

**ORIGINAL APPLICATION NO. 594/2023**  
**(Sandhya S. Shinde Vs. State of Mah. & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri Ajinkya Reddy, learned counsel for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri Avinash S. Deshmukh, learned counsel for respondent no. 5, are present.

2. Learned Presenting Officer has sought time to file affidavit in reply on behalf of the M.P.S.C., as well as, the State authorities. Request is opposed by the learned counsel appearing for the applicant. However, in the interest of justice time is granted as a last chance till 13.2.2024. If the reply is not filed on the said date, the matter may be heard without reply of the respondents.

3. S.O. to 13.2.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 676/2022**  
**(Balaji Babu Tekale & Ors. Vs. State of Mah. & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri S.B. Solanke, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time to file affidavit in reply on behalf of the respondents. Request is opposed by the learned counsel appearing for the applicant. Record also shows that ample opportunities are already availed for filing the reply. However, in the interest of justice two weeks' time is granted as a last chance. If the reply is not filed on the next date, the matter will be heard without reply of the respondents.

3. S.O. to 25.1.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 310/2023**  
**(Prashant B. Karkhelikar Vs. State of Mah. & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri S.B. Solanke, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has again sought time to file affidavit in reply on behalf of the respondents. Request is opposed by the learned counsel appearing for the applicant. However, having regard to the subject matter and having regard to the fact that due opportunities are already availed by the respondents for filing reply, 02 weeks' time is granted as a last chance. If the reply is not filed on the next date, the matter may be heard without reply of the respondents.

3. S.O. to 25.1.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 34/2023**  
**(Prakash M. Shelar Vs. State of Mah. & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri S.B. Solanke, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Applicant is not intending to file the rejoinder affidavit. List the matter for hearing on 25.1.2024.

**MEMBER (A)**  
ARJ ORAL ORDER 10.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 261/2022**  
**(Dadarao U. Phule Vs. State of Mah. & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer seeks leave to file the affidavit in reply on behalf of respondent nos. 1 to 3. Learned counsel for the applicant is not present. In the interest of justice leave as prayed for is granted. Copy of reply of respondent nos. 1 to 3 be supplied to learned counsel for the applicant.

3. S.O. to 23.1.2024.

**MEMBER (A)**  
ARJ ORAL ORDER 10.01.2024

**VICE CHAIRMAN**

**C.P. ST. 2398/2023 IN O.A. NO. 21/2022**  
**(Ravitta B. Rathod Vs. State of Mah. & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Heard Shri Amol Chalak, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant seeks leave to delete the prayer clause (C). Leave granted. Necessary amendment be carried out forthwith.

3. Issue notice to the respondent No. 03, returnable on 18.3.2024.

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 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 18.3.2024.

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

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION ST. NO. 18/2024**  
**(Devesh Prakash Nawale Vs. State of Mah. & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

2. Office has raised objection as about limitation. Learned counsel for the applicant on instructions submits that the cause of action for filing the Original Application has arisen in the year 2023 when the seniority list of Awal Karkoons has been finally published by the respondents. Prima-facie, it appears that question of limitation may not arise. The office objection is, therefore, not sustainable.

3. Issue notice to the respondents, returnable on 18.3.2024.

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

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**O.A. ST. NO. 18/2024**

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. Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 18.3.2024.

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

**MEMBER (A)**

ARJ ORAL ORDER 10.01.2024

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO. 19/2024**  
**(Dattatrya D. Sonune Vs. State of Mah. & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

2. When the present matter is taken up for consideration, learned counsel for the applicant on instructions submitted that the applicant is praying for the relief under prayer clause (D) alone and he is not pressing the other prayers. Vide prayer clause (D) the applicant has sought directions against the respondent no. 03 to consider the representation dated 13.12.2023 filed by the applicant.

3. In view of the fact that the Original Application is restricted to aforesaid prayer clause (D) alone, it does not appear to us that the Original Application can be kept pending, if that relief is granted to the applicant. We also see no reason to issue notice to the respondents before granting such relief in favour

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of the applicant. In the circumstances, without going into the merits of the contentions raised in the O.A., we deem it appropriate to dispose the present Original Application with the following order:-

**ORDER**

- (i) Respondent no. 03 shall decide the representation dated 13.12.2023 submitted by the applicant on its own merit, if already not decided, within 02 weeks from the date of this order.
- (ii) The Original Application stands disposed of in the aforesaid terms, however, without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 10.01.2024

**ORIGINAL APPLICATION NO. 163/2023**  
**(Shantaram M. Shinde Vs. State of Mah. & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

2. S.O. to 25.1.2024 for hearing. **Part Heard.**

**MEMBER (A)**  
ARJ ORAL ORDER 10.01.2024

**VICE CHAIRMAN**

**M.A.NO. 493 OF 2023 IN O.A.ST.NO. 1818 OF 2023  
(Nana W. More Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri K.J. Taur, learned counsel for the applicant, is **absent**. Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 07.03.2024.

**MEMBER (J)**

ORAL ORDER 10.01.2024 sas

**M.A.NO. 08 OF 2024 IN O.A.ST.NO. 2454 OF 2023  
(Mahesh Chhaganlal Dhayal & Ors. Vs. State of  
Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Heard Shri V.C. Suradkar, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. By this application the applicants are seeking to sue the respondents jointly.

3. Learned counsel for the applicants submits that the applicants are claiming the benefit of old pension and as such, they are seeking common relief so also the cause of action is also same. In view of same and for the reasons stated in the application, 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 (J)**

**ORIGINAL APPLICATION ST.NO. 2454 OF 2023  
(Mahesh Chhaganlal Dhayal & Ors. Vs. State of  
Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Heard Shri V.C. Suradkar, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 12.03.2024.

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

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

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

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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. The learned P.O. appears for all the respondents and seeks time for taking instructions.

8. S.O. to 12.03.2024.

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

**MEMBER (J)**

ORAL ORDER 10.01.2024 sas

**M.A.NO. 11 OF 2024 IN O.A.ST.NO. 52 OF 2024  
(Umakant K. Damekar & Ors. Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Heard Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. By this application the applicants are seeking to sue the respondents jointly.

3. Learned counsel for the applicants submits that both the applicants are working as a Police Head Constable in Highways Security Squad and by common order dated 20.12.2023 they have repatriated to their original post. In view of same the cause of action for both of them is same and also they are seeking common relief. In view of same and for the reasons stated in the application, 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 (J)**



**ORIGINAL APPLICATION ST.NO. 52 OF 2024  
(Umakant K. Damekar & Ors. Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Heard Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. It appears that the deputation period of both the applicants is over and therefore, the impugned order of repatriation has been passed. In view of same, I am not inclined to stay the effect of the said order. Further learned counsel for the applicants submits that the applicant No.2 has also joined his original post after repatriation order is passed.

3. In view of same, issue notice to respondents, 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

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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. The learned P.O. appears for all the respondents and seeks time for taking instructions.

9. S.O. to 07.02.2024.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 26 OF 2024**  
**(Chandrakant Girjaram Ubale Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

2. Issue notice to respondents, returnable on 31.01.2024.

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.

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O.A. 26/2024

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. The learned P.O. appears for all the respondents and seeks time for taking instructions.

8. S.O. to 31.01.2024.

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

**MEMBER (J)**

ORAL ORDER 10.01.2024 sas

**ORIGINAL APPLICATION NO. 595 OF 2021**  
**(Indirakant N. Bhalerao Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri Ajay S. 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 P.O., S.O. to 17.01.2024 as a last chance for re-hearing in **urgent category**.

**MEMBER (J)**

ORAL ORDER 10.01.2024 sas

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

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

2. The Original Application is already part heard.

3. Learned counsel for the applicant specifically raised the ground and also relied upon the case **Director of Treasuries in Karnataka & Anr. Vs. V. Somyashree** reported in (2021) 12 SCC 20 and Civil Appeal No. 6903 of 2021 in a case the **State of Madhya Pradesh & Ors. Vs. Ashish Awasthi** wherein the Hon'ble Supreme Court has held that the scheme prevailing of the death of deceased employee is also to be considered for compassionate appointment.

4. Learned P.O. by referring the communication dated 02.04.2013 (Exh. 'R-1') submits that in the year 2013 itself the widow (mother of the present

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applicant) was communicated by the department that she is not entitled for the compassionate appointment due to the pay scale of her deceased husband at the time of his death.

5. Learned counsel for the applicant submits that the deceased father of the applicant was working in the Nexlite Area and as an incentive, the said pay scale was awarded to him. In fact, the deceased father of the applicant was working as a Craft Instructor which is basically Class-III post. Learned counsel for the applicant has also pointed out the communication dated 10.08.2021 (Exh. 'E'), wherein the respondent No.2 by giving reference of his letter dated 02.04.2013 (Exh. 'R-1') directed the respondent No.3 to submit certain document along with proposal in terms of G.R. dated 21.09.2017.

6. Learned counsel for the applicant submits that the department has accepted that the deceased employee (father of the applicant) was working on Class-III post at the time of his death only with the grade pay of Class-II post as an incentive and nothing more. Learned counsel for the applicant

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submits that the department has suppressed this important aspect.

7. I find much substance in the submissions made on behalf of the applicant. Learned P.O. is directed to file short affidavit in this regard and make it clear as to whether the respondent authorities have subsequently accepted the said aspect of incentive to the employees working in the Nexlite Area and in view of same, directed the present applicant to file documents along with proposal.

8. S.O. to 25.01.2024 for further hearing.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 396 OF 2023**  
**(Madhavi S. Harne (Kale) Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri Shrikishan S. Shinde, learned counsel for the applicant, is **absent**. Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. The present matter is already part heard.

3. At the request of learned P.O., S.O. to 17.01.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 329 OF 2023**  
**(Anil K. Pathode & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Heard Shri Ajay S. Deshpande, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Partly heard.

3. Learned counsel for the applicants submits that as on today there are vacancies in the Nagpur Railway District, however, the respondent authorities have not made it clear in their respective affidavit in reply. On the other hand the respondent authorities have stated in their affidavit in reply that at present there is no vacancy as such in Nagpur Railway District to accommodate the applicants. Even it is stated that the orders as earlier passed by this Tribunal in O.A.No. 304/2022 and one another O.A., it is difficult to respondent authorities to accommodate the applicants for want of vacancies.

4. Learned counsel for the applicants submits that the applicants are ready to demonstrate on the basis of certain documents the available vacancies

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as on today in Nagpur Railway District and the respondent authorities may be called upon thereafter to reply the same.

5. In View of same, the applicants are permitted to file short affidavit to explain the same.

6. S.O. to 24.01.2024. **High on board.**

**MEMBER (J)**

ORAL ORDER 10.01.2024 sas

**M.A.NO. 62 OF 2021 IN O.A.NO. 461 OF 2020  
(The Chief Engineer Water Resources Department, A'bad  
Vs. Shaikh Rahim Ameeroddin)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri S.B. Patil, learned counsel for the applicants in M.A./respondent Nos. 2 to 4 in O.A., is **absent**. Shri G.R. Bhumkar, learned counsel holding for Shri P.R. Bhumkar, learned counsel for the respondent No.1 in M.A./applicant in O.A. and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

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

**MEMBER (J)**

**Later On:-**

3. Learned counsel Shri S.B. Patil appearing for respondent Nos. 2 & 4 in O.A. submits that the respondents have already filed application for interim relief and learned counsel for the applicant in O.A. without informing the learned counsel for respondent Nos. 2 & 4 taken adjournment. Learned counsel for respondent Nos. 2 & 4 submits that he

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was absent when the matter was mentioned by the learned counsel for the applicant in O.A. in the morning session. Learned counsel for the applicant in O.A. is absent at present.

4. In view of the same, S.O. to 08.02.2024 for re-hearing.

**MEMBER (J)**

ORAL ORDER 10.01.2024 sas

**ORIGINAL APPLICATION NO. 307 OF 2023**  
**(Sarika B. Wandhekar Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri D.R. Markad, learned counsel for the applicant and Shri N.U. Yadav, 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. Pleadings are complete. List the matter for admission hearing on 01.03.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 419 OF 2023**  
**(Dilip V. Dengale Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

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

3. Pleadings are complete. List the matter for admission hearing on 01.03.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 60 OF 2023  
(Vithal R. Motarwar & Ors. Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri P.V. Ambade, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits that rest of the respondents are adopting the affidavit in reply filed by respondent Nos. 4 & 5.

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

4. Pleadings are complete. List the matter for admission hearing on 24.01.2024.

**MEMBER (J)**



**M.A.NO. 51 OF 2023 IN O.A.ST.NO. 3101 OF 2023  
(Arun D. Landge Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri A.G. Ambetkar, 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 is requested to file synopsis of events to explain as to how the delay has been caused in filing the Original Application.

3. S.O. to 25.01.2024.

**MEMBER (J)**

ORAL ORDER 10.01.2024 sas

**M.A.NO. 57 OF 2023 IN O.A.ST.NO. 197 OF 2023  
(Markas U. Magar Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri A.G. Ambetkar, 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 is requested to file synopsis of events to explain as to how the delay has been caused in filing the Original Application.

3. S.O. to 25.01.2024.

**MEMBER (J)**

ORAL ORDER 10.01.2024 sas

**M.A.NO. 101 OF 2023 IN O.A.ST.NO. 195 OF 2023  
(Shridhar L. Lawande Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

2. Learned counsel for the applicant is requested to file synopsis of events to explain as to how the delay has been caused in filing the Original Application.

3. S.O. to 25.01.2024.

**MEMBER (J)**

ORAL ORDER 10.01.2024 sas

**M.A.NO. 102 OF 2023 IN O.A.ST.NO. 358 OF 2023  
(Vilas S. Makasare Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri A.G. Ambetkar, 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 is requested to file synopsis of events to explain as to how the delay has been caused in filing the Original Application.

3. S.O. to 25.01.2024.

**MEMBER (J)**

ORAL ORDER 10.01.2024 sas

**M.A. No. 247/2023 in O.A. St. No. 993/2023**  
**(Aditya Y. Suryawanshi & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Heard Shri H.P. Jadhav, learned counsel for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants submits that father of the applicant No. 1 was serving as Agriculture Assistant and died in harness during the service tenure on 01.01.2004. He left behind him his wife, two children i.e. one son and one daughter and old aged parents. The applicant No. 2 widow has initially filed application for compassionate appointment, however, she was appointed as Peon by way of direct recruitment by keeping her claim for compassionate appointment in abeyance. However, thereafter on attaining the age of majority, the applicant No. 1 has submitted an application for compassionate appointment on 26.06.2019. Learned counsel submits that by last communication dated 21.10.2020, the respondent

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No. 3 rejected the application of the applicant for compassionate appointment.

3. Learned counsel for the applicants submits that thereafter the delay has been occurred due to Covid-19 lockdown two times i.e. in the year 2020 and 2021 respectively. Further the applicant No. 1 was also suffered some contagious disease. He was also facing financial crises. At the relevant time family was in dire need of compassionate appointment for the applicant No. 1. Learned counsel for the applicant submits that the delay is not intentional and deliberate one. There is no inaction on part of the applicant. The Misc. Application thus deserves to be allowed.

4. Learned P.O. submits that there is an inordinate delay caused in filing the accompanying O.A. and the delay has not been satisfactorily explained by the applicant. There is no substance in the Misc. Application and the same is liable to be dismissed.

5. It appears that there is a delay of 2 years, 9 months and 8 days caused in filing the

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accompanying O.A. The applicant has well explained the delay. Initially after cause of action arose, the applicant could not immediately file the O.A. due to lockdown period, which was result of outbreak of Covid-19. Thereafter, the applicant himself had suffered from contagious disease. Thereafter delay has also caused due to financial crises. I am thus convinced that the delay is not intentional or deliberate and the applicant prevented from sufficient cause to approach this Tribunal by filing the O.A. within time. Hence, the following order :-

**ORDER**

- (i) The M.A. No. 247/2023 is allowed.
- (ii) The delay of 2 years, 9 months and 8 days caused in filing the accompanying O.A. is hereby condoned.
- (iii) Accompanying O.A. be registered and numbered in accordance with law.
- (iv) Accordingly, M.A. stands disposed of. No order as to costs.

**MEMBER (J)**

**O.A. St. No. 993/2023**

**(Aditya Y. Suryawanshi & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Heard Shri H.P. Jadhav, learned counsel for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. After registration of O.A., issue notices to the respondents, returnable on 11.03.2024.

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

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

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

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

7. S.O. to 11.03.2024.

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

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 508 OF 2017**  
**(Syed Azam Syed Lal Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Heard Shri Asif Ali, learned counsel holding for Smt. A.N. Ansari, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that by filing the Original Application No. 229/2009, the applicant has challenged the dismissal order dated 25.06.2007 and by order dated 14.03.2016; this Tribunal has partly allowed the said O.A. and set aside the dismissal order with certain directions. Being aggrieved by the same, the respondents State of Maharashtra and Ors. have preferred W.P. No. 10226/2016 and the Division Bench of the Hon'ble High Court of Bombay, Bench at Aurangabad by order dated 20.03.2017 dismissed the said W.P. At present, the State of Maharashtra has approached the Hon'ble Apex Court by filing Special Leave to Appeal (Dairy No. 28069/2017) (State of Maharashtra and Ors. Vs. Syed Azam). Learned

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O.A. 508/2017

counsel further submits that the above mentioned matter listed for hearing on 10.10.2017 and the Hon'ble Apex Court condoned the delay and granted interim stay in the meantime. Learned counsel has placed on record the said order. Same is marked as document "X" collectively for identification.

3. In view of above, the present O.A. is kept in dormant files. However, for the periodical review of status of said SLP, formal date would be given.

4. S.O. to 15.04.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 185 OF 2023**  
**(Chandrakala W. Gaikwad Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri A.D. Gadekar, 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 applicants do not want to file any rejoinder affidavit.

3. Pleadings completed. List the matter for admission hearing on 04.03.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 261 OF 2023**  
**(Vidya S. Ghorpade Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri P.B. Salunke, learned counsel holding for Shri V.G. Salgare, 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 09.02.2024 for filing rejoinder affidavit. Interim relief granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 110 OF 2021**  
**(Dr. Namdeo R. Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Heard Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Part heard.

3. Learned counsel for the applicant is directed to place on record his initial appointment order for the period from 30.09.1999 to 29.09.2001.

4. Learned Presenting Officer is also directed to place on record the same order along with copy of bond, if any executed by the applicant at the relevant time.

5. S.O. to 31.01.2024 for further hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 409 OF 2021**  
**(Govind R. More Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Heard Shri R.N. Bharaswadkar, 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 submits that during pendency of the present Original Application, the applicant came to be posted at Kishore Sudharalaya Nashik, as desired by the applicant.

3. In view of above, the purpose of filing of the present Original Application is over and nothing survives for further consideration. The Original Application is disposed of. No order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 619 OF 2021**  
**(Rahul R. Wakle Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Smt. Suchita Dhongde, 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 12.03.2024 for hearing.

**MEMBER (J)**

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

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri G.J. Pahilwan, 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)**



**T.A. No. 09/2022 (W.P. No. 8518/2022)**  
**(Laxman M. Kashid & Ors. Vs. State of Maharashtra & Ors.)**  
**WITH**  
**T.A. No. 10/2022 (W.P. No. 4726/2022)**  
**(Namdeo V. Shelar & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri A.G. Ambetkar, learned counsel for the applicants in both the cases and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities in both the cases, are present.

2. Even though the affidavit in reply is filed on behalf of respondent Nos. 1 to 4, learned P.O. submits that to clarify certain aspects short affidavit is required to be filed.

3. S.O. to 24.01.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 758 OF 2022**  
(Vasnat N. Phad Vs. State of Maharashtra & Ors.)

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri Swaraj Tandale, learned counsel holding for Shri B.R. Kedar, learned counsel for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 3 to 5, are present.

2. S.O. to 24.01.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 289 OF 2023**  
**(Dharma H. Durpargude & ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri P.V. Suryawanshi, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 527 OF 2023**  
(Vidya A. Mohite Vs. State of Maharashtra & Ors.)

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri K.G. Salunke, learned counsel for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present. Shri U.A. Khekale, learned counsel for respondent Nos. 3 & 4, is **absent**.

2. As none present for the applicant, S.O. to 09.02.2024 for hearing.

**MEMBER (J)**

KPB ORAL ORDER 10.01.2024

**ORIGINAL APPLICATION NO. 478 OF 2023**  
**(Visahwajit V. Udate Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

2. As none present for the applicant, S.O. to 04.03.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 784 OF 2015**  
**(Malappa P. Shendule Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

2. This is old matter of the year 2015. As none present for the applicant, as a last chance, S.O. to 19.03.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 116 OF 2017**  
**(Dr. Dhanraj W. Kendre Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

2. This is old matter of the year 2017. As none present for the applicant, as a last chance, S.O. to 19.03.2024 for final hearing.

**MEMBER (J)**

**O.A. Nos. 124, 125, 126 & 127 all of 2019**  
**(Arun K. Gosawi & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri D.K. Dagadkhari, learned counsel for the applicants in all these O.As. and Smt. Sanjvani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. S.O. to 24.01.2024 for final hearing.

**MEMBER (J)**

KPB ORAL ORDER 10.01.2024



**ORIGINAL APPLICATION NO. 420 OF 2019**  
**(Raju P. Gaikwad Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri S.D. Dhongde, learned counsel for the applicant (**Leave Note**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note filed by learned counsel for the applicant, S.O. to 04.03.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 597 OF 2020**  
**(Amol S. Shidore Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 698 OF 2023**  
**(Suresh R. Warade Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

2. Learned Presenting Officer submits sur-rejoinder on behalf of respondent Nos. 1 to 3 to the rejoinder affidavit filed by the applicant. Same is taken on record and copy thereof is given to other side.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO.105/2021**  
**(Smita K. Suryawanshi & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Heard Shri C.V.Dharurkar, learned Counsel for the applicants, Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities and Shri A.S.Deshmukh, learned Counsel for respondent nos.3 to 7.

2. Part Heard. S.O. to 12-01-2024 for further consideration.

**MEMBER (A)**  
YUK ORAL ORDER 10.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION ST. NO.1033/2023**  
**(Maharashtra Vikas Seva Rajpatrit Adhikari Sanghatana & Ors. Vs.**  
**State of Maharashtra & Ors.)**

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

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Heard Shri C.V.Dharurkar, learned Counsel for the applicants and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. When the present O.A. is taken up for consideration, it is revealed that the matter is still under await service category. Learned Counsel for the applicants prayed for re-issuance of notice to the unserved respondent nos.1 & 2.

3. Hence, issue notice to the respondent nos.1 and 2, returnable on 08-02-2024.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the 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 08-02--2024.

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

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.828/2022**  
**(Shailendra G. Sasane Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

2. S.O. to 30-01-2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**  
YUK ORAL ORDER 10.01.2024

**VICE CHAIRMAN**

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

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

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

**MEMBER (A)**  
YUK ORAL ORDER 10.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.426/2020**  
**(Sunil S. Pagare Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

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

**MEMBER (A)**  
YUK ORAL ORDER 10.01.2024

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO.412/2020**  
**(Omprakash H. Kothari Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

Shri A.S.Deshmukh, learned Counsel for the applicant, Shri M.P.Gude, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned Counsel for respondent nos.2 and 4, are present.

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

**MEMBER (A)**  
YUK ORAL ORDER 10.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.994/2023**  
**(Trimbak D. Chavan Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

2. S.O. to 19-01-2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**  
YUK ORAL ORDER 10.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.472/2023**  
**(Bajirao Eknath Gadade Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

2. It is the grievance of the applicant that his promotion to the post of Circle Officer has been illegally withheld by the respondents on some untenable grounds. Learned Counsel for the applicant invited our attention to the interim order passed by this Tribunal on 30-08-2023. A detailed order was passed by the Tribunal on the said date thereby holding and declaring that the applicant is entitled for promotion from the cadre of Talathi to Circle Officer as per the seniority list as well as other requirements like his performance, ACRs. etc. The applicant was prosecuted under the Prevention of Corruption Act but got acquitted and though the departmental enquiry was initiated against him, that also came to be dropped. In the circumstances,

it was held by this Tribunal that the applicant is entitled for promotion to the next higher post.

3. Learned P.O. today has tendered across the Bar communication dated 05-01-2024 received to the office of CPO from the respondents. After having gone through the contents of the documents annexed with the said communication which are the minutes of the meeting of the DPC held on 29-12-2023, it appears that special DPC is likely to take place and in the said meeting the decision will be taken in regard to the promotion of the applicant. Even otherwise, it appears to us that after having acquitted from the criminal case and after the departmental enquiry against him was dropped, the decision in regard to promotion of applicant, which was kept in sealed cover was likely to be opened and respondents are under an obligation to take a decision accordingly.

4. In the circumstances, after having noted down events which have subsequently occurred, we deem it appropriate to dispose of the present O.A. with the following order:

ORDER

- [i] Respondent authorities are directed to consider the claim of the applicant for promotion to the cadre of Circle Officer by opening the sealed cover and depending upon the performance assessed of the applicant in the said report, take decision in regard to promotion of the applicant within 3 weeks from the date of this order, and the same shall be communicated to the applicant.
- [ii] O.A. stands allowed in the aforesaid terms, however, without any order as to costs.

**MEMBER (A)**

YUK ORAL ORDER 10.01.2024

**VICE CHAIRMAN**

**M.A.NO. 420 OF 2021 IN O.A.ST.NO. 1163 OF 2019  
(Khandu G. Joshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

2. By this application the applicant is seeking condonation of delay caused in filing accompanying the O.A.

3. In the year 1982 the applicant had joined the services as an Agriculture Assistant in the office of Sub-Divisional Agriculture Officer at Omerga, Dist. Latur. On 06.09.1996 when the applicant was working as a Gram Vistarak (Village Extension Officer) in the office of Sub-Divisional Agriculture Office at Udgir Dist. Latur, he was suspended as per the order of Assistant Agriculture Director, Latur. The Sub-Divisional Agriculture Officer, Latur lodged the complaint against the applicant and two others in Kingaon Police Station bearing F.I.R. No. 98/1996 for the offence punishable under Section 409, 468 and 471 r/w. 34 of I.P.C. for misappropriation of Government funds. In consequence thereof the

//2// M.A. 420/2021 in  
O.A.St. 1163/2019

departmental enquiry was also initiated against the applicant and others.

4. By order dated 17.08.2006, the respondent No.1 has imposed the punishment by issuing the order to withhold two increments and to recover certain amount i.e. Rs. 86, 722/- in lumpsum. Learned counsel for the applicant submits that so far as the suspension order dated 06.09.1996 is concerned, the department has not reviewed the said suspension order though it was mandatory and consequently, the applicant remained under suspension for about 11 years. As per order dated 17.08.2006, though the applicant came to be reinstated in service, the effect to the said order was given on 13.07.2007 i.e. after about the 11 months. On 04.10.2011, the learned C.J.M., Latur has acquitted the applicant and others in connection with R.C.C. No. 140/2000 arise in connection with F.I.R. No.98/1996.

5. On 31.10.2011 the applicant retired from service as an Agriculture Assistant at Limboti, Tq. Loha, Dist. Nanded. Being aggrieved by the order of

//3/ M.A. 420/2021 in  
O.A.St. 1163/2019

acquittal the State preferred the Criminal Appeal No. 02/2012 before the Sessions Court which Appeal came to be dismissed and the order passed by C.J.M., Latur is confirmed.

6. Learned counsel for the applicant submits that on 07.01.2012 the applicant has approached the respondent No. 4 and pointed out the above facts and requested to treat the said suspension period of 11 years as service period and grant him benefit of continuation in service as well as for pension and pensionary benefits. On 13.02.2012, the respondent No.4 called the explanation about the same from the Divisional Joint Director of Agriculture (Extension), Latur (respondent No.3 herein). The respondent No.3 has informed by communication dated 24.02.2012 that the applicant was not reinstated on account of criminal prosecution and further informed that the proposal of pension of the applicant is submitted to A.G., Nagpur and not given any specific explanation for continuation of service for the period under suspension. In the year 2013 the applicant has made representation to the



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Additional Chief Secretary, Agriculture, Mantralaya,  
Mumbai (respondent No.2 herein) for the same.

7. Learned counsel for the applicant submits that the delay of 2494 days caused in filing the Original application is not intentional and deliberate. During this period by keeping the faith on the words of his superiors the applicant was moving from pillar to post from time to time to which they assured. Further due to long suspension of 11 years the applicant was fed up. He was facing hardship during the said period of suspension. He had to face departmental enquiry as well as criminal trial. The applicant was suffering from various ailments like Diabetes and Blood pressure. He was also suffering from family problems. In view of same, the applicant has almost lost his capacity to struggle and the same was continued even after the retirement. The applicant had no choice to keep the faith on his superiors. Learned counsel for the applicant submits that there is no inaction on the part of the applicant and the application seeking condonation of delay deserves to be allowed.

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8. Learned P.O. has strongly resisted the application on the ground that there is an inordinate delay for which the applicant has failed to give any satisfactory reasons. Learned P.O. submits that after the year 2013 when the applicant had lastly approached the respondent No.2, for near about 6 years, the applicant has done nothing. The applicant has not explained the same. Learned P.O. submits that there is no substance in the application and the same is liable to be dismissed.

9. On careful perusal of the contents of the application and having due regard to the submissions made on behalf of applicant and respondents, I find that the applicant was under suspension for long period. Prima-facie, it appears that the respondent authorities have not bothered to review the said suspension period. Further though the applicant came to be acquitted in criminal case and even though the departmental enquiry was concluded by imposing minor punishment on the applicant, no specific order came to be passed in connection with the said long period of suspension.

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Consequently the applicant left with no other choice to approach the respondents by filing representation.

10. It is further appears that the applicant has done nothing from the year 2013 till filing of this Original Application. However, as pointed out by the learned counsel for the applicant the applicant is a retired employee and he is suffering from diabetes and blood pressure. Furthermore the applicant was also facing departmental enquiry and criminal trail and due to such ailments, criminal trail and family problems, he has lost his capacity to struggle. However, if the grievances raised by the applicant are not considered by rejecting the application seeking condonation of delay at threshold, the applicant would not get relief anywhere. Thus considering entire facts of the case I am inclined to condone the delay. However considering the some inaction on the part of the applicant it would be appropriate if the applicant is saddled with the costs. I compute the costs of Rs.1,00/- (One Hundred only)

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on the applicant and proceed to pass the following order:-

**ORDER**

The Misc. Application No. 420/2021 is allowed in following terms:-

- (A) The delay caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 100/- (One Hundred only) by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.
- (B) 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.

**MEMBER (J)**

**ORIGINAL APPLICATION ST.NO. 1163 OF 2019  
(Khandu G. Joshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 10.01.2024**

**ORAL ORDER :**

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

2. Issue notice to respondents, returnable on 06.03.2024.

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

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

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

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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. The learned P.O. appears for all the respondents and seeks time for taking instructions.

8. S.O. to 06.03.2024.

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

**MEMBER (J)**

ORAL ORDER 10.01.2024 sas