

ORIGINAL APPLICATION NO. 286 OF 2021
(Sayyed Ubed Sayyed Asif & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri N.K. Tungar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 18.01.2022.
3. The present matter is to be treated as part heard.

MEMBER (J)

KPB ORAL ORDERS 10.12.2021

ORIGINAL APPLICATION NO. 103 OF 2021
(Dr. Harischandra T. Kokani Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri Rakesh Jain, learned Advocate for respondent No. 3.

2. By consent of both the sides, S.O. to 10.01.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 10.12.2021

ORIGINAL APPLICATION NO. 03 OF 2020
(Anil V. Lad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Shri M.S. Karad, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri Avinash S. Deshmukh, learned Advocate for respondent No. 5.

2. As none present for the applicant, S.O. to 11.01.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1062 OF 2019
(Bhau M. Khade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Smt. Priya R. Bharaswadkar, learned Advocate holding for Shri R.N. Bharaswadkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Record shows that the affidavit in reply jointly is filed on behalf of respondent Nos. 1, 2, 4 & 5 and separate affidavit in reply is filed on behalf of respondent No. 3.

3. As per the farad sheet order dated 01.12.2021, the learned Presenting Officer is directed to enlighten on the aspect as to whether or not there is promotional post above the post of Paharekari and what is the pay scale of such post, if any.

4. Learned Advocate for the applicant in this regard invited my attention to the contention in para No. 6 at page No. 100 of paper book of affidavit in reply of respondent No. 3, wherein it is stated that the post of Paharekari is an isolated post in Group-D category and it is not opened for promotional channel. Hence,

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this issue will be considered accordingly in view of the contentions raised on behalf of respondent No. 3.

5. By consent of both the sides, S.O. to 14.12.2021.

MEMBER (J)

KPB ORAL ORDERS 10.12.2021

ORIGINAL APPLICATION NO. 810 OF 2018
(Somnath G. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Shri Y.H. Jadhav, learned Advocate for the applicant (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 25.01.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 10.12.2021

ORIGINAL APPLICATION NO. 200 OF 2018
(Dinkar G. Shahane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 25.01.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 10.12.2021

ORIGINAL APPLICATION NO. 177 OF 2018
(Gangadhar M. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri M.B. Bharaswadkar, learned Advocate holding for Shri R.K. Ashtekar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 21.01.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 10.12.2021

ORIGINAL APPLICATION NO. 532 OF 2021
(Kaviraj J. Kucche Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 and 2 and Shri N.B. Narwade, learned Advocate for respondent No. 3.

2. Learned Presenting Officer submits that explanatory affidavit is not prepared, as he has to receive some documents from the concerned respondent/s.

3. In view of the same, short time is granted to the respondents for filing explanatory affidavit.

4. S.O. to 15.12.2021.

MEMBER (J)

**M.A. No. 318/2021 in O.A. No. 202/2017
(Ashok B. Wagh Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri Ganesh Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that in the prayer clause of the present Misc. Application, addition of para No. 20 remained to be mentioned in proposed amendment. He therefore, seeks correction in the prayer clause of the M.A.

3. Leave as prayed for the applicant is granted. The applicant shall carry out the correction in the M.A. on or before the next date of hearing and to serve copy of it to the learned P.O.

4. S.O. to 14.01.2022.

MEMBER (J)

**M.A. No. 322/2020 in O.A. St. No. 1078/2020
(Ravi Uma Rathod Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The Original Application along with the present Misc. Application for condonation of delay is filed by the applicant challenging the impugned order dated 20.06.2017 (Annexure A-1) issued by the respondent No. 3 i.e. the Additional Commissioner, Tribal Development Department, Amravati, thereby one increment of salary of the applicant is stopped permanently.

3. Today, learned Presenting Officer for the respondents placed on record a copy of the order / communication dated 19.07.2021 issued by the respondent No. 3 whereby the minor punishment of stopping one increment of the applicant permanently is withdrawn and in that place strict warning and caution is imposed. Copy of the said order/

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MA 322/2020 in
OA St. 1078/2020

communication is taken on record and marked as documents 'X' for the purpose of identification.

4. In view of the same, learned Advocate for the applicant submits that the grievance of the applicant is redressed.

5. Hence, the Misc. Application and Original Application are disposed of as the grievance of the applicant being redressed. There shall be no order as to costs.

MEMBER (J)

M.A. No. 82/2020 in O.A. St. No. 172/2020
(Arshad Khan Gulab Khan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 20.01.2022 for filing rejoinder affidavit in M.A.

MEMBER (J)

KPB ORAL ORDERS 10.12.2021

M.A. No. 515/2019 in O.A. No. 834/2019
(Ravikant R. Hadoltikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 & 3. Shri G.N. Patil, learned Advocate for respondent No. 2, **absent**.

2. At the request and by consent of both the sides, S.O. to 20.01.2022.

MEMBER (J)

KPB ORAL ORDERS 10.12.2021

**M.A. No. 413/2019 in O.A. St. No. 1414/2019
(Gorakh M. Shinde Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri G.L. Awale, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 06.01.2022.

MEMBER (J)

KPB ORAL ORDERS 10.12.2021

**M.A. No. 276/2020 in O.A. St. No. 833/2020
(Jayant R. Ambhore Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri K.A. Ingle, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 and 2 and Shri D.K. Dagadkhair, learned Advocate for respondent No. 3.

2. The present matter is closed for orders.

MEMBER (J)

KPB ORAL ORDERS 10.12.2021

ORIGINAL APPLICATION NO. 771 OF 2021
(Sunil A. Thete Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri M.B. Bharaswadkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer placed on record a copy of the Government order dated 08.12.2021 showing that the applicant and one another have been suspended w.e.f. 08.12.2021. Copy of the said Government order is taken on record and marked as document 'X' for the purpose of identification.

3. Issue notices to the respondents, returnable on 20.01.2022.

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

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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 20.01.2022.

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

MEMBER (J)

ORIGINAL APPLICATION NO.310 OF 2019
(Durgesh M. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri K.B. Bhise, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Affidavit-in-sur-rejoinder filed on behalf of respondent Nos.2 & 4 is taken.
3. Pleadings are complete. The matter is pertaining to compassionate appointment. It is admitted and fixed for final hearing on 20.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.1084 OF 2019
(Ravindra M. Garje Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri Dhananjay Mane, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O.to 20.01.2022.

MEMBER (J)

ORAL ORDERS 10.12.2021-SAS

ORIGINAL APPLICATION NO.353 OF 2020
(Shivraj V. Kangale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Shri Sandip C. Swami- Chakurkar, learned Advocate for the applicant is **absent**. Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. As none present on behalf of the applicant, S.O. to 21.01.2022.

MEMBER (J)

ORAL ORDERS 10.12.2021-SAS

ORIGINAL APPLICATION NO.494 OF 2020
(Yashwant L. Mohe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Shri Suhas B. Ghute, learned Advocate for the applicant is **absent**. Heard Shri N.U. Yadav, learned Presenting Officer for the respondent Nos.1 to 4. Nobody present on behalf of respondent No.5, though he is duly served.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of respondent Nos.1 to 4.

3. S.O.to 21.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.543 OF 2020
(Gaurav C. Randive Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri Dilip Mutalik, learned Advocate holding for Shri Jayant B. Choudhary, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent Nos.1 to 4.

2. Learned Advocate for the applicant submits that as the applicant has no grievance against the deceased respondent No.5, the legal representatives of the deceased respondent No.5 have not required to be brought on record.

3. Learned P.O. seeks time for filing affidavit-in-sur-rejoinder on behalf of the respondent Nos.1 to 4. Time is granted as a last chance.

4. S.O. to 20.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.2 OF 2021
(Kiran S. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.
3. S.O. to 21.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.394 OF 2021
(Rekha R. Mohite & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

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

3. S.O. to 21.01.2022.

MEMBER (J)

ORAL ORDERS 10.12.2021-SAS

ORIGINAL APPLICATION NO.541 OF 2021
(Dr. Mangesh M. Ghodke Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant is **absent**. Heard Shri S.K. Shirse, learned Presenting Officer for the respondent Nos.1 to 3. Nobody present on behalf of respondent No.4, though duly served.

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

3. S.O. to 25.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.543 OF 2021
(Sanjay G. Pawar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Affidavit-in-rejoinder filed on behalf the applicant is taken on record and copy thereof has been served on the other side.
3. S.O. to 11.01.2022.

MEMBER (J)

ORAL ORDERS 10.12.2021-SAS

ORIGINAL APPLICATION NO.629 OF 2021
(Dr. Archana V. Bhosle Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks correction in the Original Application stating that it is wrongly mentioned in the Original Application that proposal dated 21.01.2020 (Annex. 'A-3') is addressed to the Principal Secretary by the Commissioner, Public Health, Mumbai. In fact, it is addressed by Director, Public Health, Mumbai.
3. In view of above, leave as prayed for is granted.
4. Correction be carried out within the period of one week.
5. S.O. to 11.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.701 OF 2021
(Kishor B. Marathe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri Dinesh Kakde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.
3. S.O. to 24.01.2022. Interim relief granted earlier to continue till then.

MEMBER (J)

**M.A.NO.196 OF 2021 IN M.A.ST.NO.780 OF 2021 IN
O.A.NO.198 OF 2020
(Harishchandra B . Bhujbal Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Shri Walmik S. Jadhav, learned Advocate for the applicant is **absent**. Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. As none present on behalf of the applicant, S.O. to 27.01.2022.

MEMBER (J)

ORAL ORDERS 10.12.2021-SAS

M.A.NO.337 OF 2019 IN O.A.ST.NO.1116 OF 2019
(Gopal M. Waghmare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos.1,2 and 4. Nobody present on behalf of respondent No.3 though duly served.

2. Affidavit-in-reply filed on behalf of respondent No.2 is taken on record and copy thereof has been served on the other side.

3. Learned P.O. for the respondents submits that the respondent Nos.1 & 4 are adopting the affidavit-in-reply filed by respondent No.2.

4. S.O. to 21.01.2022 for filing affidavit-in-rejoinder on behalf of the applicant, if any.

MEMBER (J)

ORIGINAL APPLICATION NO.29 OF 2017
(Shankar Daga Chaudhari Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos.1 and 4. Nobody present on behalf of respondent Nos.2 and 3.

2. By consent adjourned to 21.01.2022.

MEMBER (J)

ORAL ORDERS 10.12.2021-SAS

ORIGINAL APPLICATION NO.451 OF 2019
(Suryakant R. Biradar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate holding for Shri Shamsundar B.Patil, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The present matter is already part heard.
3. At the request of the learned Advocate for the applicant, S.O. to 20.12.2021.

MEMBER (J)

**O.A.No.581 OF 2021 WITH M.A.NO.326 OF 2021
WITH CAVEAT NO.57 OF 2021
(Dr. Sarika B. Bade Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri J.M. Murkute, learned Advocate for the applicant for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos.1 to 4 and Shri Avinash S. Deshmukh, learned Advocate for the respondent No.6 (Caveator). None present on behalf of the respondent No.5, though duly served.

2. Learned Advocate for the applicant placed on record the copy of communication dated 30.11.2021 issued by respondent No.2 i.e. Deputy Director of Health Services, Aurangabad Division to Civil Surgeon, Civil Hospital, Parbhani thereby directing him to relieve the applicant in order to join at Civil Hospital, Aurangabad. It is taken on record and marked as document 'X-1' for the purpose of identification.

3. Learned Advocate for the applicant also placed on record the copy of relieving order dated 06.12.2021 issued by Medical Superintendent, Rural Hospital, Jintur. It is marked as document 'X-2' for the purpose of identification.

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4. Learned Advocate for the applicant submits that the applicant, thereafter, reported at Civil Hospital, Aurangabad by submitting the application dated 07.12.2021 for joining there. He also produced the copy of said application. It is taken on record and marked as document 'X-3' for the purpose of identification.

5. He further submits that the applicant had joined at Civil Hospital, Aurangabad but she has not yet received joining report and no work is assigned to her.

6. Learned Advocate for the applicant also submits that the applicant is not receiving salary since last three months.

7. Learned P.O. for the respondents submits that he has to seek instructions from Civil Surgeon, Aurangabad on all these aspects and therefore he seeks time. Time is granted.

8. S.O. to 20.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.711 OF 2021
(Lalita Late Bhagwan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri R.M. Jade, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Perusal of record would show that the applicant is family pensioner. Her husband namely Bhagwan G. Gaikwad was working in the office of Executive Engineer, Jayakwadi Project, Drainage Construction DN No.3, Beed as a Tracer. He died in harness on 15.12.2005. After his death, the applicant is getting family pension. The applicant received communication dated 30.03.2021 (Annex. 'A-2') from the office of Respondent No.2 i.e. Treasury Officer, Beed stating recovery of the excess payment of Rs.4,33,080/- in 108 installments of Rs.4000/- per month and one installment of Rs.1080/-.

3. This Original Application is filed challenging the said communication dated 30.03.2021 (Annex. 'A-2'). The Applicant is seeking interim relief of stay to the

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execution and implementation of said impugned recovery order.

4. Learned Advocate for the applicant submits that deceased husband of the applicant was working as Tracer which is Group-D/Class-IV post. In view of same, the recovery of excess amount is impermissible in view of law laid down by Hon'ble Apex Court in the matter of **State of Punjab and others etc. V/s. Rafiq Masih (White Washer) etc., reported in AIR 2015 SC 969.**

5. Learned P.O. for the respondents opposed the submissions made by learned Advocate for the applicant and sought time for filing affidavit-in-reply.

6. Considering the facts on record, prima-facie, it appears that recovery order is issued in respect of excess amount paid to the applicant from her family pension on account of wrong pay fixation.

7. In view of same, prima-facie, the said recovery is impermissible in view of parameters laid down in paragraph No.12, Clause Nos.(i) and (iii) of guidelines issued by the Hon'ble Apex Court in the matter of

State of Punjab and others etc. V/s. Rafiq Masih**(White Washer) etc.**, (supra) which is as follows:-

“12. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarize the following few situations, wherein recoveries by the employers, would be impermissible in law:

- (i) Recovery from employees belonging to Class-III and Class-IV service (or Group ‘C’ and Group ‘D’ service).*
- (ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*
- (iii) Recovery from the employees when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*

8. Hence, it is fit case for grant interim relief of stay to the execution and implementation of impugned communication dated 30.03.2021 (Annex. ‘A-2’).

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9. Accordingly, interim relief of stay to the execution and implementation of impugned communication dated 30.03.2021 (Annex. 'A-2') is granted till filing of reply by the respondents.

10. Issue notice to the respondents, returnable on 25.01.2022.

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

12. 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.

13. 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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14. 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.
15. S.O. to 25.01.2022.
16. Steno copy and Hamdast is allowed to both parties.
17. The present matter be placed on separate board.

MEMBER (J)

ORAL ORDERS 10.12.2021-SAS

**ORIGINAL APPLICATION NO. 736/2021
(Pandit S. Tiparse Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri Dhananjay Mane, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Before the learned Advocate for the applicant commences his argument, a query was raised by us as whether the applicant has availed remedy of filing departmental appeal before the Appellate Authority before approaching this Tribunal, the learned Advocate for the applicant submitted that no such departmental appeal is provided against the order, which has been impugned in the present O.A. However, when the relevant provision of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 was referred by us, the learned Advocate sought leave to withdraw the present O.A. with liberty to file departmental appeal before the Appellate Authority. The learned Advocate for the applicant further requested to give a direction to the Appellate Authority to decide his appeal within a particular period. The learned Advocate submitted that within a week the applicant will file such appeal before the Appellate Authority.

::-2-::

O.A. NO. 736/2021

3. In view of the submissions made as above by the learned Advocate for the applicant, following order is passed :-

ORDER

- (i) The O.A. stands disposed of since withdrawn.
- (ii) It will be open for the applicant to file departmental appeal before the appropriate authority and if such appeal is filed by the applicant within a period of one week from the date of this order, the said authority shall decide the said appeal within a period 3 months from the said date. We hope and trust that the applicant will co-operate the Appellate Authority in deciding the appeal. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

**C.P. 48/2019 IN O.A. 933/2018
(Gajanan M. Jadhav Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri L.S. Shaikh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. The learned P.O. has invited our attention to the affidavit in reply filed by the respondent no. 1 and the documents annexed thereto. The learned P.O. submitted that the application of the present applicant seeking appointment on compassionate ground was liable to be considered by the Commissioner, Soil & Water Conservation (Maharashtra State), WALMI, Aurangabad. He further submitted that accordingly the said authority has been appraise with the decision rendered in O.A. No. 933/2018 and has been requested to take the decision on the application submitted by the original applicant seeking compassionate appointment. The record reveals that the competent authority has not taken any decision on the application of the original applicant so forwarded to it. The application of the original applicant has been forwarded on 5.12.2019.

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C.P. 48/2019 IN O.A. 933/2018

3. In the above circumstances, we direct the said authority i.e. the Commissioner, Soil & Water Conservation (Maharashtra State), WALMI, Aurangabad to decide the representation / application of the original applicant seeking compassionate appointment within a month from the date of this order. The present order be communicated to the said authority by the learned P.O.

4. Steno copy allowed for the use of learned P.O.

5. S.O. to 12.1.2022.

MEMBER (A)

MEMBER (J)

M.A.NO. 369/2021 IN O.A.NO. 722/2019
(Samadhan J. Dubele & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned counsel for the applicants in O.A., Shri M.S. Mahajan, learned C.P.O. for respondent Nos. 1 to 3, Shri M.B. Kolpe, learned counsel for respondent No. 4, Shri A.S. Deshmukh, learned counsel for the applicant in M.A. and for Respondent Nos. 5, 6, 71, 87, 150, 198, 211, 229, 369, 489, 511, 528, 625, 628 & 629 in O.A., Shri G.K. Kshirsagar, learned counsel for the Respondent Nos. 221, 222, 249, 252, 296, 327, 353, 573, 581, 593, 606 & 627 in O.A., Shri S.G. Chapalgaonkar, learned counsel for the Respondent Nos.15, 193, 194, 278, 288, 291, 331, 344, 510, 515 & 554 and Shri Ajay U. Chandel, learned counsel holding for Shri Sandeep Dere, learned counsel for Respondent Nos. 142, 248, 412, 20, 22, 23, 30, 33, 36, 58, 60, 75, 78, 79, 84, 90, 92, 94, 109, 111, 115, 117, 121, 123, 126, 130, 132, 133, 158, 162, 171, 173, 177, 178, 180, 189, 196, 200, 205, 209, 210, 213, 216, 218, 226, 240, 255, 258, 260, 267, 271, 272, 594, 277, 279, 298, 303, 309, 315, 320, 326, 339, 343, 349, 351, 359, 372, 377, 382, 390, 391, 400, 402, 407, 411, 415, 417, 422, 426, 428, 436,

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M.A.NO.369/201 IN O.A.NO.722/2019

442, 450, 451, 453, 325, 456, 458, 467, 475, 477, 478, 479, 488, 491, 500, 502, 512, 514, 517, 533, 535, 536, 541, 545, 550, 367, 560, 563, 565, 568, 569, 596, 603, 618, 619, 624, 626, 630, 634, 636 & 638 and Shri Ashish Rajkar, learned counsel for the respondent Nos. 105, 317, 443 & 458.

2. Applicants have filed the present Misc. Application seeking their impleadment as co-applicants in the Original Application No. 772/2019. There are total 40 applicants. It is the contention of the applicants that they also are equally aggrieved by the Government Resolution dated 22.4.2019 issued by the Home Department, whereby 636 additional candidates have been absorbed on the post of the Police Sub-Inspector. According to the applicants, the said candidates have been absorbed against the quota of 25% seats to be filled in through Limited Departmental Competitive Examination as per rule 3 of the Police Sub-Inspector (Recruitment) Rules, 1995. It is further contention of the applicants that they are the candidates identically placed and having same grievance as of the applicants in O.A. No. 772/2019.

3. Shri Ajay Deshpande, learned counsel appearing for the applicants – intervenors referred to the order dated

=3=

M.A.NO.369/201 IN O.A.NO.722/2019

5.2.2021 passed by the Hon'ble Apex Court in Civil Appeal No. 104/2021 and invited our attention to some of the observations made in the said order, which according to him support the case of the applicants. He brought to our notice the observations made by the Hon'ble Apex Court in paragraph No. 15 of the said judgment to the effect that the authority cannot fill up more than notified number of vacancies advertised, as the recruitment of candidates in excess of the notified vacancies, would be violative of Article 14 & 16 (1) of the Constitution of India. Learned counsel submitted that in view of the observations made by the Hon'ble Apex Court, the present M.A. deserves to be allowed and the applicants may be joined as co-applicants in the O.A. Learned counsel further submitted that no prejudice is likely to be caused to either of the parties, if the present 40 applicants are impleaded as co-applicants in the O.A. No. 772/2019.

4. In the alternative it was submitted by Advocate Deshpande that the present M.A. may be decided simultaneously with the O.A. No. 772/2019.

5. Original respondents have strongly opposed the present M.A. Shri Avinash S. Deshmukh, learned counsel appearing for some of the said respondents submitted that

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M.A.NO.369/201 IN O.A.NO.722/2019

such a vague application cannot be allowed. He submitted that the applicants of M.A. have not provided minimum essential particulars and bare statement is made that the applicants are identically placed with the original applicants. He further submitted that without necessary particulars of each of the said candidates the application cannot be allowed. He further alleged that only intention of filing such an application is to any how delay the hearing of the O.A. He further submitted that if it is the argument of the applicants that they are also challenging the same G.R. dated 22.4.2019, which has been challenged by the original applicants, it may not matter whether or not they are permitted to be co-applicants in the said O.A. He, therefore, prayed for rejecting the application for intervention as co-applicants in O.A. No. 772/2019.

6. Shri S.G. Chapalgaonkar, learned counsel appearing for some of the other respondents from newly added 636 candidates, directed to be noticed by the Hon'ble Apex Court, submitted that filing of the M.A. No. 369/2021 is an attempt of the intervenors to any how bring their case within the period of limitation, which otherwise has lapsed. The contention so raised by Advocate Chapalgaonkar is disputed by Advocate Ajay Deshpande. He submitted that under the orders of the Hon'ble Apex Court the limitation is saved of the intervening period of lockdown because of the COVID-19 situation.

7. We have carefully considered the submissions made by learned counsel appearing for the parties. We have perused the orders passed by the Hon'ble High Court, as well as, Hon'ble Apex Court in the related matters. After having considered the submissions of the learned counsel and on perusal of the documents on record, apparently we do not find that any case is made out by the applicants for allowing their application to intervene in the O.A. and to be added in the said O.A. as co-applicants. We agree with the argument advanced by Advocate Avinash S. Deshmukh that when ultimate challenge is to the G.R. dated 22.4.2019, it is immaterial whether the said G.R. is challenged by a single person aggrieved with the said G.R. or by many more such aggrieved persons. It further appears to us that without particulars of the intervenors – applicants it is difficult to accept their contention that they are similarly situated persons with the original applicants. It further appears to us that technically also it would be impracticable and unfeasible to allow the intervention of these applicants and to make them as co-applicants in the O.A. without noticing the newly added 636 respondents. It further appears to us that the challenge given by 11 original applicants to the G.R. dated 22.4.2019 if succeeds, its benefits would flow to the present applicants also, if it is their contention that they are at par with the original

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M.A.NO.369/201 IN O.A.NO.722/2019

applicants. In the circumstances, we are not inclined to allow the present M.A.

8. Though alternative prayer is made by Advocate Ajay Deshpande that the present M.A. be considered along with O.A., we are not convinced with the said submission also when as noted herein above, *prima facie*, we do not find any case for impleading the applicants in M.A. as co-applicants in O.A. In the result, we pass the following order: -

ORDER

The M.A. No. 369/2021 is rejected without any order as to costs.

MEMBER (A)

MEMBER (J)

O.A.NO. 722/2019

(Gajanan B. Bansode & Ors. Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri Ajay S. Deshpande, learned Advocate for the applicants, Shri M.S. Mahajan, learned C.P.O. for respondent Nos. 1 to 3, Shri M.B. Kolpe, learned Advocate for respondent No. 4, Shri A.S. Deshmukh, learned Advocate for Respondent Nos. 5, 6, 71, 87, 150, 198, 211, 229, 369, 489, 511, 528, 625, 628 & 629, Shri G.K. Kshirsagar, learned Advocate for the Respondent Nos. 221, 222, 249, 252, 296, 327, 353, 573, 581, 593, 606 & 627, Shri S.G. Chapalgaonkar, learned Advocate for the Respondent Nos.15, 193, 194, 278, 288, 291, 331, 344, 510, 515 & 554 and Shri Ajay U. Chandel, learned Advocate holding for Shri Sandeep Dere, learned Advocate for Respondent Nos. 142, 248, 412, 20, 22, 23, 30, 33, 36, 58, 60, 75, 78, 79, 84, 90, 92, 94, 109, 111, 115, 117, 121, 123, 126, 130, 132, 133, 158, 162, 171, 173, 177, 178, 180, 189, 196, 200, 205, 209, 210, 213, 216, 218, 226, 240, 255, 258, 260, 267, 271, 272, 594, 277, 279, 298, 303, 309, 315, 320, 326, 339, 343, 349, 351, 359, 372, 377, 382, 390, 391, 400, 402, 407, 411, 415, 417, 422, 426, 428, 436, 442, 450, 451, 453, 325, 456, 458, 467,

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O.A.NO.722/2019

475, 477, 478, 479, 488, 491, 500, 502, 512, 514, 517, 533, 535, 536, 541, 545, 550, 367, 560, 563, 565, 568, 569, 596, 603, 618, 619, 624, 626, 630, 634, 636 & 638 and Shri Ashish Rajkar, learned Advocate for the respondent Nos. 105, 317, 443 & 458, are present.

2. S.O. to 5.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 10.12.2021 – HDD

**ORIGINAL APPLICATION NO. 775/2019
(Shashikant Shriram Patil Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri D.R. Irale Patil, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent no. 1 and Shri S.D. Dhongde, learned Advocate for respondent nos. 2 & 3, are present.

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

3. The learned Advocate for the applicant submits that the applicant in the present O.A. died during the pendency of the present matter i.e. on 30.12.2021. The learned Advocate for the applicant further submits that the legal heirs of the applicant do not want to prosecute the O.A. and he has received communication in that regard from the wife of deceased applicant. The copy of the said communication is taken on record.

4. Since the applicant in the O.A. has expired and the legal heirs do not want to prosecute the O.A. further, the O.A. stands abated and disposed of. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

M.A. 62/2020 IN O.A. NO. 775/2019

**(Rajendra N. Shelke & Ors. Vs. Shashikant Shriram Patil
& State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicants in the present M.A., Shri D.R. Irale Patil, learned Advocate for respondent no. 1 in the present M.A. / applicant in O.A. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent no. 2 in the present M.A. and Shri S.D. Dhongde, learned Advocate for respondent nos. 3 & 4 in the present M.A., are present.

2. The present M.A. has been filed by the applicants for issuance of directions to the respondent no. 1 in the present M.A. / applicant in O.A. to implead them as respondents in O.A.

3. Today by passing separate order in O.A. no. 775/2019 this Tribunal has disposed of the same by observing that, since the applicant in the O.A. has expired and the legal heirs do not want to prosecute the O.A. further, the O.A. stands abated and disposed of.

4. In view of disposal of O.A. No. 775/2019, the present M.A. filed by the applicants for intervention does not survive. It is accordingly disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 06/2021
(Dattu R. Raut Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. Rejoinder affidavit is not filed by the applicant. In the circumstances, list the matter for hearing on 11.1.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 122/2021
(Mohan B. Rathod Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri M.A. Granthi, learned Advocate holding for Shri M.K. Bhosale, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. Rejoinder affidavit is not filed by the applicant. In the circumstances, list the matter for hearing on 10.1.2022 for hearing.

3. The applicant is at liberty to file rejoinder affidavit, if any, on that day.

MEMBER (A)

MEMBER (J)

**M.A. 232/2021 IN O.A. ST. 932/2021
(Mahendra K. Wadgaonkar Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri Mahendra K. Wadgaonkar, party-in-person and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned C.P.O. has tendered across the bar the affidavit in reply of res. no. 3 in M.A. It is taken on record and copy thereof has been supplied to the party in person.

3. List the M.A, for hearing on 21.12.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 892/2018
(Dhananjay D. Chandodkar Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.12.2021

ORAL ORDER :

Shri Rahul Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. Rejoinder affidavit is not filed by the applicant even availing ample opportunities therefor. In the circumstances, list the matter for hearing on 11.1.2022.

3. The Interim Relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 901/2018
(Bhagwat S. Somase Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri Rahual Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. Rejoinder affidavit is not filed by the applicant in spite of availing ample opportunities therefor. In the circumstances, list the matter for hearing on 11.1.2022.

MEMBER (A)

MEMBER (J)

REV. 6/2019 IN O.A. 100/2018
(Ramrao T. Rathod Vs. State of Maha. & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.12.2021

ORAL ORDER :

Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, are present.

2. Learned P.O. sought time for filing affidavit in reply of the respondents in view of the communication received to him. The said communication is taken on record and marked as document 'X' for the purpose of identification. Time granted as a last chance for filing affidavit in reply by the respondents.

3. S.O. to 12.1.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 1013/2019
(Sandeep J. More & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri Rahul Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. Learned P.O. has sought time for filing affidavit in reply of the respondents. Time granted as a last chance.

3. S.O. to 13.1.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 508/2020
(Bhojane S. Prabhakar Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.12.2021

ORAL ORDER :

Shri A.S. Mirajgaonkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent no. 1, are present.

2. Learned P.O. has tendered across the bar affidavit in reply on behalf of respondent no. 1. It is taken on record and copy thereof has been supplied to the learned Advocate for the applicant.

3. The respondent no. 2, though served, has not appeared. Therefore, the O.A. be proceed further without appearance of respondent no. 2.

4. S.O. to 18.1.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 218/2021
(Mahamad Husain Tayyabsaheb Inamdar Vs. State of
Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Dr. Swapnil Tawshikar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. Rejoinder affidavit is not filed by the applicant. In the circumstances, list the matter for hearing on 12.1.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 463/2021
(Payal P. Tathe Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Ms. Preeti R. Wankhade, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Learned P.O. has sought time for filing affidavit in reply of the respondents. Time granted as a last chance as already 3 chances were granted to the respondents for filing affidavit in reply.

3. S.O. to 5.1.2022.

MEMBER (A)

MEMBER (J)

T.A. 9/2021 (W.P. 2006/2020)
(Suryakant V. Pahak & Ors. Vs. State of Maha. & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.12.2021

ORAL ORDER :

Shri D.R. Irale Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned C.P.O. has sought short accommodation in the present matter.

3. S.O. to 20.12.2021.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 10.12.2021

**ORIGINAL APPLICATION NO. 198/2021
(Umesh A. Bavare & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri Sandeep D. Munde, learned Advocate for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 to 8 and Shri Suhas R. Shirsath, learned Advocate for respondent nos. 9 to 15, are present.

2. After we have heard the learned Advocates appearing for the parties for some time, it is revealed that certain documents may be necessary for appropriate decision in the present matter. Hence, we direct the learned P.O. to put on record the programme prepared by the respondents of each of Taluka for recruitment of Kotwals. Such record shall be produced within a period of one week.

3. S.O. to 17.12.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 143/2021
(Rahul D. Rathod Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri V.G. Pingle, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 18.1.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 833/2019
(Komal R. Rathod Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri A.S. Mirajgaonkar, learned Advocate holding for Shri P.M. Nagargoje, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 & 2, are present. Shri N.L. Choudhary, learned Advocate for respondent no. 3 (**absent**).

2. At the request of learned Advocate for the applicant, S.O. to 25.1.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 943/2019
(Dattu G. Gaikwad Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri M.B. Kolpe, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 25.1.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 618/2018
(Sharad D. Raut Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 16.12.2021 for hearing.

MEMBER (A)

MEMBER (J)

**M.A. 224/2019 IN O.A. ST. 236/2019
(Sanjay B. Udar Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri K.B. Jadhav, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned Advocate for the applicant has sought time for seeking instructions as about filing rejoinder affidavit. Time granted.

3. S.O. to 11.1.2022.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 10.12.2021

**C.P. 5/2021 IN O.A. 546/2019
(Pallavi D. Pavshe Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri Vivekanand V. Ingle, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. When the present C.P. is taken up for consideration, it is pointed out by the learned P.O. and we have also gone through the said documents from which it is revealed that the order of the Tribunal in O.A. 546/2019 has been complied with by the respondents. It is the grievance of the applicant that the said order has not been communicated to the applicant. In fact, that was not the direction in the order in O.A. The direction was to complete the recruitment process and that has been complied with. We expect that in all fairness the learned P.O. shall provide the copy of the relevant document to the applicant so if at all the applicant feels aggrieved by the said decision, she may avail appropriate remedy therefor.

3. In the above facts and circumstances, the present C.P. cannot be proceed further, since the order in question has been complied with. Hence, the C.P. deserves to be disposed of and is accordingly disposed of. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

C.P. 6/2021 IN O.A. 165/2019

(Supriya K. Deshpande & Ors. Vs. State of Maha. & Ors.)

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri Vivekanand V. Ingle, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 16.12.2021.

MEMBER (A)

ARJ ORAL ORDERS 10.12.2021

MEMBER (J)

**M.A. 141/2021 IN M.A. 121/2021 IN O.A. 295/2019
WITH C.P. 3/2021
(State of Mah. & Ors. Vs. Maharashtra Rajya Hangami
Hivtap Prayogshala Karmachari Sanghatana through its
President)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri M.S. Mahajan, learned Chief Presenting Officer for the applicants in M.A. 141/2021 / respondents in O.A., Ms. Preeti Wankhade, learned Advocate for respondent in M.A. 141/2021 / applicant in O.A. / C.P. and Shri Vinod Patil, learned Advocate for applicants in M.A. No. 121/2021.

2. With the consent of both the sides, S.O. to 13.1.2022.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 10.12.2021

**M.A. 271/2021 WITH M.A. 95/2021 IN O.A. 170/2021
AND
M.A. 272/2021 WITH M.A. 96/2021 IN O.A. 171/2021
(Shivkumar Chivde Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and J.P. Legal Associates for respondent nos. 5, 6 & 7 / 6 & 7 in respective cases, are present.

2. Learned Advocate for res. nos. 5 to 7 / 6 & 7 has filed reply of said respondents in O.A. Nos. 170 & 171 both of 2021. The same are taken on record and copy thereof has been supplied to other side.

3. At the request of Ms. Pandit, learned Advocate for the applicants, S.O. to 27.1.2022.

MEMBER (A)

MEMBER (J)

**M.A. 202/2021 IN O.A. 639/2019
(Ajit V. Pawar Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Ms. Angha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 & 2 and Shri A.S. Mirajgaonkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for respondent no. 3, are present.

2. By filing the present M.A. the applicant is seeking to amend the O.A. and to incorporate certain pleadings in respect of the weightage given to the Project Affected Persons in Government employment when more particularly the present applicant in his application itself has mentioned that he is P.A.P. person.

3. After having gone through the pleadings of the present M.A., we do not find that the nature of O.A. and the prayers made therein are likely to change, if the amendment sought for is granted.

4. In the circumstances, we are inclined to allow the present M.A. and accordingly it is allowed. The applicant to amend the O.A. as per the draft amendment within one

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M.A. 202/2021 IN
O.A. 639/2019

week from today and provide amended copy of O.A. to the learned P.O. for res. nos. 1 & 2 and learned Advocate for res. no. 3 so that they will be able to file reply, if they so desire. There shall be no order as to costs.

5. Accordingly, O.A. to come on board on 12.1.2022.

MEMBER (A)

MEMBER (J)

O.A. NO. 372/2020
(Ramsingh B. Chavan & Ors. Vs. State of Maha. & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.12.2021

ORAL ORDER :

Shri Ajay S. Deshpande, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. Arguments of both the sides are heard. The present matter is closed for judgment.

MEMBER (A)

ARJ ORAL ORDERS 10.12.2021

M.A.NO. 348/2021 IN O.A.NO. 832/2016
(Vishal P. Gangawane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.12.2021

ORAL ORDER :

Shri Ajay Deshpande, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 & 3, are present. None appears for respondent Nos. 2, 4 & 5.

2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted. No further adjournment on this ground would be granted.

3. S.O. to 13.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 10.12.2021 – HDD

**ORIGINAL APPLICATION NO. 682 OF 2018
(Rahul S. Shirsath Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. The present case is heard at length and reserved for orders.

MEMBER (A)

MEMBER (J)

**O.A.NO. 324/2020 WITH M.A.NO. 229/2020
(Ashutosh O. Rathor Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. On instructions from the applicant, learned Advocate for the applicant seeks leave of this Tribunal to withdraw the present O.A. along with M.A. Permission granted.

3. Both the O.A. & M.A. stand disposed of since withdrawn. No order as to costs.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 10.12.2021 – HDD

M.A.NO. 230/2020 IN O.A.NO. 325/2020
(Sandip B. Thakur Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.12.2021

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer S.O. to 20.12.2021 for filing affidavit in reply.

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MEMBER (A)

MEMBER (J)

ORAL ORDERS 10.12.2021 – HDD

REV. NO. 8/2017 IN O.A.NO. 498/2013
(Shivraj D. Hawanna Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 10.12.2021

ORAL ORDER :

Shri S.D. Joshi, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. With consent of both the parties, list this matter for final hearing on 17.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 10.12.2021 – HDD

**O.A.NOS.368 & 369 BOTH OF 2017
(Bapu R. Lad & Anr. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri S.A. Deshmukh, learned Advocate for the applicants in both the cases and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents in both these cases, are present.

2. With consent of both the parties, list this matter for final hearing on 17.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 10.12.2021 – HDD

**ORIGINAL APPLICATION NO. 804 OF 2017
(Prakash D. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri S.D. Joshi, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. With consent of both the parties, list this matter for final hearing on 17.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 39 OF 2018
(Ravi S. Wankhade Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **10.12.2021**

ORAL ORDER :

Shri S.R. Patil, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. With consent of both the parties, list this matter for final hearing on 18.1.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 297 OF 2018
(Ajay R. Umale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri V.V. Deshmukh, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. With consent of both the parties, list this matter for final hearing on 7.1.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 476 OF 2017
(Asha S. Khairnar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri S.R. Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. With consent of both the parties, list this matter for final hearing on 18.1.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 598 OF 2018
(Ganpat G. Sansare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Ms. Angha Pandit, learned Advocate holding for Shri S.B Talekar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. With consent of both the parties, list this matter for final hearing on 18.1.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 171 OF 2019
(Dr. Vaishali R. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **10.12.2021**

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3 and Shri N.B. Gadegaonkar, learned Advocate for respondent No. 4, are present.

2. With consent of both the parties, list this matter for final hearing on 4.1.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 410 OF 2019
(Santosh R. Jagdale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 10.12.2021

ORAL ORDER :

Shri Ajay S. Deshpande, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1, 3 & 4 and Shri M.R. Kulkarni, learned Advocate for respondent No. 2, are present.

2. With consent of both the parties, list this matter for final hearing on 14.1.2022.

MEMBER (A)

MEMBER (J)

Date : 10.12.2021

ORIGINAL APPLICATION NO. 778 OF 2021

(Dr. Laxmikant M. Shende V/s State of Maha. & Ors.)

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

1. Shri Swapnil B. Joshi, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 12.1.2022. The case be listed for admission hearing on **12.1.2022**.

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.

REGISTRAR