

ORIGINAL APPLICATION NO.537/2024
(Prashant P. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Heard Shri A.S.Deshmukh, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Applicant has preferred the present O.A. seeking following reliefs:

“A) This Original Application may kindly be allowed thereby quashing & setting aside the five Departmental Enquiries initiated against applicant by Resp. Nos. 1 and 2 vide impugned Memorandums of Charge dated 14/03/2024, 13/03/2024, 07/03/2024, 12/03/2024 and 06/03/2024 (Annexs. A-1 Colly. to A-5 Colly.).

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

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

INTERIM RELIEF

D) Pending the admission, hearing and final disposal of this Original Application

Respondents may kindly be restrained from proceeding ahead in any manner in the five Departmental Enquiries initiated against applicant vide impugned Memorandums of Charge dated 14/03/2024, 13/03/2024, 07/03/2024, 12/03/2024 and 06/03/2024 (Annexs. A-1 Colly. to A-5 Colly.).

E) Pending the admission, hearing and final disposal of this Original Application all further proceedings in the five Departmental Enquiries initiated against applicant vide impugned Memorandums of Charge dated 14/03/2024, 13/03/2024, 07/03/2024, 12/03/2024 and 06/03/2024 (Annexs. A-1 Colly. to A-5 Colly.) may kindly be stayed.

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

3. Learned Counsel appearing for the applicant submitted that all these enquiries are initiated with oblique motive and with the only object of denying the promotion to the present applicant to the post of Chief Engineer. Learned Counsel submitted that, the applicant has raised specific allegations against respondent no.4 alleging that at his instance all these actions have been initiated against the applicant.

4. Learned Counsel submitted that, previously also the applicant was required to approach this Tribunal and the O.A. filed by the applicant is still pending before this Tribunal. Learned Counsel pointed out that in the said O.A. Tribunal has passed interim order thereby protecting the interest of the applicant giving directions to the respondents to consider the applicant for promotion of Chief Engineer. Learned Counsel submitted that after passing the said order by this Tribunal hurriedly in few days five enquiries have been initiated against the applicant. Learned Counsel submits that the very intention of the respondents is to keep the applicant away from the post of Chief Engineer.

5. Learned Counsel invited our attention to G.R. dated 08-06-2020, more particularly, clause 1.5 thereof. Learned Counsel submitted that the matters which could not have been handled or looked into by respondent no.4 have been indulged by the said respondent and on his recommendations further actions have been initiated against the applicant. Learned Counsel submitted that the enquiries which are initiated with oblique motive and *mala fide* intention can

certainly be challenged before this Tribunal and sought to be quashed even at the initial stage.

6. Shri V.R.Bhumkar, learned P.O. appearing for the State authorities opposed for grant of any such interim relief. Learned P.O. submitted that it was open for the applicant to submit his reply to all the said statements of charges served upon him making out a case showing his innocence. Learned P.O. submitted that without availing the said opportunity the applicant has approached this Tribunal. Learned P.O. submitted that to conduct an enquiry into misconduct alleged against the Government employee within the right and authority of the State. Learned P.O. further submitted that, whatever has been argued by the learned Counsel for the applicant that may be the defense of the applicant in the enquiry proceedings but it cannot be considered at this stage. He has, therefore, prayed for rejecting the request for grant of any interim relief.

7. We have considered the submissions made on behalf of the applicant as well as the State authorities. We have gone through the documents placed on record as well as the earlier order passed

by this Tribunal in O.A.No.117/2024. The statements of charge which are served on the applicant and which are subject matter of the present O.A. are also gone into by us.

8. After having considered the submissions and after having gone through the documents placed on record, it is difficult at this stage to reach to any conclusion either in favour of the applicant or against him. The averments which are taken and the submissions which are made in the arguments can be a defense of the applicant in the departmental enquiry proceedings in respect of charges leveled against him. It cannot be disputed that the State has a right and authority to hold enquiry into misconduct alleged against its employees. In the circumstances, it is difficult to accept the request of the applicant to restrain the respondents from proceedings with the enquiries at this stage.

9. For the reasons stated above, we deem it appropriate to pass the following order:

ORDER

[i] Issue notice to respondents, returnable on 10-06-2024. **Respondents to show cause why the request of applicant for staying all the enquiry proceedings pending against him shall not be accepted.**

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

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

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

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

[vi] S.O. to 10-06-2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.426/2020
(Suil Sahebrao Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 21-06-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 08.05.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.427/2020
(Rahul B. Chaudhare Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 21-06-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 08.05.2024

VICE CHAIRMAN

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

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

DATE : 08.05.2024

ORAL ORDER :

Heard Shri K.P.Rodge, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. Respondents are directed to place on record vacancy position in respect of post of Chaukidar on the next date.

3. S.O. to 11-06-2024.

MEMBER (A)
YUK ORAL ORDER 08.05.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1065/2019
(Dr. Jahagir Dastagri Nizam Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

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

2. Arguments are heard. Reserved for order.

MEMBER (A)
YUK ORAL ORDER 08.05.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.201/2023
(Sharad S. Borse Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

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

2. Present matter is continuously in the category of reply matters for the reason that respondent no.2 has not filed reply. Since reply of the said respondent has not been filed, matter be listed for hearing without reply of the said respondent on 10-06-2024.

MEMBER (A)
YUK ORAL ORDER 08.05.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.363/2023
(Bharat W. Ware Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri Sandeep R. Andhale, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Though ample opportunities are already granted respondent no.2 has not filed reply. Since reply of respondent no.2 has not been filed, matter be listed for hearing without reply of the said respondent on 10-06-2024.

MEMBER (A)
YUK ORAL ORDER 08.05.2024

VICE CHAIRMAN

M.A.ST.NO.991/2024 IN O.A.ST.NO.992/2024
(Vinayak V. Nakhate & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri S.G.Kulkarni, learned Counsel holding for Shri Ajay Deshpande, learned Counsel for the applicants and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Not on board. Taken on board. Learned Counsel for the applicants submits that office objections could not be removed in the given time limit, therefore, he has prayed for extension of time.

3. Hence, time is extended for removing office objections by one week.

4. Matter is already kept on 20-06-2024.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 08.05.2024

M.A. No. 359/2023 in O.A. St. No. 1560/2023
(Trishna M. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Heard Smt. Vidya Taksal, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. There is a delay of 01 year, 09 months and 08 days caused in filing the accompanying Original Application.

3. By way of filing the Original Application, the applicant is seeking directions to the respondents to extend benefits of revised ACPS in terms of the G.R. dated 02.03.2019 and to extend all consequential monetary benefits with arrears / difference.

4. Learned counsel for the applicant submits that by communication dated 29.04.2019 the respondent No. 5 has submitted proposal to respondent No. 4 about grant of benefits of revised ACPS in terms of the application submitted by the applicant. However, the said proposal is still under consideration and it is not yet decided. Learned counsel submits that

//2// M.A. No. 359/2023 in
O.A. St. No. 1560/2023

there is a recurring cause of action, since the said proposal is yet not considered and decided by the respondent authorities.

5. Learned counsel submits that further due to outbreak of COVID-19, the Hon'ble Supreme Court in March, 2020 took Suo-Motu cognizance of the difficulties that might be faced by the litigants in filing petitions/ applications/suits/appeals/ all other quasi proceedings within the period of limitation prescribed under the general law of limitation. Learned counsel has pointed out from the order about cognizance of the limitation passed by the Hon'ble Supreme Court in M.A. 665/2021 in Suo Motu Writ Petition No. 3/2020, wherein the period from 15.03.2020 till 28.02.2022 and even prior to that has been excluded in computing the periods under Sections 23(4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits

//3// M.A. No. 359/2023 in
O.A. St. No. 1560/2023

within which the court or Tribunal can condone delay.

6. Learned counsel for the applicant submits that there is no inaction on part of the applicant nor there is a deliberate or intentional delay in filing the accompanying Original Application. The applicant has been prevented from sufficient cause to prefer the Original Application within limitation and otherwise there is a recurring cause of action and as such, the issue of limitation as raised by the office is merely technical objection.

7. Learned Presenting Officer submits that there is an inordinate delay caused in filing the accompanying Original Application and the delay has not been explained satisfactorily. There is no substance in the present Misc. Application seeking condonation of delay and the same is liable to be dismissed.

8. It appears that though the applicant has submitted representation on 04.04.2019 to extend the benefit of revised ACPS and even the respondent

//4// M.A. No. 359/2023 in
O.A. St. No. 1560/2023

No. 5 has submitted proposal to respondent No. 4 along with positive recommendations by way of communication dated 29.04.2019, the said proposal is still pending. In view of the same, I find much substance in the submissions made on behalf of the applicant that there is a recurring cause of action since the said proposal is yet not decided. Apart from that, in view of the order passed by the Hon'ble Supreme Court in the backdrop of the COVID-19 pandemic, the said period after submission of representation by the applicant and the proposal forwarded by the respondent No. 5 to respondent No. 4 is liable to be excluded. In view the same, I am inclined to condone the delay caused in filing the accompanying Original Application, subject to payment of costs by the applicant. Hence, the following order :-

ORDER

- (i) The Misc. Application No. 359/2023 is hereby allowed.
- (ii) The delay of 01 year, 09 months and 08 days caused in filing the accompanying O.A. under

//5// M.A. No. 359/2023 in
O.A. St. No. 1560/2023

Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 200/- (Two Hundred Only) to be paid by the applicant. The amount of costs shall be paid to the M.A.T. Bar Association 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. 1560/2023

(Trishna M. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Heard Smt. Vidya Taksal, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to the respondents, returnable on 10.07.2024.

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 10.07.2024.

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

MEMBER (J)

KPB ORAL ORDER 08.05.2024

**O.A. NOS. 319, 320, 321, 322, 323, 340, 341, 342
AND 332 ALL OF 2024**

(Smt. Shital Sampatrao Shinde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants in O.A. Nos. 319 to 323 and 340 to 342 all of 2024, Shri Sameer S. Kurndkar, learned counsel for the applicant in O.A. No. 332/2024 and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. At the request of learned Presenting Officer, S.O. to 19.06.2024 for hearing. Status quo granted earlier in all these O.As. to continue till then.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

O.A. Nos. 324, 325, 326, 327, 328, 329 & 330 all of 2024

(Dr. Manohar T. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicants in all these O.As. and Shri D.M. hange, learned Presenting Officer for the respondent authorities in all these O.As., are present. Shri R.S. Pawar, learned counsel for respondent No. 5 in O.A. No. 326/2024, is **absent**.

2. By consent, S.O. to 12.06.2024 for hearing. Status quo granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 82 OF 2024
(Madhukar R. More Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri Sachin Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 09.05.2024 for hearing in **urgent admission category**.

MEMBER (J)

ORIGINAL APPLICATION NO. 251 OF 2023
(Ashok B. Shejwal Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Heard Shri Shaikh Mazhar A. Jahagirdar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. It is a part heard matter. At the request of learned counsel for the applicant, S.O. to 12.06.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 597 OF 2023
(Ashish N. Howare Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard matter. By consent, S.O. to 28.06.2024 for further hearing.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

M.A. No. 46/2024 in O.A. St. No. 154/2024
(Vasant S. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri P.P. Giri/V.B. Jadhav, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 11.07.2024 for hearing.

MEMBER (J)

Later on :-

3. At the request of learned counsel for the applicant, S.O. to 28.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 209 OF 2020
(Akhil Ahmed Mukheed Amhed Kazi Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri R.B. Ade, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present. Shri M.B. Kolpe, learned counsel for respondent No. 7, is **absent**.

2. This is old matter of the year 2020. As none present for the applicant, S.O. to 12.07.2024 for passing necessary order.

MEMBER (J)

ORIGINAL APPLICATION NO. 298 OF 2020
(Ramraje Ganpatrao Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant (**Absent**).

Heard Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. By way of filing the present Original Application, the applicant is challenging the transfer order dated 10.08.2020. This Tribunal has not protected the applicant by passing any interim order in his favour. It appears that the applicant is not interested in prosecuting the present Original Application. Further by passage of time, this Original Application has become infructuous.

3. In view of above, the present Original Application is disposed of as has become infructuous. No order as to costs.

MEMBER (J)

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

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

DATE : 08.05.2024

ORAL ORDER :

Smt. Amruta Paranjape-Menezes, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, as a last chance, S.O. to 12.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 782 OF 2021
(Dhrupatrao P. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri G.J. Pahilwan, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 08.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

ORIGINAL APPLICATION NO. 332 OF 2022
(Rohit B. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 3. Same is taken on record and copy thereof is given to learned counsel for the applicant today itself.

3. Learned counsel for the applicant seeks time to go through the same and to file rejoinder affidavit, if any. Time granted.

4. S.O. to 09.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 518 OF 2022
(Ganesh A. Mundhe Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri H.M. Shaikh, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 11.06.2024 for hearing.

MEMBER (J)

O.A. Nos. 799 & 800 both of 2022
(Suresh B. Jadhav & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicants in both the O.As. and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities in both the O.As., are present.

2. By consent, S.O. to 10.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

ORIGINAL APPLICATION NO. 978 OF 2022
(Ganesh J. Kharadkar Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant, Smt. Resha Deshmukh, 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 the applicant, S.O. to 21.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

ORIGINAL APPLICATION NO. 1091 OF 2022
(Babasaheb N. Rakte Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri G.R. Jadhav, learned counsel holding for Shri A.S. Shelke, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 10.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

ORIGINAL APPLICATION NO. 56 OF 2023
(Uma G. Rajput Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri D.B. Pawar Pathrekar, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 11.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

ORIGINAL APPLICATION NO. 61 OF 2023
(Madhav D. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. The Original Application is allowed. Reasons would follow. There shall be no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 114 OF 2023
(Gopal D. Suryawanshi & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri H.M. Shaikh, learned counsel for the applicants and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 11.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

ORIGINAL APPLICATION NO. 200 OF 2023
(Rajendra G. Mane Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri Ashish Rajkar, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 10.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

ORIGINAL APPLICATION NO. 591 OF 2023
(Sanjay P. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Heard Shri P.B. Umrani, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer is requested to take instructions from the concerned respondent/s as to whether the transfer of the applicant can be considered in the Annual General Transfer of the year 2024.

3. Learned counsel for the applicant submits that the applicant is ready to submit a representation afresh mentioning therein his choice of transfers.

4. S.O. to 10.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 617 OF 2023
(Shubhangi R. Bhoge Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. The applicant is having breast feeding child of 07 months old at the time of filing of the present Original Application and at present 11 months old. The applicant has requested for her transfer as Warden at Girls Government Hostel, Kalamb, Dist. Yeotmal under the Tribal Development Department. The applicant is presently working at Aurangabad (Chh. Sambhajinagar).

3. In view of the communication dated 06.05.2024 received from the Deputy Commissioner, Tribal Development, Amravati, the post of Warden (Female), Tribal Girls Government Hostel, Kalamb, Dist. Yeotmal is still vacant. It further appears that the husband of the applicant is working at Vardha with the Assistant Director, Local Funds Audit office as Junior Auditor.

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O.A. No. 617/2023

4. In view of above, learned Presenting Officer is directed to take specific instructions from the concerned respondent/s as to whether the applicant can be accommodated at the place (i.e. Tribal Girls Government Hostel, Kalamb, Dist. Yeotmal) as per her request in the Annual General Transfers of the year 2024, as the applicant is due for transfer now.

5. S.O. to 10.06.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

ORIGINAL APPLICATION NO. 643 OF 2023
(Dilip P. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri Jiwan Patil, learned counsel holding for Shri A.B. Jagtap, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri Ashish Rajkar, learned counsel for respondent No. 3, are present.

2. Learned counsel for the applicant submits rejoinder affidavit. Same is taken on record and copy thereof is given to learned counsel for respondent No. 3, so also, learned Presenting Officer.

3. S.O. to 18.06.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 654 OF 2023
(Sangita P. Shete Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Part heard.

3. At the request of learned counsel for the applicant, S.O. to 09.05.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 709 OF 2023
(Deepak R. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for respondent No. 6, are present.

2. By consent, S.O. to 28.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

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

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

DATE : 08.05.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 09.05.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

ORIGINAL APPLICATION NO. 311 OF 2024
(Dr. Namdev V. Korde Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities, Shri S.B. Ghute, learned counsel for respondent No. 4 and Shri A.V. Thombre, learned counsel for respondent No. 5, are present.

2. Learned counsel for the applicant submits that though the status-quo order is passed by this Tribunal, the applicant has been relieved prior to the status-quo order and now he has joined the place of transfer.

3. Learned counsel for respondent No. 5 also seeks time for filing affidavit in reply. Time granted.

4. S.O. to 20.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 653 OF 2019
(Vijay B. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 28.06.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

ORIGINAL APPLICATION NO. 56 OF 2020
(Anil S. Barkul Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri K.D. Khade, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 28.06.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

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 : 08.05.2024

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.06.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

ORIGINAL APPLICATION NO. 578 OF 2021
(Nanasaheb S. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri C.V. Dharurkar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 01.07.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

ORIGINAL APPLICATION NO. 114 OF 2022
(Dr. Bhausahab S. Randhe Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present. Shri U.S. Mote, learned counsel for respondent No. 3, is **absent**.

2. S.O. to 13.06.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

ORIGINAL APPLICATION NO. 274 OF 2022
(Vajnath P. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 1.07.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

ORIGINAL APPLICATION NO. 402 OF 2022
(Maroti C. Panchal Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 01.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 290 OF 2024
(Asha B. Garud Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 12.06.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 1107 OF 2023
(Pravin R. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri Raviraj Wakle, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent No. 1 along with other respondents. Time granted.

3. S.O. to 28.06.2024.

MEMBER (J)

KPB ORAL ORDER 08.05.2024

M.A.NO. 184/2024 IN O.A.ST.NO. 1171/2024
(Dr. Sachin B. Gumade & Ors. vs. the State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel for the applicants and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. This is an application filed by the applicants praying for permission to sue jointly. There are 04 applicants. Applicant Nos. 1 & 2 are resident of within the jurisdiction of this Tribunal, however, applicant Nos. 3 & 4 are resident of the districts, which are not within the jurisdiction of this Tribunal. Learned counsel however, submits that the issue which has been raised by these applicants is common and they have been agitating for redressal of their grievance commonly/jointly. Learned counsel further submitted that vide advertisement published, the applications were invited from the candidates all over the State and after selection,

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**M.A.NO. 184/2024 IN
O.A.ST.NO. 1171/2024**

appointments are likely to be made of the selected candidates in any of the districts of the State. As such, according to the learned counsel the applicants can be permitted to sue jointly.

3. After having considered the facts as aforesaid, we are inclined to allow the present Misc. Application. Hence, the following order: -

ORDER

(i) The Misc. Application is allowed and the applicants are permitted to sue the Original Application jointly, subject to payment of court fee stamps, if not paid.

(ii) Accompanying O.A. be registered and numbered, after removal of office objections, if any. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION ST.NO. 1171 OF 2024
(Dr. Sachin B. Gumade & Ors. vs. the State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 08.05.2024

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel for the applicants and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. The present applicants had applied for the post of Live Stock Development Officer, Group-A and after having undergone the selection process their names are included in the waiting list prepared by the Maharashtra Public Service Commission (for short 'the Commission).

3. It is the case of the applicants that after the advertisement was issued for inviting applications from the eligible candidates for filling the post of Live Stock Development Officer, another advertisement was issued inviting applications from the eligible candidates for filling the post of Assistant Commissioner, Animal Husbandry. The post of Assistant Commissioner, Animal Husbandry is a promotional post.

4. It is the further contention of the applicants that 04 candidates who had applied for the post of Live Stock Development Officer and who were duly selected for the said post had also applied for the post of Assistant Commissioner, Animal Husbandry and they have been selected for the said post also. Learned counsel submitted that the said 04 candidates had joined the post of Live Stock Development Officer and were also sent for training. However, after they were selected for the post of Assistant Commissioner they requested the State authorities to permit them to join the post of Assistant Commissioner by accepting their resignation of the post of Live Stock Development Officer and their request has been considered positively and on submitting resignation for the post of Live Stock Development Officer they are allowed to join the post of Assistant Commissioner, Animal Husbandry and in fact all these officers have joined the said post.

5. Learned counsel further submitted that as because said 04 candidates joined promotional post,

earlier posts occupied by them of Live Stock Development Officer have fallen vacant. Learned counsel further submitted that for different reasons other 07 candidates did not join and the said posts also had fallen vacant. Learned counsel further submitted that 04 candidates who did not join and 04 candidates who are before this Tribunal are from the same reserved class and in order of merit the applicants are next to the said candidates who were selected and joined the post of Live Stock Development Officer. Learned counsel further submitted that after acceptance of the resignation of said 04 candidates, applicants, being next meritorious candidates in the said respective categories the applicants have prayed for sending requisition to the Commission recommending their name and in turn to give appointment to them on the said post.

6. Learned counsel submitted that since no positive indications were seen from the side of the respondents, the applicants have approached this Tribunal. Learned counsel submitted that the applicants have made out a prima facie case for their

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O.A. ST.NO. 1171 OF 2024

appointment on the posts which are fallen vacant, however, if the Government undertakes fresh recruitment process, the applicants will be deprived from getting appointment though their names are included in the waiting list.

7. Learned Chief Presenting Officer seeks time to take instructions from the respondents. Learned C.P.O., however, has tendered one communication dated 12.04.2024 which is requisition made to the Commission by the respondents for sending recommendation for 07 candidates named in the waiting list to be given appointments against the seats remained unfilled because of non-joining of said candidates. Learned C.P.O. submitted that the same procedure is likely to be followed in respect of 04 posts, which are fallen vacant. In the circumstances, according to learned C.P.O., the applicants have hurriedly approached this Tribunal without waiting response of the respondents.

8. After having considered the submissions made on behalf of the applicants and the learned C.P.O., prima facie, it appears that the applicants have made out a case for their recommendation to fill in

the posts which have remained vacant since applicants are the next candidates in order of merits in the respective categories.

9. From the submissions made by the learned Chief Presenting Officer and the documents placed on record by him it is revealed that to fill in 07 posts which have remained unfilled as because the candidates selected for the said post did not join, the State Government has sent requisition to the Commission to recommend the names of next 07 candidates whose names are existing in the waiting list. It is not explained by the respondents why along with the requisition for 07 candidates, requisition for filling 04 posts remained unfilled because of the candidates selected against the said seats have resigned is not forwarded. Learned C.P.O. also could not make any statement in this regard.

10. Having regard to the apprehension expressed by the applicants that the respondents may instead of filling the said 04 post from the wait listed candidates go for the fresh recruitment process, we deem it appropriate to pass the following order: -

O R D E R

- (i) Issue notice to the respondents, returnable on 18.06.2024. **The respondents shall explain what steps are being taken for filling 04 posts, which have fallen vacant because of resignation of the selected candidates. Till then the respondents shall not take any further step for filling the said 04 posts.**
- (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.

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O.A. ST.NO. 1171 OF 2024

(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 18.06.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 08.05.2024-HDD

ORIGINAL APPLICATION NO. 177 OF 2022

(Dr. Pravin Karbhari Dhakne vs. the State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 08.05.2024

ORAL ORDER :

Shri J. S. Deshmukh, learned counsel for the applicant (**absent**). Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present. Smt. Vaishali Shinde, learned counsel for respondent No. 4 (**absent**).

2. Learned Presenting Officer seeks leave to file affidavit in reply on behalf of respondent Nos. 1 to 3. Learned counsel appearing for the applicant is absent when the matter was called out. In the interest of justice, leave granted. Affidavit in reply be taken on record and copy of the same be supplied to all concerned.

3. List the matter for hearing on 26.06.2024. In the meanwhile it would be open for the applicant to file rejoinder, if he so desires.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 07/2024 IN O.A.NO. 82/2019

(Devendra Ramesh Dandgavhal & Ors. vs. the State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 08.05.2024

ORAL ORDER :

Shri Ajay S. Deshpande, 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 the order passed by this Tribunal, contempt of which is alleged in the present petition, was challenged by the respondents before the Hon'ble Bombay High Court by filing Writ Petition. However, the said Writ petition has been dismissed by the Hon'ble High Court a month back. In the facts as above, the learned P.O. shall submit compliance report on the next date.

3. S.O. to 21.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 119 OF 2024
(Sanjay Janardhan Khade vs. the State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. List the matter for hearing on 05.07.2024. In the meanwhile it would be open for the applicant to file rejoinder affidavit, if he so desires.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 262 OF 2024
(Vinod Arjun Wagh & Ors. vs. the State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri Majit S. Shaikh, learned counsel for the applicants and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer seeks time for filing affidavit in reply. Time granted.

3. S.O. to 20.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 08.05.2024-HDD

T.A.NO. 23/2023 (W.P.NO. 13531/2023)
(Kishor Bharat Deshmukh & Ors. Vs. the State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Smt. Suchita Upadhyay, learned counsel for the applicants and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer has sought time for filing affidavit in reply. Due opportunities are already availed by the respondents. In the interest of justice, time granted by way of last chance till 18.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 08.05.2024-HDD

ORIGINAL APPLICATION NO. 256 OF 2023
(Shubhangi Sanjay Shinde vs. the State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Ms. Poonam Bodke Patil, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits that the record as required by this Tribunal cannot be placed on record today for the reason of engagement of the officer concerned in the election work pertaining to Loksabha elections. Time is, therefore, sought till 14.06.2024. Learned counsel for the applicant is not present today when the matter is called out. Request is accepted.

3. S.O. to 14.06.2024.

MEMBER (A)

VICE CHAIRMAN

**O.A.NOS. 273, 275, 278, 279, 280 AND 282 ALL OF 2020
(Kunal Dilip Vadnere & Ors. vs. the State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Smt. Sanjivani Deshmukh-Ghate, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. Learned Presenting Officer has submitted communication received to the office of Chief Presenting Officer from the respondents' office requesting therein for time to file the affidavit on the ground of Loksabha Election going on. Learned counsel for the applicants does not have any serious objection for grant of such time. Hence, prayer is accepted.

3. S.O. to 13.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 874 OF 2024
(Swati d/o Baburao Rathod vs. the State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

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

2. The office has raised objection as about jurisdiction of this Tribunal to entertain the present Original Application. Learned counsel has brought to our notice provisions under Section 13 as well as 18 of the Sexual Harassment of women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. On reading of the provisions under Section 18, *prima facie* it appears that the Tribunal may have jurisdiction to enter the present O.A. However, subject to that objection, issue notice to the respondents, returnable on 05.07.2024.

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 05.07.2024.

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

MEMBER (A)

VICE CHAIRMAN

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

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

DATE : 08.05.2024

ORAL ORDER :

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

2. After having heard the learned counsel for the applicant for some time, we find it necessary to direct the respondents to produce on record the entire enquiry papers in the present matter by the next date.

3. S.O. to 20.06.2024. **High on Board.**

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 08.05.2024-HDD/**ARJ**

ORIGINAL APPLICATION NO. 694 OF 2021
(Avinash G. Chonde vs. the State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri Ashish Hazari, learned counsel holding for Shri Amol B. Chalak, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 20.06.2024. Interim Relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 08.05.2024-HDD

ORIGINAL APPLICATION NO. 339 OF 2021
(Arun S. Jadhav vs. the State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri Ashish Hazari, learned counsel holding for Shri Amol B. Chalak, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 20.06.2024. Interim Relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 08.05.2024-HDD

ORIGINAL APPLICATION NO. 227/2023

(Digambar S. Pawar & Ors. vs. the State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 449/2023

(Chandan D. Kulkarni & Ors. vs. the State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 08.05.2024

ORAL ORDER :

Heard Shri V.D. Sapkal, learned senior counsel holding for Shri S.R. Sapkal, learned counsel for the applicants in O.A. No. 227/2023, Smt. S.T. Jadhav, learned counsel holding for Shri P.D. Suryawanshi, learned counsel for applicants in O.A. No. 449/2023 and Shri Ajay S. Deshpande, learned special counsel with Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. When the present matters are taken up for consideration today, Shri V.D. Sapkal, learned senior counsel appearing for the applicants in O.A. No. 227/2023 brought to the notice of the Tribunal that the order which has been passed on 28.02.2024 by this Tribunal will have to be revisited since the facts as are mentioned in the said order are factually incorrect.

3. Learned senior counsel submitted that aggrieved by the Notification dated 28.12.2022 issued by respondent no. 01 in respect of Recruitment Rules to the post of Deputy Education Officer, Group-B (Gazetted) in the Maharashtra Education Service, (Administrative Branch) under School Education and Sports Department of the Government of Maharashtra, the Original Application has been filed by the Assistant Teachers working in the Zilla Parishad Schools. Learned Senior counsel submitted that vide the said notification the Assistant Teachers are excluded from applying for the Limited Departmental Competitive Examination conducted by the Maharashtra Public Service Commission (for short 'the Commission') to get the regular promotion to the post of Deputy Education Officer. Learned Senior counsel submitted that as per the rules of 2016 the Assistant Teachers were eligible for promotion to the post of Deputy Education Officer. Learned Senior counsel submitted that after having considered the grievance raised by the applicants this Tribunal has passed an interim order on

16.03.2023 and thereby has restrained the respondents from carrying out further promotions till filing of affidavit in reply by them. Learned Senior counsel further submitted that while passing the order on 28.02.2024 the aforesaid facts were not correctly brought to the notice of the Tribunal and the interim order passed on 16.03.2023 was got modified. The learned Senior counsel submitted that when there is no quota provided for Assistant Teachers in the promotion to the post of Deputy Education Officer, an order has been passed by this Tribunal restraining the respondents from granting promotion to the post of Deputy Education Officer from the cadre of Assistant Teachers till filing of the affidavit in reply by the respondents. Learned Senior counsel also pointed out that the order passed on farad sheet on 29.01.2024 reveals that a statement was made by learned Special counsel that respondent Nos. 1 & 2 are not desiring to file any affidavit in reply to the O.A.

4. After having considered the submissions made by the learned Senior counsel as well as learned Special counsel and other counsel appearing in the

matter for the parties and after having gone through the orders passed by this Tribunal on 16.03.2023 and 28.02.2024, it is apparently revealed that the facts stated in the order dated 28.02.2024 are incorrect. The order passed on 28.02.2024 reveals that a submission was made that there are 03 feeder cadres for promotion to the post of Deputy Education Officer and for each feeder cadre separate quota is provided. Believing the submission as made the order has been modified by this Tribunal. Now it is brought to our notice that in the Recruitment Rules of 2022 the Assistant Teachers are excluded from applying for Limited Departmental Competitive Examination to avail the promotion for the post of Deputy Education Officer and the Assistant Teachers have therefore, filed the Original Application for quashment of the rules of 2022 notified on 28.12.2022.

5. After having understood the facts correctly, we are convinced that a mistake has occurred in passing the order on 28.02.2024. The said order, therefore, has to be recalled and it is accordingly

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O.A. NO. 227/2023

recalled. Consequently, the order passed on 16.03.2023 remains as it is and is maintained.

6. S.O. to 26.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 08.05.2024-HDD

**ORIGINAL APPLICATION NO. 15 OF 2024
(Raju H. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

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

2. Even though the last chance is granted, no reply has been filed on behalf of respondents.

3. In view of above, list the matter for hearing on 19.06.2024 with liberty to other side to file reply, if any, till then.

MEMBER (J)

T.A.NO. 10 OF 2024 (W.P.NO. 944 OF 2024)
(Amruta U. Wavare Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Smt. Sushma T. Jadhav, learned counsel holding for Shri Ashok R. Tapse, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 26.06.2024.

MEMBER (J)

sas ORAL ORDER 08.05.2024

ORIGINAL APPLICATION NO. 231 OF 2024
(Sana Parvin Aslam Shaikh Vs. State of Maharashtra &
Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri A.N. Suryawanshi, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 2. The same is taken on record and copy thereof is given to other side.

3. Learned counsel for the applicant submits that the applicant is not willing to file any rejoinder.

4. Pleadings competed. List the matter for admission hearing on 12.07.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 247 OF 2024
(Pooja C. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Shri G.J. Kore, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 & 2 along with spare copy for the other side.

3. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 12.07.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 289 OF 2024
(Sultan U. Shaikh Vs. State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 12.06.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 351 OF 2024
(Baliram J. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Shri T.I. Kureshi, learned counsel holding for Shri A.S. Sawant, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 12.06.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 418 OF 2024
(Sainath N. Panchal Vs. State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Shri I.D. Maniyar, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri A.S. Mirajgaonkar, learned counsel holding for Shri U.B. Deshmukh, learned counsel for respondent No.4, are present.

2. At the request made on behalf of respondents, time granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 12.06.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 463 OF 2024
(Shrinivas P. Bhutavale Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri A.S. Mirajgaonkar, learned counsel holding for Shri U.B. Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 26.06.2024 for hearing.

MEMBER (J)

**M.A.NO. 383/2023 IN O.A.ST.NO. 1196/2023
(Vishwash C. Mohite Vs. State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Shri S.P. Dhoble, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 26.06.2024.

MEMBER (J)

sas ORAL ORDER 08.05.2024

**M.A.NO. 48 OF 2024 IN O.A.ST.NO. 251 OF 2024
(Bibhishan M. Aher Vs. State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Shri G.J. Kore, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 2 & 3 along with spare copy for the other side.

3. List the matter for filing affidavit in rejoinder, if any and for hearing on 12.07.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1024 OF 2023
(Pawan S. Waghmare Vs. State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 10.06.2024.

MEMBER (J)

sas ORAL ORDER 08.05.2024

**ORIGINAL APPLICATION NO. 856 OF 2023
(Yankatrao D. Manale Vs. State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Shri Nitin L. Dhobale, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Even though the last chance is given, no reply has been filed on behalf of respondent Nos. 1,2 & 4 to 7

3. List the matter for hearing on 12.07.2024 with liberty to other side to file reply, if any, till then.

MEMBER (J)

**O.A.NOS. 939 TO 944 ALL OF 2023
(Dr. Yogesh M. Borse & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicants in all these O.As. and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. At the request of learned P.O., time granted as a last chance for filing affidavit in reply on behalf of respondents in O.A.Nos. 939 & 943 both of 2023

3. S.O. to 26.06.2024.

MEMBER (J)

sas ORAL ORDER 08.05.2024

**ORIGINAL APPLICATION NO. 407 OF 2024
(Vikram V. Kedare Vs. State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Shri S.G. Sonawane, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 12.07.2024.

MEMBER (J)

sas ORAL ORDER 08.05.2024

**ORIGINAL APPLICATION NO. 133 OF 2021
(Balasaheb A. Chivate Vs. State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. At the request of learned counsel for the applicant, S.O. to 11.07.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 104 OF 2021
(Chandrakant L. Shirkhedkar Vs. State of Maharashtra &
Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 11.07.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 713 OF 2023
(Dr. Waman N. Bahatre Vs. State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 09.05.2024 for hearing.

MEMBER (J)

**M.A. 305/2023 IN M.A. 15/2021 IN O.A.ST. 1139/2020
(Chunilal R. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Shri S.P. Dhobale, learned counsel holding for Shri S.N. Suryawanshi, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.P. Pandit, learned counsel for respondent Nos. 1 to 4 are present.

2. At the request of learned counsel for the applicant, S.O. to 12.07.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 08.05.2024

**M.A.NO. 182 OF 2024 IN O.A.ST.NO. 1135 OF 2024
(Mohammad Akhtar Jainad Shaikh & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicants and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that all the applicants are retired employees working in the same department and they are seeking same relief and cause of action for all the applicants is also same.

3. Learned counsel for the applicant submits that being aggrieved by the common order, the applicants have filed the accompanying Original Application jointly and thus filed this application for seeking permission to sue jointly.

4. For the reasons sated in the application and since the cause of action and relief claimed by all the applicants are same, to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

5. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1135 OF 2024
(Mohammad Akhtar Jainad Shaikh & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicants and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 11.07.2024.

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.

//2// O.A.St. 1135/2024

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 11.07.2024.

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

MEMBER (J)

sas ORAL ORDER 08.05.2024

**M.A.NO. 183 OF 2024 IN O.A.ST.NO. 1006 OF 2024
(Revannath R. Landge Vs. State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents in M.A., returnable on 26.06.2024.

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

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

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

//2// M.A.No. 183/2024 in
O.A.St. 1006/2024

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 26.06.2024.

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

MEMBER (J)

sas ORAL ORDER 08.05.2024

ORIGINAL APPLICATION NO. 309 OF 2024
(Sanjay C. Gaikwad Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 352 OF 2024
(Ganesh P. Bothikar Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant in O.A.No. 309/2024, Shri V.B. Wagh, learned counsel for applicant in O.A.No. 352/2024 and for respondent No.3 in O.A.No. 309/2024 and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in both the O.As, are present.

Shri Vinayak Narwade, learned counsel for respondent No.2 in O.A.No. 309/2024, is **absent**.

2. Learned counsel for the applicant in O.A.No. 352/2024 submits affidavit in rejoinder. The same is taken on record and copy thereof is given to other side.

3. Learned P.O. seeks time to file short affidavit in O.A.No. 352/2024. Time granted.

4. S.O. to 09.05.2024 for hearing in **urgent admission category**.

5. Status quo granted earlier in O.A.No. 352/2024 to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 352 OF 2024
(Ganesh P. Bothikar Vs. State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits affidavit in rejoinder. The same is taken on record and copy thereof is given to other side.

3. Learned P.O. seeks time to file short affidavit. Time granted.

4. S.O. to 09.05.2024.

MEMBER (J)

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

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

DATE : 08.05.2024

ORAL ORDER :

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

2. This is a part heard matter.

3. By consent of both the sides, S.O. to 01.07.2024 for further hearing.

MEMBER (J)

sas ORAL ORDER 08.05.2024

**ORIGINAL APPLICATION NO. 57 OF 2023
(Shaikh Mohd Aslam Rahimshamiya Vs. State of
Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Shri A.S. Deshpande, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. This is a part heard matter.
3. Learned P.O. seeks time to file affidavit in sur-rejoinder. Time granted.
4. S.O. to 19.06.2024 for further hearing.

MEMBER (J)

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

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

DATE : 08.05.2024

ORAL ORDER :

Shri G.R. Jadhav, learned counsel holding for Shri M.B. Kolpe, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri Sudhir Patil, learned counsel for respondent Nos. 6 to 8, are present.

2. This is a part heard matter.

3. At the request of learned counsel for the applicant, S.O. to 19.06.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 514 OF 2021
(Gautam G. Dhule Vs. State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. Learned P.O. submits written notes of arguments on behalf of respondent Nos. 2 & 3. The same is taken on record and copy thereof is given to other side.

4. Learned counsel for the applicant seeks time to go through the same. Time granted.

5. S.O. to 13.06.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 512 OF 2021
(Usha Apparao Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Heard Shri A.D. Gadekar, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. On the basis of copy of order dated 30.03.2024 placed before this Tribunal by learned P.O., it is already recorded in the order dated 01.04.2024 that the applicant has been given the compassionate appointed as Class-IV employee.

3. Learned counsel for the applicant on instructions also accepted the same.

4. The copy of the said order dated 30.03.2024 is already taken on record and marked as document 'X' for identification.

5. In view of above, nothing survives for further consideration in the present Original Application. The Original Application is accordingly disposed of. No costs.

MEMBER (J)

**O.A.NO. 98/2020 WITH CAVEAT NO. 78/2019
(Bhavana R. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 08.05.2024

ORAL ORDER :

Ms. K.M. Kakde, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri Manish Bhamre, learned counsel for respondent No.2 (Caveator), are present.

2. This is a part heard matter.

3. By consent of parties, S.O. to 12.06.2024 for further hearing.

MEMBER (J)

sas ORAL ORDER 08.05.2024

ORIGINAL APPLICATION NO. 53 OF 2023
(Satish K. Marathe Vs. State of Maharashtra & Ors.)

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

DATE : 08.05.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. Learned P.O. submits written notes of arguments on behalf of respondent Nos. 2 & 3. The same is taken on record and copy thereof is given to other side.

4. Learned counsel for the applicant seeks time to go through the same. Time granted.

5. S.O. to 13.06.2024 for further hearing.

MEMBER (J)