke the suspension order dated 27.10.2023 and reinstate the applicant on the same post with all the consequential benefits, the applicant has fairly accepted that within 90 days the applicant has been served with the charge sheet but the applicant is still under suspension.

3. Learned counsel for the applicant submits that by giving directions to the respondent authorities in terms of G.R. dated 09.07.2019 to take review of the

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O.A. 983/2023

suspension order, this Original Application can be disposed of.

4. Learned Presenting Officer for the respondents submits that appropriate order may be passed.

5. The G.R. dated 09.07.2019 appears to have been issued by the State of Maharashtra on the basis of radio laid in a case **Ajay Kumar Choudhary Vs. Union of India Through Its Secretary & Anr. (Civil Appeal No. 1912 of 2015)** decided on 16.02.2015 vide paragraph No. 14.

6. In view of Sub-clause (i) of clause (1) of the said G.R. dated 09.07.2019, if the suspended employee is served with the charge sheet within 90 days, the competent authority shall take review of the said suspension order and pass the reasoned order as to whether the said suspension is required to be continued or not.

7. In a case **Ajay Kumar Choudhary Vs. Union of India Through Its Secretary & Anr. (Civil Appeal No. 1912 of 2015)** decided on 16.02.2015 in paragraph No. 14 the Hon'ble Supreme Court has

//3//

O.A. 983/2023

given the following directions:-

“14. We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration.

//4// O.A. 983/2023

However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.”

8. In view of above and thus considering the ratio laid down by the Hon'ble Apex Court and also the G.R. dated 09.07.2019 issued by the State of Maharashtra in this regard, this Original Application can be disposed of by giving directions. Hence, the following order:-

ORDER

- (A) The present Original Application No. 983 of 2023 is partly allowed.
- (B) The respondents shall take review of the suspension order dated 27.10.2023 in terms of ratio laid down in the G.R. dated 09.07.2019 by passing reasoned order for the extension of suspension as expeditiously as possible preferably within four week's from the date of this order.

//5// O.A. 983/2023

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

MEMBER (J)

ORAL ORDER 07.02.2024 sas

C.P.NO. 11/2024 IN O.A.NO. 372/2019
(Dr. Sanjay V. Deshpande Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits that he has received instruction from the concerned department that against the order passed by this Tribunal of which the contempt is alleged in the present petition, the respondents have preferred the W.P. before the Hon'ble Bombay High Court, however, that has not yet come before the Bench for passing any order. In the circumstances, time is sought. Granted.

4. S.O. to 22.02.2024.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 67/2023 IN O.A.NO. 25/2019
(Dnyaneshwar Dashrath Kale Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Shri R.N. Bharaswadkar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 07.06.2024.

MEMBER (A)

ORAL ORDER 07.02.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 320 OF 2023
(Baburao H. Biradar Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Mrs. A.N. Ansari, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. Learned Chief 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.

3. S.O. to 19.03.2024 for filing rejoinder affidavit by the applicant, if he so desires.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 07.02.2024-HDD

ORIGINAL APPLICATION NO. 805 OF 2023
(Shaikh Rafeek Gabru & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Ms. Angha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Remove from the board.

MEMBER (A)

ORAL ORDER 07.02.2024-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 66 OF 2024
(Mohammad M. Ahmed Vs. State of Maharashtra & Ors.)**

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Heard Shri Shaikh Iqbal Ahmed, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

2. Issue notice to the respondents, returnable on 18.03.2024.

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 18.03.2024.

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

MEMBER (A)

VICE CHAIRMAN

T.A.NO. 05/2024 (W.P.NO. 1226/2024)
(Sainath Uttam Deokar Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 21.02.2024.

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. Having regard to the urgency in the present matter, the learned C.P.O. shall ensure that the affidavit in reply of the respondents is positively filed on or before the next date. **The prayer for interim relief is kept open.**

8. S.O. to 21.02.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 13 OF 2024
(Ganesh Tejrao Saaste Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Shri S.S. Tandale, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 23.02.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

ORAL ORDER 07.02.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 864 OF 2023
(Amarsingh R. Hazari Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, 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 26.02.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

ORAL ORDER 07.02.2024-HDD

VICE CHAIRMAN

T.A.NO. 4/2024 (W.P.NO. 1225/2024)
(Ananda Vitthal Korde Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

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

2. Remove from the board.

MEMBER (A)

ORAL ORDER 07.02.2024-HDD

VICE CHAIRMAN

M.A.NO. 5/2023 IN O.A.ST.NO. 1666/2022
(Sadashiv S. Shingare Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Smt. Rutuja N. Dukle, learned counsel holding for Shri H.P. Jadhav, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 21.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 07.02.2024-HDD

O.A.ST.NO. 224/2024 WITH M.A.NO. 40/2024
(Pradeep M. Chaudhari & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Heard Shri B.R. Kedar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The arguments are entertained restricted to the case of applicant No. 1 only. Though there are total 03 applicants in the present O.A. and sue jointly application has also been filed, the learned counsel submits that presently the Tribunal may consider the matter only for applicant No. 1 and he will endeavour for seeking orders from the Principal Seat of this Tribunal, insofar as other applicants are concerned.

3. Issue notice to the respondents insofar as applicant No. 1 is concerned, returnable on 07.03.2024.

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

**:: - 2 - :: O.A.ST.NO. 224/2024 WITH
M.A.NO. 40/2024**

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. S.O. to 07.03.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1023 OF 2023
(Vinayak U. Banchod Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Shri S.S. Jadhavar, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 21.02.2024.

MEMBER (A)

ORAL ORDER 07.02.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 77 OF 2021
(Vishvanath H. Mahindrakar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 27.02.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 07.02.2024-HDD

ORIGINAL APPLICATION NO. 1019 OF 2023
(Rajendra Padmakar Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

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

2. Learned Chief Presenting Officer seeks four weeks' time for filing affidavit in reply. Notice has been issued in the present matter on 05.12.2023. In the circumstances, time is granted as prayed for by the learned C.P.O. The respondents shall file affidavit in reply on or before the next date, positively.

3. S.O. to 07.03.2024.

MEMBER (A)

VICE CHAIRMAN

O.A.NO. 96/2020 WITH O.A.NO. 829/2018
(Kiran Prabhakar Kolte & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Ms. Angha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in both the matters, are present.

2. Learned counsel for the applicants seeks leave of this Tribunal to file short affidavit in O.A. No. 96/2020 for bringing on record subsequent events. Leave granted as prayed for. Affidavit be taken on record. The copy of the same be given to the learned C.P.O.

3. S.O. to 01.03.2024.

MEMBER (A)

VICE CHAIRMAN

O.A.NOS. 603 TO 609 AND 780 ALL OF 2017
(Jaideep A. Limbale & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Heard Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicants in O.A. Nos. 603 to 609 of all of 2017, Ms. Preeti R. Wankhade, learned counsel for the applicant in O.A. No. 780/2017 and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these OAs, are present.

2. S.O. to 26.02.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

ORAL ORDER 07.02.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 277 OF 2021
(Shivaji Nivrutti Wagh Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

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

2. S.O. to 28.02.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

ORAL ORDER 07.02.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 28 OF 2023
(Vijay Rajendra Sarole Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Ms. Angha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

Shri K.F. Shingare, learned counsel for respondent No. 3 (**absent**).

2. S.O. to 27.02.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

ORAL ORDER 07.02.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 504 OF 2022
(Kiran Santosh Pawar Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Shri Ajay S. Deshpande, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 27.02.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 07.02.2024-HDD

ORIGINAL APPLICATION NO. 02 OF 2022
(Shantilal Damodhar Hiwarale Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22.02.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

ORAL ORDER 07.02.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 01 OF 2022
(Vishnu Bapurao More Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Shri Kiran G. Salunke, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22.02.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 07.02.2024-HDD

ORIGINAL APPLICATION NO. 85/2017
(Nikita K. Bhangе Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

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

2. There is reason to believe that the applicant has lost the interest in prosecuting the matter further. Hence, the following order :-

ORDER

The Original Application stands dismissed for want of prosecution. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 72/2018
(Anant Jiwaraj Hange Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. There is reason to believe that the applicant has lost the interest in prosecuting the matter further. Hence, the following order :-

ORDER

The Original Application stands dismissed for want of prosecution. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 224/2018
(Snehal Rajendra Harade Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

None appears for the applicant. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri M.B. Kolpe, learned counsel for respondent no. 3, are present. Shri H.A. Joshi, learned counsel for respondent nos. 4 to 14, Shri M.P. Bhaskar, learned counsel for respondent nos. 15 to 17 are (**absent**).

2. There is reason to believe that the applicant has lost the interest in prosecuting the matter further. Hence, the following order :-

ORDER

The Original Application stands dismissed for want of prosecution. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 231/2018
(Aishwarya V. Mudholkar Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

None appears for the applicant. Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri M.B. Kolpe, learned counsel for respondent no. 2, are present. Shri H.A. Joshi, learned counsel for respondent no. 3 (**absent**).

2. There is reason to believe that the applicant has lost the interest in prosecuting the matter further. Hence, the following order :-

ORDER

The Original Application stands dismissed for want of prosecution. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 232/2018
(Dipak I. Rajput Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri M.B. Kolpe, learned counsel for respondent no. 2, are present. Shri H.A. Joshi, learned counsel for respondent no. 10, 14, 20, 26, 34, 35, 38, 43, 46, 47, 49, 51 & 52 and Shri V.B. Wagh, learned counsel for respondent no. 30, Shri Amol Gandhi, learned counsel for respondent no. 14 (**absent**).

2. There is reason to believe that the applicant has lost the interest in prosecuting the matter further. Hence, the following order :-

ORDER

The Original Application stands dismissed for want of prosecution. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 233/2018
(Namrata A. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

None appears for the applicant. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri M.B. Kolpe, learned counsel for respondent no. 2, are present. Smt. Swati B. Nakhate, learned counsel for respondent no. 6 to 65 (**absent**).

2. There is reason to believe that the applicant has lost the interest in prosecuting the matter further. Hence, the following order :-

ORDER

The Original Application stands dismissed for want of prosecution. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 313/2018
(Anusaya B. Kute Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

None appears for the applicant. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri M.B. Kolpe, learned counsel for respondent no. 3, are present. Shri A.S. Shelke, learned counsel for respondent no. 4 **(absent)**.

2. There is reason to believe that the applicant has lost the interest in prosecuting the matter further. Hence, the following order :-

ORDER

The Original Application stands dismissed for want of prosecution. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 350/2018
(Dr. Balwant K. Choure Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

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

2. Due paucity of time, the matter could not be heard.

3. List the matter on 27.2.2024 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 34/2018
(Kishor B. Khedkar Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri K.B. Kolpe, learned counsel for respondent nos. 4 & 5, are present. Shri B.N. Gadegaonkar, learned counsel for respondent no. 6 (**absent**).

2. Due paucity of time, the matter could not be heard.

3. List the matter on 27.2.2024 for hearing.

MEMBER (A)

VICE CHAIRMAN

O.A. NOS. 485 AND 486 BOTH OF 2018
(Dr. Mahesh K. Fad & anr. Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicants in both the matters and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities in both the matters, are present.

2. Due paucity of time, the matters could not be heard.
3. List the matter on 27.2.2024 for hearing.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 07.02.2024

ORIGINAL APPLICATION NO. 985/2018
(Rahul R. Tidke Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. There is reason to believe that the applicant has lost the interest in prosecuting the matter further. Hence, the following order :-

ORDER

The Original Application stands dismissed for want of prosecution. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 635/2018
(Ketki A. Wadmare Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submitted that during pendency of the application, the applicant has been given order of appointment and, as such, relief claimed by the applicant stands redressed. In view of the submission so made by the learned counsel, the following order is passed :-

ORDER

The Original Application stands disposed of in view of the submissions made by the learned counsel. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 480/2018
(Balasaheb J. Salgar Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submitted that during pendency of the application, the applicant has been given order of appointment and, as such, relief claimed by the applicant stands redressed. In view of the submission so made by the learned counsel, the following order is passed :-

ORDER

The Original Application stands disposed of in view of the submissions made by the learned counsel. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 918/2023
(Bhimrao G. Parodwad Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant is not intending to file any rejoinder affidavit.

3. List the matter for hearing on 28.2.2024.

MEMBER (A)

VICE CHAIRMAN

C.P. 37/2023 IN REV. 5/2022 IN O.A. 981/2019
(dr. Ravindra K. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Shri G.V. Mohekar, learned counsel for applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submitted that some record is to be called from the concerned office and has sought time therefor. Request is strongly opposed by the learned counsel for the applicant. In the interest of justice, time granted till 12.2.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 07.02.2024

ORIGINAL APPLICATION ST. NO.232/2024
(Amit S. Swami Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

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

2. Perused the order passed by the Hon'ble High Court in Writ Petition No.11474/2023 on 14-09-2023. Paragraph 8 of the said order is relevant which is reproduced under:

“8. In view of the same, we find no reason to interfere with the order passed by the learned tribunal and sustain the order passed by the learned tribunal to the extent of the present respondent. We, further extend the time granted by the tribunal by two (02) months from today to initiate the departmental enquiry against the respondent, if they so desire and in the event the proceedings are initiated against the respondent, the petitioners are directed to complete it within six (06) months from the commencement, as directed by the tribunal. The tribunal's order in all other respect is maintained qua the present respondent.”

3. As provided in the said order, departmental enquiry which was to be initiated on or before 13-11-2023 has been initiated on 19-12-2023. It is necessary to reproduce hereinbelow the relevant part of the order passed by this Tribunal also because it has some relevance so far as the order of further extension of 2 months granted by Hon'ble High Court is concerned. Said order reads thus:

"...However, in view of the discussion made by us in the body of this order it would be open to the respondents to initiate departmental enquiries against the applicants, if they so desire. If so decided, such enquiries must be initiated as expeditiously as possible, and not later than 2 months from the date of uploading of this order on the official website of the Tribunal and shall be completed possibly within 6 months from their commencement. The applicants shall ensure that the enquiry proceedings are not delayed or protracted at their instance. Payment of backwages shall abide by the result of the said enquiries.

If the Disciplinary Authority forms an opinion that enquiry against the applicant is not likely to be conducted fairly by keeping the applicant on the same post from which he was dismissed, it would be open for the Disciplinary Authority to take necessary measures, like assigning any other work to the applicant or to suitably transfer him to some other branch or take other similar measures during the period of enquiry.

In so far as the O.A.No.21/2020 is concerned, since the applicant has expired during the pendency of the O.A., in the said case, there may not be a question of reinstating the applicant or initiation of any departmental enquiry against him. However, in view of the fact that his order of dismissal has been set aside, the said applicant shall be deemed to be in service at the time of his death and his legal heirs may claim the benefits, payable to the Government servant dying while in service.

All the above O.As., thus, stand allowed in the aforesaid terms, however, without any order as to costs.”

4. Hon'ble High Court while passing the order in the said Writ Petition except extending the period of 2 months from the date of its order for commencing the departmental enquiry against the applicant, did not cause any more modification.

5. Learned CPO submits that though all prompt steps were taken, some procedural delay has occasioned and that is unintentional. Learned CPO submits that the order cannot be read in its strict sense so far as the time period is concerned, spirit behind the said order and prompt steps taken by the respondents are to be considered. Learned CPO

submits that he will place on record entire correspondence which has taken place before initiation of the departmental enquiry against the applicant. Learned CPO has, therefore, sought 4 weeks' time.

6. After having considered the submissions on behalf of the applicant and after having gone through the order passed by the Hon'ble High Court, relevant portion of which we have reproduced hereinabove, it appears to us that it was incumbent on the part of the respondents to initiate the departmental enquiry in any case before expiry of the period of 2 months from the date of said order. Admittedly, that time limit has not been followed. Therefore, the applicant has made out a *prima facie* case for grant of interim relief. We, therefore, deem it appropriate to pass the following order:

ORDER

[i] Issue notice to the respondents, returnable on 06-03-2024. **Till then the respondents shall not proceed with the enquiry initiated against the present applicant.**

[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. Applicant is directed to file affidavit of compliance and notice.

[vi] S.O. to 06-03-2024.

[vii] Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

C.P.NO.61/2023 IN O.A. ST. NO.1185/2019
(Amit S. Swami Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

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

2. Learned PO has submitted a short affidavit on behalf of respondent nos.1 and 2 in the matter. Same is taken on record. Copy is given to the learned Counsel for the applicant.

3. List the matter along with the O.A. on 06-03-2024.

MEMBER (A)

YUK ORAL ORDER 07.02.2024

VICE CHAIRMAN

M.A.NO.94/2022 IN O.A.ST.NO.249/2022
(Dipak Shivaji Sherkhane Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Heard Shri G.J.Kore, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities.

2. Order dated 17-01-2018 is challenged by the applicant in the O.A. annexed with the present M.A. Since delay of more than 2 years has occasioned applicant has filed the present M.A. seeking condonation of the said delay. Learned Counsel submits that before the applicant could take any step in the matter by taking necessary legal advice, Corona pandemic started and applicant was prevented from approaching the Tribunal within time. Learned Counsel further submits that there is continuing cause of action for the applicant since some benefits are illegally withdrawn from the applicant.

=2= M.A.NO.94/2022 IN O.A.ST.NO.249/2022

3. Learned P.O. submits that no cause is made out by the applicant in the application for condonation of delay of the period more than 2 years and such stale claim cannot be entertained without any explanation therefor. She has, therefore, prayed for rejecting the M.A.

4. In the above circumstances, we are inclined to allow the present M.A. with the following order:

ORDER

[i] Delay caused in filing the O.A. is condoned.

[ii] M.A. stands allowed, subject to payment of costs of Rs.1000/- to be deposited by the applicant in the Registry, within a week.

[iii] O.A. be registered and numbered in accordance with law, after removal of office objections, if any.

MEMBER (A)

YUK ORAL ORDER 07.02.2024

VICE CHAIRMAN

O.A.ST.NO.249/2022

(Dipak Shivaji Sherkhane Vs. State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Heard Shri G.J.Kore, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities.

2. After depositing the costs by the applicant, issue notices to the respondents, returnable on 01-04-2024.

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 01-04-2024.

[vii] Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 07.02.2024

ORIGINAL APPLICATION NO.914/2018
(Rohan Shivajirao Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Heard Shri G.J.Kore, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. Learned Counsel on instructions seeks leave to withdraw the present O.A. Hence, the following order:

ORDER

O.A. stands disposed of since withdrawn without any order as to costs.

MEMBER (A)

YUK ORAL ORDER 07.02.2024

VICE CHAIRMAN

M.A. 239/2023 IN M.A. 359/2022 IN O.A.NO. 729/22
(Dnyaneshwar B. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

M.A. 257/2023 IN IN M.A. 563/22 IN O.A. 730/2022
(Gajanan P. Chaudhari & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants in M.A. No. 239/2023 and in O.A. No. 729/2022, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri Amol Chalak, learned counsel for the applicants in M.A. No. 359/2022 , are present.

Shri V.G. Pingle, learned counsel for the applicants in M.A. No. 257/2023 and in O.A. No. 730/2022 and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

Shri R.A. Joshi, learned counsel for applicants in M.A. No. 563/2023 in O.A. No. 730/2022, is present.

2. Learned P.O. submits that, he will confirm whether fresh merit list has been prepared or not after the Full Bench Judgment delivered by this Tribunal for the District Jalna as well as Beed, and if fresh list is prepared, he will produce the same on record.

3. S.O. to 20-2-2024. Interim Relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 07.02.2024

VICE CHAIRMAN

**M.A.NO.437/2023 IN M.A.NO.35/2023 IN
O.A.NO.812/2022**

**(Rashtra Seva Arogya Karmachari Sanghatna, Through its
Secretary, Kailas T. Harkal Vs. State of Maharashtra & Ors.)**

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Shri P.D.Jarare, learned Counsel for the applicant in O.A. & M.A.No.437/23, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri K.G.Gaikwad, learned Counsel for applicant in M.A.No.35/2023, are present.

2. At the request of learned Counsel for the applicant, S.O. to 07-03-2024.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 07.02.2024

M.A.NO.51/2021 IN O.A.ST.NO.184/2021
(Sangameshwar Manoharrao Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 07.02.2024

ORAL ORDER :

Heard Ku. Preeti Wankhade, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities.

Though the private respondent no.5 is duly served has not caused appearance in the present matter.

2. Applicant has preferred the application seeking condonation of delay which has occasioned in filing the O.A. annexed with the present M.A. In the O.A. applicant has raised objection to the seniority list published in October, 2013 of the cadre of Research Assistant as on 31-12-2012. It is the contention of the present applicant that, though he is senior to respondent no.5 in the said cadre, in the seniority list published, he has been shown below the respondent no.5. For setting aside the said seniority list or in the alternative to rectify it by showing the

applicant senior to respondent no.5, the applicant has preferred the accompanying O.A.

3. It is the contention in the present application that in the year 2013, the applicant was facing some critical family problems relating to health of his wife and his new born child. It is further contended that medical treatment to his wife as well as his new born child was required to be continued for several days thereafter and applicant was not having any other priority than to take care of his wife and new born child. It is the contention of the applicant that in the circumstances he did not endeavor for approaching the Tribunal in the said period.

4. It is further contention of the applicant that in the year 2016, applicant as well as the respondent no.5 both came to be promoted to the post of Junior Scientific Officer and applicant was bona fide believing that the mistake which had occurred in preparing seniority list of the cadre of Research Officer would be rectified while preparing seniority list of the officers in the cadre of Junior Scientific Officer. It is also the contention of the applicant that, elaborate objection was raised by him

immediately after the seniority list of the cadre of Research Assistant was published, however, issues raised in the said representation were ignored by the respondents and even while preparing the seniority list of the cadre of Junior Scientific Officer, same mistakes have been committed wherein the applicant is again shown junior to respondent no.5.

5. Learned Counsel appearing for the applicant submitted that the delay though apparently appears to be of the period of around 7 years, while considering the length of delay, genuineness of the claim of the applicant also needs to be considered and weighed in preference to the length of delay. Learned Counsel submitted that even if the seniority list is required to be modified because of the present O.A., change would be only in respect of position of respondent no.5 vis-à-vis applicant and no other person is likely to be affected or suffered. Learned Counsel, in the circumstances, prayed for condonation of delay so that the grievance of the applicant as about seniority list can be prosecuted on merits.

6. Shri B.S.Deokar, learned P.O. has reiterated the contentions raised in the affidavit in reply filed on behalf of respondent nos.1 to 3. It is contended in the said affidavit in reply that inordinate delay which has occasioned in approaching this Tribunal by the applicant has not been properly explained and for want of such explanation, huge delay of more than 7 years cannot be condoned. He further contended that in the matters of seniority, the settled legal position is that the seniority position enjoyed by an incumbent cannot be disturbed after a lapse of long time even assuming that the rival claimant has got legally better claim. Learned P.O. submitted that considering the settled legal position as above, the application deserves to be rejected.

7. Learned Counsel for the applicant has placed reliance on the judgment of the Hon'ble Bombay High Court in the case of **Sanjay D. Dhumaskar V/s. State of Goa & Ors. [2022 (3) AIR Bom R 25]**.

8. We have duly considered the submissions made on behalf of the applicant as well as the respondent authorities. Respondent No. 5, who is

private respondent though has been duly served has not caused appearance in the matter.

9. Applicant and respondent No. 5 both were working as Research Assistants. According to the applicant, though he is senior to the respondent No.5, in the seniority list published in the year 2013 as on 31.12.2012, was shown junior to said respondent No.5. The applicant though immediately lodged his objection to the said seniority list, did not take any immediate further action of approaching this Tribunal. In the meanwhile the applicant, as well as respondent No.5, both have been promoted to the post of Junior Scientific Officer in the year 2016. Admittedly, respondent No. 5 has been promoted to the said post prior to few months of the promotion of the applicant.

10. Now, for the applicant as well as respondent no.5 the next promotion is to the post of Senior Scientific Officer. As per the contentions of the applicant, if his objection to the seniority list of the cadre of Research Assistants is corrected, he will have fair chances for his promotion to the post of Senior Scientific Officer since the seniority list of the

cadre of Junior Scientific Officer will also be corrected accordingly. For these reasons it is the contention of the applicant that the delay caused in approaching the Tribunal by him needs to be condoned, so that he can prosecute his claim of seniority on merits.

11. Though respondent No. 5 has not caused appearance in the matter, we have to consider whether any prejudice is likely to be caused to him, if claim of the applicant in respect of the “seniority list of the cadre of Research Assistant” is permitted to be prosecuted by condoning the delay occasioned in filing the O.A. in that regard.

12. As mentioned earlier, the applicant as well as respondent no.5, both have been promoted to the post of Junior Scientific Officer and are presently discharging the duties of the said post. In the circumstances, if the applicant is permitted to prosecute his O.A., respondent no.5 will get equal opportunity to put forth his contentions also. No prejudice is thus likely to be caused to respondent no.5 if the applicant is permitted to prosecute his O.A. on merits. The applicant has sufficiently

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M.A.NO.51/2021 IN O.A.ST.NO.184/2021

explained the delay which has occasioned in filing the present O.A. by him.

13. Moreover, law is well settled that when substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred. Law is equally well settled that meritorious matters shall not be refused at the very threshold on the ground of delay for the reason that, cause of justice shall not be defeated.

14. For the reasons stated as aforesaid, we are inclined to condone the delay occasioned in filing the present O.A. by the applicant. Hence, the following order:

ORDER

- [i] Delay caused in filing the O.A. is condoned.
- [ii] M.A. stands allowed and disposed of.
- [iii] O.A. be registered and numbered in accordance with law, after removal of office objections, if any.

MEMBER (A)

VICE CHAIRMAN

O.A.ST.NO.184/2021

(Sangameshwar Manoharrao Kadam Vs. State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 07.02.2024

ORAL ORDER :

Heard Ku. Preeti Wankhade, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities.

2. After registration of O.A., issue notices to the respondents, returnable on 01-04-2024.

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 01-04-2024.

[vii] Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 07.02.2024