

C.P.NO.74/2023 IN O.A.NO.949/2022
(Gajanan P. Rohankar Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri K.P.Rodge, learned counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. At present, issue notice to respondent no.4, returnable on 07-03-2024.

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 07-03-2024.

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

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 08.01.2024

C.P.NO.75/2023 IN O.A.NO.457/2022
(Vanita K Panchal Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

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

2. At present, issue notice to only respondent no.3, returnable on 08-03-2024.

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 08-03-2024.

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

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 08.01.2024

ORIGINAL APPLICATION NO.142/2023
(D.B.Khedkar Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri A.N.Nagargoje, learned counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities.

2. Learned P.O. submits that sur-rejoinder is to be filed in the matter. Learned Counsel submits that process for promotion is in progress and at any time promotion orders will be issued.

3. In the interest of justice time is granted to file reply till 15-01-2024. Reply be filed and copy thereof be supplied to the other side in advance on or before 15-01-2024.

4. Thereafter, matter to come up on 23-01-2024.

MEMBER (A)
YUK ORAL ORDER 08.01.2024

VICE CHAIRMAN

M.A.NO.556/2023 IN O.A.NO.910/2023
(Madhukar Bhandare Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri Vilas P. Savant, learned counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities.

2. Applicant is intending to bring on record the subsequent events occurred which has nexus with the subject matter in the O.A. M.A. is, therefore, allowed and disposed of. Necessary amendment be carried out within a week.

3. In O.A., learned P.O. has sought time to file affidavit in reply to the O.A. as well as to the amendment carried out in the O.A. Time is granted as prayed for. Learned Counsel for the applicant submits that respondents are now making haste in proceeding with the enquiry. Learned Counsel submits that very basic issues are raised by the applicant challenging the said enquiry.

=2= M.A.NO.556/2023 IN O.A.NO.910/2023

4. We have considered the submissions made by the parties. We have also gone through the memo of charge issued against the applicant. There appears *prima facie* case in favour of the applicant. **Respondents are, therefore, directed not to proceed with the enquiry till filing reply by the respondents.**

5. S.O. to 02-02-2024.

MEMBER (A)

YUK ORAL ORDER 08.01.2024

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.979/2023, 999/2023, &
1054/2023**
(Vishwajeet V. Kulkarni & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri M.S.Shaikh, Shri S.S.Dambe, Shri A.D.Gadekar, Shri Anand Kaware, learned Counsel for the applicants in respective O.As. and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities in all O.As.

2. Learned CPO has sought time for filing affidavit in reply. Time is granted.
3. S.O. to 08-02-2024.

MEMBER (A)
YUK ORAL ORDER 08.01.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1053/2023
(Babasaheb K. Mhaske & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri A.D.Gadekar, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. In view of request of learned Counsel for the applicant remarks be removed since the respondents are duly served.

3. S.O. to 08-02-2024.

MEMBER (A)
YUK ORAL ORDER 08.01.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.680/2023
(Dr. Vandana B. Dudhmal Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Ku. Preeti Wankhade, learned Counsel for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities and Shri M.R.Kulkarni, learned Counsel for respondent no.3, are present.

2. Learned P.O. has sought 4 weeks' time to file affidavit in reply. Request is opposed by the learned Counsel for the applicant. However, in the interest of justice 2 weeks' time is granted by way of last chance for filing affidavit in reply.

3. S.O. to 22-01-2024.

MEMBER (A)
YUK ORAL ORDER 08.01.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1037/2023, 1038/2023, 1039/2023, 1055/2023, 1056/2023, 1057/2023, 1058/2023, 1059/2023, 1060/2023, 1061/2023, 1062/2023, 1063/2023, 1064/2023, 1065/2023, 1066/2023, 1067/2023, 1072/2023, 1073/2023, 1074/2023, 1075/2023 AND M.A.NO.563/2023 IN O.A.NO.526/2023

(Sanjay S. Patil & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Shri U.L.Momale, learned counsel for the applicants in all the O.As., Shri G.R.Bhumkar, learned Counsel holding for Shri R.P.Bhumkar, learned Counsel for applicant in M.A.No.563/2023, and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Counsel for the applicant has tendered rejoinder affidavit. Same is taken on record. Copy be supplied to the other side.

3. In other matters learned CPO has sought time to file affidavit in reply. Learned CPO on instructions submits that it may also be possible that the respondents may adopt the reply filed in earlier matter, if no separate reply is required.

=2=

O.A.NO.1037/2023 & Ors.

4. S.O. to 31-01-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

YUK ORAL ORDER 08.01.2024

VICE CHAIRMAN

M.A.NO.441/2023 IN O.A.NO.659/2021
M.A.NO.442/2023 IN O.A.NO.661/2021
M.A.NO.443/2023 IN O.A.NO.183/2022
M.A.NO.444/2023 IN O.A.NO.185/2022
M.A.NO.445/2023 IN O.A.NO.186/2022
(Sushilkumar B. Rakh & Ors. Vs. State of Maharashtra & Ors.)

O.A.NOS.878/2022, 907/2022 to 912/2022,
1101/2022, 1103/2022, 1104/2022, 1105/2022,
986/2022, 998/2022, 1054/2022, 1076/2022,
167/2023, 985/2022, 1077/2022, 1078/2022,
63/2023, 705/2022, 707/2022, 658/2021,
660/2021, 182/2022, 184/2022, 187/2022,
391/2022, 428/2022, 429/2022,
(Dattatray A. Galgate & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri M.S.Karad, learned Counsel for the applicants in all the cases and Shri M.S.Mahajan, learned Chief Presenting Officer, S/Shri B.S.Deokar, M.P.Gude, V.R.Bhumkar, I.S.Thorat, N.U.Yadav, Smt. M.S.Patni, Smt. S.K.Ghate and Smt. Deepali Deshpande, learned Presenting Officers for the respondent authorities in respective cases.

2. Learned CPO submits that in some matters the affidavit in reply is already filed and today in some matters reply will be filed. Learned CPO submits that the concerned officer is present before the

=2= M.A.441/23 IN O.A.659/21 & Ors.

Tribunal and on instructions received from the said officer he states that respondents may require to file a short additional affidavit. Learned CPO, therefore, prayed for some time to complete all formalities.

3. Today, learned POs filed affidavits in reply on behalf of respondent nos.1 to 7 in O.A.No.908/2022 to 910/2022. Affidavit in reply is filed on behalf of respondent nos.1 to 7 in O.A.No.1101/2022, 1103/2022, 1105/2022, 1054/2022, 1076/2022, 1077/2022 and 1078/2022.

4. Matter, therefore, stands adjourned till 16-01-2024.

MEMBER (A)
YUK ORAL ORDER 08.01.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.774/2018 & 777/2018
(Narayan Nagtilak & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Smt. Tina M. Tripathi, learned Counsel holding for Shri Manish P. Tripathi, learned counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. Learned Counsel for the applicant has sought time. These are old matters of the year 2018 and are required to be taken up for hearing and decided expeditiously. However, in the interest of justice time is granted as a last chance till 29-01-2024. If the matters are not worked out on the given date, same shall be dismissed for want of prosecution.

3. S.O. to 29-01-2024.

MEMBER (A)
YUK ORAL ORDER 08.01.2024

VICE CHAIRMAN

M.A.NO.496/2023 IN O.A.NO.222/2023
(Vijay U. Awadhane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

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

2. On request of learned CPO, S.O. to 01-02-2024. The position as on today shall be maintained till then.

MEMBER (A)

YUK ORAL ORDER 08.01.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.767/2022
(Jaywant R. Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

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

2. Learned Counsel for the applicant submitted rejoinder affidavit. Same is taken on record. Copy be supplied to the other side.

3. S.O. to 24-01-2024.

MEMBER (A)
YUK ORAL ORDER 08.01.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.965/2023
(Ranjit D. Shingare Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri R.D.Khadap, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. Learned P.O. sought time to file affidavit in reply. Time is granted by way of last chance. If reply is not filed on the given date, matter will be heard without reply of the respondents.

3. S.O. to 06-02-2024.

MEMBER (A)
YUK ORAL ORDER 08.01.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.459/2023
(Dr. Pradnya Ohol Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Shri Chandrakant P. Patil, learned counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Shri Chandrakant P. Patil, learned Counsel has tendered Vakilpatra for the applicant since the earlier Counsel has been appointed as a Member in the District Consumer Commission. Same is taken on record.

3. List the matter for further consideration on 11-03-2024.

MEMBER (A)
YUK ORAL ORDER 08.01.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.357/2023
(Shumbam Waghmare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri Sayyed Tauseef Yaseen, learned counsel for the applicants and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. On request of learned Counsel for the applicant issue fresh notice to respondents, returnable on 16-02-2024.
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 16-02-2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.926/2022, 947/2022
and 950/2022**

(Biradar Ali Turab & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri Sayyed Tauseef Yaseen, learned counsel for the applicants in all cases and Shri V.R.Bhumkar, Smt. Deepali Deshpande and Smt. M.S.Patni, learned Presenting Officers for the respondents in respective cases.

2. On request of learned Counsel for the applicant,
S.O. to 16-02-2024.

MEMBER (A)

YUK ORAL ORDER 08.01.2024

VICE CHAIRMAN

ORIGINAL APPLICATION ST.NO.296/2023
(Wasim Ayaz Baig Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri Sayyed Tauseef Yaseen, learned counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Subject to satisfaction of Office Objection by applicant, issue notice to respondents, returnable on 16-02-2024.

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 16-02-2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1004/2023
(Kavita Vilas Fajage Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri Onkar Joshi, learned Counsel holding for Shri Jiwan J. Patil, learned counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Not on board. Taken on board. Learned Counsel has submitted copy of written purshis under the signature of the applicant. Purshis is taken on record which is countersigned by the learned Counsel for the applicant. Learned Counsel on instructions from the applicant prays for leave to withdraw the matter. Hence, the following order:

ORDER

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

MEMBER (A)
YUK ORAL ORDER 08.01.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 231 OF 2022
(Bharat L. Rudrawar Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, 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 04.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 868 OF 2022
(Ramdas G. Gangadhare Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 04.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1033 OF 2022
(Abhishek K. Zine Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Shri P.S. Jadhav, learned counsel holding for Shri S.N. Pagare, learned counsel for the applicant and Shri I.S. Thoart, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 05.03.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 301 OF 2019
(Sakharam B. Rakh Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present. Shri S.B. Mene, learned counsel for respondent Nos. 2 to 4 (**Leave Note**).

2. In view of leave note file by learned counsel for respondent Nos. 2 to 4, S.O. to 26.02.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 174 OF 2022
(Sakharam B. Rakh Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present. Shri S.B. Mene, learned counsel for respondent Nos. 2 to 4 (**Leave Note**).

2. In view of leave note file by learned counsel for respondent Nos. 2 to 4, S.O. to 26.02.2024 for final hearing.

MEMBER (J)

**O.A. No. 790/2023 with Caveat No. 29/2023
(Dinesh C. Maliagir Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

Shri V.G. Pingle, learned counsel holding for Shri B.R. Warama, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri P.B. Patil, learned counsel for respondent No. 5 / caveator, are present.

2. At the request of learned counsel for the applicant, S.O. to 28.02.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 479 OF 2023
(Laxmikant V. Deshpande Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

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

2. Learned counsel for the applicant seeks time to file rejoinder affidavit. Time granted.

3. S.O. to 05.03.2024 for hearing.

MEMBER (J)

M.A. No. 217/2021 in O.A. St. NO. 598/2021
(Vitthal S. Lokhande & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are 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 and copy thereof is already given to learned counsel appearing for the applicants.

3. List the matter for hearing on 20.02.2024.

MEMBER (J)

KPB ORAL ORDER 08.01.2024

ORIGINAL APPLICATION NO. 1088 OF 2023
(Yuvaraj A. Nandre & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicants and Shri M.S. Mahajan, learned C.P.O. for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, issue fresh notices to the respondents, returnable on 12.03.2024.

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

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

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

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

7. S.O. to 12.03.2024.

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

MEMBER (J)

**ORIGINAL APPLICATION NO. 224 OF 2023
(Bhumanna M. Achewad Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

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. It is a part heard matter.
3. At the request of learned Presenting Officer, S.O. to 16.01.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 835 OF 2021
(Vadilal P. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present. Shri S.B. Mene, learned counsel for respondent Nos. 3 & 4 (**Leave Note**).

2. It is a part heard matter.

3. At the request of learned counsel for the applicant, S.O. to 25.02.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 263 OF 2021
(Dattatraya S. Haral Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Shri S.B. Solanke, 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 12.03.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1021 OF 2023
(Priyanka S. Sanap Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

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

2. S.O. to 16.01.2024.

MEMBER (J)

KPB ORAL ORDER 08.01.2024

**ORIGINAL APPLICATION NO. 1086 OF 2023
(Vaishali S. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

Ms. P.C. Kale, 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 22.01.2024.

MEMBER (J)

T.A. No. 05/2022 (W.P. No. 6437/2022)
(Babita V. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri S.B. Bhosale, learned counsel for the applicant and Shri I.S. Thoart, learned Presenting Officer for the respondent authorities. Shri Amol Gandhi, learned counsel for respondent No. 6, is **absent**.

2. It appears that after transfer of the present matter from the Hon'ble High Court to this Tribunal, no formal notice has been issued to the respondents except respondent No. 6 and notice has been only issued to respondent No. 6 by order dated 17.03.2023 after adding him as party respondent to the O.A.

3. In view of the same, issue notices to the respondent Nos. 1 to 5, returnable on 05.02.2024.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the

//2//

case would be taken up for final disposal at the stage of admission hearing.

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

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

8. S.O. to 05.02.2024.

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

MEMBER (J)

KPB ORAL ORDER 08.01.2024

ORIGINAL APPLICATION NO. 706 OF 2022
(Sahas T. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri P.G. Rodge, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri S.M. Kamble, learned counsel for respondent No. 4.

2. It is a part heard matter.
3. At the request of learned Presenting Officer, S.O. to 10.01.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 621 OF 2022
(Dattatray A. Kakade Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Ms. P.C. Kale, learned counsel for the applicant and Shri I.S. Thoart, learned Presenting Officer for the respondent authorities.

2. It is a part heard matter.

3. At the request of learned Presenting Officer, S.O. to 22.01.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 16 OF 2024
(Ganesh B. Phulari Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

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

2. It appears that by order dated 21.07.2015 in W.P. No. 2168/2015, the Division Bench of Hon'ble High Court of Bombay, Bench at Aurangabad has observed that order of the Tribunal needs no interference and the respondents are free to issue fresh proclamation inviting the applications for the post of Police Patil. In view of the same, even though proclamation issued in the year 2017, it was withdrawn for one or another reason and the applicant remained continued as Police Patil till today and now the proclamation has been issued on 22.12.2023. Learned counsel for the applicant has vehemently submitted that the applicant has got cause of action to challenge the said proclamation.

3. In view of above submissions made on behalf of the applicant, issue notices to the respondents, returnable on 14.03.2024.

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

//2//

O.A. No. 16/2024

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. Applicants are directed to file affidavit of compliance and notice.

8. Mere issuance of notices in this matter should not be treated as interim relief in any form and the respondents may proceed with the proclamation.

9. S.O. to 14.03.2024.

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

MEMBER (J)

**M.A. No. 548/2023 in O.A. St. No. 2302/2023
(Sachin V. Ingalkar & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

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

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

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. Accordingly, M.A. stands disposed of. No order as to costs.

MEMBER (J)

O.A. St. No. 2302/2023
(Sachin V. Ingalkar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16.01.2024.

MEMBER (J)

KPB ORAL ORDER 08.01.2024

**M.A. No. 400/2021 in O.A. No. 701/2021
(Vijay E. Sonune Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

Shri N.D. Sonavane, learned counsel for the applicant in M.A. and Shri Dinesh Kakde / R.V. Gore, learned counsel for the applicant in O.A., are **absent**.

Heard Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. By filing the Original Application No. 701/2021, the applicant has challenged the order dated 11.11.2021, whereby the applicant has been transferred from Public Works Sub-Division, Sillod, Dist. Aurangabad to Sub-Division Paithan, Dist. Aurangabad. During pendency of this Original Application, one Shri Vijay Eknath Sonune has filed M.A. No. 400/2021 to intervene in the O.A. for the reasons stated in the application.

3. Learned Presenting Officer has pointed out the affidavit in reply filed on behalf of respondent Nos. 1 to 4, more particularly para Nos. 6 & 7. Para No. 6 which is relevant, the same is reproduced as under:-

//2// MA 400/2021 in
O A 701/2021

“06. I further most humbly say and submit that, the applicant Shri Kishore Baburao Marathe has been retired on 30.04.2022 on superannuation. I say that till the retirement of the applicant, applicant was working on the same post and at the same place i.e. Public Works Sub-Division, Sillod, District Aurangabad.”

4. In view of the same aforesaid specific reply, if the applicant has been retired on 30.04.2022 on superannuation and till the date of retirement, he was working on the same post and at the same place i.e. Public Works Sub-Division, Sillod Dist. Aurangabad, nothing survives for further consideration in the Original Application. The Original Application No. 701/2021 has become infructuous and the same is accordingly disposed of. M.A. No. 400/2021 is also disposed of for the similar reason. No order as to costs.

MEMBER (J)

M.A. No. 295/2022 in O.A. St. No. 910/2022
(Smt. Nanda S. Nagare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri V.G. Pingle, learned counsel for the applicants and Shri I.S. Thoart, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants submits that the applicants are legal heirs of respective deceased employees, who were working with the respondent authorities since 1989 to 1994 onwards and continuously worked till their death. Learned counsel submits that in view of the same, the applicants are entitled to get the benefits of permanency in view of the G.R. dated 31.01.1996, as they were appointed as Van Majors on Class-IV post and discharging their duties as daily wager since 1989 onwards continuously. Learned counsel submits that in view of the same, the proposal to that effect dated 28.12.2017 came to be forwarded by respondent No. 5 to respondent Nos. 3 & 4, which is still pending and as such, the applicants have got a continuous cause of action. Learned counsel submits that in view of the same, there is

//2//

M.A. 295/2022 in
O.A. St. 910/2022

no delay as such and in case if the delay has been caused technically, the deceased employee or their legal heirs, who were the applicants before this Tribunal are not responsible for any inaction or negligence.

3. Learned Presenting Officer submits that there is an inordinate delay of more than 04 years, which has not satisfactorily explained by the applicant. The Misc. Application is therefore liable to be dismissed.

4. On careful perusal of the affidavit in reply to this M.A. filed on behalf of respondent Nos. 1 to 7, it is not disputed by the respondents that the deceased employees were in service of the respondent authority on Class-IV post as daily wager and in terms of the G.R. dated 31.01.1996, they were prima-facie entitled for claiming the regularization and other consequential benefits. In view of the same, proposal dated 28.12.2017, which was forwarded by respondent No. 5 is still pending before the respondent Nos. 3 & 4. It further appears from the contentions raised in para No. 5 of the reply that the only grievance has been raised is that

//3//

M.A. 295/2022 in
O.A. St. 910/2022

the applicants have directly issued the legal notice to the respondent authorities, instead of pursuing the authorities to decide the said proposal.

5. In view of above, since the said proposal is still pending, I find that there is a continuous cause of action. Furthermore there is an inaction on part of respondent Nos. 3 & 4 to keep the said proposal pending from 2017 till this date. In view of the above discussions and for the reasons stated in the application, the delay caused in filing the accompanying O.A., which appears to be technical, deserves to be condoned. Hence, the following order:-

ORDER

- (i) The M.A. No. 295/2022 is hereby allowed in terms of prayer clause 8(B).
- (ii) The delay caused in filing the accompanying O.A. is condoned.
- (iii) The accompanying O.A. be registered and numbered in accordance with law.
- (iv) Accordingly, M.A. stands disposed of. No order as to costs.

MEMBER (J)

O.A. St. No. 910/2022

(Smt. Nanda S. Nagare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri V.G. Pingle, learned counsel for the applicants and Shri I.S. Thoart, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to the respondents, returnable on 23.01.2024.

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

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

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

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

7. S.O. to 23.01.2024.

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

MEMBER (J)

M.A. No. 549/2023 in O.A. St. No. 2303/2023
(Vasundhara N. Wahtule & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned counsel for the applicants and Shri I.S. Thoart, learned Presenting Officer for the respondent authorities.

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

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

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. Accordingly, M.A. stands disposed of. No order as to costs.

MEMBER (J)

O.A. St. No. 2303/2023

(Vasundhara N. Wahtule & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16.01.2024.

MEMBER (J)

KPB ORAL ORDER 08.01.2024

**ORIGINAL APPLICATION NO. 492 OF 2022
(Pankaj J. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

Shri S.P. Dhobale, learned counsel holding for Shri N.L. Choudhary, 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 15.02.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 56 OF 2022
(Sidram M. Koli Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

Shri K.P. Rodge, learned counsel for the applicant (**Absent**).

Heard Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer submits that the applicant has submitted certain false documents along with rejoinder affidavit. Accordingly in the order dated 22.09.2022, this Tribunal has recorded the same and also given reference to the communication and original document produced on record by the learned P.O. marking it as document 'X' for identification. In this regard, learned P.O. submits that the respondents would file short affidavit (sur-rejoinder) to substantiate the same till the next date of hearing.

3. S.O. to 29.01.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 365 OF 2019
(Nilesh Walmik Mahajan Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri V.G. Pingle, learned counsel for respondent No. 2.

2. During the course of oral arguments, learned counsel for the applicant has brought attention of this Tribunal to Annexure A-4 i.e. format of assessment of oral marks, on the basis of which the learned counsel for the applicant submitted that there are fixed marks if the candidate is having certificate of Post-Graduation, Graduation, 12th, 10th and 4th Std. in the descending manner. Similarly there are also prescribed marks for MSCIT certificate, NSS/NCC/MCC certificate and Sport certificate. Learned counsel submits that the applicant is Graduate and also having MSCIT and NSS certificates. Learned counsel submits that in terms of the said format, he would get more marks than the selected candidate i.e. respondent No. 2 herein.

//2//

O.A. 365/2019

3. In response to query made by this Tribunal, learned counsel for the applicant is unable to answer as to whether this format is obtained under the provisions of Right to Information Act from the respondents or otherwise.

4. In view of the same, learned P.O. is directed to take specific instruction in this regard from the concerned respondent/s till the next date of hearing.

5. S.O. to 22.01.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 621 OF 2023
(Chhandak G. Lokhande Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri R.N. Bharaswadkar, learned counsel for respondent No.3.

2. Part Heard.
3. Learned counsel for the applicant has filed short affidavit which is taken on record and copy thereof is given to other sides.
4. Learned P.O. is requested to take instructions as to whether the applicant can be retained on his post till the month of May or till his election duty assignment is over, whichever is earlier.
5. Learned counsel for the applicant to make oral submissions as to the cause of action in this case.
6. S.O. to 12.01.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 102 OF 2021
(Sangram U. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel holding for Shri Suresh D. Dhongde, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 15.02.2024 for filing amendment application.

MEMBER (J)

ORAL ORDER 08.01.2024 sas

ORIGINAL APPLICATION NO. 156 OF 2021
(Jayshree A. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel holding for Shri Suresh D. Dhongde, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 15.02.2024 for filing amendment application.

MEMBER (J)

ORAL ORDER 08.01.2024 sas

ORIGINAL APPLICATION NO. 638 OF 2021
(Ganesh R. Admankar Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

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

2. It is informed by learned counsel for the applicant and so also learned P.O. that Shri G.N. Patil, learned counsel representing the respondent Nos. 2 to 5 is no more. Late Advocate G.N. Patil is the panel Advocate for Godavari Marathwada Irrigation Development Corporation.

3. In view of same, issue fresh notice to respondent Nos. 2 to 5, returnable on 01.03.2024.

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

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

//2//

O.A. 638/2021

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 01.03.2024.

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

MEMBER (J)

ORAL ORDER 08.01.2024 sas

ORIGINAL APPLICATION NO. 720 OF 2021
(Ramchandra G. Sawant Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Shri S.B. Patil, 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 21.02.2024 for hearing.

MEMBER (J)

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

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

DATE : 08.01.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 18.03.2024 for hearing.

MEMBER (J)

ORAL ORDER 08.01.2024 sas

**ORIGINAL APPLICATION NO. 608 OF 2022
(Mahendra S. Surwade Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

Shri V.B. Wagh, 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 P.O., S.O. to 22.01.2014 for hearing.

MEMBER (J)

ORAL ORDER 08.01.2024 sas

**ORIGINAL APPLICATION NO. 653 OF 2022
(Mankha Gulab Tadvi Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

Shri M.U. Shelke, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that he has received the copy of affidavit in reply filed on behalf of respondent Nos. 3 & 4 today itself and he wants time to go through it and file rejoinder, if necessary. Time granted.

3. S.O. to 21.02.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1046 OF 20z21
(Sangram G. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

Shri P.A. Kulkarni, learned counsel for the applicant, is **absent**. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 19.03.2024 for hearing.

MEMBER (J)

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

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

DATE : 08.01.2024

ORAL ORDER :

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

Shri R.T. Deshmukh, learned counsel for the respondent No.5, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 05.02.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 209 OF 2023
(Sabirabi Harun Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Shri D.R. Irale Patil, learned counsel for the applicant, is **absent**. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 13.03.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 292 OF 2023
(Sameer H. Umralkar Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

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

2. By consent of parties, S.O. to 08.02.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 352 OF 2023
(Vasundhara D. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicant, is **absent**. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant.
3. Learned P.O. submits that the affidavit in reply on behalf of respondents is almost ready and the same would be submitted on the next date of hearing.
4. S.O. to 11.03.2024 for hearing.

MEMBER (J)

Later On:-

5. Shri H.P. Jadhav, learned counsel for the applicant is present.
6. At the request of learned counsel for the applicant, S.O. to 16.02.2023 for hearing.

MEMBER (J)

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

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

DATE : 08.01.2024

ORAL ORDER :

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

2. Part heard.

3. Learned P.O. is directed to place on record the G.R. dated 06.08.2015 as referred in the transfer order dated 23.08.2023 to well understand the difference between the Division and Circle.

4. S.O. to 18.01.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 578 OF 2016
(C.H. Dongaonkar Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent Nos. 2 to 5, are present.

2. At the request of learned P.O., S.O. to 20.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 49 OF 2018
(Ravindra V. Sapkale Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Shri Sameer S. Kurundkar, learned counsel holding for Shri Harshal P. Randhir, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 14.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 08.01.2024 sas

**ORIGINAL APPLICATION NO. 138 OF 2021
(Anant R. Pande Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 14.03.2024 for final 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 : 08.01.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicants 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. At the request of learned counsel for the applicants, S.O. to 22.01.2024 for final hearing.

MEMBER (J)

ORAL ORDER 08.01.2024 sas

ORIGINAL APPLICATION NO. 681 OF 2023
(Dr. Prashant R. Ghodke Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

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.

Shri R.T. Deshmukh, learned counsel for respondent No.4, is **absent**.

2. Learned P.O. seeks time to file affidavit in reply on behalf of respondent Nos. 1 to 3. Time granted.

3. S.O. to 23.02.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 682 OF 2023
(Dr. Suresh G. Ghule Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

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.

Shri Deepak Rajput, learned counsel for respondent No.4, is **absent**.

2. Learned P.O. seeks time to file affidavit in reply on behalf of respondent Nos. 1 to 3. Time granted.

3. S.O. to 23.02.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 952 OF 2023
(Sanghmitra P. Hajare through Next Friend Premjit P.
Hajare Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

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

2. Issue fresh notice to respondent No.4, returnable on 05.02.2024.

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.

//2// O.A. 952/2023

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 05.02.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 1119 OF 2023
Caveat No. 40 OF 2023
(Dr. Milind V. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Shri Rahul S. Pawar, learned counsel for the applicant, Shri N.U.Yadav, learned Presenting Officer for the respondent authorities and Shri P.B. Bodade, learned counsel holding for Shri J.B. Choudhary, learned counsel for respondent No.5, are present.

2. The applicant has not collected the notices.
3. S.O. to 17.01.2024.

MEMBER (J)

**M.A.ST.NO. 2408 OF 2023 IN O.A.NO. 487 OF 2020
(Usha Ranoji Bahirat Vs. State of Maharashtra & Ors.)**

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

DATE : 08.01.2024

ORAL ORDER :

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

2. By filing the Original Application the applicant is challenging the order passed by the Sub-Divisional Officer, Sailu dated 11.11.2019, wherein it is stated that the validity of the selection list is of one year and therefore the candidature of the applicant cannot be considered for the post of Police Patil.

3. The facts of this case are peculiar. In the year 2015 in response to the recruitment process announced for the post of Police Patil of village Jununwadi, Tq. Jintur, Dist. Parbhani, the applicant and so also the other eligible candidate had applied for appointment for the said post of Police Patil. In the said recruitment process one Amol Sahebrao Ghansawant since acquired maximum marks compared to the others, appointed as Police Patil.

//2//

M.A.St. 2408/2023 in
O.A.No. 487/2020

He had worked on the said post for about three years. However, in the year 2016 itself the applicant had approached to this Tribunal by filing Original Application No. 771/2016 challenging the said appointment mainly on the ground that the selected candidate has 3 children and 3rd child is after the cut-off date. By order dated 26.03.2018 this Tribunal has permitted the applicant to withdraw the application with liberty to file an application before the Sub-Divisional Officer to raise the same objection in respect of the appointment of the said candidate.

4. By order dated 09.05.2019, the respondent No.3 has decided the said application/appeal and sustained the objection raised by the applicant and thereby declared that the appointee Amol Sahebrao Ghansawant is disqualified for the reason of having 3rd child after the cut-off date and accordingly cancelled his appointment as Police Patil of said village.

5. The applicant thereafter has approached the authorities by filing an application dated 04.06.2019

//3//

M.A.St. 2408/2023 in
O.A.No. 487/2020

requesting therein to appoint him as Police Patil as next eligible candidate in terms of waiting list. However by impugned order dated 14.08.2019 the respondent No.3 has rejected the said application on the sole ground that the said waiting list is only valid for the period of one year and thereafter it has lapsed.

6. Learned P.O. has placed reliance in a case the **State of Karnataka & Ors. Vs. Smt. Bharathi S.** In paragraph No. 11 of the said case the Hon'ble Supreme Court has made the following observations:-

“11. The position that emerges from the above decisions is that the duty to fill up vacancies from the *Additional List (waiting list)* can arise only on the basis of a mandatory rule. In the absence of such a mandate, the decision to fill all the vacancies from the *Additional List*, is left to the wisdom of the State. We will however add that State cannot act arbitrarily and its action will be subject to judicial review.”

7. In the present case there is no direct provision to determine the life of the waiting list and in terms of the ratio laid down by the Hon'ble Apex Court

//4//

M.A.St. 2408/2023 in
O.A.No. 487/2020

even if left to the wisdom of the State, as observed by the Hon'ble Apex Court, the State Government cannot act arbitrarily and its action would be subject to judicial review.

8. In the instant case the applicant has rightly approached to this Tribunal in the year 2016 and thereafter, in terms of the liberty granted by this Tribunal approached to the respondent No.3 by filing an application raising the same objection about the disqualification of the selected candidate. Thus the respondent No. 3 i.e. S.D.O. has decided the said issue in the year 2019, however, failed to pass any order in connection with the appointment of the applicant as Police Patil even she had secured the next highest marks in the entire recruitment process and she is held to be eligible in respect of the other issues.

9. It is not disputed by the learned P.O. that at present the respondents are likely to be issued the advertisement tomorrow. Prima-facie, the impugned order appears to be arbitrary and not in accordance

//5//

M.A.St. 2408/2023 in
O.A.No. 487/2020

with the Government policy about the life of waiting list. Hence the following order:-

ORDER

- (A) The Misc. Application is hereby allowed.
- (B) The respondents shall not publish the advertisement calling thereby the applications for the post of Police Patil of village Jununwadi, Tq. Jintur Dist. Parbhani and in case, if the advertisement is published, no effect shall be given to it till further order.
- (C) In the circumstances, there shall be no order as to costs.
- (D) The Misc. Application is accordingly disposed of.
- (E) O.A. to come up on board on 18.01.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 464 OF 2023
(Muzaffar Mustafa Shah Vs. State of Mah. & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri Amol B. Chalak, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Arguments of both the sides are heard. The matter is closed for orders.

MEMBER (A)

VICE CHAIRMAN

C.P. NO. 57/2023 IN O.A. NO. 317/2023
(Triyambak G. Mehatre Vs. State of Mah. & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

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

2. S.O. to 23.1.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 08.01.2024

**O.A. NO. 447/2022 WITH M.A.ST.NO. 2166/2023
WITH M.A.NO. 542/2022 WITH M.A.NO. 261/2022
WITH M.A.NO. 257/2022
(Dr. Sanjay Kumarrao Muley & Ors. Vs. State of Mah. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
and
Hon'ble Shri Vinay Kargaonkar, Member (A)**

DATE : 8.1.2024

ORAL ORDER :

Shri Mohit R. Deshmukh, learned counsel for the applicants in M.A.ST. 2166/2023, Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants in M.A. No. 542/2022, Shri S.K. Kadam, learned counsel for respondent No. 2 in O.A., Shri Satyajeet S. Dixit, learned counsel for respondent No. 3 in O.A. and Shri V.R Bhumkar, learned Presenting Officer for the respondent authorities, are present.

Shri S.B. Bhosale, learned counsel for the applicants in M.A. Nos. 261 & 257 both of 2022 **(absent)**.

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

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 08.01.2024

M.A. NO. 206/2023 IN O.A. NO. 211/2022
(Smt. Smita R. Achme Vs. State of Mah. & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. S.O. to 9.1.2024 for orders.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 08.01.2024

ORIGINAL APPLICATION NO. 782/2022
(Bhauasaheb A. Shelke Vs. State of Mah. & Ors.)

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

DATE : 08.01.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri Amol Gaikwad, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 23.1.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN