

ORIGINAL APPLICATION NO. 166/2024
(Pratik Kamble Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present. None appears for respondent no. 4.

2. Learned Presenting Officer has tendered affidavit in reply of respondent nos. 1 & 2. It is taken on record and copy thereof has been supplied to the learned counsel for the applicant.

3. S.O. to 23.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 448/2024
(Kiran Patil Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

Shri A.D. Wani, learned counsel holding for Shri N.V. Dhake, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered affidavit in reply of respondent no. 2. It is taken on record and copy thereof has been supplied to the learned counsel for the applicant.

3. S.O. to 13.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1118/2023
(Kishan N. Khandare Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

Shri S.P. Dhoble, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits that in the present matter draft affidavit in reply is forwarded for approval, however, the same has not yet been received from the concerned authority. Learned P.O., therefore, prayed for 02 weeks' time. Time granted as prayed for. If the affidavit in reply is not filed within the given period, the matter may be heard without reply of the respondents.

3. S.O. to 21.08.2024.

MEMBER (A)

VICE CHAIRMAN

C.P. NO. 73/2023 IN O.A. NO. 620/2023
(Anita J. Bhaitilak Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

Shri Vaibhav U. Pawar, learned counsel holding for Shri Sachin Joshi, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel appearing for the applicant in the contempt petition has prayed for adjournment to work-out the present matter. The matter was in fact extensively heard by us on the previous dates and thereafter on 02 occasions accommodation is sought by the learned counsel for the applicant.

3. Learned Presenting Officer has tendered across the bar the copy of one reminder under the signature of the applicant, wherein she has threatened for sitting on hunger strike. Communication is taken on record and copy is given to the learned counsel. In the interest of justice, one week time is granted to the learned counsel for the applicant.

4. S.O. to 8.8.2024.

MEMBER (A)

VICE CHAIRMAN

C.P. NO. 09/2021 IN O.A. NO. 70/2018
(Dadabhau Parte Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered affidavit in reply of respondent no. 3. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 24.9.2024 for further consideration.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 07.08.2024

ORIGINAL APPLICATION NO. 392/2018
(Chandrakant R. Kapse Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

Shri Vaibhav Pawar, learned counsel holding for Shri Sachin Joshi, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present. None for respondent nos. 5 to 7 and 9.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 566/2024
(Rahul Bandewad Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply. The said request is opposed by the learned counsel for the applicant. However, in the interest of justice, last chance is granted to file the reply.
3. S.O. to 30.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 958/2023
(Afroj Taimurkhan Pathan Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

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

2. In the present matter the respondents are directed to produce on record the minutes of the DPC meeting held on 9.2.2022. Learned P.O. submits that the earlier order has already been communicated to the concerned respondents, however, due to some difficulty the record has not received to his office. In the interest of justice one week's time is granted.

3. S.O. to 13.08.2024.

MEMBER (A)

VICE CHAIRMAN

C.P. NO. 5/2024 IN O.A. NO. 739/2023
(Prashant N. Kedar Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

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

2. S.O. to 13.08.2024 for further consideration.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 07.08.2024

ORIGINAL APPLICATION NO. 75/2024
(Kailas Bhaurao Khade Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply. The request so made is opposed by the learned counsel for the applicant stating that already 4 chances are granted therefor. However, in the interest of justice, last chance is granted. If the affidavit in reply is not filed within the given period, the matter may be heard without reply of the respondent

3. S.O. to 26.08.2024.

MEMBER (A)

VICE CHAIRMAN

T.A. NO. 21/2024 (W.P. 3284/2024)
(Dr. Samidha Suhas Natawadkar Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

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

2. S.O. to 30.09.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 07.08.2024

ORIGINAL APPLICATION NO. 818/2024
(Anil Shivling Modhe Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 9.10.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 9.10.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 270/2024
(Santosh M. Jadhav & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered affidavit in reply of respondent no. 4. It is taken on record. He undertook to supply copy of reply to the learned counsel for the applicant.

3. S.O. to 20.09.2024.

MEMBER (A)

VICE CHAIRMAN

C.P. ST. 335/2024 IN O.A.. NO. 177/2018
(Gangadhar M. Kulkarni Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

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

2. On request of learned counsel for the applicant, S.O. to 30.09.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 07.08.2024

M.A. NO. 466/2023 IN O.A. ST. 1942/2023
(Ashwini B. Patare Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that rejoinder is not to be filed in the present matter.

3. List the matter for hearing on 27.08.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 07.08.2024

M.A. NO. 45/2024 IN O.A. ST. 2470/2023
(Tjaswini Bhagwantrao Hattiambire Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

Shri M.K. Bhosale, learned counsel holding for Shri S.N. Pawde/Shardul D. Deshpande, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply. Request so made by the learned P.O. is opposed by the learned counsel for the applicant stating that already 3 chances are granted to the respondents therefor. However, in the interest of justice last chance is granted. If the reply is not filed by the given date, the matter will be heard without reply of the respondents.

3. S.O. to 27.8.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 07.08.2024

ORIGINAL APPLICATION NO. 182/2024
(Ganesh Vijay Pohokar Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

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

2. The applicant shall make application in writing with the office of Chief Presenting Officer seeking addresses of the concerned candidates, who are to be added as respondents in the present Original Application. If such an application is filed, the office of C.P.O. to get available the addresses from the office concerned within a reasonable period. Time to add these candidates as respondents is extended by three weeks.

3. S.O. to 29.08.2024.

MEMBER (A)

VICE CHAIRMAN

C.P. 09/2024 IN O.A. NO. 218/2024
(Sandip Trimbakrao Jogdand Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent no. 1. It is taken on record and copy thereof has been given to the learned counsel for the applicant.

3. List the matter for further consideration on 30.08.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 07.08.2024

C.P. 20/2024 IN O.A. NO. 792/2023
(Jyoti Rajaram Pawar Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the petitioner and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. The petitioner has preferred the present Contempt Petition alleging willful non-compliance of the order passed by this Tribunal on 24.11.2023 in O.A. No. 792/2023. The following order was passed in the said matter:-

“O R D E R

(i) The order dated 24.08.2023 impugned in the present Original Application is quashed and set aside.

(ii) Respondents are directed to forthwith reinstate the applicant on the post from which she was suspended.

::-2-::

C.P. 20/2024 IN
O.A. NO. 792/2023

(iii) The Original Application stands allowed in the aforesaid terms without any order as to costs.”

3. Since the said order was not complied with, the petitioner under legal advice issued the concerned respondents a legal notice in writing requiring them to comply the order passed by the Tribunal. Such notice was sent on 10.1.2024. Notice was duly served upon the respondents as is contended by the petitioner. Despite that none of the respondents responded the said notice. After lapse of considerable long period, the petitioner has approached this Tribunal alleging the willful disobedience of the order passed by this Tribunal by the respondents. Initially a simple notice was issued to the respondents calling upon them to submit their response to the Contempt Petition so filed by the petitioner.

4. Respondent no. 2 namely Shri Rajesh Kumar, Additional Chief Secretary, Revenue & Forest Department, Mantralaya, Mumbai has submitted the affidavit in reply. The respondent no. 2 in his affidavit has submitted as under:-

“6. At the outset, the Department of Revenue and Forest has not cause delay intentionally for non-compliance of order. The Government of Maharashtra has filed writ petition no.3795 OF 2024 before Hon'ble High Court, Aurangabad against the order dt. 24.11.2023 passed this Hon'ble Tribunal. I further submit that, this writ petition was listed for hearing on 15.4.2024 & 18.6.2024 wherein, the Government of Maharashtra has sought for interim relief against order dt.24.11.3023.

7. I say and submit that, the respondent highly esteem to order passed by this Hon'ble Tribunal therefore, Revenue and Forest department has made compliance with the order dt 24.11.2023 by issuing Government order dt. 11.06.2024 thereby reinstate the present Petitioner on post of Tehsildar. Thereafter, immediately posted her on post of Tehsildar, (General Administration) at Office of District Collector, Parbhani by Government order dt. 01.07.2024. The copy of Government order dt.11.06.2024 & 01.07.2024 is annexed herewith and marked as "Annexure R-1 & R-2.

8. I say and submit that, during the period of suspension of Smt. Jyoti Pawar, The Department of Revenue has appointed shri. Ramesh Mundlod as a Tahsildar at Chatrapati Sambhaji Nagar and at present he is working on the same post. I further say that, as per Government Circular dated 20.04.2013 point 2(b) when any Officer is suspended then they

::-4-::

C.P. 20/2024 IN
O.A. NO. 792/2023

shall not reinstate on the same post. Therefore, Smt. Jyoti Pawar Tahsildar was posted as Tahsildar (General Administration) at the Office of District Collector, Parbhani

9. *I say and submit that, In order to comply as per Judgement and Order dt. 24.11.2023 which is passed by Hon'ble MAT, Aurangabad, it is mandatory to the department to obtain approval/sanction of Competent Authority to reinstate the petitioner. Secondly in order to decide her place of posting as a Tahsildar at a place where the similar post is vacant, for that purpose sanction of competent authority is also necessary. Two different desks were involve i.e. E-3 & E-4A for reinstate & to fix place of posting. I highly regret that, there is a administrative delay caused for compliance.*

10. *I say and submit that, code of conduct for Loksabha election 2024 came into force from dt. 16.03.2024 to 04.06.2024 during this period, most of the staff including officers from this Department were assigned for election program, hence this caused further delayed in compliance of the order dt. 24.11.2023.*

11. *I say and submit that, Revenue and Forest Department has made compliance of the order dt. 24.11.2023. I further say that, the Hon'ble Tribunal has consider that, there has been a delay in complying with the directions issued by this Hon'ble Tribunal. It is most respectfully submitted that the said delay is*

neither deliberate nor willful. I hereby, render my unconditional apology for inconvenience, caused to this Hon'ble Tribunal and most humbly pray that the said delay be condoned in the interest of justice.

12. I say and submit that, in view of above facts, the deponent most respectfully urged this Hon'ble Tribunal to drop contempt proceedings initiate against the deponent.”

5. Today when the matter is being heard the learned Chief Presenting Officer has tendered the Government circular dated 20.04.2013. Learned C.P.O. submitted that in view of the Circular filed on record today, the petitioner has been given posting at Parbhani. As such, according to the learned C.P.O., the order passed by this Tribunal has been complied with. In the circumstances, learned C.P.O. has prayed for disposing of the Contempt Petition and not to accede the request made on behalf of the petitioner to issue notice under the provisions of Contempt of Courts Act.

6. We have carefully considered the submissions made by the learned counsel appearing for the petitioner and learned Chief Presenting Officer

::-6-::

C.P. 20/2024 IN
O.A. NO. 792/2023

appearing for the respondents i.e. the State authorities. We have also perused the affidavit in reply filed on behalf of respondent no. 2. After having considered the submissions of both the sides and the documents placed on record, it is apparent that the order of this Tribunal has not been complied by the respondents. Material on record reveals that though the order was passed by this Tribunal in the month of November, 2023, more particularly on 24.11.2023. It was not challenged before the Hon'ble High Court for next about 04 months and the writ petition came to be filed in the month of March, 2024. The record further reveals that Hon'ble High Court had rejected the request for staying the effect and operation of the order passed by this Tribunal on 24.11.2023. The order was, however passed by the respondents on 11.06.2024, whereby the petitioner was reinstated and was directed to remain attached with the Collector Office at Aurangabad. Few days thereafter another order came to be passed on 01.07.2024, whereby applicant has been given posting at Parbhani as a Tahsildar at Tq. Parbhani.

::-7-::

C.P. 20/2024 IN
O.A. NO. 792/2023

7. In the affidavit in reply the respondents have sought to justify the delay which has occurred in reinstating the applicant and in giving her posting. The reasons assigned in occurrence of delay are unsatisfactory. Moreover, there is absolutely no explanation as to why the order has not been complied with as directed by this Tribunal.

8. For the reasons as aforesaid, it appears to us that a *prima facie* case has been made out for passing the following order.

ORDER

(i) The Present petition be registered as contempt petition (Civil) as provided under rule 5 of the Maharashtra Administrative Tribunal (Contempt of Courts) Rules, 1996 and the Registrar of this Bench shall cause a notice to be issued to respondent No. 2 in form No. III to appear before this Tribunal in person or through an Advocate on 03.10.2024 to show cause against the present proceedings.

::-8-::

C.P. 20/2024 IN
O.A. NO. 792/2023

(ii) Copy of the present order and copy of the contempt petition along with documents annexed thereto shall accompany the notice to be served on respondent No. 2.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 07.08.2024

ORIGINAL APPLICATION NO. 861 OF 2023
(Rajendra Jagatrao Pawar Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

Shri U.T. Sowane, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 04.09.2024 for orders.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 07.08.2024-HDD

ORIGINAL APPLICATION NO. 811 OF 2019
(Bhushan Dilip Kagane Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

Heard Shri Deepak D. Choudhari, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Arguments are concluded. The matter is reserved for orders.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 850 OF 2023
(Yuvraj Shridhar Bhosale Vs. The State of Maha. & Ors.)**

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

Shri Vinay Kargaonkar, Member (A)

DATE : 07.08.2024

ORAL ORDER :

Heard Shri Vishnu Kandhe, learned counsel holding for Shri Ajinkya Reddy, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to the added respondents, returnable on 09.10.2024.

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

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

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 09.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 346/2024 IN O.A.NO. 388/2024
(Avinash Shriram Munde Vs. The State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

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

2. The present Misc. Application has been filed by the applicant seeking amendment in the Original Application so as to add one more pleading and the contextual prayer. Learned counsel for the applicant submitted that while filing Original Application inadvertently said plea has remained to be taken. Learned counsel submitted that till this date the respondents have not filed affidavit in reply to the Original Application. It is further contended that the amendment which is sought is in consonance with the earlier pleading and the prayer, which is intended to be added is also having nexus with the earlier prayer made in the O.A. Nature of the O.A. is thus not likely to be changed. Learned counsel for the applicant has, therefore, prayed for allowing the present Misc. Application.

**:: - 2 - :: M.A.NO. 346/2024 IN
O.A.NO. 388/2024**

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

4. In view of the submissions made, which are undisputed, we are inclined to allow the present application. Hence, the following order is passed: -

ORDER

- (i) The Misc. Application is allowed.
- (ii) The necessary amendment be carried out within a week. By the amendment the applicant is also seeking interim relief in the O.A. The same will be considered after the amended copy is placed on record.
- (iii) The Original Application to come up for hearing on 13.08.2024.
- (iv) There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.460/2024
(Yadav S. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 07.08.2024

ORAL ORDER :

Shri Sayyad Tauseef Yaseen, learned counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14-08-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 07.08.2024

VICE CHAIRMAN

