

**ORIGINAL APPLICATION NO. 778/2023  
WITH M.A. NO. 04/2024, 467/2023, 404/2023,  
395/2023 AND 396/2023  
(Vitthal G. Shinde & Ors. Vs. State of Mah. & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri G.D. Darandale, learned counsel for respondent nos. 7, 12, 24 & 32, Shri J.B. Choudhary, learned counsel for respondent nos. 8, 28 & 36, Shri A.S. Khedkar, learned counsel for respondent nos. 18 & 38. None for respondent no. 29.

2. Respective learned counsel have filed separate affidavit in replies on behalf of respondent no. 8, 19, 29, 28, 36 and 39. Same are taken on record and copies thereof are supplied to other side.

3. This matter has been argued time to time. Respondents, who have appeared in the matter are persuading their request for vacating the interim

stay granted by this Tribunal restraining the M.P.S.C. from considering their candidature for appointment. The issue as has been raised in the present matter, which we have clarified in the interim order previously passed, is that 'whether the candidates, who have availed the benefit of age relaxation, as well as, fees concession based on their respective caste whether can be selected against the open seats even though they may be holding meritorious position'.

4. In the arguments it has been argued that insofar as availment of concession in fees is concerned, the candidates, who have availed benefit, may not be blamed. It is the contention that while filling online application it was mandatory for every candidate to note his caste in the respective column. It is their further contention that, the moment the candidate mentioned his caste and if he was belonging to reserved class, fees structure used to be automatically displaced applicable to his caste. It is commonly argued that availment of fees concession may not be a material issue since that

concession has not been intentionally availed by these candidates, but it was by default.

5. Shri Avinash Deshmukh, learned counsel for the applicants has however brought to our notice that the candidate, though belonging to reserved class, if had applied for Open seat, even after mentioning his caste in the respective column, he was required to pay fees to be paid by the Open candidate. Learned counsel argued that in this regard only the M.P.S.C. can make any authentic statement.

6. In the circumstances, learned Chief Presenting Officer is directed to file affidavit of the competent person from the M.P.S.C. to clarify :

‘whether it is correct or otherwise that the amount of fees used to be displayed as applicable to the respective caste mentioned by the applicant in the application form by default?’ and if yes, ‘whether such candidate could have paid the fees payable by the ‘Open Class Candidate?’

7. Learned C.P.O. made a statement that within 02 days he will submit the particulars as about the candidates, who have availed the benefit and who have not availed the benefit, who are party before this Tribunal and ensure that affidavit as directed by the Tribunal will also be filed. In the circumstances, the present matter is adjourned to 11.1.2023.

8. S.O. to 11.1.2023.

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

10. Steno copy allowed for the use of learned Chief Presenting Officer.

**MEMBER (A)**

**VICE CHAIRMAN**

**M.A. NO. 04/2024 IN O.A. NO. 778/2023**  
**(Pratik B. Deshmukh & Ors. Vs. State of Mah. & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Heard Shri A.S. Khedkar, learned counsel for the applicants in the present M.A., Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Avinash S. Deshmukh, learned counsel for applicants in O.A.

2. Names of the applicants in the present Misc. Application are included in the first list annexed with the Original Application, as well as, to the interim relief application. In view of the fact that the applicants have interest in the subject matter, the Misc. Application is allowed. The necessary amendment be carried out within 02 days.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 13/2024**  
**(Shri Ganesh T. Saaste Vs. State of Mah. & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. Applicant has approached this Tribunal seeking stay to the departmental enquiry proceedings initiating against him. It is the contention of the applicant that the charges, which are leveled against him in the D.E. are the same the charges, which are there in the criminal prosecution against him. Learned counsel for the applicant submitted that even the evidence and witnesses to be examined may also be the same. In the circumstances, learned counsel has prayed for interim stay to the further proceedings in the D.E. till filing of the affidavit in reply by the respondents.

3. Learned Presenting Officer has opposed the request of the applicant. Learned P.O. submitted

that the Presenting Officer has already been appointed and the enquiry proceeding has already began and as such it may not be just to stay the further the enquiry proceedings.

4. We have carefully gone through the memo of charges, as well as, F.I.R. filed in the matter. Prima-facie, it appears that the charges are identical. In the circumstances, we deem it appropriate to pass the following order :-

**ORDER**

(i) Issue notice to the respondents, returnable on 7.2.2024, **till then the departmental enquiry shall not be proceeded further.**

(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 7.2.2024.

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

**MEMBER (A)**

**VICE CHAIRMAN**



**C.P. NO. 01/2024 IN O.A. NO. 359/2023**  
**(Hajrabee @ Nurbee Shaikh Nijam Vs. State of Mah. & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri C.V. Bodkhe, learned counsel holding for  
Shri R.V. Gore, learned counsel for the applicant  
and Shri M.P. Gore, learned Presenting Officer for  
the respondent authorities, are present.

2. S.O. to 7.3.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 08.01.2024

**M.A. NO. 09/2024 IN O.A. ST. NO. 47/2024**  
**(Nagsen s/o Kondiba Sarje & Ors. Vs. State of Mah. & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Heard Shri Y.R. Barhate, learned counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

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

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

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

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION ST. NO. 47/2024**  
**(Nagsen s/o Kondiba Sarje & Ors. Vs. State of Mah. & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Heard Shri Y.R. Barhate, learned counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 11.1.2024.

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 11.1.2024.

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

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 750/2023**  
**(Dr. Asha S. Munjal Vs. State of Mah. & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered the documents received from the M.P.S.C., wherein the marks earned by the present applicant are shown. Said document is taken on record and copy is given to the learned counsel for the applicant. Learned counsel seeks time to take instructions whether the applicant wants to prosecute the matter further.

3. In view of above, S.O. to 30.1.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 817/2017**  
**(Dr. Vilas R. Musale Vs. State of Mah. & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. S.O. to 19.1.2024 for further consideration.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 08.01.2024

**ORIGINAL APPLICATION NO. 757/2022**  
**(Sunil K. Rodge Vs. State of Mah. & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Ms. Aditi D. Warjurkar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.1.2024. The interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 1117 OF 2023**  
**(Sitaram N. Borhade Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri A.B. Rajkar, learned counsel holding for 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. At the request of learned counsel for the applicant, S.O. to 20.03.2024.

**MEMBER (J)**

ORAL ORDER 09.01.2024 sas

**M.A.NO. 06 OF 2024 IN O.A.ST.NO. 3133 OF 2022  
(Girju D. Jagtap Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri Azizoddin R. Syed, 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 16.01.2024.

**MEMBER (J)**

ORAL ORDER 09.01.2024 sas



**ORIGINAL APPLICATION NO. 21 OF 2024**  
**(Rameswar B. Shinde Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. It appears that in view of Crime No. 386/2016 for the offence punishable under Section 302, 325, 324, 120 (b), r/w. 34 of IPC, the departmental enquiry was initiated against the applicant and finally the applicant was ordered to be removed from the service. Being aggrieved by the same, the applicant has preferred the departmental appeal. The first departmental appellate authority has confirmed the order, however, during pendency of the second departmental appeal, the applicant came to be acquitted by the Sessions Court, Jalna by judgment and order dated 25.02.2019 in Sessions Case No. 212/2016 and in consequence thereof the respondent No.2 has partly allowed the said appeal and reduced the said major punishment and converted in to the minor punishment of recovery of Rs. 5,000/- p.m. for the period of one year from the

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O.A. 21/2024

pensionary benefits of the applicant. The applicant has thus approached to this Tribunal by filing the O.A.

3. Learned counsel for the applicant submits that even though the applicant came to be acquitted and in connection with the aforesaid crime, the department has not bothered to give the provisional pension to the applicant in terms of Rule 130 of Maharashtra Civil Services (Pension) Rules, 1982. Learned counsel for the applicant thus seeking interim relief in the form of direction to the respondent authorities to release the provisional pension of the applicant.

4. In view of above submissions and in terms of provision of Rule 130 of Maharashtra Civil Services (Pension) Rules, 1982, the applicant is entitled for the provisional pension. Hence, the following order:-

**ORDER**

- (i) Interim relief in terms of prayer clause 'C' is granted to the extent of provisional pension only.

//3// O.A. 21/2024

- (ii) Issue notice to respondents, returnable on 13.03.2024.
- (iii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- (iv) 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.
- (v) 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.
- (vi) 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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- (vii) Learned P.O. appears for all the respondents and seeks time to take instructions.
- (viii) S.O. to 13.03.2024.
- (ix) Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

ORAL ORDER 09.01.2024 sas

**ORIGINAL APPLICATION ST.NO. 2459 OF 2023  
(Mayuresh Manikrao Kendre Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. The applicant has not filed any departmental appeal before the higher authority. However, in view clause 1 (i) of G.R. dated 09.07.2019 and in view of settled view, the respondent authority who has passed the suspension order has not reviewed the order or passed any speaking order.

3. Learned counsel for the applicant has pointed out that till this date no departmental enquiry has been initiated.

4. In view of above, issue notice to respondents, returnable on 28.02.2024.

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

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O.A.St.2459/2023

6. 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.

7. 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.

8. 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.

9. Learned C.P.O. appears for all the respondents and seeks time to take instructions.

10. S.O. to 28.02.2024.

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

**MEMBER (J)**

**ORIGINAL APPLICATION ST.NO. 02 OF 2024  
(Shankar C. Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**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. In view of objection raised by the office, learned counsel for the applicant seeks time to file application seeking condonation of delay. Time granted.

3. S.O. to 30.01.2024 for filing delay condonation application.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 303 OF 2014**  
**(Prakash N. Shrivastav Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Heard Shri A.D. Sugdare, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Part heard.

3. Learned counsel for the applicant submits that the applicant came to be appointed from the Open category. However, in the affidavit in reply filed on behalf of respondent Nos. 1 to 3 in paragraph No.5 the specific stand has been taken that as per the entry of the first page of service book available with the office, the applicant's appointment was made against the O.B.C. category.

4. Learned counsel for the applicant submits that as against the Time Bound Promotion the applicant had approached to this Tribunal by filing the Original Application No. 406/2015 wherein the same respondents have filed the affidavit in reply accepting therein that the applicant was appointed from Open category.



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O.A.303/2014

5. In view of same, learned counsel for the applicant seeks time to file the certified copy of the said affidavit in reply filed by the same respondents in O.A.No. 406/2015 along with the copy of said O.A.

6. Learned P.O. also seeks time to take specific instructions in this regard and make appropriate submissions on the next date of hearing.

7. In view of above submissions, S.O. to 23.01.2024 for further hearing.

**MEMBER (J)**

ORAL ORDER 09.01.2024 sas

**ORIGINAL APPLICATION NO. 822 OF 2018  
(Virendra Pundalikrao Dhivare Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. Learned counsel for the applicant on instructions from the applicant who is present in person before the Tribunal seeks leave to withdraw the present Original Application.

3. The other side has no objection for it.

4. In view of same, the present Original Application is disposed of as withdrawn. No order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 819 OF 2019**  
**(Kalim Safdar Shiklidar Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Smt. Suchita Dhongde, learned counsel holding for Smt. Sabahat T. Kazi, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. The present matter is already part heard.

3. At the request of learned P.O., S.O. to 30.01.2024 as a last chance for taking instructions.

**MEMBER (J)**

ORAL ORDER 09.01.2024 sas

**M.A.NO. 534 OF 2019 IN O.A.ST.NO. 2024 OF 2019  
(Subhash B. Selukar & Ors. Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

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

3. List the matter for hearing on 29.01.2024.

**MEMBER (J)**

ORAL ORDER 09.01.2024 sas

**M.A.NO. 492 OF 2023 IN O.A.NO. 917 OF 2022  
(Santosh P. Madane Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri A.R. Kawade, learned counsel holding for Shri C.R. Thorat, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 23.01.2024.

**MEMBER (J)**

ORAL ORDER 09.01.2024 sas

**ORIGINAL APPLICATION NO. 895 OF 2018**  
**(Murlidhar E. Sakhare & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

Shri A.D. Gadekar, learned counsel for the respondent Nos. 2 & 4 and Shri S.B. Mene, learned Special Counsel for respondents, are **absent**.

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

**MEMBER (J)**

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

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri A.B. Rajkar, learned counsel holding for 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 counsel for the applicant, S.O. to 20.03.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 596 OF 2023**  
**(Dattu R. Sonawane Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

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

3. S.O. to 13.03.2024 for filing affidavit in rejoinder/for hearing.

**MEMBER (J)**

ORAL ORDER 09.01.2024 sas



**ORIGINAL APPLICATION NO. 690 OF 2023  
(Chandrasekhar A. Kamble Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 691 OF 2023**  
**(Shivaji P. Gurav Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 832 OF 2017**  
**(Ramkrishna K. Mhaske & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

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

**MEMBER (J)**

ORAL ORDER 09.01.2024 sas

**ORIGINAL APPLICATION NO. 773 OF 2018**  
**(Shivaji B. Satote Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

Shri S.B. Mene, learned counsel for respondent No.2, is **absent**.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 894 OF 2018**  
**(Shivaji B. Satote Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

Shri S.B. Mene, learned counsel for respondent Nos. 3 & 4, is **absent**.

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

**MEMBER (J)**

ORAL ORDER 09.01.2024 sas

**ORIGINAL APPLICATION NO. 896 OF 2018**  
**(Madhukar D. Madarase & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

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

**MEMBER (J)**

ORAL ORDER 09.01.2024 sas

**ORIGINAL APPLICATION NO. 102 OF 2019**  
**(Vishvas S. Thore Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

Shri S.D. Dhongde, learned counsel for respondent Nos. 2 & 3 has filed a **leave note**.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 416 OF 2019**  
**(Arjun M. Maskar & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

Shri S.D. Dhongde, learned counsel for respondent Nos. 2 & 3 has filed a **leave note**.

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

**MEMBER (J)**

ORAL ORDER 09.01.2024 sas



**ORIGINAL APPLICATION NO. 157 OF 2022**  
**(Ravindra P. Bahadare Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri A.B. Rajkar, learned counsel holding for 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. At the request of learned counsel for the applicant, S.O. to 20.03.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 09.01.2024 sas

**ORIGINAL APPLICATION NO. 833 OF 2021  
(Deepali Y. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri D.B. Thoke, learned counsel for the applicant, is **absent**. Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri R.A. Joshi, learned counsel for respondent No.4, are present.

2. Learned counsel for respondent No.4 seeks time to file affidavit in reply. Time granted.

3. S.O. to 13.03.2024.

**MEMBER (J)**

ORAL ORDER 09.01.2024 sas

**ORIGINAL APPLICATION NO. 100 OF 2023**  
**(Rajendra P. Sanap Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri V.S. Kadam, 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 P.O., time granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 16.01.2024.

**MEMBER (J)**

ORAL ORDER 09.01.2024 sas

**ORIGINAL APPLICATION NO. 974 OF 2023**  
**(Afsar Khan Samsher Khan Vs. State of Maharashtra &**  
**Ors.)**

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

**DATE : 09.01.2024**

**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. Learned P.O. on instructions submits that the affidavit in reply on behalf of respondent Nos. 2 & 3 will be filed during course of the day. However, learned P.O. seeks time to file affidavit in reply on behalf of respondent No.4.

3. Time granted.

4. S.O. to 19.03.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 975 OF 2023**  
**(Ranjikumar P. Katke Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri S.B. Patil, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the respondent No.4, are present.

2. Learned P.O. submits the affidavit in reply on behalf of respondent Nos. 1 to 3 and learned counsel for the respondent No.4 submits the affidavit in reply on behalf of said respondent. The same are taken on record and copies thereof are given to learned counsel for the applicant.

3. Pleadings are completed. List the matter for admission hearing on 23.02.2024. In the meanwhile it would be open for the applicant to file affidavit in rejoinder, if so desires.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1036 OF 2023  
(Vishwas R. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Heard Shri O.D. Mane, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions from the applicant seeks leave to withdraw the present Original Application for the reason that in view of ensuing Loksabha Election, the applicant has been transferred out of District.

3. The other side has no objection for it.

4. In view of submission made on behalf of applicant, the Original Application is disposed of as withdrawn. No order as to costs.

**MEMBER (J)**

**M.A.NO. 167 OF 2022 IN O.A.ST.NO. 553 OF 2022  
(Agatrao N. Kolekar Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri R.V. Naiknavare, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 23.01.2024.

**MEMBER (J)**

ORAL ORDER 09.01.2024 sas

**DATE : 09.01.2024**

**ORIGINAL APPLICATION NO. 22 OF 2024**

**(Rafiqbeg Nazir Beg Mirza Vs. The State of Maha. & Ors.)**

**Per :- Standing directions of Hon'ble  
Chairperson, M.A.T., Mumbai-**

1. Smt. Suchita Dhongde, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on **06.02.2024**. The case be listed for admission hearing on **06.02.2024**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of 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 acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

**I/C REGISTRAR**



**M.A. No. 581/2023 in O.A. St. No. 2457/2023  
(Neeta D. Chavan & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. Learned counsel for the applicant submits that inadvertently the notices were not served on the respondents. In view of the same, time to serve the notice on the respondents is extended by another four weeks.

3. S.O. to 07.02.2024.

**MEMBER (J)**

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

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri A.B. Jagtap, learned counsel for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri A.B. Rajkar, learned counsel for respondent No. 3, are present.

2. Learned counsel for respondent No. 3 submits affidavit in reply. Same is taken on record and copy thereof is given to other sides.

3. S.O. to 15.02.2024 for filing rejoinder affidavit, if any. Interim relief granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 358 OF 2023**  
**(Girdhari G. Gunjarge Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. Even though the last chance is given, the affidavit in reply is not filed by the respondents.

3. List the matter for admission hearing on 13.03.2024. In the meanwhile, liberty is granted to learned P.O. to file affidavit in reply.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 227 OF 2022**  
**(Dhanaji S. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. In order to well understand the G.R. dated 07.04.2007 with G.R. dated 28.07.2009, the learned Presenting Officer is directed to keep the official, who is well conversant with aforesaid G.Rs. from the office of respondent Nos. 2 and 3 present on the next date of hearing.

3. It is a part heard matter. S.O. to 23.01.2024 for further hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 404 OF 2022**  
**(Manesh D. Nagargoje Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri M.B. Kolp, learned counsel holding for Shri K.G. Salunke, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks short adjournment. Adjournment granted.

3. It is a part heard matter. S.O. to 24.01.2024 for further hearing.

**MEMBER (J)**

**M.A. No. 312/2022 in O.A. St. No. 1121/2022  
(Dr. Balasaheb M. Kalegore & Ors. Vs. State of  
Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri P.R. Tandale, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicants submits that the identical matters are posted on 16.01.2024 and therefore, this matter also be listed along with the said matters.

3. In view of above, S.O. to 16.01.2024 for hearing.

**MEMBER (J)**

**M.A. No. 129/2023 in O.A. No. 534/2021  
(Shaikh Mohamed Shoeb Sarfaraz Vs. State of Maharashtra  
& Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. Learned counsel for the applicant on instructions seeks leave to withdraw the present M.A. seeking interim relief.

3. Leave granted. The M.A. No. 129/2023 seeking interim relief stands disposed of as withdrawn. No order as to costs.

4. O.A. to come up for hearing on 18.03.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 834 OF 2019**  
**(Ravikant R. Hadoltikar Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. It is informed that learned counsel Shri G.N. Patil, representing for respondent No. 2 is no more.

3. In view of above, issue fresh notice to respondent No. 2, returnable on 07.02.2024.

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 07.02.2024.

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

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 346 OF 2020  
(Babu R. Adbalwar Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri P.B. Rakhunde, 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 15.01.2024 for hearing.

**MEMBER (J)**

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

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. S.O. to 24.01.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 790 OF 2021**  
**(Gajanan B. Aundhekar Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Smt. Suchita Dhongde, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 24.01.2024 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 : 09.01.2024**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, S.O. to 08.02.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 260 OF 2023**  
**(Suryakant D. Nikam Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. The Original Application is partly allowed in terms of prayer clause X(B) and X(C) to the extent of revocation of suspension order dated 24.03.2023 only. So far as the issue as to whether the applicant is entitled for all consequential benefits is concerned, for the same the applicant may file an application before the respondent authorities in terms of Rule 72 of the Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules, 1981 as and when the occasions arises. In the circumstances, no order as to costs. Reasons would follow.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 658 OF 2023  
(Pratibha S. Khairnar Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri S.P. Dhoble, learned counsel holding for Shri N.L. Choudhary, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 26.03.2024 for 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 : 09.01.2024**

**ORAL ORDER :**

Shri M.R. Kulkarni, learned counsel for the applicant (**Absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 18.03.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 735 OF 2023**  
**(Suryakant D. Nikam Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 07.02.2024 for hearing.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 711 OF 2018**  
**(Sanjay N. Nade Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. The Original Application is hereby dismissed. Reasons would follow. No order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 866 OF 2018  
(Venkat M. Methe Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1045 OF 2019**  
**(Sunil P. Pathrikar Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, 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 12.02.2024 for final hearing.

**MEMBER (J)**

**M.A. No. 94/2021 in O.A. No. 1060/2019  
(Devidas D. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri S.V. Suryawanshi, learned counsel for the applicant in M.A./ respondent no. 8 in O.A., Shri D.B. Thoke, learned counsel for the applicant in O.A./ respondent No. 1 in M.A., are **absent**.

Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 16.02.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 115 OF 2021  
(Kadubai S. Gaikwad Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri R.K. Khandelwal, 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 P.O., S.O. to 23.01.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 985 OF 2023  
(Ganesh H. Fawde Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri Y.P. Deshmukh, learned counsel for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 3 and affidavit in reply on behalf of rest of the respondents is not necessary. Same is taken on record along with spare copy for the applicant.

3. List the matter for admission hearing on 01.03.2024 and for filing rejoinder affidavit, if any.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 35 OF 2022  
(Vikas R. Pradhan Vs. State of Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. Part heard.

3. Learned counsel for the applicant seeks time to place on record the G.R. issued by the State Government to grant the age relaxation owing to outbreak of the pandemic meanwhile.

4. Leaned P.O. is directed to place on record the waiting list maintaining from the year 2011 when the applicant's name was entered in the waiting list on wards till the year 2019.

5. At the request of learned counsel for the applicant, S.O. to 07.02.2024 for further hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION ST. NO. 2479 OF 2023  
(Bharat Sarjerao Karad Vs. the State of Maharashtra  
& Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. The present matter be removed from the board.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 09.01.2024-HDD



**ORIGINAL APPLICATION NO. 14 OF 2024**  
**(Swati Jyotiram Khatal Vs. the State of Mah. & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri P.B. Kadam, learned counsel holding for Shri K.B. Bhise, learned counsel for the applicant and Shri M.S. Mahjan, learned Chief Presenting Officer for the respondent authorities, are present.

2. The present matter be removed from the board.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 09.01.2024-HDD

**ORIGINAL APPLICATION NO. 09 OF 2024  
(Dr. Bapurao K. Pawar Vs. the State of Mah. & Ors.)**

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

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. Issue notice to respondents, returnable on 30.1.2024.
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 30.1.2024.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 1120 OF 2023  
(Satule C. Virabhadra & Ors. Vs. the State of  
Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri B.N. Magar Patil, learned counsel for the applicants (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 11.3.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 09.01.2024-HDD

**T.A.NO. 25/2023 (W.P.NO. 14978/2023)**  
**(Pramod V. Sonar Vs. the State of Maharashtra & Ors.)**

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

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. Issue notice to respondents, returnable on 7.2.2024.

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 7.2.2024.

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

**MEMBER (A)**

**VICE CHAIRMAN**

**M.A.NO. 553/2023 IN O.A.ST.NO. 2153/2023  
(Priyanka Y. Kalshetty Vs. the State of Mah.& Ors.)**

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

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. In the present matter the learned counsel for the applicant has prayed for direction against the Maharashtra Public Service Commission to provide the addresses of the private respondents. Accordingly, the order was passed by this Tribunal on 18.12.2023 in that regard. Learned counsel submits that the required application was submitted by him with the learned C.P.O., however, till date addresses are not received. Learned counsel further submits that till the addresses of private respondents are received, notices may be issued to the other respondents on application for delay condonation. Hence, the following order: -

**ORDER**

(i) Issue notice to respondent Nos. 1 & 2 on delay condonation application, returnable on 11.3.2024.

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**M.A.NO. 553/2023 IN  
O.A.ST.NO. 2153/2023**

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

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

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

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

(vi) S.O. to 11.3.2024.

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

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 09.01.2024-HDD

**C.P.ST.NO. 2379/2023 IN O.A.NO. 950/2019  
(Jayshree T. Thakur Vs. the State of Mah. & Ors.)**

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

**AND**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri R.N. Bharaswadkar, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks leave of this Tribunal to delete prayer clause 'B'. Leave granted as prayed for. The necessary amendment be carried out forthwith.
3. Issue simple notice to respondent No. 2, returnable on 7.3.2024.
4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the

**:: - 2 - ::**

**C.P.ST.NO. 2379/2023  
IN O.A.NO. 950/2019**

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

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

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

8. S.O. to 7.3.2024.

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

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 09.01.2024-HDD



**M.A.ST.NO. 6/2024 IN O.A.ST.NO. 2460/2023  
(Asha Jitendra Devang & Ors. Vs. the State of  
Maharashtra & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Heard Shri S.R. Kedar, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants submits that he will remove the office objections tomorrow.

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

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

**MEMBER (A)**

**VICE CHAIRMAN**

**C.P.NO. 14/2023 IN O.A.NO. 533/2022  
(Diwakar M. Jadhav Vs. the State of Maharashtra  
& Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. Since nobody appears for the applicant, S.O. to 4.3.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 09.01.2024-HDD

**ORIGINAL APPLICATION NO. 444 OF 2023  
(Ramchandra N. Palmate Vs. the State of Maharashtra  
& Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri V.P. Golewar, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted by way of last chance.

3. S.O. to 2.2.2024. 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 by the respondents.

**MEMBER (A)**

**VICE CHAIRMAN**

**M.A.NO. 314/2022 IN O.A.NO. 793/1992  
(Devidas A. Jadhav Vs. the State of Maharashtra  
& Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri Sandip C. Swami, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

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

3. List the matter for further consideration on 4.3.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 09.01.2024-HDD

**ORIGINAL APPLICATION NO. 671 OF 2023  
(Rahim Salam Mogal Vs. the State of Maharashtra  
& Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri K.J. Ghute Patil, learned counsel for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record.

3. Since nobody appears for the applicant, S.O. to 15.3.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**C.P.NO. 30/2023 IN O.A.NO. 358/2022  
(Kiran V. Jagdale Vs. the State of Maharashtra  
& Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

Shri G.P. Darandale, learned counsel holding for Shri Amol K. Kakade, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 3 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 12.3.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 09.01.2024-HDD

**M.A.NO. 498/2023 IN O.A.ST.NO. 1939/2023  
(Anil P. Ghodke Vs. the State of Maharashtra  
& Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 2 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 4.3.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 09.01.2024-HDD

**ORIGINAL APPLICATION NO. 211 OF 2022  
WITH  
MISCELLANEOUS APPLICATION NO. 206 OF 2023  
(Smita Rajkumar Achme Vs. State of Mah. & Ors.)**

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

**DATE : 09.01.2024**

**ORAL ORDER :**

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

2. The applicant has preferred the present Original Application with the grievance that though she has completed more than 24 years of service, she has not been granted the benefit of 2<sup>nd</sup> Assured Career Progression Scheme (for short 'ACPS'). According to the applicant, she is complying with all the requirements and, as such, she must have been granted the said benefit. As against the contention raised by the applicant, the State has come out with the case that for being eligible to get benefit of 2<sup>nd</sup> ACPS the employee concerned must have adequate ACRs of preceding 5 years.



3. The relevant Government Resolution issued on 1.8.2009 lays down in this regard certain requirements. As mentioned in the said G.R. for to be eligible for the benefit of 2<sup>nd</sup> ACPS the employee concerned has to comply with two requirements so far as the ACRs are concerned; first that the employee must have received total 20 marks for those 5 years out of 50 and the another requirement is that in none of the said year the employee should have received less than cut-off marks or else such employee will not be considered for the grant of 2<sup>nd</sup> ACPS. It is the specific contention of the respondents that for the year 2018-19 and 2019-20 the ACRs of the applicant were rated as "AVERAGE" since for both years 03 marks are given for the entire performance, whereas benchmark is of '04' marks and on the said ground the benefit of 2<sup>nd</sup> ACPS has been denied to the applicant.

3. When the present matter is heard by us, it is brought to our notice that insofar as ACRs of 2018-19 and 2019-20 are concerned, the applicant had made representations making grievance about the performance so graded in the said ACRs. One

representation is at page No. 166, which was submitted by the applicant on 9.2.2022. The said representation is duly acknowledged by the office and the endorsement is of the date 10.2.2022. When asked to the learned Presenting Officer whether the representation so given by the applicant was decided or not, learned P.O. has invited our attention to the averment taken in the paragraph No. 15 of the affidavit in reply. Perusal of the same reveals that the respondents have not considered the said representation on the ground that by that time the applicant had filed the present Original Application.

4. It appears to us that the respondents must have dealt with the representation/s filed by the applicant pertaining to the ACRs even though the applicant had filed the present O.A. There was no order from this Tribunal in that regard. It is well settled that it is the right of the employee to raise grievance if, according to him, his performance has not been correctly assessed by the Assessing Authority or by the Reviewing Authority. The employer i.e. the concerned officer in-charge is

bound to consider the said representation/s and unless the said issue is finalized on the basis of such ACRs against which the employee has raised the grievance, no order can be passed, which may be detrimental to the interest of that employee. In such matter there is every possibility that the Performance Assessing Authority may reconsider its opinion.

5. For the aforesaid reasons, it appears to us that the order whereby the second ACPS has been denied to the applicant by the respondents has to be held unsustainable. Further the respondents need to be directed to decide the representation/s made by the applicant pertaining to the ACRs of the year 2018-19 and 2019-20 within a stipulated period. Hence, the following order: -

**ORDER**

(i) The orders dated 28.12.2020 and 29.12.2020 of the Departmental Promotion Committee, thereby denying the 2<sup>nd</sup> ACPS to the applicant is quashed and set aside

(ii) The respondents are directed to decide the representation/s submitted by the applicant on 9.2.2022 and any other representation/s if filed pertaining to the ACRs of the year 2018-19, on its own merit within four weeks from the date of this order and communicate the decision thereof to the applicant in writing.

(iii) After the representation/s is/are decided, the case of the applicant for grant of 2<sup>nd</sup> ACPS be reconsidered by the respondents.

(iv) It need not be stated that even thereafter if any dispute subsists, it would be open for the applicant to again approach this Tribunal.

(v) The Original Application stands disposed of with the aforesaid terms.

(vi) Since O.A. itself stood disposed of today, nothing survives in the M.A. No. 206/2023 and the same also stands disposed of.

(vii) No order as to costs.

