

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

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

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

**Date: -08/02/2024**

**For Reply Board**

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
<b>Due Admission Matters</b>						
<b>1</b>	OA440/22	P'rbn	Adv Shaikh Wajeed Ahmed (Khan Mohammed Arbaz Mohammed Kazim Khan)	Compassionate Appointment <b>Scheme not Applicable to Group B Employee</b>	By Way of Last Chance For Filing Affidavit in Reply <b><u>Ref Order Dtd. 30.11.2022</u></b>	4.3.2024
<b>2</b>	OA575/22	Nanded	Adv Anant D Gadekar (Yayati T Ghorband)	Refund of Recovered Amount	For Filing Affidavit in Reply	22.2.2024
<b>3</b>	OA576/22	Beed	Adv Anant D Gadekar (Subhash H Puri)	Refund of Recovered Amount	For Filing Affidavit in Reply R-3 & R-4	22.2.2024
<b>4</b>	OA175/23	Jalna	Adv D R Irale Patil (Ramesh B Tekale)	Compassionate Appointment <b>Direction to include name in wait list</b>	For Filing Affidavit in Reply	4.3.2024
<b>5</b>	OA188/23	A'bad	Adv V B Wagh (Shaikh Rashid Shaikh Mohammad Hanif & Ors.)	Equal Pay For Equal Work	For Filing Affidavit in Reply	7.3.2024
<b>6</b>	OA337/23	P'rbn	Adv R N Bharaswadkar (Santosh B Ipper)	Transfer	Reply Filed By R-1 to R-4 & Await Service R-5	7.3.2024
<b>7</b>	OA345/23	Nanded	Adv A B Rajkar (Uttam G Nikam) <b><u>Adv S B Mene For R-2 &amp; R-3</u></b>	Pensionary Benefits/ Arrears. Interest on Delayed Payment	For Reply	11.3.2024
<b>8</b>	OA763/23	A'bad	Adv Vivek G Pingle/ Adv Pallavi Karhadkar (Angad T Navatakke)	Pension	As a last chance for Filing Affidavit in reply	22.2.2024

<b>9</b>	OA829/23	Hingoli	Adv V B Wagh/ Adv A S Therokar/ Adv V P Adkine (Dr. Devidas V Ade)	Pension/ Suspension Period	For Filing Affidavit in Reply	29.2.2024
<b>10</b>	OA984/23	Hingoli	Adv Sujeet D Joshi (Dr. Chandrakant R Tammewar)	Suspension	Await Service R-1	29.2.2024
<b>11</b>	OA1024/23	P'rbn	Adv V B Wagh/ Adv A S Therokar/ Adv V P Adkine (Pawan S Waghmare)	Recovery	For Filing Affidavit in Reply	7.3.2024
<b>12</b>	OA1077/23	Beed	Adv V B Wagh/ Adv A S Therokar/ Adv V P Adkine (Dr.Yashwant B Khose)	Pension	For Filing Affidavit in Reply	22.2.2024
<b>13</b>	OA1080/23	P'ani	Adv Talekar&Associates (Swapnil S Parvekar)	Appointment on Compassionate Ground	For Filing Affidavit in Reply	7.3.2024
<b>14</b>	OA17/24	A'bad	Adv S B Bedwal (Dr.Yogesh B Rajput)	Increment	For filing Affidavit in Reply	7.3.2024
<b>Order Matters</b>						
<b>15</b>	MA54/21 In OA833/23	Beed	Adv D B Pokale (Pramila R Shendade & Ors.)	M.A For Condonation of Delay	Notice Not Collected	18.3.2024
<b>16</b>	MA508/22 In OAS1894/22	Nanded	Adv A B Rajkar (Eknath G Myskar)	M.A For Condonation of Delay	For Filing Affiavit in Reply	11.3.2024
<b>17</b>	MA373/23 In OAS1267/23	Beed	Adv S D Joshi (Rameshwar S Jadhav)	M.A For Condonation of Delay	For Fiing Affidavit in Reply	22.2.2024
<b>18</b>	MA379/23 In OA97/20	A'bad	Adv,M.R.Andhale (Tukaram V.Sanap)	M.A For Condonation of Delay	For Filing Afidavit in reply	14.3.2024
<b>19</b>	MA521/23 In OAS2116/23	Beed	Adv S B Patil (Shivaji S Chemte)	M.A For Condonation of Delay	For Filing Affidavit in Reply	7.3.2024
<b>20</b>	MA534/23 In OA496/23	A'bad	Adv Mohit R Deshmukh (Gurunath S Indurkar)	M.A For I.R	Return R-4 Await Service	13.3.2024

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**  
**BENCH AT AURANGABAD**

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

**And**

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

**Date:- 08/02/2024**

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
<b>Urgent Admission Matters</b>						
1	OA1010/23	Nanded	Adv.P.S. Anerao (Shubham B Hingmire)	Seniority List	28.03.24	
2	OA117/24	Jalgaon	Adv A S Deshmukh (Prashant P Sonawane)	Promotion	07.03.24	
3	MASt249/24 In OASSt246/24	A'bad	Adv Neha B Kamble (Rameshwar V Hadbe & Ors.)	M.A For Sue Jointly	22.02.24	
4	MA584/23 In OA1042/23	Jalna	Adv.R.J. Nirmal (Yogesh S Dawle)	M.A. For I.R.	13.02.24	
5	MASt173/24 In OA331/23	Jalgaon	Adv C V Dharurkar (Vasudeo H Sonawane)			
6	OA272/23	P'bhani	Adv.Ajinkya A Reddy (Avinash G Chonde)	Lien		
<b>Order Matters</b>						
7	MA449/19 In OASSt1490/19	Hingoli	Adv.A.P. Sonpethkar (Sunil M Lagad)	M.A. For Condonation of Delay	07.03.24	

8	MA25/21 In OA1100/19	A'bad P'bhani Nanded	<p>Adv.Gajanan K Kshirsagar In <b>MA25/21</b> (Yogesh S Shinde &amp; Ors.)</p> <p><b><u>Adv.Avinash Deshmukh In MA206/20 In OA1100/19</u></b> (Rajesh U Landge)</p> <p><b><u>Adv.S.S. Tope for R.No.12 &amp; 15 In MA206/20</u></b></p> <p><b><u>Adv.Sachin Randive for R.No.18, 19, 22, 23, 24, 28 to 32, 34 to 37, 39 &amp; 40, 42 In MA206/20</u></b></p> <p><b><u>Adv.G.K. Kshirsagar for R.No.85 to 101 In MA206/20</u></b></p> <p><b><u>Adv.Amol P Ghule Patil for R.No.81 to 84 In MA206/20</u></b></p> <p><b><u>Adv.S.D. Joshi for R.No.102 to 105 In MA206/20</u></b></p>	MA. For Vacating I.R.	11.03.24	
9	MA87/23 In OA259/21	A'bad	<p>Adv C V Dharurkar (Megharani P Tarkase &amp; Ors.)</p> <p><b><u>Adv A S Deshmukh For R-4 &amp; R-5 In O.A</u></b></p>	M.A For Direction	15.02.24	
10	MA24/24 In OA390/22	Nanded	<p>Adv.Rahul R Karpe (Rajdeepsingh G Sardar)</p>	M.A. For Amendment	13.02.24	

<b>Due Admission Matters</b>						
<b>11</b>	OA1049/23	A'bad	Adv.S S Dambe (Shivaji R Kachare & Ors.)	Promotion	05.03.24	
<b>12</b>	CP43/19 In MA97/12 In OA817/11	P'bhani	Adv.Ashish B Rajkar (Dharamapal U Dethe) <b><u>Adv.D.T. Devane for R.No.3</u></b>	Contempt Petition	15.03.24	
<b>13</b>	OA694/18	O'bad	Adv.Avinash S Deshmukh (Somnath S Reddy) <b><u>Adv.M S Sonawane for R.No.4 Adv.Ajay Deshpande for R.Nos.5 &amp; 6</u></b>	Seniority/ Direction	12.03.24	
<b>14</b>	OA290/19	Jalna	Adv.A.S. Deshmukh (Rajesh L Tangade) <b><u>Adv.A.D. Aghav for R.No.2</u></b>	Show Cause Notice/ Dismissal From Service	12.03.24	
<b>15</b>	OA575/19	Beed	Adv.Santosh C Bhosale (Dr.Sachin D Shekde & Ors.)	Challenging G.R.	27.03.24	
<b>16</b>	OA1044/19	Jalna	Adv.D.A. Bide (Tukaram S Katare)	Termination (Nominee of Freedom Fighter)	26.03.24	
<b>17</b>	OA47/20 With	A'bad	Adv.A.S. Deshmukh (Damodhar B Jadhav)	Challenging G.R./Revised ACPS 3 <sup>rd</sup> Benefit	13.03.24	
<b>18</b>	OA48/20 With	A'bad	Adv.A.S. Deshmukh (Laxman V Chavan)	Challenging G.R./Revised ACPS 3 <sup>rd</sup> Benefit	13.03.24	
<b>19</b>	OA49/20 With	A'bad	Adv.A.S. Deshmukh (Laxman Y Yadav) <b><u>Adv.G.N. Patil for R.No.4</u></b>	Challenging G.R./Revised ACPS 3 <sup>rd</sup> Benefit	13.03.24	

<b>20</b>	OA59/20	A'bad	Adv.Avinash S Deshmukh (Ashok P Bhagwat & Ors.) <b><u>Adv.G.N. Patil for</u></b> <b><u>R.Nos.3 &amp; 4</u></b>	Challenging G.R./Revised ACPS 3 <sup>rd</sup> Benefit	13.03.24	
<b>21</b>	OA62/20	Beed	Adv.S.K. Naikwade/ Adv.K.G. Salunke (Dr.Maheshkumar L Mane)	Selection/ Appointment	14.03.24	
<b>22</b>	OA81/20	O'bad	Adv.S.B. Solanke (Sudarshan N Shinde)	Seniority/ Promotion	14.03.24	
<b>23</b>	OA81/21	Nanded	Adv.J.M. Murkute (Sadashiv B Gitte)	Promotion	14.03.24	
<b>24</b>	OA128/21	Nanded	Adv.Ganesh V Mohekar (Pradeep M Thakkarwad)	Probation Period/ Minor Punishment	28.02.24	
<b>25</b>	OA192/21	A'bad	Adv Sunil B Kakade (Suresh B Lande)	Appiontment Selection	27.03.24	
<b>26</b>	OA252/21	A'bad	Adv.S.B. Kakade (Arati A Ghatkar)	Selection/ Appointment	27.03.24	
<b>27</b>	OA724/21	Dhule	Adv.Pramod S Gaikwad (Sunil S Mate) <b><u>Adv.Ganesh Kedar</u></b> <b><u>for R.No.8</u></b>	Enquiry	15.03.24	
<b>28</b>	OA760/21	O'bad	Adv.Shamsundar B Patil (Malikarjun D Deshmane)	Major Punishment	28.03.24	
<b>29</b>	OA775/21	A'nagar	Adv.Swaraj S Tandale (Ganesh D Ingale)	Promotion	28.03.24	

<b>30</b>	OA779/21	Nanded	Adv.J P Legal Associates (Datta A Tumram)	Seniority/ Continuity in Service	05.03.24	
<b>31</b>	OA816/21	Nanded	Adv.V.B. Dhage (Ramkisan J Nampalle & Ors.)	Seniority List-Kotwal	12.03.24	
<b>32</b>	OA95/22 with	A'bad	Adv.G.M. Jadhav (Vijay U Kale)	Termination/ Recovery	27.03.24	
<b>33</b>	OA97/22	A'bad	Adv.G.M. Jadhav (Vijay U Kale)	Voluntary Retirement	<b><u>27.03.24</u></b>	
<b>34</b>	OA423/22	Latur	Adv.M.V. Salunke (Appasaheb B Shinde)	Dismissal	28.03.24	
<b>35</b>	OA468/22	A'bad	Adv.Talekar & Associates (Smita S Ingle)	Seniority List	26.02.24	
<b>36</b>	OA519/22	A'bad	Adv.C.V. Dharurkar/ Adv.Ajinkya Mirajgaonkar (Dnyaneshwar B Wadile)	Departmental Enquiry	13.02.24	
<b>37</b>	OA619/22	A'bad	Adv.S.B. Patil (Archana T Tribhuvan)	Seniority/ Promotion	05.04.23	
<b>38</b>	OA700/22	A'nagar	Adv.R R Karpe (Sujay S Gaydhane)	Appointment	12.03.24	
<b>39</b>	OA773/22	A'bad	Adv.V B Wagh (Mangala V Pawar)	M.A. For I.R.	27.02.24	
<b>40</b>	OA916/22	A'nagar	Adv.S.S. Jadhavar (Sushma E Chaudhari)	Appointment	27.03.24	
<b>41</b>	OA96/23	A'bad	Adv.K B Jadhav (Nanasaheb B Patait & Ors.)	Correction in Date of Joining/ Seniority	<b><u>01.03.24</u></b>	

42	OA517/23	J'gaon	Adv.C.V. Dharurkar (Nitin U Nikam)	Compulsory Retirement	14.03.24	
43	OA613/23	Beed	Adv.Amol R Gaikwad (Vishal S Shelke)	Selection Process	14.03.24	
44	OA875/23	A'bad	Adv.K B Jadhav (Avadhut A Sisal)	Selection Process	14.02.24	
<b>Final Hearing Matters</b>						
45	MA181/16 with MA372/16 In OA67/16 with	N'bar	Adv.Sudhir Patil/ Adv.Dr.K Patil Bharaswadkar (Jagdishkumar N Shirsath) <b><u>Adv.A S Deshmukh</u></b> <b><u>for R.Nos.4 &amp; 5</u></b>	M.A. For Seeking Directions to Restore Status Quo ante	26.02.24	
46	OA368/16 with	J'gaon	Adv.Dr.Kalpalata Patil Bharaswadkar/ Adv.Sudhir Patil (Ganesh S Bawiskar)	Reversion/ Seniority	26.02.24	
47	OA490/16	J'gaon	Adv.Sudhir Patil/ Adv.Dr. Kalpalata Patil Bharaswadkar (Shantilal D Dusane)	Reversion/	26.02.24	
48	OA201/16	Nanded	Adv.V.B. Wagh (Sayyed Habib Sayyed Abdul Rahim & Ors.)	Challenging G.R.	22.02.24	
49	OA487/16	A'bad	Adv.A N Ansari (Mohammed Badar Akbar Siddiqui)	Punishment	14.02.24	
50	OA226/17	Latur	Adv.K.M. Nagarkar (Baliram S Kakade)	Voluntary Retirement/ Pensionery Benefits	29.02.24	
51	OA383/17	Nanded	Adv.Ajay S Deshpande (Uttam S Mundhe)	Promotion	29.02.24	



52	OA817/17	Latur	Adv.Shamsunder B Patil (Dr. Vilas R Musale)	Termination	29.02.24	
53	OA598/18	P'bhani	Adv.Talekar & Associates (Ganpat G Sansare)	Resignation/ Reinstate in Service	01.03.24	
54	OA359/19	J'gaon	Adv.S.D. Dhongde (Shantaram M Sonwane) <b><u>Adv S D Dhongde has File Leave note From 05.02.2024 to 15.03.2024</u></b>	Back Wages/ Increment/ Promotion	14.03.24	
55	OA647/19	A'bad	Adv.Avinash S Deshmukh (Balasaheb T Deshmukh)	Promotion	20.02.24	
56	OA942/19	Hingoli	Adv.Suresh D Dhongde <b><u>Adv Suresh D Dhongde has File Leave note From 05.02.2024 to 15.03.2024</u></b> (Shaikh Hameed Shaikh Dadamiyan)	Promotion	14.03.24	
57	OA489/22	O'bad	Adv.R.P. Adgaonkar (Dattatraya D Shinde)	Promotion	11.03.24	

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

**And**

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

**Date:- 08/02/2024**

**Suplimentary**

**Board**

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
<b>Urgent Admission Matter</b>						
1	OA1120/23	A'bad	Adv.B.N. Magar Patil (Satule Chetan Virabhadra & Ors.)	Selection Process	14.02.24	

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

Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

**And**

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

**Date: -08/02/2024**

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
<b>Due Admission Matters</b>						
1	OA497/21	A'nagar	Adv.V.B. Wagh (Nitin S Shelar)	Preliminary Enquiry	07.03.24	
2	OA546/22	A'bad	Adv.Yogesh P Deshmukh (Samta R Lokhande)	Appointment	07.03.24	
3	OA725/22	A'bad	Adv.S.S. Khivansara (Kishor A Deshmukh)	Departmental Enquiry	26.02.24	

4	OA757/22	Hingoli	Adv Aditi Warjekar (Sunil K Rodge)	Termination	26.02.24	
5	OA851/22	P'rbn	Adv Kiran G Salunke (Prashant B Kachhawa) <b><u>Adv S B Mene</u></b> <b><u>Special Counsel</u></b> <b><u>For R-1/</u></b> <b><u>Ajay Deshpande</u></b> <b><u>Special Counsel</u></b> <b><u>For</u></b> <b><u>R-2 &amp; R-3</u></b>	Absorption/ Seniority Promotion	18.03.24	
6	OA1092/22	A'bad	Adv.Mohit Deshmukh (SAtish S Gadve & Ors.)	Challenging Notification	<b>21.02.24</b>	
7	OA105/23	P'bhani	Adv.N.B. Jadhav/ Adv.K.G. Salunke (Vilas K Katkar)	Appointment	15.03.24	
8	OA932/23	Latur	Adv.Sahebrao G.Nandedkar (KU.Sarswati K Makne & Others)	Selection Process	27.02.24	
9	OA979/23 With Caveat 23/23 With	A'bad	Adv M S Shaikh (Vishvjeet V Kulkarni) <b><u>CPO For</u></b> <b><u>Caveator</u></b> (The State of Maharashtra & Ors.)	Challenging G.R Selection Process	16.02.24	
10	OA999/23 With Caveat38/23 With	A'bad	Adv.S.S. Dambe (Shivaji B Borkar & Ors.) <b><u>CPO For</u></b> <b><u>Caveator</u></b> (The State of Maharashtra	Selection Process	16.02.24	

			through the Chief Engineer, Public Works Region, Mumbai & President, State Level Co-Ordination Committee, Mumbai) <b><u>Adv Sangharsh V Waghmare for Intervention Milind S Rathod &amp; Ors.</u></b>			
11	OA1053/23 With Caveat38/23	A'nagar Beed	Adv.A.D. Gadekar (Babasaheb K Mhaske & Ors.) <b><u>CPO For R.No.3 i.e. Caveator</u></b>	Selection Process/ Recruitment Rules	16.02.24	
12	OA1054/23 With Caveat 38/23	Kolhapur	Adv Anand Kawre (The Association of Subordiante service of Engineers, M.S. through its president Umesh B. Mudbidrikar V.S State of Mah. & Ors.)	Selection Process	16.02.24	
13	OA.42/24	A'bad	Adv Ajay S.Deshpande Adv CV (Maharashtra Vikas Seva Rajpatrit Adhikari Sanghatana)	Promotion / Direction	04.03.24	
<b>Order Matters</b>						
14	MA09/23 In OAST34/23	P'bhani	Adv.S.D. Joshi (Mahendra A Kadam)	M.A. For Condonation of Delay	12.03.24	

<b>15</b>	MA357/23 In OA06/23	Dhule	C P O Mat A'bad (The State of Maharashtra & Ors.) Adv V B Wagh <b>In OA 06/23</b> (Pandurang G Lomole)	M.A For Modification of Interim Order	26.02.24	
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**ORIGINAL APPLICATION NO. 201 OF 2016**  
**(Sayyed Habib Sayyed Abdul Rahim & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. Learned counsel for the applicants submits that he is searching for the record to be brought on record showing that the applicants are continuously worked for 240 days and on the same ground time is sought till 22.02.2024. Time granted as prayed for.

3. S.O. to 22.02.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 773 OF 2022**  
**(Mangala Vishwanath Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

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

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 08.02.2024-HDD

**ORIGINAL APPLICATION NO. 851 OF 2022**  
**(Prashant B. Kachhawa Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri K.G. Salunke, learned counsel for the applicant, Shri S.B. Mene, learned Special counsel for respondent No. 1 and Shri Ajay S. Deshpande, learned Special counsel for respondent Nos. 2 & 3, are present.

None appears for respondent No. 4.

2. In the present matter except respondent No. 4, other respondents have filed affidavit in reply. Respondent No. 4 has not caused appearance though he has been duly served.

3. List that matter for hearing on 18.03.2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO. 779 OF 2021**  
**(Datta Arjun Tumram Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri Swapnil Joshi, learned counsel holding for J.P. Legal Associates, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. List the matter for hearing on 05.03.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**O.A.NO. 979/2023 WITH CAVEAT 23/2023**  
(Vishvjeet V. Kulkarni Vs. State of Maharashtra & Ors.)

**O.A.NO. 999/2023 WITH CAVEAT 38/2023**  
(Shivaji B. Borkar & Ors. Vs. State of Maharashtra & Ors.)

**O.A.NO. 1053/2023 WITH CAVEAT 38/2023**  
(Babasaheb K. Mhaske & Ors. Vs. State of Maharashtra & Ors.)

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri M.S. Shaikh, learned counsel for the applicant in O.A. No. 979/2023 (**absent**). S/Shri S.S. Dambe & A.D. Gadekar, learned counsel for the applicants in O.A. Nos. 999/2023 & 1053/2023 respectively, Shri Ajay S. Deshpande, learned Special counsel for State authorities in all matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the caveator in all these matters. Shri Sangharsh V. Waghmare, learned counsel for intervenor (**absent**).

2. In all these matters learned counsel Shri Ajay Deshpande has been appointed as Special Counsel. He has caused his appearance before this Tribunal and has prayed for time for filing affidavit in reply. Learned counsel Shri A.D. Gadekar, learned counsel

:: - 2 - :: O.A. Nos. 979, 999 & 1053 all of 2023

appearing for the applicants in O.A. No. 1053/2023 brought to our notice orders passed by the Hon'ble Bombay High Court in W.P. No. 05/2024 on 02.01.2024. In view of the directions given by the Hon'ble High Court the respondents are provided time till 16.02.2024.

3. S.O. to 16.02.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 08.02.2024-HDD

**ORIGINAL APPLICATION NO. 1054 OF 2023**  
**(The Association of Subordinate service of Engineers, M.S.**  
**through its President Umesh B. Mudbidrikar Vs. State of**  
**Maharashtra & Ors.)**

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

**DATE : 08.02.2024**  
**ORAL ORDER :**

Shri Anand Kawre, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer has sought time to file affidavit in reply. The request is opposed by the learned counsel appearing for the applicant stating that due opportunities are already availed. However, in the interest of justice time is granted till 16.02.2024 by way of last chance.

3. It is made clear that if the affidavit in reply is not filed on or before the next date, the matter will be heard without affidavit in reply of the respondents.

4. S.O. to 16.02.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**M.A.NO. 584/2023 IN O.A.NO. 1042/2023**  
**(Yogesh Sopanrao Dawle Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri Ajay S. Deshpande, learned counsel holding for Shri R.J. Nirmal, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.02.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 08.02.2024-HDD

**ORIGINAL APPLICATION NO. 118 OF 2024**  
**(Utkarsh S. Gute Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. Learned counsel for the applicant submits that the applicant is working as Chief Officer, Municipal Council, Ambajogai at present and recently by order dated 12.07.2023 he was transferred from Parbhani to Ambajogai in Beed District and posted as Chief Officer, Municipal Council, Ambajogai.

3. Learned counsel for the applicant submits in view of the ensuing parliamentary elections, the Election Commission of the India has given certain directions as per Annexure A-2 for transfer and posting of the officers. Learned counsel submits that though the Beed is home district of the application, however he has not completed three years in the Beed district after his transfer from Parbhani to Ambajogai, Dist. Beed. Learned counsel submits

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that by misinterpreting the directions given by the Election Commission of India, by order dated 02.02.2024 the applicant came to be transferred from the post of Chief Officer, Municipal Council, Ambajogai to the post of Joint Commissioner (District Administrative Officer, Group-A), Collector office, Osmanabad. Learned counsel submits that in terms of clause (6) of the said directions (Annexure A-2) issued by the Election Commission of India, categories of officers not covered under transfer policy are mentioned and in view of the same, the officer/official, against whom a criminal case related to official functioning is pending in any court of law, be associated with or deployed on election related duty, is not covered under the transfer policy.

4. Learned counsel for the applicant submits that Collector, Beed by letter dated 15.01.2024 along with the annexure informed to the Government that the present applicant cannot be assigned with the election duties for the reason that one Criminal Writ Petition No. 1537/2023 filed by the applicant is pending before the Hon'ble High Court of Bombay, Bench at Aurangabad. Learned counsel submits

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O.A. No. 118/2024

that in fact the Regular Criminal Case No. 375/2020 for the offence punishable under Section 324 of Indian Penal Code is pending against the applicant in the Court of learned Chief Judicial Magistrate at Beed and the applicant has filed the Criminal Writ Petition No. 1537/2023 before the Hon'ble High Court of Bombay, Bench at Aurangabad seeking certain directions in respect of the said crime.

5. Learned counsel for the applicant submits that in view of above, if the applicant who has been transferred mid-term and who is not likely to be assigned with the election duty in Beed, there is no need to transfer him under the garb of the directives issued by the Election Commission of India.

6. Learned counsel for the applicant on instructions submits that the applicant has not yet relieved and he is discharging duties as Chief Officer, Municipal Council, Ambajogai.

7. On careful perusal of the directions issued by the Election Commission of India and the annexures to the Original Application, I find much substance in



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the submissions made on behalf of the applicant. In terms of sub clause (v) of clause (6) of the said directions issued by the Election Commission of India (Annexure A-2), the officer / official, against whom a criminal case related to official functioning is pending in any court of law, not to be associated with or deployed on election related duty. The same further substantiated by the correspondence made by the Collector, Beed to the Government, wherein it has been specifically stated that because of the criminal case, no election duty will be assigned to the applicant at present.

8. In view of the same and since the applicant's transfer is mid-term transfer; I am inclined to grant the interim relief in favour of the applicant till the next date of hearing.

9. Issue notices to the respondents, returnable on 29.02.2024. **Till then the interim relief in terms of prayer clause 12(E) is hereby granted, which is as follows :-**

***“E) Pending the admission, hearing and final disposal of this Original Application the effect, operation and implementation of the impugned***

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O.A. No. 118/2024

***order of transfer of the applicant dated 02.02.2024 (Annexure A-8) issued by Resp. No. 1 may kindly be stayed.”***

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

11. 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.

12. 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.

13. 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.

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O.A. No. 118/2024

14. S.O. to 29.02.2024.

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

**MEMBER (J)**

KPB ORAL ORDER 08.02.2024

**ORIGINAL APPLICATION ST. NO. 253 OF 2024**  
**(Sangeeta G. Rathod Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Heard Shri G.V. Mohekar along with Shri A.B. Shinde, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the applicant is serving as Special Land Acquisition Officer, Nanded. Learned counsel pointed out that by order 31.05.2023, the applicant who has completed the full tenure at Yavatmal, came to be transferred and posted as Special Land Acquisition Officer, Nanded. Learned counsel further submits that thereafter the applicant came to be transferred mid-tenure by the impugned transfer order dated 31.01.2024 under the garb of the directives issued by the Election Commission of India in the ensuing Elections of Parliament.

3. Learned counsel submits that the said directives issued by the Election Commission of India (Annexure-C) are not applicable to the

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O.A. St. 253/2024

applicant in any manner. The home district of the applicant is Osmanabad. Further the applicant was working at Nanded on non-executive post. There was no reason to transfer the applicant mid-tenure, when the directives issued by the Election Commission of India are not applicable to her. Learned counsel on instruction from the applicant submits that the applicant is yet not relieved and she is still working on the post of Special Land Acquisition Officer, Nanded.

4. Though the office has raised an objection that the person who is transferred in place of the applicant is not impleaded as party respondent to the O.A., however since the applicant is yet not relieved from the post at Nanded, at this stage the same may not be relevant.

5. On careful perusal of the transfer orders dated 31.05.2023 and 31.01.2024 respectively, it appears that the applicant came to be transferred mid-tenure on administrative grounds. It further appears that the Nanded district is not the home district of the applicant. In view of the same, I find much substance in the submissions made on behalf of the

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O.A. St. 253/2024

applicant and I am thus inclined to grant the interim relief in favour of the applicant till the next date of hearing.

6. Issue notices to the respondents, returnable on 29.02.2024. **Till then the interim relief in terms of prayer clause 17(C) is hereby granted, which is as follows :-**

***“C) Pending hearing and final disposal of this original application, the impugned order of transfer dated 31.01.2024 issued by the Respondent No. 1 thereby transferring the applicant from Nanded, working on the post of Special Land Acquisition Officer, Percolation Tank, No. 2, Nanded to Beed on the post of Deputy Collector, Land Acquisition, Jaikwadi Project, Beed may kindly be stayed.”***

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

8. 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.

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O.A. St. 253/2024

9. 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.

10. 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.

11. S.O. to 29.02.2024.

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

**MEMBER (J)**

KPB ORAL ORDER 08.02.2024

**M.A. St. No. 144/2024 in O.A. St. No. 145/2024**  
**(Madhukar J. Rokade & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Heard Shri H.P. Jadhav, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. All the applicants are from the same department and out of that the applicant Nos. 1 to 3 are still working and rest are the retired employees. Being aggrieved by the orders, the applicants have filed the Original Application for the common relief with almost same cause of action along with this application seeking permission to sue jointly. The office has raised an objection that the applicant Nos. 5 & 7 have not filed the representation, however, that may not be relevant to exercise the power under Rule 4 sub-rule (5)(a) of the Maharashtra Civil Services (Procedure) Rules, 1988.

3. In view of above, the M.A. is allowed in terms of prayer clause 5(B), subject to payment of court fee stamps, if not paid.

4. Accordingly, M.A. stands disposed of. No order as to costs.

**MEMBER (J)**



**ORIGINAL APPLICATION ST. NO. 145 OF 2024**  
**(Madhukar J. Rokade & ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Heard Shri H.P. Jadhav, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 02.04.2024.

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

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

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

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

7. S.O. to 02.04.2024.

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

**MEMBER (J)**

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

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri P.D. Boadade, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 03.04.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 915 OF 2022**  
**(Kailas M. Prajapati Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

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

**MEMBER (J)**

KPB ORAL ORDER 08.02.2024

**ORIGINAL APPLICATION NO. 956 OF 2022**  
**(Vijay R. Shringare Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri P.D. Bodade, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 10.04.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 197 OF 2023**  
**(Dnyanoba L. Dahiphale Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri D.B. Pokale, learned counsel holding for Shri S.B. Solanke, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 10.04.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 206 OF 2021  
(Deepak B. Aher & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri D.B. Pokale, learned counsel holding for Shri S.B. Solanke, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 10.04.2024 for final hearing.

**MEMBER (J)**

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

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. Learned Presenting Officer submits that the record is yet not received and therefore, he seeks time. Time granted.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 763 OF 2023**  
**(Angad T. Navatakke Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. Even though last chance is granted, no affidavit in reply has been filed.

3. List the matter for admission hearing on 22.02.2024 with liberty to file the affidavit in reply till then.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 575 OF 2022**  
**(Yayati T. Ghorband Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. It appears that the respondent No. 3 has already filed affidavit in reply.

3. Learned Presenting Officer seeks time to take instructions as to whether the other respondents will adopt the affidavit in reply filed on behalf of respondent No. 3 or not.

4. S.O. to 22.02.2024 for filing affidavit in reply of other respondents, if any.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 576 OF 2022  
(Subhash H. Puri Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri A.D. Gadekar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Though the respondent No. 3 duly served with the notice, none appears for respondent No. 3.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent No. 4, if any. Time granted.

4. S.O. to 22.02.2024.

**MEMBER (J)**

**M.A. No. 403/2021 in O.A. St. No. 1539/2021  
(Uttamrao S. Joshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri R.A. Joshi, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 22.02.2024 for hearing.

**MEMBER (J)**

KPB ORAL ORDER 08.02.2024

**ORIGINAL APPLICATION NO. 898 OF 2023**  
**(Madhukar L. Dodake Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri K.G. Salunke, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri Ajinkya Reddy, learned counsel for respondent No. 2, are present.

2. At the request of learned counsel for respondent No. 2, time is granted for filing affidavit in reply.

3. S.O. to 14.03.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 829 OF 2023**  
**(Dr. Devidas V. Ade Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Smt. Vijaya Adkine, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 29.02.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 175 OF 2023  
(Ramesh B. Tekale Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. Learned Presenting Officer submits that during the course of the day affidavit in reply on behalf of respondent Nos. 3 and 4 will be filed.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent No. 2. Time granted.

4. S.O. to 04.03.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 984 OF 2023**  
**(Dr. Chandrakant R. Tammewar Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. There is a remark of await service of notice as against respondent No. 1.

3. Learned Presenting Officer waives notice for respondent No. 1.

4. Learned P.O. seeks time to file affidavit in reply on behalf of respondents. Time granted.

5. S.O. to 29.02.2024 for hearing.

**MEMBER (J)**

**M.A. No. 373/2023 in O.A. St. No. 1267/2023  
(Rameshwar S. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

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

3. S.O. to 22.02.2024.

**MEMBER (J)**

KPB ORAL ORDER 08.02.2024



**ORIGINAL APPLICATION NO. 795 OF 2022**  
**(Dr. Vishwanath S. Biradar Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri A.D. Sugdare, learned counsel holding for Shri V.P. Golewar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard.

3. At the request of learned Presenting Officer, S.O. to 22.02.2024 for further hearing.

**MEMBER (J)**

**M.A. No. 62/2021 in O.A. No. 461/2020**  
**(The Chief Engineer Water Resources Department Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Heard Shri Shamsunder B. Patil, learned counsel for the applicants in the present M.A. (respondent Nos. 2 to 4 in O.A.), Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri R.P. Bhumkar, learned counsel for the respondent No. 1 in M.A. (applicant in O.A.).

2. By consent, the present M.A. for vacating interim relief be heard along with the O.A. and hearing of the O.A. stands expedited.

3. S.O. to 06.03.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 760 OF 2023**  
**(Dr. Abdul Moiz Siddiqui Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. In compliance with the order dated 30.01.2024, learned Presenting Officer submits communication received from the respondent No. 1 dated 06.02.2024 in this regard. Same is taken on record and copy thereof is given to other side.

3. Learned counsel for the applicant also submits short affidavit of the applicant. Same is taken on record and copy thereof is given to other side.

4. It is a part heard matter. At the request of learned P.O., S.O. to 13.02.2024 for further hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 761 OF 2023**  
**(Dr. Utkarsh B. Wankhede Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri Ajay Deshpande learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard matter. At the request of learned Presenting Officer, S.O. to 13.02.2024 for further hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 121 OF 2021**  
**(Sukhadev S. Jadhav & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri D.K. Dagadkhair, learned counsel for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. This is matter of the year 2021. As none present for the applicant, S.O. to 01.04.2024 for hearing.

**MEMBER (J)**

KPB ORAL ORDER 08.02.2024

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

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. This is matter of the year 2021. As none present for the applicant, S.O. to 01.04.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 228 OF 2022**  
**(Dr. Saurabh P. Kulkarni Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. At the request of learned counsel for the applicant, S.O. to 15.02.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 278 OF 2022**  
**(Anwar Khan Azizkhan Pathan Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Heard Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Part heard.

3. Learned Presenting Officer seeks time to take specific instructions about the Government Rule (Finance Department) dated 02.06.2033 (Learned P.O. at his stage submits that inadvertently the date is mentioned as 02.06.2033 instead of 02.06.2013), Maharashtra Civil Service Rule, Officer's power of Delegation Sr. 14.

4. However, it has been specifically stated in the affidavit in reply that the respondent No.2 is having powers to take decision and by order dated 01.11.2021, the respondent No.2 has rejected the application submitted by the applicant in this



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O.A. 278/2022

regard. The said order dated 01.11.2021 is not annexed to reply.

5. Learned counsel for the applicant however fairly accepted that the Government has delegated the powers which required to be exercised by the Government in terms of provision of Rule 101 of Maharashtra Civil Services (Pension) Rules, 1982 to the Director General of Police or Inspector General of Police.

6. Learned counsel for the applicant seeks time to place on record the relevant rules. Time granted.

7. Learned P.O. is directed to place on record the said order dated 01.11.2021.

8. S.O. to 01.03.2024 for further hearing.

**MEMBER (J)**

ORAL ORDER 08.02.2024 sas

**ORIGINAL APPLICATION NO. 1059 OF 2022  
(Jaiprakash B. Ramanand Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri Vijay B. Patil, learned counsel for the applicant, is absent. Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. Even on the last occasion also the absence of applicant and his learned counsel was marked.

3. S.O. to 14.02.2024 as a last chance for hearing.

**MEMBER (J)**

ORAL ORDER 08.02.2024 sas

**ORIGINAL APPLICATION NO. 1140 OF 2022**  
**(Rameshwar A. Harbhare Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. Part heard.
3. S.O. to 14.02.2024 for further hearing.

**MEMBER (J)**

ORAL ORDER 08.02.2024 sas

**ORIGINAL APPLICATION NO. 129 OF 2023  
(Abhay P. Shinde Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. At the request of learned P.O., S.O. to 26.02.2024 for filing affidavit in reply/for hearing.

**MEMBER (J)**

ORAL ORDER 08.02.2024 sas

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

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. S.O. to 06.03.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 08.02.2024 sas

**ORIGINAL APPLICATION NO. 504 OF 2023  
(Avinash S. Panpatte Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri A.D. Sugdare, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 01.03.2024 for hearing.

3. The interim relief granted earlier to continue till then.

**MEMBER (J)**

ORAL ORDER 08.02.2024 sas

**ORIGINAL APPLICATION NO. 772 OF 2023  
(Vijaya S. Nilewad Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Heard Smt. A.N. Ansari, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. By filing this Original Application the applicant is seeking direction to respondent No.1 to consider and decide the application/representation made by the applicant on 08.08.2023.

3. Learned counsel for the applicant submits that the applicant is working as a State Tax Officer at Aurangabad. Learned counsel for the applicant submits that the applicant had worked at various places and she came to be transferred to Aurangabad on 10.06.2022. The applicant has applied for request transfer on 20.02.2023 on the ground that one post of State Tax Officer at GST Bhavan, Nanded is vacant and the applicant may be accommodated on the said vacant post. The applicant has submitted the request application for her transfer from Aurangabad to Nanded mainly on the grounds that the applicant is having two minor kids, son is of 7 years old and

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daughter is of 8 months old and her father in law is also suffering from heart and kidney disease and also on the ground of couple convenience since the husband of the applicant is serving in Animal Husbandry Department at Nanded. The request of the applicant was duly recommended by the Joint Commissioner of State Tax Aurangabad vide letter dated 23.03.2023.

4. Learned counsel for the applicant submits that even after the general transfer of the year 2023-2024, the applicant has made another application/representation dated 08.08.2023 pointing out the fact of vacancy at Nanded and submitted this Original Application for direction to respondent authorities to consider the said application dated 08.08.2023.

5. Learned counsel for the applicant submits that the applicant has submitted short affidavit today stating therein that one post of State Tax Officer will be falling vacant on 31.05.2024 as the incumbent Sumit Suryawanshi, State Tax Officer (NAN-BCP-003) Naigaon -701 GST Office Nanded will be completing his tenure till the annual general transfer



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of the year 2024-2025. The applicant has thus requested to consider her request in annual general transfer of the year 2024-2025.

6. Learned Presenting Officer has placed on record the communication dated 07.02.2024 received from the Joint Commissioner, State Tax, Maharashtra State, Mumbai wherein it is stated that the process of the annual general transfer of the year 2024-2025 is yet not commenced and will be commenced normally in the month of April-May, 2024. It is further informed that the representation of the applicant will be considered during the said annual general transfer of the year 2024-2025 along with other relevant aspects.

7. It appears that the applicant has submitted application on the grounds that she is having two kids, son is of 7 years old and her daughter is 8 months old and also on the ground that her father in law is suffering from various diseases such as heart and kidney disease and so also on the ground of couple convenience, since her husband is serving in Animal Husbandry Department at Nanded. Thus this Tribunal hope and expect from the respondent

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authorities to consider the request of the applicant sympathetically and decide the representation of the applicant at the time of annual general transfer of the year 2024-2025 on its own merits by considering all relevant aspects. Hence, the following order:-

**ORDER**

- (A) The present Original Application is partly allowed.
- (B) Respondent authorities are hereby directed to consider the request of the applicant sympathetically and decide the representation of the applicant at the time of annual general transfer of the year 2024-2025 on its own merits by considering all relevant aspects.
- (C) In the circumstances there shall be no order as to costs.
- (D) The Original Application stands disposed of.

**MEMBER (J)**

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

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.03.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 08.02.2024 sas

**ORIGINAL APPLICATION NO. 580 OF 2018  
(Amol R. Sakruskar Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri H.A. Joshi, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned counsel for respondent Nos. 2 & 3, are present.

2. S.O. to 14.03.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 08.02.2024 sas

**ORIGINAL APPLICATION NO. 898 OF 2019  
(Babu K. Chavan Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. S.O. to 27.02.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 08.02.2024 sas

**ORIGINAL APPLICATION NO. 534 OF 2020  
(Rajesh N. Bade Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. S.O. to 27.02.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 08.02.2024 sas

**ORIGINAL APPLICATION NO. 129 OF 2021  
(Dr. Sheshrao P. Lohgave Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. S.O. to 18.03.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 08.02.2024 sas

**ORIGINAL APPLICATION NO. 393 OF 2021**  
**(Anjanabai M. Ingale & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. S.O. to 04.03.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 08.02.2024 sas



**ORIGINAL APPLICATION NO. 601 OF 2021  
(Ramesh M. Darekar Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. S.O. to 14.02.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 08.02.2024 sas

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

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. S.O. to 12.02.2024.

**MEMBER (J)**

ORAL ORDER 08.02.2024 sas

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

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. S.O. to 12.02.2024.

**MEMBER (J)**

ORAL ORDER 08.02.2024 sas

**ORIGINAL APPLICATION NO. 464 OF 2021  
(Vilas K. Hiwale Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. This is a part heard matter.
3. S.O. to 16.02.2024 for further hearing.

**MEMBER (J)**

ORAL ORDER 08.02.2024 sas

**M.A. No. 265/2023 in O.A. St. No. 1088/2023  
(Dinkar V. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Heard Shri J.B. Choudhary, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. This is an application filed by the applicant seeking condonation of delay of 600 days caused in filing the accompanying Original Application.

3. By filing the Original Application, the applicant is challenging the order dated 28.10.2020 passed by respondent No. 1 with regard to the leave period of the applicant from 01.09.2015 to 04.12.2015 treating it as an extraordinary leave along with the direction to recover the salary for the said period.

4. Learned counsel for the applicant submits that the applicant was working as Principal, Industrial Training Institute, Parola, District Jalgaon at the relevant time and he came to be retired on attaining the age of superannuation on 31.12.2019. Learned counsel submits that in respect of the leave period of

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M.A. 265/2023 in  
O.A.St. 1088/2023

the applicant from 01.09.2015 to 04.12.2015 (95 days) came to be treated as extraordinary leave by impugned order dated 28.10.2020 of the Original Application. Learned counsel submits that the grievance of the applicant was considered by the respondent authorities after five years and being aggrieved by the same, the applicant has filed representation on 16.09.2021 (Annexure A-12 collectively of the O.A.) to review the impugned order. However, the said representation is still pending with the respondent authorities. Learned counsel submits that due to outbreak of Covid-19 pandemic and pronouncement of the lockdown and continuation thereof time to time in the country, disabled the applicant to approach this Tribunal immediately after passing of the impugned order. Furthermore the said representation filed in the year 2021 is yet not considered by the respondent authorities. Learned counsel submits that the delay is not intentional and deliberate one. There is no inaction on part of the applicant and the delay may be condoned.

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M.A. 265/2023 in  
O.A.St. 1088/2023

5. Learned Presenting Officer strongly resisted the application on the ground that the delay caused in filing the accompanying Original Application is inordinate one and no satisfactory explanation has been tendered by the applicant. The applicant has slept over his right to approach this Tribunal and belatedly approached without any satisfactory reasons. There is no substance in the present Misc. Application seeking condonation of delay and the same is liable to be dismissed.

6. The applicant is retired employee and during his service tenure, there was certain issue about leave period. Though it was the period of the year 2015, after a long gap of 05 years, the respondent authorities have finally taken a decision after retirement of the applicant in the year 2020. Consequently, the applicant was constrained to approach the department again to review the said order by giving him an opportunity to explain. However, the said representation is yet not decided. Thus there is no deliberate or intentional delay as such. There is no inaction on part of the applicant.

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M.A. 265/2023 in  
O.A.St. 1088/2023

In view of the same, I am inclined to condone the delay caused in filing the accompanying O.A. However, the applicant is required to be saddled with certain costs. Hence, the following order :-

**ORDER**

(i) The Misc. Application No. 265/2023 is hereby allowed.

(ii) The delay of 600 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 500/- (Five Hundred only) to be paid by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

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

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

**MEMBER (J)**



**O.A. St. No. 1088/2023**  
**(Dinkar V. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Heard Shri J.B. Choudhary, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to the respondents, returnable on 02.04.2024.

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

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

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

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

7. S.O. to 02.04.2024.

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

**MEMBER (J)**

**M.A. St. No. 07/2024 in O.A. St. No. 08/2024  
(Vilas S. Kotkar & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Heard Ms. Preeti Wankhade, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. The office has raised an objection that the applicant Nos. 19 to 28 do not come within the territorial jurisdiction of this Tribunal.

3. Learned counsel for the applicants submits that all the applicants were from the same department and the respondent No. 3 has passed the common order dated 02.03.2023 granting thereby only one increment in the protected pay scale as second Assured Career Progression Scheme benefit to the applicants. The said scheme introduced vide G.R. dated 01.04.2010. Learned counsel submits that the applicant Nos. 1 to 18 after retirement are settled and residing in the cities under the jurisdiction of this Tribunal, whereas the applicant Nos. 19 to 26 are residing in Nagpur region, amenable to the Nagpur Bench of this

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M.A. St. 7/2024 in  
O.A. St. 8/2024

Tribunal and the applicant Nos. 27 & 28 after retirement settled and residing at Nashik and Pune respectively and hence amenable to the Principal Seat of this Tribunal at Mumbai. The applicants have preferred the common Original Application praying for same relief under the same cause of action.

4. Learned counsel for the applicants submits that in terms of Rule 4 sub-rule (5)(a) of the Maharashtra Civil Services (Procedure) Rules, 1988, the Tribunal may permit more than one person to join together and file a single application if it is satisfied, having regard to the cause of action and the nature of relief prayed for, that they have a common interest in the matter. Learned counsel further submits that in terms of Rule 6 of the said Rules, 1988, the application shall ordinarily be filed by the applicants with the Registrar of the Bench within whose jurisdiction (i) the applicant is posted for the time being, or (ii) the cause of action has arisen, or (iii) the respondent or any of the respondents against whom relief is sought,

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M.A. St. 7/2024 in  
O.A. St. 8/2024

ordinarily resides. Learned counsel submits that though the applicants are after their retirement settled in different cities amenable to the different Benches of this Tribunal, however they have got common cause of action as against the common order passed by the respondent authorities. In view of the same, in terms of the aforesaid provisions, the applicants are seeking permission to sue jointly in view of Rule 4 sub-rule (5)(a) of the Maharashtra Civil Services (Procedure) Rules, 1988.

5. Learned counsel for the applicants has placed reliance in a case of **Nilesh Raosaheb Tagad and Ors. Vs. State of Maharashtra and Ors. in W.P. No. 3228/2020**, decided on 21.09.2020, wherein in respect of the similarly situated employees the Division Bench of the Hon'ble High Court of Bombay, Bench at Aurangabad after referring Rule 4 sub-rule (5)(a) of the Maharashtra Civil Services (Procedure) Rules, 1988 has quashed and set aside the order passed by the Tribunal holding that the Tribunal has no jurisdiction in such type of cases and further held that the Tribunal shall consider the Original Application filed by the petitioners on its own merits.

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M.A. St. 7/2024 in  
O.A. St. 8/2024

6. In view of above submissions, it is necessary to reproduce herein below the provisions of Rule 4 sub-rule (5)(a) of the Maharashtra Civil Services (Procedure) Rules, 1988, which is relevant for the present discussions, as the sub-clause (b) may not be relevant of the said Rules, 1988 :-

***“4. Procedure for filing application.-***

*“(5)(a) more than one person to join together and file a single application if it is satisfied, having regard to the cause of action and the nature of relief prayed for, that they have a common interest in the matter”*

7. In the aforesaid W.P. No. 3228/2020, decided on 21.09.2020, in para Nos. 8, 9 & 10, the Division Bench of the Hon’ble High Court of Bombay, Bench at Aurangabad has made the following observations:-

*“8. A tribunal may get the jurisdiction to entertain an application in any one of the contingencies referred to in Rule 6 of the Maharashtra Administrative Tribunal Rules. An applicant may file the application before the tribunal within whose*

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M.A. St. 7/2024 in  
O.A. St. 8/2024

*jurisdiction he is posted or the cause of action has arisen or the respondent or any of the respondents against whom relief is sought, ordinarily resides.*

9. *Petitioner no. 1 is resident within the jurisdiction of the tribunal at Aurangabad, petitioner no. 2 is resident within the jurisdiction of the tribunal at Mumbai and petitioner no. 3 is resident within the jurisdiction of the tribunal at Nagpur.*

10. *If the place of residence would have been the only consideration, then the order of the tribunal would have been justified. It appears that the tribunal has failed to consider the other two contingencies i.e. where the cause of action has arisen or the respondent or any of the respondents against whom relief is sought, ordinarily resides. The advertisement of which Clauses 6.4.3 and 6.4.4 were under challenge is for filling in the posts throughout the State of Maharashtra. The advertisement is not restricted to filling in the posts at a particular place. The concept of cause of action has not been considered by the tribunal. The posts are to be filled in by the State Government and the said posts could be filled in by the State Government at any place in the State of Maharashtra. The advertisement is not limited to fill in the posts at a particular place. In that view, it cannot be said that the cause of action has not arisen within the jurisdiction of the tribunal at Aurangabad.”*

8. In the instant case, the applicant Nos. 1 to 18 are residing after retirement in the cities under the jurisdiction of this Tribunal and the applicant Nos. 19 to 26 are residing in Nagpur Region, which

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M.A. St. 7/2024 in  
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amenable to the Nagpur Bench of this Tribunal and the applicant Nos. 27 & 28 after retirement settled and residing at Nashik and Pune respectively and hence amenable to the Principal seat of this Tribunal at Mumbai. Thus the place of residence would not have been the only consideration. There are other two contingencies i.e. the common cause of action has arisen and the applicants serving in the same department before their retirement are seeking common relief. Thus the view expressed by the Division Bench of the Hon'ble High Court of Bombay, Bench at Aurangabad is squarely applicable to the facts and circumstances of the present case. Thus considering the entire aspect of the case and in terms of the above discussions, I hold that this Tribunal got jurisdiction to entertain this Original Application since the applicants being aggrieved by the common order passed by the respondent authorities. They are also seeking the same relief.

9. The office objection is hereby overruled.

10. In view of above, the present Misc. Application is allowed in terms of prayer clause 3(A), subject to

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M.A. St. 7/2024 in  
O.A. St. 8/2024

payment of court fee stamps, if not paid. The accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

11. Accordingly, M.A. stands disposed of. No order as to costs.

**MEMBER (J)**

KPB ORAL ORDER 08.02.2024



**ORIGINAL APPLICATION ST. NO. 08 OF 2024**  
(Vilas S. Kotkar & ors. Vs. State of Maharashtra & Ors.)

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Heard Ms. Preeti Wankhade, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Upon registration, issue notices to the respondents, returnable on 02.04.2024.

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

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

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

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

7. S.O. to 02.04.2024.

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

**MEMBER (J)**

**M.A.ST.NO.249/2024 IN O.A.ST.NO.246/2024  
WITH CAVEAT NO.43/2024 TO 70/2024  
(Rameshwar Hadbe & Ors. Vs. State of Maharashtra & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 08.02.2024**

**ORAL ORDER :**

Heard Smt. Neha B. Kamble, learned Counsel for the applicants, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri R.R.Awhad, learned Counsel for the Caveaters, are present.

2. Office objection raised regarding territorial jurisdiction cannot be sustained in view of the fact that the advertisement is for appointments all over the State of Maharashtra. So far as objection with regard to incomplete addresses of respondent nos.3 to 6 is concerned, learned Counsel submits that she will provide complete addresses of the said respondents till next date.

3. For the reasons stated in the application and as the applicants are similarly situated and agitating for similar grievance, to avoid multiplicity of litigation, M.A. for sue jointly is allowed . No costs.

4. O.A. be registered and numbered in accordance with law, after payment of requisite court fees, if already not paid, after removal of office objections, if any.

**MEMBER (A)**

**VICE CHAIRMAN**

YUK ORAL ORDER 08.02.2024

**O.A.ST.NO.246/24 with CAVEAT NO.43/24 TO 70/24  
(Rameshwar Hadbe & Ors. Vs. State of Maharashtra & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 08.02.2024**

**ORAL ORDER :**

Heard Smt. Neha B. Kamble, learned Counsel for the applicants, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri R.R.Awhad, learned Counsel for the Caveaters, are present.

2. All these applicants had applied for the post of Craft Instructor in the Industrial Training Institute (ITI) in the State of Maharashtra for various Trades in pursuance of the advertisement issued by respondent no.2 on 17-08-2022. As is mentioned in the O.A., advertisement is issued for recruitment of various posts in 48 different Trades.

3. Grievance of the applicants is that, though the recruitment rules specifically provide qualification as the Engineering Diploma holders and the same qualification is also prescribed in the advertisement, respondents have considered the candidates holding Bachelors Degree in Engineering and have also issued appointments to some of the said candidates.

=2= O.A.ST.246/24 with CAVEAT NO.43/24 TO 70/24

Learned Counsel for the applicants submitted that 1457 posts are advertised and by this time, appointments have been issued to around 400 candidates.

4. Learned Counsel for the applicants, from the recruitment rules as well as the advertisement, pointed out that to hold a Diploma is a basic qualification and requirement for appointment on the said posts. Considering clause 8.1 of the advertisement when query was made by us, it is clarified that after holding the Diploma if somebody acquires the qualification of Degree in Engineering that would not come in the way for making such candidate eligible for appointment; however, candidates who are not holding the Diploma in Engineering and acquired Degree in Engineering after 12<sup>th</sup> standard examination, such candidates according to the recruitment rules, cannot be held eligible for the posts advertised only for diploma holders. In the circumstances, applicants have prayed for interim relief thereby restraining the respondents from appointing the candidates who are not holding the diploma in the concerned Trade till decision of the present O.A.

=3= O.A.ST.246/24 with CAVEAT NO.43/24 TO 70/24

5. Learned CPO has sought time to file affidavit in reply. Learned CPO submitted that, recruitment process which is in progress cannot be arrested at this juncture and if the Tribunal is convinced by the arguments of the applicants, only order which can be passed can be to the effect that, if appointments are made in the intervening period, that may be subject to outcome of the present litigation.

6. We are, however, not convinced with the submissions so made. After we expressed such opinion, learned CPO submits that he will instruct the concerned department not to proceed with the further appointments and he will file reply on the next date. **On such statement made by the learned C.P.O. that, till filing reply of the respondents, they will not issue further appointment orders in favour of the candidates not holding the diploma, time is granted for filing the affidavit in reply till 22-02-2024.**

6. In the meanwhile, issue notices to the respondents, returnable on 22-02-2024.

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

=4= O.A.ST.246/24 with CAVEAT NO.43/24 TO 70/24

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

9. 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.

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

11. S.O. to 22-02-2024.

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

**MEMBER (A)**

YUK ORAL ORDER 08.02.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 619 OF 2022**  
**(Archana T. Tribhuvan Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. Learned Presenting Officer seeks leave to file on record the affidavit in reply on behalf of respondent nos. 1 & 2. Learned counsel for the applicant has consented for taking reply on record. It is therefore taken on record and copy thereof has been supplied to other side.

3. List the matter for hearing on 05.04.2024. In the meanwhile it will be open to the applicant to file rejoinder affidavit, if she so desires.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 487 OF 2016**  
(Mohammed Badar Akbar Siddiqui Vs. State of Maharashtra &  
Ors.)

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Heard Smt. A.N. Ansari, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. S.O. to 14.02.2024 for hearing. Matter be treated as **Part Heard**.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 08.02.2024



**ORIGINAL APPLICATION NO. 272 OF 2023**  
**(Avinash G. Chonde Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. Arguments of both the side are complete. The matter is reserved for orders.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 08.02.2024

**ORIGINAL APPLICATION NO. 932 OF 2023**  
**(Kum. Saraswati K. Makne & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri S.S. Dambe, learned counsel holding for Shri (Dr.) Sahebrao G. Nandedkar, learned counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 27.2.2024. The interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 757 OF 2022**  
**(Sunil Keshav Rodge Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri Shamsunder B. Patil, learned counsel holding for Smt. Aditi D Warjekar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 26.2.2024. The interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

**M.A. NO. 357/2023 IN O.A. NO. 06/2023**  
**(State of Maharashtra & Ors. VS. Pandurang G. Lomole)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. S.O. to 26.2.2024. The interim relief granted earlier in O.A. to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 08.02.2024

**ORIGINAL APPLICATION NO. 468 OF 2022**  
**(Smt. Smita Sanjay Ingle Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Smt. Angha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 26.2.2024. The interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

**M.A. NO. 87/2023 WITH O.A. NO. 259/2021**  
**(Megharraji P. Tarkase & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Heard Shri C.V. Dharurkar, learned counsel for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri Sakeet Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for respondent nos. 4 & 5.

2. Learned counsel for private respondents seeks one week's time to file affidavit in reply on behalf of respondent nos. 4 & 5. Time granted.

3. S.O. to 15.2.2024 for hearing. The matter be treated as **Part Heard**.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 1120/2023**  
**(Satule Chetan Varabhadra & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Heard Shri Balasaheb N. Magar (Patil), learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Not on Board. Taken on Board. Learned counsel for the applicants submits that inadvertently notices could not be collected and hence has prayed for issuance of fresh notices to the respondents.
3. Issue fresh notices to the respondents, returnable on 14.2.2024.
4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
5. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
8. S.O. to 14.2.2024.
9. Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 1049 OF 2023**  
**(Shivaji R. Kachare & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. It is the contention of the applicants in the present matter that in the process of promotion by way of Limited Departmental Competitive Examination held in the year 2003, the result of which was declared in the year 2004, though the applicants had secured more marks and more meritorious position than some of the candidates coming from reserved class, the said candidates were selected by giving benefit of their caste. Learned counsel for the applicants submitted that subsequently as per the order passed by the Tribunal, which was confirmed by the Hon'ble High Court, it was held that in the promotion the privilege of reservation was not available. Learned counsel



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**O.A. NO. 1049 OF 2023**

submitted that after such decisions were rendered, several candidates belonging to Open Class, who were superseded by the Reserved Class candidates in the process of promotion, though they were holding meritorious position, were considered for promotion and in turn were also sent for the training.

3. It is the contention of the learned counsel for the applicants that so far as 2004 batch is concerned of which the present applicants are part, such a decision has not been taken. Learned counsel further submitted that in the year 2004, 300 departmental promotions were to be granted and in the examination held for that the present applicants have scored 284 marks. It is the contention of the applicants that had there been no reservation applied, these candidates would have secured place in the list of the candidates to be selected. It is assertion of the applicants that they fall in the order of merit in the list of 300 candidates. In the circumstances prayer has been made seeking directions against the respondents to send these candidates also for training in the available next batch.

4. Learned Chief Presenting Officer has expressed certain reservations about the orders sought by the applicants. It is his contention that the applicants are claiming to have passed the limited departmental competitive examination in the year 2002, however, there is nothing on record to show that these candidates were liable to be selected at that point of time. In absence of any concrete material no interim order as has been prayed for by the applicants can be granted.

5. We have considered the submissions advanced on behalf of the applicants, as well as, the respondent authorities. We have gone through documents placed on record. It is true that confirmed information and relevant documents are not available at present. It is also a fact that the respondents have yet to submit their affidavit in reply to the present O.A. As such, we find it appropriate to pass the following order:-

**ORDER**

(i) The respondents shall ascertain whether the present applicants were amongst the first 300

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**O.A. NO. 1049 OF 2023**

candidates in the order of merit in the Limited Departmental Competitive Examination of 2002 but could not be sent for training because of the selection and recommendation of Reserved Class candidates, and if so, subject to outcome of the present O.A., send them for training in the available next batch.

(ii) S.O. to 5.3.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 08.02.2024

**ORIGINAL APPLICATION NO.117/2024**  
**(Prashant Pitambar Sonawane Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

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

2. Applicant is presently working as Superintending Engineer in the Public Works Department of the State. As is contended in the O.A., the applicant is duly senior and eligible for to be considered to the next promotion to the post of Chief Engineer. It is the further contention that the applicant was in the zone of consideration when the promotions were given in the immediate past.

3. Shri Deshmukh, learned counsel appearing for the applicant submitted that earlier total 8 officers were to be promoted to the post of Chief Engineer and including the applicant 12 candidates were, therefore included in the zone of consideration. He further submitted that, out of them 8 have been promoted to the said post.

4. It is the contention of the applicant that when the applicant is now at a higher position in the zone of consideration, for promotion to the post of Chief Engineer and when sufficient number of posts are vacant, 03 memorandums are issued at a time initiating 03 different departmental enquiries against the applicant. Learned counsel pointed out that special messenger was appointed by the State to serve the said memorandums upon the applicant along with statement of charge. Learned counsel pointed out that in all these contemplated enquiries the misconduct alleged against the applicant is of the period prior to about 13 years and in the first enquiry it is 16 years.

5. Learned counsel submitted that it is discernable that all these enquires at a time are initiated against the applicant and it has been ensured that memorandums are duly served within the time, with the only object that the applicant then can be kept out of consideration on the pretext of pending departmental enquiries against him. During the course of arguments, learned counsel tendered communication dated 06.02.2024 to

buttress his contention that apprehension expressed by the applicant in the OA is quite realistic since as apprehended, respondents have begun the process of giving promotions to the eligible candidates to the post of Chief Engineer. The document so tendered is taken on record.

6. Learned counsel further submitted that the respondents are also attempting to initiate some more enquiries against the applicant to ensure that the applicant is never promoted to the post of Chief Engineer. Learned counsel submitted that, *prima facie*, it is quite evident that enquiries are initiated with the only intention of keeping the applicant away from the promotional post on the ground that the departmental enquiries are pending against him. In the circumstances, some instances which had allegedly prior to more than 12 years have been cited as misconduct against the applicant. Learned counsel in the circumstances has filed the present application with the following prayers (paper book page 24 to 26 of O.A.):

*“A) This Original Application may kindly be allowed thereby restraining the Respondents from denying applicant's claim for promotion*

*from the cadre of Superintending Engineers [Civil] to the cadre of Chief Engineers [Civil] on the ground/pretext of pendency of Departmental Enquiry/ies against him.*

*B) This Original Application may kindly be allowed thereby further directing the Respondents to consider applicant's case for promotion from the cadre of Superintending Engineers [Civil] to the cadre of Chief Engineers [Civil] in the ensuing meeting of the Departmental Promotion Committee and to grant him said promotion without using the pretext of pending Departmental Enquiry/ies against him.*

*C) This Original Application may kindly be allowed thereby restraining the Respondents from using the Reports of Preliminary Enquiries conducted against applicant by Superintending Engineer, Vigilance & Quality Control Circle, Nashik in any manner whatsoever muchless for initiation of any Departmental Enquiry/ies against him.*

*D) Costs of this Original Application may kindly be awarded to the applicant.*

*E) Any other appropriate relief as may be deemed fit by this Hon'ble Tribunal may kindly be granted.*

INTERIM RELIEF

*F) Pending the admission, hearing and final disposal of this Original Application the Respondents may kindly be directed to consider applicant's case for promotion to the cadre of Chief Engineer [Civil] in the ensuing meeting of*

*the Departmental Promotion Committee and to grant him said promotion on provisional basis.*

*G) Pending the admission, hearing and final disposal of this Original Application the Respondents may kindly be restrained from using in any manner whatsoever the Reports of Preliminary Enquiries conducted against applicant by Superintending Engineer, Vigilance & Quality Control Circle, Nashik.*

*H) Ad-interim relief in terms of Prayer Clauses "F" and "G" hereinabove may kindly be granted in favour of the applicant."*

7. Learned counsel further submitted that taking into account the things which had happened and the way they had happened, respondents seem to be in the hurry to make the promotions. In the circumstances, the applicant has prayed for interim relief thereby directing the respondents to consider the applicant's case also for promotion to the cadre of Chief Engineer whenever the meeting of Departmental Promotion Committee would be held in that regard.

8. Learned CPO seeks time to file affidavit in reply. He further contended that unless instructions are received and the same are placed on record in the present matter, it will be unjust to



pass any order. He further submitted that merely on the ground that departmental enquiries are belatedly initiated, the misconduct alleged against the applicant cannot be lost sight of and also cannot be condoned. He, therefore, opposed for grant of any interim relief.

9. We have duly considered the submissions made on behalf of the applicant and the respondents. There seems no dispute that the applicant is senior enough and is in the zone of consideration for promotion on the post of Chief Engineer. In fact, as is revealing from the documents, his name was included in the list of 12 candidates who were in the zone of consideration when the previous promotions were effected. From out of said 12 candidates, 08 are already promoted. Thus, there is reason to believe that the applicant is certainly higher in the list of the candidates who are there in the zone of consideration aspiring for their promotion on the post of Chief Engineer.

10. We have gone through the memorandums issued against the applicant and statement of charge annexed therewith. The misconducts alleged

against the applicant in all the 03 said memorandums are admittedly of the period prior to more than 12 years from the date of issuance of the memorandums. *Prima facie*, therefore, there is reason to believe that the apprehension in the mind of the applicant is not misplaced. Respondents have sought time to file the affidavit in reply. It is the apprehension of the applicant that in the meantime promotions may be effected. In view of the facts which have come on record, we find *prima facie* case in favour of the applicant for grant of interim relief as has been prayed by him.

11. We are, therefore, inclined to pass the following order: -

ORDER

[i] Issue notice to the respondents, returnable on 07.03.2024. **In the meanwhile, if process for promotion to the post of Chief Engineer is carried forward, subject to outcome of the present O.A., the applicant shall also be considered for the said promotion.**

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

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

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

[vi] S.O. to 07-03-2024.

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

**MEMBER (A)**

**VICE CHAIRMAN**

**M.A.ST.NO.173/2024 WITH O.A.NO.331/2023**  
**(Vasudeo H. Sonawane Vs. State of Maharashtra & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri C.V.Dharurkar, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant prays for leave to add Additional Director General of Police & Inspector General of Prisons & Correctional Services, Maharashtra State as respondent No. 3 in the M.A. Leave as prayed for is granted. Necessary amendment be carried out forthwith.

3. In the pending O.A.No.331/2023 applicant has preferred the present M.A. O.A. has been filed by the applicant seeking quashment of the departmental enquiry initiated against him vide charge-sheet dated 24.10.2019. Learned counsel pointed out that the applicant has not been given due opportunity to defend himself in the departmental enquiry. Learned counsel submitted that the applicant has sought documents which are

=2= M.A.ST.173/2024 WITH O.A.NO.331/2023

relied upon in the charge framed against him, however, neither the said documents were provided to the applicant nor were produced on record. It is further alleged that the enquiry is unnecessarily delayed and on these two grounds enquiry is sought to be quashed.

4. The respondents have resisted the contentions raised in the O.A. and the prayers made therein by filing their affidavit in reply in the O.A. It seems to be the defense raised by the respondents that the documents which are sought by the applicant are confidential and cannot be provided or produced in the enquiry.

5. During the pendency of the present proceedings, subsequent developments have occurred as are narrated in the M.A. The enquiry against the applicant has been completed and punishment of stoppage of 02 increments for next 02 years without having any cumulative effect is imposed upon the applicant and for the suspension period, the suspension allowance is held enough for the said period and no other benefit of the said period has been granted. The applicant in the

=3= M.A.ST.173/2024 WITH O.A.NO.331/2023

circumstances, has preferred the present M.A. with the following prayers (paper book page 5):

*“B] The order dated 27.12.2023 (Annex M.1) passed by the R.1 thereby stopping two increments of the applicant may kindly be quashed and set aside.*

***Alternatively,***

*C The concerned appellate authority before whom the applicant's statutory appeal would otherwise lie, may kindly be directed to expeditiously hear and decide the proposed Appeal against order dated 27.12.2023 (Annex M.1), within a period of four weeks from the date of filing.”*

6. In fact, the applicant was expected to seek the amendment in the O.A., by filing separate M.A. for the same, incorporating all subsequent events and contextual prayers. However, we will not go into technicalities. When the amendment is not sought and separate M.A. is filed seeking altogether different prayers, the O.A. has become impliedly infructuous.

7. As we have noted above, we do not wish to harp on technicalities. The prayers which are made in the M.A., in fact, are substantive prayers which

could have been made by filing another O.A. However, in view of the fact that the order passed by the disciplinary authority is an appealable order, without availing the said alternate efficacious remedy the applicant cannot approach this Tribunal.

8. Learned counsel for the applicant in the above circumstances prayed that, to do substantial justice in the matter the applicant may be permitted to withdraw the present M.A. with liberty to pursue departmental remedy. He has also prayed that, in the interest of justice the appellate authority may be directed to expeditiously decide the appeal which may be preferred by the applicant.

9. As noted above, there is procedural non-compliance by the applicant, however, in the interest of justice, without going into merits of the matter we deem it appropriate to dispose of this O.A. as well as Miscellaneous Application with the following order:

=5= M.A.ST.173/2024 WITH O.A.NO.331/2023

ORDER

- (i) The applicant may submit an appeal against the order of punishment if he so desires within 30 days from the date of this order.
- (ii) If such an appeal is preferred, appellate authority shall decide the said appeal within 8 weeks of filing such appeal by the applicant.
- (iii) O.A. as well as M.A. both are disposed of in the aforesaid terms without any order as to costs.

**MEMBER (A)**

YUK ORAL ORDER 08.02.2024

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO.519/2022**  
**(Dnyaneshwar B. Wadile Vs. State of Maharashtra & Ors.)**

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

**DATE : 08.02.2024**

**ORAL ORDER :**

Shri C.V.Dharurkar, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. When the present matter is taken up for consideration learned P.O. has tendered communication dated 07-11-2023 and the documents annexed thereto. The documents reveal that the applicant has accepted the punishment inflicted upon him in the departmental enquiry. Said document is taken on record. Copy is given to the learned Counsel for the applicant.

3. Learned Counsel for the applicant submits that, he will verify the facts stated in the document so produced today and will make the statement in that regard on the next date.

4. S.O. to 13-02-2024.

**MEMBER (A)**  
YUK ORAL ORDER 08.02.2024

**VICE CHAIRMAN**