

ORIGINAL APPLICATION NO. 539/2022
(Shri Bhimraj Sonkamble Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri MM Parghane, learned counsel for the applicant (**absent**). Shri BS Deokar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 24.3.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 8.2.2023

T.A. NO. 12/2022 (W.P. NO. 3413/2022)
(Shri Shubham K. Gadve Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri AS Shejwal, learned counsel for the applicant (**absent**). Smt. MS Patni, learned Presenting Officer for the respondent authorities, is present.

2. Issue notice to the respondents, returnable on 24.3.2023.

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 24.3.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 6/2022
(Shri Ramesh Shahane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri VG Pingle, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 23.2.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 8.2.2023

ORIGINAL APPLICATION NO. 116/2017
(DR. Dhanraj Kendre Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri Vijay V. Deshmukh, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 21.3.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 8.2.2023

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

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri SG Kulkarni, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 28.3.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 8.2.2023

ORIGINAL APPLICATION NO. 712/2018
(Shri Sandipan Gavali Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri DK Rajput, learned counsel for the applicant and Smt. Sanjivani Deshmuukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel has tendered across the bar the written notes of arguments and the same is taken on record.

3. S.O. to 20.3.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 8.2.2023

**O.A. NOS. 192, 193 AND 194 ALL OF 2019
(Shri Kashinath Soundalkar & Ors. Vs. State of
Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Shri VB Wagh, learned counsel for the applicants in all these matters, Shri MP Gude, learned Presenting Officer for the respondent authorities in all these matters and Shri SB Mene, learned counsel for respondent nos. 1 & 2 in all these matters, are present.

2. S.O. to 21.2.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 8.2.2023

ORIGINAL APPLICATION NO. 1026/2019
(Keshav Soundarmal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri KB Jadhav, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 9.3.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 8.2.2023

ORIGINAL APPLICATION NO. 51/2021
(Shri Devidas Shinde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri Amit Savale, learned counsel for the applicant
(**absent**). Shri NU Yadav, learned Presenting Officer for
the respondent authorities, is present.

2. S.O. to 21.3.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 8.2.2023

ORIGINAL APPLICATION NO. 193/2021
(Dr. Govardhan S. Doifode Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri U.B. Bondar, learned counsel for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 24.3.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 8.2.2023

ORIGINAL APPLICATION NO. 351/2021
(Kautai Y. Kachole Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

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

2. S.O. to 24.3.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 8.2.2023

**ORIGINAL APPLICATION NO. 649/2021
(Janak Puri Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

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

2. S.O. to 23.3.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 8.2.2023

ORIGINAL APPLICATION NO. 732/2021
(Dashrath D. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

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

2. S.O. to 20.2.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 8.2.2023

ORIGINAL APPLICATION NO. 18/2022
(Ashok Nikam Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

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

2. S.O. to 27.3.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 8.2.2023

O.A.NOS. 70, 71 & 72 ALL OF 2022
(Ashok Nikam & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants and S/Shri N.U. Yadan & B.S. Deokar, learned Presenting Officers for the respective respondents in respective matters, are present.

2. S.O. to 22.2.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 8.2.2023

ORIGINAL APPLICATION NO. 179/2022
(Raju Somwanshi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri P.M. Shinde, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 24.3.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 8.2.2023

ORIGINAL APPLICATION NO. 960 OF 2018
(Sunil B. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Smt. Vidya Taksal, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

ORIGINAL APPLICATION NO. 13 OF 2019
(Tufansing L. Shele Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 151 OF 2019
(Sachin A. Gade & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 21.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 218 OF 2019
(Sharnappa V. Mannylikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri S.A. Deshmukh, learned Advocate holding for Shri M.G. Godhamgaonkar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 17.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

ORIGINAL APPLICATION NO. 409 OF 2019
(Hannumantrao B.Bhongale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri S.B. Gorde, learned Advocate for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 10.03.2023 for admission.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

ORIGINAL APPLICATION NO. 575 OF 2019
(Dr. Sachin D. Shekde & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Sachin C. Bhodale, learned Advocate for the applicants (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 03.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

ORIGINAL APPLICATION NO. 675 OF 2019
(Eknath C. Sonawane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

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

2. S.O. to 17.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 760 OF 2019
(Vishnu B. Jaybhaye Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri S.A. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 17.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 761 OF 2019
(Vitthal G. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Siddharth Shinde, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. As per the Circular No. MAT / MUM/ JUD/ 1340/2022, dated 22.12.2022 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding voluntary retirement, counting of service for initial modified assured progress scheme by G.R. dated 01.07.2011, service benefit, pensionary other than pay scale, time bound promotion, ACPS and lien are to be dealt with by the Single Bench. The Original Application is pertaining to withdrawal of A.C.P.S./ revision of pension.

3. In view of the same, the present matter be placed before the Single Bench.

4. S.O. to 16.03.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 815 OF 2019
(Rajendrakumar P. Barhate Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Sachin S. Deshmukh, learned Advocate for the applicant (**Absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri Ajay Deshpande, learned Advocate for the respondent Nos. 1 & 2, are present.

2. S.O. to 17.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

ORIGINAL APPLICATION NO. 1010 OF 2019
(Yusufkhan Gulsher Khan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri M.R. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 17.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

ORIGINAL APPLICATION NO. 107 OF 2020
(Dr. Abdul Mubashir Abdul Majid & Ors. Vs. State of Maharashtra
& Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri M.R. Kulkarni, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 17.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 157 OF 2020
(Rohidas P. Shinde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 228 OF 2020
(Santosh D. Dhengade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Abhishek R. Avachat, learned Advocate for the applicant (**Absent**). Smt. M.S. Patni learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 09.03.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 354 OF 2020
(Suresh L. Kamthane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri V.B. Wagh, learned Advocate for the respondent Nos. 4, 6 & 7, are present.

2. S.O. to 17.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 557 OF 2020
(Savita S. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Saket Joshi, learned Advocate holding for Shri A.A. More, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 20.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 12 OF 2021
(Sadat Begum D/o Arifoddin Sq Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri M.S. Choudhari, learned Advocate for the applicant (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. Record shows that in spite of grant of opportunities, affidavit in reply is not filed on behalf of the respondents. Hence, the matter will proceed further without affidavit in reply of the respondents.

3. S.O. to 13.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 32 OF 2021
(Mukinda T. Bhalerao Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Ujwal S. Patil, learned Advocate for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 13.03.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 366 OF 2021
(Narayansingh D. Thakur Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Pleadings are complete upto affidavit in reply.

3. The matter is pertaining to departmental enquiry. It is admitted and fixed for final hearing on 28.02.2023.

MEMBER (A)

MEMBER (J)

**O.A.463/2021 WITH O.A.299/2019 IN M.A.242/2021
(Rahul T. Pol & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 08.02.2023

ORAL ORDER :

Smt. P.R. Wankhade, learned Advocate for the applicants in both the cases and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities in both the cases, are present.

2. S.O. to 10.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

ORIGINAL APPLICATION NO. 567 OF 2021
(Arifa Gulab Maniyar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Swaraj S. Tandale, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 572 OF 2021
(Babasaheb E. Jakate Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri V.M. Maney, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

2. Record shows that pleadings are complete. The matter is pertaining to qualifying service. It is admitted and fixed for final hearing on 14.03.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 606 OF 2021
(Tambe S. Govind Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Zia Ul Mustafa, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 21.03.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 678 OF 2021
(Suresh G. Tandale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri S.S. Tandale, learned Advocate holding for Shri B.R. Kedar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 17.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

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

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Smt. Suchita A. Dhongde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 775 OF 2021
(Ganesh D. Ingole Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Swaraj S. Tandale, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 17.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

ORIGINAL APPLICATION NO. 144 OF 2022
(Dr. Dayanand P. Jagtap Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

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

2. S.O. to 01.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 196 OF 2022
(Alka T. Pagare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

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

2. S.O. to 17.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 394 OF 2022
(Heena C. Patel Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri S.B. Jadhav, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 02.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 581 OF 2022
(Vijay V. Deshmukh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri A.V. Choudhari, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 15.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

M.A.NO. 51/2019 IN O.A.ST.NO. 354/2017
(Ashruba B. Jaybhaye Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri D.T. Devane, learned Advocate holding for Smt. Renuka Ghkule, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

M.A.NO. 53/2019 IN O.A.ST.NO. 185/2019
(Ashok B. Amrutkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Smt. Suchita A. Dhongde, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri S.S. Chillarge, learned Advocate for the respondent No.3, are present.

2. S.O. to 15.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

M.A.NO. 100/2020 IN O.A.NO. 236/2018
(Krushnalal R. Shirshi Gule Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri M.R. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 17.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

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

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri V.P. Golewar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

M.A.NO. 304/2020 IN O.A.ST.NO. 1095/2020
(Abhay A. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Smt. Priyanaka Deshpande, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 03.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

ORIGINAL APPLICATION NO. 119 OF 2018
(Jyoti L. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Santosh N. Patne, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 09.03.2023 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

ORIGINAL APPLICATION NO. 208 OF 2019
(Bhaskar P. Dole & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Rahul Shimre, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the applicants, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri N.U. Yadav, learned Advocate for the respondent No.4, are present.

2. S.O. to 10.03.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 285 OF 2018
(Meera J. Dolas Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 09.03.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 696 OF 2018
(Sandeep O. Chetti Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

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

2. S.O. to 20.03.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 759 OF 2022
(Mahisha P. Rashnikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri O.D. Mane, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10.03.2023 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

ORIGINAL APPLICATION NO. 749 OF 2016
(Sachin A. Palkhe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The present matter be treated as part heard.
3. S.O. to 27.02.2023 for hearing peremptorily.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 274 OF 2017
(Anil A. Beedkar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Anand Kawre, learned Advocate holding for Shri Yogesh P. Deshmukh, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. At the request of the learned Advocate for the applicant, S.O. to 20.03.2023 for hearing peremptorily.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

ORIGINAL APPLICATION NO. 689 OF 2015
(Dr. Shrikant B. Tambe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Smt. Vijaya Adkine, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the respondent No.6, are present. Shri Pradeep R. Patil, learned Advocate for the respondent No.5, is **absent**.

2. S.O. to 27.02.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 655 OF 2016
(Santosh C. Bhadane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri D.S. Bagul, learned Advocate for the applicant (**Absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 01.03.2023 for final hearing peremptorily/ for dismissal.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

ORIGINAL APPLICATION NO. 869 OF 2016
(Dhanraj T. Lazade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri A.K. Tiwari/Shri H.P. Jadhav, learned Advocates for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 03.03.2023 for final hearing peremptorily/ for dismissal.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 7 OF 2017
(Shishribaba K.Ghonmode Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Smt. Nayana Patil, learned Advocate holding for Smt. Surekha Mahajan, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of the learned Advocate for the applicant, S.O. to 22.02.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

ORIGINAL APPLICATION NO. 79 OF 2017
(Md. Kamran Md Abrar Sk Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. The present matter is reserved for order.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 08.02.2023.

ORIGINAL APPLICATION NO. 117 OF 2017
(Changdev N. Dhawale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri Suresh D. Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of the learned Advocate for the applicant, S.O. to 03.03.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 251 OF 2017
(Dr. Sham P. Toshniwal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri J.G. Toshniwal, learned Advocate for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 08.03.2023 for final hearing peremptorily/dismissal.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 253 OF 2017
(Sanjay P. Jagtap Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri L.S. Shaikh, learned Advocate holding for Shri D.A. Bide, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. At the request of the learned Advocate for the applicant, S.O. to 10.03.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 696 OF 2019
(Supadu K. Surwade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri R.P. Bhumkar, 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 counsel for the applicant, S.O. to 20.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**ORIGINAL APPLICATION NO. 1148 OF 2021
(Manoranjan M. Gatkal Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Heard Shri Amol S. Gandhi, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 14.3.2023.

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 14.3.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 738 OF 2022
(Jagdish Madhukar Sahu Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri S.K. Sawangikar, learned counsel for the applicant, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri Vivek V. Bhavthankar, learned counsel for respondent No. 3, are present.

2. Learned counsel for the applicant submits that the applicant does not wish to file any rejoinder in the matter. List the matter for hearing on 1.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**ORIGINAL APPLICATION NO. 82 OF 2021
(Deepak S. Zinjurde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Smt. Amruta Paranjape-Menezes, 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 Presenting Officer, S.O. to 13.2.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

M.A.NO. 194/2020 IN O.A.NO. 174/2020
(Ravindra P. Bibekar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri V.V. Deshmukh, learned counsel holding for Shri A.A. Khande, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri G.N. Patil, learned counsel for respondent No. 4, are present.

2. At the request of learned counsel for the applicant, S.O. to 2.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**ORIGINAL APPLICATION NO. 99 OF 2023
(Bhimrao Namdeo More Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Heard Shri P.H. Patil, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 21.3.2023.

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 21.3.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 122 OF 2023
(Dr. Teli Shaikh Emaran Shaikh Ismail Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Learned counsel appearing for the applicant submitted that the applicant though had already worked on the post of Associate Professor in the relevant period but subsequently reverted to the post of Assistant Professor, the respondents have sought recovery of the wages paid to the applicant for the post of Associate Professor on the ground that there are no formal orders of appointment on the post of Associate Professor in favour of the applicant from the competent authority. Learned counsel submitted that since the applicant has in fact worked on the higher post and accordingly has been paid wages of the said post no recovery can be directed.

3. Learned Presenting Officer has sought time to take instructions from the respondents in the matter.

4. I found *prima facie* substance in the submission made on behalf the applicant. Hence, the following order:

ORDER

(i) Issue notice to respondents, returnable on 16.3.2023.

(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) Implementation of the impugned order dated 18.10.2022 is temporarily stayed until further orders.

(vi) S.O. to 16.3.2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 1061 OF 2019
(Kerba Nagoji Jetewad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Shri V.G. Pingle, learned counsel holding for Shri Shamsunder B. Patil, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 15.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**ORIGINAL APPLICATION NO. 440 OF 2020
(Sitaram D. Kolte & Anr. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. When the present matter was taken up for hearing it is brought to my notice that respondent No. 2 has not filed affidavit in reply. Learned counsel for the applicants submits that having regard to the grievance raised in the O.A., affidavit in reply of respondent No. 2 will be necessary.

3. Learned Presenting Officer seeks time for filing affidavit in reply till 9.3.2023. Time granted as prayed for.

4. S.O. to 9.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**ORIGINAL APPLICATION NO. 570 OF 2021
(Shivkumar B. Chamkure Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Shri C.R. Thorat, learned counsel for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 24.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

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

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

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

2. S.O. to 28.2.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

ORIGINAL APPLICATION NO. 686 OF 2021
(Mahesh Gajanan Premalwad Vs. State of Maharashtra &
Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri M.B. Kolpe, 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 counsel for the applicant, S.O. to 9.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

ORIGINAL APPLICATION NO. 10 OF 2022
(Akash Tukaram Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri Avinash D. Aghav, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 15.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**ORIGINAL APPLICATION NO. 188 OF 2022
(Gorakh M. Shinde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Shri Girish L. Awale, learned counsel for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1, 3 & 4 and the same is taken on record. He undertakes to serve the copy of the affidavit in reply on the learned counsel for the applicant. Affidavit in reply of respondent No. 2 has already been filed on record.

3. List the matter for hearing on 20.3.2023. In the meanwhile it would be open for the applicant to file rejoinder affidavit, if he so desires.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

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

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Shri Girish N. Kulkarni, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

Shri S.S. Ware, learned counsel for respondent No. 4 and Shri I.D. Maniyar, learned counsel for respondent No. 3, **are absent**.

2. Learned counsel for the applicant submits that the applicant does not wish to file any rejoinder affidavit in the matter. List the matter for hearing on 27.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**ORIGINAL APPLICATION NO. 605 OF 2022
(Pandhari M. Mundhe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

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

2. Learned counsel for the applicant submits that the applicant does not wish to file any rejoinder affidavit in the matter. List the matter for hearing on 27.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**M.A.NO. 472/2022 IN O.A.ST.NO. 1845/2022
(H.S. Fulpagare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Smt. M.S. Patni, 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 4 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. At the request of learned counsel for the applicant, S.O. to 22.2.2023 for filing rejoinder affidavit, if any.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

ORIGINAL APPLICATION NO. 45 OF 2023
(Sanjay D. Shinde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri R.K. Ashtekar, 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 learned counsel for the applicant.

3. List the matter for hearing on 3.3.2023. In the meanwhile it would be open for the applicant to file rejoinder affidavit, if he so desires.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**ORIGINAL APPLICATION NO. 307 OF 2022
(Chandrabhan V. Veere Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

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

2. Learned counsel for the applicant has tendered across the bar rejoinder affidavit and the same is taken on record and copy thereof has been served on the learned Presenting Officer.

3. List the matter for hearing on 23.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**ORIGINAL APPLICATION NO. 1086 OF 2022
(Monali D. Dhondphale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Shri Vijay V. Deshmukh, learned counsel for the applicant and Shri B.S. Deokar, 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 No. 2 and the same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 9.2.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**ORIGINAL APPLICATION NO. 349 OF 2020
(Prakash S. Raut Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 9.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**ORIGINAL APPLICATION NO. 309 OF 2021
(Dinesh R. Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Shri Pramod D. Patil, learned counsel for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

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

3. S.O. to 10.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**ORIGINAL APPLICATION NO. 705 OF 2021
(Balwant S. Mukhade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Shri D.T. Devane, learned counsel for the applicant and Mrs. Deepali S. Deshande, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 10.3.2023 for filing rejoinder affidavit.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

ORIGINAL APPLICATION NO. 296 OF 2022
(Madhuri U. Choudhari Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

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

2. Learned counsel for the applicant submits that the applicant does not wish to file any rejoinder affidavit. List the matter for hearing on 24.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

ORIGINAL APPLICATION NO. 517 OF 2022
(Shital A. Gundewad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri M.B. Kolpe, 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 16.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**ORIGINAL APPLICATION NO. 862 OF 2022
(Shankar S. Patange Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

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

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

3. S.O. to 15.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

ORIGINAL APPLICATION NO. 33 OF 2023
(Prajakta V. Devkule Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

Shri S.S. Thombre, learned counsel for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. Await service.
3. S.O. to 13.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**M.A.NO. 592/2019 IN O.A.ST.NO. 2196/2019
(Arvind A. Joshi Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Shri V.S. Kadam, learned counsel for the applicant (**absent**). Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 15.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**M.A.NO. 196/21 WITH M.A.ST.780/21 IN O.A.198/20
(H.B. Bhujbal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Shri Walmik S. Jadhav, learned counsel for the applicant (**absent**). Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 15.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**M.A.NO. 126/2019 IN O.A.ST.NO. 534/2019
(Sachin B. Waghmare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Shri Amol S. Gandhi, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent No. 2, are present.

2. At the request of learned counsel for the applicant, S.O. to 8.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**M.A.NO. 284/2021 IN O.A.ST.NO. 823/2021
(Sandipan G. Kale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Shri R.A. Joshi, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 24.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**M.A.NO. 467/2022 WITH O.A.ST.NO. 897/2019
(Shripad K. Marakwar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Shri Amol Gandhi, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 8.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

M.A.NO. 569/2022 IN O.A.NO. 583/2021
(Late. Jitendra M. Panje Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 14.3.2023.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**ORIGINAL APPLICATION NO. 765 OF 2021
(Shivaji R. Wayal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 8.2.2023

ORAL ORDER :

Heard Ms. R.L. Jakhade, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. On instructions, learned counsel for the applicant seeks leave of this Tribunal to withdraw the present Original Application.

3. Leave granted as prayed for.

4. The Original Application stands disposed of since withdrawn however, without any order as to costs.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD

**T.A. 23/2022 (W.P. No. 4411/2022) with M.A. 61/2023
(Surekha A. Gadekar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 08.02.2023.

O R D E R

Heard Shri Jitendra Patil, learned Advocate holding for Shri Ganesh Gadhe, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. This Transfer Application No. 23 of 2022 has been received from the Registry of Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad to this Tribunal, Bench at Aurangabad vide Order of Hon'ble High Court dated 19.12.2022. The applicant subsequently on 02.02.2023 filed a Miscellaneous Application No. 61 of 2023 in T.A. No. 23 of 2023 (Writ Petition No. 4411/2022) seeking leave to amend the Original Application by adding prayer clause-E as mentioned in following paragraph mentioning relief prayed for.

3. In this case, the original applicant, namely, Ms. Surekha Asaram Gadekar R/o Nanded is presently working with Zilla Parishad, Nanded as a Multi-purpose

//2// TA 23/22 (WP 4411/22) with
MA 61/23

worker (Female) on deputation on the post of Faculty Member, District Training Team, Nanded.

4. Respondent No. 2 i.e. the Maharashtra Public Service Commission (in short, MPSC) issued advertisement No. 23/2022, dated 19.03.2022 for the post of District Extension & Media Officer, General State Services, Group-B, Public Health Department. Applicant applied under category of Economically Weaker Section with Horizontal Reservation for Women. As per clause 11.4 online application could be submitted by the candidates from 21.03.2022 at 14.00 hours till 10.04.2022 up to 23.59 hours. Further, as per clause 7.2 of the said advertisement, reference date for computation of age of candidates is 01.07.2022 and as per clause 7.2. upper age limit prescribed for candidates from economically weaker section is 43 years. However, as per clause 7.2.1 upper age limit is not applicable only for State Government servants. As the date of birth of the applicant is 10.03.1979, the applicant attained the age of 43 years on 10.03.2022 and the applicant is not a State Government servant (Zilla Parishads being Rural Local Bodies), therefore, the applicant became age barred on 10.03.2022.

5. Applicant had drawn reference to clause 7.2.6 of the said advertisement which reads as follows :-

//3//

TA 23/22 (WP 4411/22) with
MA 61/23

“7.2.6 शासन निणय, सामान्य प्रशासन विभाग, क्रमांक एस
आर व्हो-2021/प्र. क्र. 61/ -12/, dated 17.12.2021
f f f ,
f प त्र
.”

Based on above, the applicant has rightly worked out that she was getting age-barred after 17.12.2021 and therefore, is becoming ineligible for applying for the post of District Extension and Media Officer, General State Service, Group-B, Public Health Department. However, those who were of higher age group and became age-barred during period extending from 01.03.2020 to 17.12.2021 are eligible due to '*misinterpretation*' of G.R. bearing number सामान्य प्रशासन विभाग, क्रमांक एस आर व्हो-2021/प्र. क्र. 61/ -12/, dated 17.12.2021.

6. Being aggrieved, the applicant submitted her online application under category of State Government Servant which was then accepted by the computerised system. The applicant accordingly, informed respondent No. 2 about the circumstances in which she had submitted her application under State Government Servant category though she is from Zilla Parishad Services category.

//4// TA 23/22 (WP 4411/22) with
MA 61/23

7. The applicant has prayed for relief on following main grounds:-

(a) Government Resolution dated 17.12.2021 is misinterpreted by respondent no. 2. Because, the persons who became age bar during the period from 01.03.2020 to 17.12.2021 can apply in response to the advertisements issued up to 31.12.2022 whereas, the applicant who is younger as compared to those candidates has become ineligible.

(b) Such interpretation by respondent No. 2 is misconceived, arbitrary and irrational and violates Article 14 of the Constitution of India by denying equal opportunity of employment to the applicant.

(c) Applicant has, in response to query made by the Tribunal clarified that she did not challenge the validity of GR dated 17.12.2021 as she had already participated in the process of recruitment. Therefore, the applicant is raising the issue of 'misinterpretation' of GR dated 17.12.2021.

(d) The Applicant has prayed for relief in terms of para 15 of the Original Application which is being reproduced ad-verbatim for ready reference:-

//5//

TA 23/22 (WP 4411/22) with
MA 61/23

“(A) By issuing writ of mandamus or orders, or directions, or any other appropriate writ under the Constitution of India, this Hon’ble Court may kindly direct Respondent No. 2 to allow the petitioner in the recruitment of the post of “District Extension and Media Officer, General State Services. Group-B, Public Health Department” from the E.W.S. (Woman Category) on the basis of Government Resolution dated 17.12.2021.

(B) Pending hearing and final disposal of this writ petition, this Hon’ble Court may kindly direct Respondent No. 2 to allow the petitioner in the recruitment of the post of “District Extension and Media Officer, General State Services. Group-B, Public Health Department” from E.W.S. (Woman category) on the basis of Government Resolution dated 17.12.2021.

(C) Ad interim relief in the form of “B” may kindly be granted in favour of the petitioner.

(D) Any other relief in favour of petitioner may kindly be granted.

*E. The Hon’ble Tribunal may kindly direct the respondents to extend the benefit of Govt. Resolution dated 17.12.2021 to the present applicant by applying Govt. Resolution dated 17.12.2021 in its proper framework. **(as proposed by the applicant by M.A. No. 61/2023 in T.A. No. 23/2023 (W.P. No. 4411/2022)).**”*

8. The matter comprising of T.A. No. 23 of 2023 (W.P. 4411 of 2022) with M.A. No. 61/2023 was argued by the learned Advocate for the Applicant at the state of

//6// TA 23/22 (WP 4411/22) with
MA 61/23

admission itself. He miserably failed in establishing any mistake in application of provisions of GR. dated 17.12.2021 though he presented a worksheet easily understandable version of which is reproduced below for ready reference:-

WORK-SHEET TO EXHIBIT CONTENTION OF APPLICANT

Particulars of Candidate	Candidate XYZ	The Applicant
Date of birth:	10.03.1977	10.03.2079
Date of attaining 43 years of age:	10.03. 2020	10.03.2022
Age on 01.07.2022	45 Years, 3 Months & 21 Days	43 Years, 3 Months & 21 Days
Eligibility	Eligible	Not Eligible

9. We are, therefore, inclined to infer that the applicant is intending to question rationale of providing age relaxation under the provisions of the impugned GR dated 17.12.2021 as there is nothing in the arguments made by the learned Advocate for the Applicant which can be termed as ***misinterpretation*** of the said GR. Moreover, there is no dispute about the preparation of the worksheet interpreting provisions of the impugned G.R.

//7//

TA 23/22 (WP 4411/22) with
MA 61/23

10. The applicant has, in all probability, lost sight of the fact that during period from 01.03.2020 to 17.12.2021 the havoc created by COVID 19 pandemic had led to strict lock down situation. Therefore, no process of recruitment could be undertaken. Those who became overage during this period have been given one-time relief to appear in recruitment process which may have been conducted up to 31.12.2022. It is a natural corollary to this that anybody or everyone becoming overage after 17.12.2021 is going to be younger than the beneficiaries under impugned G.R. If import of Article 14 of the Constitution of India is extended to such younger candidates getting overage after 17.12.2021, then the same may amount to making all recruitment process without having any upper age-limit of candidates. In other words, the prayer made by the applicant, if granted, that may result into complete abolition of provision of upper age limit in perpetuity which may eventually only lead to near collapse of recruitments in public services. Therefore, in our considered opinion, the grounds stated by the applicant for justifying prayers made for getting relief are myopic and the impugned GR is prima facie, is not ultra vires to Article 14 of the Constitution. Hence, following order:-

//8// TA 23/22 (WP 4411/22) with
MA 61/23

ORDER

- (A) T.A. No. 23 of 2023 (Writ Petition No. 4411 of 2022) with Miscellaneous Application No. 61 of 2023 are being dismissed at the admission stage itself, being misconceived and devoid of merit.
- (B) No order as to costs.

MEMBER (A)

MEMBER (J)

T.A. No. 20/2022 (W.P. No. 9263/2022)
(Chandrakant S. Jagtap Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri D.R. Jayabhar, learned Advocate for the applicant (**Absent**).

Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Record shows that nobody is appearing on behalf of the applicant since last two dates i.e. on 02.01.2023 & 20.01.2023. In view of the same, it appears that the applicant is not interested in prosecuting the matter. Hence, the O.A. stands dismissed in default.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 637 OF 2021
(Ravindra G. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Heard Shri D.S. Mutalik, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

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

3. As per the Circular No. MAT/MUM/JUD/1340/2022, dated 22.12.2022 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Single Bench. The present matter is pertaining to benefits of 3rd time bound promotion.

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

5. S.O. to 21.02.2023.

MEMBER (A)

MEMBER (J)

M.A. No. 64/2023 in O.A. St. No. 253/2023
(Dr. Pravara P. Kulkarni & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Heard Shri S.P. Koli, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicants, S.O. to 09.02.2023.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 08.02.2023

ORIGINAL APPLICATION NO. 443 OF 2018
(Jagannath W. Vispute Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Heard Shri M.R. Wagh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

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

3. At the request of learned Presenting Officer, S.O. to 17.02.2023 for production of original record. **High on board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 232 OF 2019
(Maruti T. Kamble & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

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

2. The present matter has already been treated as part heard.
3. S.O. to 03.03.2023. **High on board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 950 OF 2019
(Jayashri T. Thakur Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Heard Shri H.A. Joshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. It has come to our notice that the Deputy Director of Health Services, Nashik Circle, Nashik has passed the order dated 22.10.2019 terminating the contractual services of the applicant w.e.f. 27.05.2019 A.N. The same being date of coming to an end of contractual services renewed for the period from 28.06.2018 to 25.05.2019. It has assumed significance in the light of the fact that the ACB had led successful trap against the applicant on 30.05.2019.

3. The respondent authorities have not clarified the following critical points:-

(a) The date on which the Deputy Director of Health Services came to know or received official communication about successful trap against the applicant.

(b) The reasons of issuing call letter dated 16.07.2019 calling upon the applicant along with other Medical Officer,

Group-B for counseling for extending the benefits of Notification dated 11.01.2019 of permanency in the service in the line of Medical Officer Group-B and issuing them posting orders. It is more important in the light of remarks made against the name of the applicant, which is at Sr. No. 43 at page No. 79 of the paper book (part of Annexure A-7 collectively) that the applicant had been trapped by ACB on 30.05.2019.

(c) The reason for not communicating the decision of respondents to the effect of not granting any extension of contractual services to the applicant in view of successful trap by ACB and issuing communication to that effect only on 22.10.2019 i.e. with more than four months delay.

4. The applicant is also required to state reasons for seeking benefit of having been called for counseling by communication dated 16.07.2019 despite the fact that the said communication had endorsement of her facing action against her based on successful trap led by ACB on 30.05.2019.

5. In view of above, this matter requires further consideration.

6. Learned Presenting Officer and learned Advocate for the applicant to clarify the above-said points, as are applicable to them.

//3//

O.A. 950/2019

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

8. By consent of both the sides, S.O. to 16.02.2023.

High on board.

MEMBER (A)

KPB ORAL ORDERS 08.02.2023

MEMBER (J)

ORIGINAL APPLICATION NO. 705 OF 2018
(Akbar Khan Nadar Khan Pathan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. The present matter is to be treated as part heard.
3. At the request of learned P.O., S.O. to 16.02.2023.

High on board.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 1069 OF 2019
(Prabhakar M. Kathar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 08.02.2023.

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. The present matter is to be treated as part heard.
3. S.O. to 28.02.2023. **High on board.**

MEMBER (A)

MEMBER (J)

**C.P. No. 17/2021 in O.A. No. 127/2017
(Trimbak D. Tompe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 08.02.2023.

ORAL ORDER :

Heard Shri V.P. Golewar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 22.02.2023 for further consideration.

High on board.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 08.02.2023

ORIGINAL APPLICATION NO. 450 OF 2022
(Sanket D. Kharinar and Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicants placed on record a copy of communication dated 03.02.2023 signed by the applicant and seeks permission for withdrawal of the present Original Application. Copy of the said application is taken on record and marked as document 'X' for the purpose of identification.

3. We have no reason to refuse the permission, when the withdrawal is unconditional. Hence, permission for withdrawal of the present Original Application is granted. The O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 376 OF 2022
(Priyanka S. Bansode Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer filed affidavit of S.P., Parbhani i.e. respondent No. 5. Same is taken on record and copy thereof has been served on the other side.

3. The present matter is pertaining to compassionate appointment. The matters regarding compassionate appointment are to be dealt with by the Single Bench.

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

5. S.O. to 23.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 513 OF 2016
(Nitin Bhaskar Mulay Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

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

2. Learned Advocate for the applicant placed on record a copy of application dated 07.02.2023 signed by the applicant and seeks permission for withdrawal of the present Original Application. Copy of the said application is taken on record and marked as document 'X' for the purpose of identification.

3. We have no reason to refuse the permission, when the withdrawal is unconditional. Hence, permission for withdrawal of the present Original Application is granted. The O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (A)

MEMBER (J)

C.P. No. 25/2022 in O.A. No. 600/2022
(Dr. Rahimoddin R. Shaikh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri D.S. Mutalik, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri S.G. Kulkarni, learned Advocate holding for Shri P.R. Tandale, learned Advocate for respondent No. 4, are present.

2. At the request of learned P.O., time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 to 3.

3. S.O. to 22.02.2023.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 08.02.2023

C.P. No. 42/2022 in O.A. No. 801/2012
(Baliram B. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Smt. Suchita Dhongde, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

3. S.O. to 14.03.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 08.02.2023

ORIGINAL APPLICATION NO. 843 OF 2019
(Kailas V. Aghav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri I.G. Durrani, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 09.03.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 942 OF 2019
(Shaikh Hameed Shaikh Dadamiyan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Smt. Suchita Dhongde, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

3. Pleadings are complete. The present matter is pertaining to promotion. Hence, the O.A. is admitted and it be fixed for final hearing on 15.03.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 947 OF 2019
(Dr. Anil R. Waghmare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Ms. Preeti Wankhade, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned Advocate for the applicant filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 27.02.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 226 OF 2020
(Haridas R. Ghuge Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Ms. Preeti Wankhade, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned Advocate for the applicant filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 27.02.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 446 OF 2020
(Sandip P. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri A.B. Girase/Y.B. Bolkar, learned Advocate for the applicant (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. Record shows that in spite of grant of opportunities, the rejoinder affidavit is not filed on behalf the applicant. Hence, the present matter will proceed further without rejoinder affidavit of the applicant in accordance with law.

3. S.O. to 03.03.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 161 OF 2021
(Vikas B. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri P.G. Tambade, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08.03.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 577 OF 2021
(Ramdas E. Misal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri R.N. Chavan, learned Advocate for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present. Shri V.M. Vibhute, learned Advocate for respondent No. 4, **absent**.

2. S.O. to 09.03.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

O.A. Nos. 111, 151 and 152 all of 2022
(Pandurang V. Hande & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Ms. Megha Mali, learned Advocate holding for Shri S.K. Mathpati, learned Advocate for the applicants in all these O.As. and S/shri V.R. Bhumkar, M.P. Gude & S.K. Shirse, learned Presenting Officers for the respective respondent authorities in respective O.As., are present.

2. At the request of learned Advocate for the applicants, S.O. to 10.03.2023 for filing rejoinder affidavit in all these O.As.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 08.02.2023

ORIGINAL APPLICATION NO. 243 OF 2022
(Gautam Chavan & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri D.T. Devane, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri M.B. Kolpe, learned Advocate for respondent No. 2, are present.

2. At the request of learned Advocate for the applicant, S.O. to 08.03.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 281 OF 2022
(Kirti M. Nagargoje Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Smt. Suchita Dhongde, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Advocate for the applicant, S.O. to 09.03.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 351 OF 2022
(TaHER Ali Mohd. Ali Shah Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri M.R. Kulkarni, learned Advocate 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., time is granted as one more last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 10.03.2023.

MEMBER (A)

MEMBER (J)

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

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Advocate for the applicant, S.O. to 10.03.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 423 OF 2022
(Appasaheb B. Shinde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri M.V. Salunke, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

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

3. S.O. to 13.03.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 430 OF 2022
(Swanand B. Thorve & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri R.O. Awasarmol, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., time is granted for filing affidavit in reply on behalf of respondent No. 2.

3. S.O. to 09.03.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 479 OF 2022
(Dr. Parvez Abdul Jabbar Mujawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 10.03.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 521 OF 2022
(Shivling S. Hankare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri I.D. Maniyar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 15.03.2023 for filing rejoinder affidavit.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 582 OF 2022
(Dr. Shrikant B. Balwande Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri P.V. Suryawanshi, learned Advocate holding for Shri S.A. Nagarsoge, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Advocate for the applicant, S.O. to 14.03.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 613 OF 2022
(Rahul D. Sathe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023

ORAL ORDER :

Shri R.D. Khadap, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities, Shri Avinash Deshmukh, learned Advocate for respondent Nos. 8, 15, 17, 22, 24, 26 to 28 and Shri A.D. Sugdare, learned Advocate for respondent No. 29.

2. Record shows that affidavit in reply is filed on behalf of respondent No. 2.

3. S.O. to 15.03.2023 for filing affidavit in reply on behalf of remaining respondents.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 641 OF 2022
(Amarsingh S. Kamthekar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri H.V. Tungar, learned Advocate for the applicant (**Absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

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

3. S.O. to 15.03.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 664 OF 2022
(Vinod J. Sonune & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri R.O. Awasarmol, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., time is granted for filing affidavit in reply on behalf of respondent No. 2.

3. S.O. to 09.03.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 726 OF 2022
(Dinesh N. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri D.T. Devane, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri M.B. Kolpe, learned Advocate for respondent No. 2, are present.

2. At the request of learned Advocate for the applicant, S.O. to 08.03.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1056 OF 2022
(Anant A. Kokate Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri G.N. Kulkarni, learned Advocate holding for Shri A.M. Hajare, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 15.03.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1072 OF 2022
(Visahl G. Waghmare & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

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

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

3. S.O. to 15.03.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1084 OF 2022
(Uddhav M. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri Ram Shinde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. filed affidavit in reply on behalf of respondent No. 3. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 03.03.2023 for filing affidavit in reply on behalf of other respondents.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1092 OF 2022
(Satish S. Gadve & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri G.M. Ghongade, learned Advocate holding for Shri Mohit Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 16.03.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 02 OF 2023
(Mushtaque Sikandar Shaikh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that during the course of the day service affidavit would be filed.

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

4. S.O. to 13.03.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 03 OF 2023
(Dr. Sujata P. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri S.D. Joshi, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Advocate for the applicant submits that during the course of the day service affidavit would be filed.

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

4. S.O. to 13.03.2023.

MEMBER (A)

MEMBER (J)

M.A. No. 16/2022 in O.A. St. No. 1505/2021
(Ramesh R. Kulthe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Advocate for the applicant, time is granted as one more last chance for filing rejoinder affidavit.

3. S.O. to 10.03.2023.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 08.02.2023

M.A. No. 115/2022 in O.A. St. No. 138/2022
(Mangesh S. Vishwasu Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri V.R. Jain, learned Advocate for the applicant
(**Absent**). Shri B.S. Deokar, learned Presenting Officer for
the respondent authorities, is present.

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

3. S.O. to 16.03.2023.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 08.02.2023

M.A. No. 9/2023 in O.A. St. No. 34/2023
(Mahendra A. Kadam Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri S.D. Joshi, learned Advocate 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., time is granted for filing affidavit in reply on behalf of respondents in M.A.

3. S.O. to 15.03.2023.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 08.02.2023

M.A. No. 12/2023 in O.A. St. No. 2072/2022
(Yograj V. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri A.B. Rajkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Await service of notice upon the respondents.
3. S.O. to 16.03.2023.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 08.02.2023

M.A. No. 13/2023 in O.A. St. No. 2076/2022
(Govind S. Keshtraphale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Shri A.B. Rajkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Await service of notice upon the respondents.
3. S.O. to 16.03.2023.

MEMBER (A)

MEMBER (J)

M.A. No. 26/2023 in O.A. No. 809/2021
(Dr. Imran N. Pathan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 08.02.2023.

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri A.B. Rajkar, learned Advocate for respondent No. 4.

2. By this Misc. Application, the applicant is seeking amendment in the O.A. in view of alleged subsequent events in respect of tenure of respondent No. 4, bonded candidate being came to an end on 25.12.2022. Moreover, during pendency of the O.A., the applicant also made some representations. There is further development placed on record by the learned Presenting Officer on 17.01.2023 stating that one Priya Raju Bhuje is appointed as bonded candidate after tenure of respondent No. 4 bonded candidate came to an end by appointment letter dated 30.12.2022. In view of this, learned Advocate for the applicant seeks further liberty to delete the name of respondent No. 4 i.e. Dr. Shrutika Bhagwan Borade and to add Dr. Priya Raju Bhuje as respondent No. 4 in O.A.

//2//

MA 26/2023 in
OA 809/2021

3. Learned Presenting Officer opposed the submissions raised on behalf of the applicant.

4. After having considered the M.A., we find that the proposed amendment is by way of taking on record subsequent events, which are connected with the contentions raised in the O.A. In view of the same, the proposed amendment is just and necessary to determine the real question of controversy between the parties. Hence, we proceed to pass the following order :-

ORDER

- (i) The M.A. No. 26/2023 is allowed.
- (ii) Further deletion of name of respondent No. 4 i.e. Dr. Shrutika Bhagwan Borade and addition of Dr. Priya Raju Bhuje as respondent No. 4 in O.A. is allowed.
- (iii) The applicant shall carry out the necessary amendment in the O.A. within a period of one week and to serve the amended copy of the O.A. on the other side.
- (iv) Accordingly, M.A. No. 26/2023 stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 809 OF 2021
(Dr. Imran N. Pathan Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 08.02.2023.

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. After amendment, issue notice to newly added respondent No. 4, returnable on 08.03.2023.

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 08.03.2023.

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

MEMBER (A)

MEMBER (J)

**M.A. No. 506/2022 in O.A. No. 779/2022
(Machindra N. Kanade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 08.02.2023.

ORAL ORDER :

Heard Shri Avinash Khedkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The present matter is not on board. It is taken on board at the request of learned Advocate for the applicant.

3. Record shows that the present matter was closed for orders on 16.01.2023.

4. Today learned Advocate for the applicant has placed on record a copy of Notification dated 03.02.2023. Same is taken on record and placed at page No. 10 of M.A. Copy of it be furnished to other side.

5. In view of above, S.O. to 10.02.2023 for re-hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 124 OF 2023
(Dr. Mohammad Raza Khan Vs. State of Mah. & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 8.2.2023

ORAL ORDER :

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

2. Learned counsel for the applicant sought leave of this Tribunal to withdraw the present Original Application with liberty to file fresh Original Application for the same reliefs. Learned counsel submitted that inadvertently the application has been filed before completion of the period of six months after filing of the representation by the applicant with the respondent authorities. In the circumstances, learned counsel has prayed for permission to withdraw the present O.A. with liberty to file fresh O.A., if the representation is not decided within the period of six months, thereafter within one year as provided under Sections 20 & 21 of the Administrative Tribunals Act, 1985 or if decided within the period of six months but still the grievance remains for redressal of the said grievance.

3. In view of the aforesaid submission made on behalf of the applicant, the following order is passed.

:: - 2 - ::

O.A. NO. 124/2023

ORDER

The applicant is permitted to withdraw the present Original Application with liberty as prayed for. There shall be no order as to costs.

VICE CHAIRMAN

ORAL ORDER 8.2.2023-HDD