

**M.A.NO.155/2022 IN O.A.ST.NO.600/2022
(Deepak Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 11-01-2023

ORAL ORDER :

Heard Shri M.B.Bharaswadkar, learned Counsel holding for Smt. Supriya Bhilegaonkar, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. This is an application seeking condonation of delay which has occasioned in filing the accompanying O.A. by the applicant. Delay occurred is of 515 days as mentioned in the application. Learned Counsel for the applicant submitted that the applicant is praying for deemed date of his promotion as 22-12-1985 to the post of Senior Clerk. Learned Counsel submitted that the proposal in that regard has been forwarded by the Regional Deputy Director (Education), Aurangabad Region, Aurangabad on 30-03-2019. The applicant was waiting for decision in that regard and since no decision was taken, ultimately has approached this Tribunal. However, in waiting for the decision

from the Deputy Director (Education) Pune, some delay has occasioned in approaching this Tribunal. Learned Counsel submitted that the delay is unintentional and for bona fide reasons. He, therefore, prayed for condoning the delay so that the applicant may get an opportunity to prosecute the O.A. on merits.

3. Learned P.O. opposed for condoning the delay caused for filing the O.A. Respondents have filed detailed affidavit in reply to the present M.A. It is the contention of the respondents that the reasons as are stated for occurrence of delay are not just and sufficient and hence the delay cannot be condoned. Respondents have placed reliance on the judgment of the Hon'ble Apex Court dated 24-03-2014 passed in SLP (C) No.6609-6613 of 2014 in the case of **Brijesh Kumar & Ors. V/s. State of Haryana & Ors.**

4. After having considered the submissions of both sides, it appears to me that the reasons which are assigned for occurrence of delay are just and sufficient. It further does not appear that there was intention of protracting the matter. There is reason to believe that the applicant was awaiting the

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decision on the proposal forwarded by Regional Deputy Director for grant of deemed date of his promotion. In the circumstances, I am inclined to allow the present M.A. There cannot be a dispute as about the ratio laid down by the Hon'ble Apex Court in the judgment relied upon by the respondents. However, the facts are distinguishable. In the circumstances, following order is passed:

ORDER

- [i] M.A.No.155/2022 is allowed.
- [ii] Delay caused in filing the O.A. is condoned.
- [iii] After removal of office objections, if any, O.A. be registered and numbered in accordance with law and appropriate court fees be paid if already not paid.

VICE CHAIRMAN

YUK ORAL ORDER 11.01.2023

**ORIGINAL APPLICATION ST.NO.600/2022
(Deepak Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 11-01-2023

ORAL ORDER :

Heard Shri M.B.Bharaswadkar, learned Counsel holding for Smt. Supriya Bhilegaonkar, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. After registration of O.A., issue notice to the respondents, returnable on 30-01-2023.

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

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

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

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

7. S.O. to 30-01-2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 349/2020
(Shri Prakash S. Raut Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing the affidavit in reply of the respondents. Time granted.

3. S.O. to 8.2.2023.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

ORIGINAL APPLICATION NO. 577/2022
(Shri Yogesh G. Salunkhe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

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

2. The learned Presenting Officer has tendered across the bar the affidavit in reply on behalf of respondent nos. 1 & 2. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 10.2.2023 for filing rejoinder affidavit, if any, by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

ORIGINAL APPLICATION NO. 991/2022
(Shrinivas Gangthade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

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

2. The learned Presenting Officer has sought time for filing the affidavit in reply of the respondents. Time granted.

3. S.O. to 25.1.2023.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

ORIGINAL APPLICATION NO. 1160/2022
(Navnath A. Patwadkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

Shri Mohit Deshmukh, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel submits that he will file the service affidavit of the respondents during the course of the day.

3. S.O. to 24.1.2023 for filing the affidavit in reply by the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

**M.A. NO. 80/2021 IN O.A. ST. 157/2021
(Digambar D. Vedpathak Vs. State of Maharashtra & Ors.)**

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

DATE : 11.1.2023

ORAL ORDER :

Shri PD Dadpe, learned counsel for the applicant and Shri DR Patil, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel for the applicant has sought time for filing the rejoinder affidavit. Time granted.

3. S.O. to 19.1.2023.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

**M.A. NO. 188/2022 IN O.A. NO. 480/2019
(Shri Ashok G. Puri Vs. State of Maharashtra & Ors.)**

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

DATE : 11.1.2023

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities and Shri SB Patil, learned counsel for respondent nos. 2 & 3 in OA, are present.

2. The learned counsel for respondent no. 3 has sought time for filing the affidavit in reply. Time granted.

3. S.O. to 9.2.2023.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

M.A. NO. 202/2022 IN O.A. ST. NO. 781/2022
M.A. NO. 203/2022 IN O.A. ST. NO. 783/2022
M.A. NO. 204/2022 IN O.A. ST. NO. 792/2022
M.A. NO. 205/2022 IN O.A. ST. NO. 794/2022
M.A. NO. 206/2022 IN O.A. ST. NO. 796/2022
M.A. NO. 207/2022 IN O.A. ST. NO. 798/2022
(Dr. Yogesh Borse & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11.1.2023

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicants in all these matters and S/shri SK Shirse, NU Yadav, VR Bhumkar, DR Patil, Smt. Sanjivani Deshmukh Ghate & Smt. Deepali S. Deshpande, learned Presenting Officers for the respective respondents in respective matters, are present.

2. The learned Presenting Officers have sought time for filing the affidavits in reply of the respective respondents in respective matters. Time granted.

3. S.O. to 16.2.2023.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

M.A. NO. 270/2022 IN O.A. ST. NO. 845/2022
M.A. NO. 271/2022 IN O.A. ST. NO. 847/2022
M.A. NO. 272/2022 IN O.A. ST. NO. 849/2022
(Chaus Aslam Chaus Alimuslim & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11.1.2023

ORAL ORDER :

Shri AV Sakolkar, learned counsel for the applicants in all these matters and S/shri IS Thorat, SK Shirse & Smt. MS Patni, learned Presenting Officers for the respective respondents in respective matters, are present.

2. The learned Presenting Officers have sought time for filing the affidavits in reply of the respective respondents in respective matters. Time granted.

3. S.O. to 17.2.2023.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

**ORIGINAL APPLICATION NO. 612/2021
(Dr. Arun Morale Vs. State of Maharashtra & Ors.)**

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

DATE : 11.1.2023

ORAL ORDER :

Shri SP Salgar, learned counsel for the applicant, Shri SK Shirse, learned Presenting Officer for the respondent authorities and Shri Pramod Pisal, learned counsel for respondent nos. 3 to 5, are present.

2. S.O. to 14.2.2023 for hearing.
3. The interim relief granted earlier to continue.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

ORIGINAL APPLICATION NO. 219/2022
(Shri Datta Tarate Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

Shri SN Lute, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.2.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

ORIGINAL APPLICATION NO. 618/2022
(Shri Shivaji Palepad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

Shri AS Khedkar, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 24.1.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

**M.A. NO. 71/2020 IN O.A. ST. 2465/2019
(Smt. Sujata Puri Vs. State of Maharashtra & Ors.)**

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

DATE : 11.1.2023

ORAL ORDER :

Shri DR Jayabhar, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.2.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

**M.A. NO. 403/2021 IN O.A. ST. 1539/2021
(Shri Uttamrao Joshi Vs. State of Maharashtra & Ors.)**

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

DATE : 11.1.2023

ORAL ORDER :

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

2. S.O. to 16.2.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

**M.A. NO. 34/2022 IN O.A. ST. 861/2021
(Shri Ankush Badke Vs. State of Maharashtra & Ors.)**

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

DATE : 11.1.2023

ORAL ORDER :

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

2. S.O. to 27.1.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

**M.A. NO. 478/2022 IN O.A. 650/2021
(Shri Prakash Vaichal Vs. State of Maharashtra & Ors.)**

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

DATE : 11.1.2023

ORAL ORDER :

Shri Anand Kaware, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.2.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

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

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

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

2. S.O. to 10.2.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

ORIGINAL APPLICATION NO. 388/2018
(Shri Namdeo Gawali Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

Shri Prashant Deshmukh, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghatе, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 15.2.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

ORIGINAL APPLICATION NO. 822/2018
(Shri Virendra Dhire Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

Shri AD Sugdare, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.2.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

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

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

DATE : 11.1.2023

ORAL ORDER :

Shri RP Bhumkar, learned counsel for the applicant, Shri NU Yadav, learned Presenting Officer for the respondent authorities and Shri SB Mene, learned counsel for respondent nos. 3 & 4, are present.

2. S.O. to 1.2.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

ORIGINAL APPLICATION NO. 101/2019
(Shri Ashok Chavan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

Shri Ajay Deshpande, learned counsel for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities and Shri SR Dheple, learned counsel for respondent no. 4, are present.

2. S.O. to 17.2.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

ORIGINAL APPLICATION NO. 253/2019
(Shri Laxmikant Bhoskar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

Shri RN Bharaswadkar, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 15.2.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

ORIGINAL APPLICATION NO. 1048/2019
(Shri Ramchandra Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 11.1.2023

ORAL ORDER :

Shri KM Nagarkar, learned counsel for the applicant, Shri NU Yadav, learned Presenting Officer for the respondent authorities and Shri SB Mene, learned counsel for respondent nos. 2 to 4, are present.

2. S.O. to 1.2.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

ORIGINAL APPLICATION NO. 551/2020
(Shri Kiran Pathare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

Shri MB Kolpe, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 15.2.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

ORIGINAL APPLICATION NO. 575/2020
(Shri Kondabai Ghadge & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

Shri KM Nagarkar, learned counsel for the applicants and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 20.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

ORIGINAL APPLICATION NO. 115/2021
(Shri Kadubai Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

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

2. S.O. to 16.2.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

ORIGINAL APPLICATION NO. 66/2022
(Shri Nathu Khartade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

Shri KB Jadhav, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 3.2.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

ORIGINAL APPLICATION NO. 99/2022
(Shri Rohit Mote Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

Shri KB Jadhav, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 2.2.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

ORIGINAL APPLICATION NO. 1088/2022
(Shri Dr. Gautam Sawase Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

Shri VB Wagh, learned counsel for the applicant, Shri VR Bhumkar, learned Presenting Officer for the respondent authorities and Shri AS Deshmukh, learned counsel for respondent no. 3, are present.

2. S.O. to 13.1.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 11.1.2023

**C.P.NO. 03 OF 2020 IN C.P.NO. 47 OF 2018 IN
O.A.NO. 138 OF 2016
(Dr. Shaikh Faiz Mohammad Noor Mohamad Vs. State of
Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 11.01.2023

ORAL ORDER :

Shri I.D. Maniyar, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned Advocate for the respondent No.4, are present.

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

3. S.O. to 06.02.2023.

MEMBER (A)

MEMBER (J)

C.P.NO. 21 OF 2022 IN O.A.NO. 51 OF 2018
(David S. Ganthur & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned Advocate for the applicants submits that the applicants do not wish to file affidavit in rejoinder.

4. In view of above, S.O. to 06.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

C.P.NO. 25 OF 2022 IN O.A.NO. 600 OF 2022
(Dr. Rahimoddin Rasulsab Shaikh Vs. State of Maharashtra
& Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri J.B. Choudhary, learned Advocate for the applicant has filed a **leave note**. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri S.G. Kulkarni, learned Advocate holding for Shri P.R. Tandale, learned Advocate for the respondent No.4, are present.

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

3. S.O. to 08.02.2023.

MEMBER (A)

MEMBER (J)

**C.P.NO. 26 OF 2022 IN O.A.NO. 188 OF 2021
(Jayashri R. Dixit Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 11.01.2023

ORAL ORDER :

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

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

3. Learned Advocate for the applicant on instructions of applicant seeks permission to withdraw the present Contempt Petition as the order in question is being complied with.

4. We have no reason to refuse the permission to withdraw the present Contempt Petition.

5. Accordingly, the present Contempt Petition stands disposed of as withdrawn. No order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 37 OF 2020
(Pandurang N. Mendake Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri S.S. Dambe, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. Record shows that in spite of grant of opportunities, affidavit in rejoinder is not filed by the applicant.

3. Hence, fix the matter for hearing on 01.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 116 OF 2020
(Shaikh Akhtar Hussain Mohd. Hanif Vs. State of
Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri P.B. Rakhunde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Record shows that in spite of grant of opportunities, affidavit in rejoinder is not filed by the applicant.

3. Hence, fix the matter for hearing on 02.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 425 OF 2020
(Sachin U. Shinde & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Heard Shri H.A. Joshi, learned Advocate for the applicants, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri M.B. Bharaswadkar, learned Advocate for the respondent Nos. 2 to 7 & 11.

2. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit in rejoinder.

3. In view of the above, fix the matter for hearing on 09.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 318 OF 2021
(Prakash M. Deshmukh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri Amol A. Kokad, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. As per the Circular No. MAT / MUM/ JUD/ 1340/2022, dated 22.12.2022 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding voluntary retirement, counting of service for initial modified assured progress scheme by G.R. dated 01.07.2011, service benefit, pensionary other than pay scale, time bound promotion, ACPS and lien are to be dealt with by the Single Bench. The Original Application is pertaining to time bound promotion/A.C.P.S

3. In view of the same, the present matter be placed before the Single Bench for further hearing.

4. S.O. to 01.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 577 OF 2021
(Ramdas E. Misal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri K. Sharma, learned Advocate holding for Shri R.N. Chavan, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri Vinod M. Vibhute, learned Advocate for the respondent No.4, are present.

2. Record shows that affidavit in reply is already filed on behalf of the respondent Nos.1 to 3.

3. Affidavit in reply today filed on behalf of the respondent No.4 is taken on record and copy thereof has been served on the other side.

4. S.O. to 08.02.2023 for filing affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 631 OF 2022
(Ratan G. Kunte Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri Vinod Dhotre, learned Advocate for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

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

3. S.O. to 13.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 705 OF 2022
(Amol V. Sanap & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri A.V. Thombre, learned Advocate holding for Shri M.S. Karad, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Await service of notice on the respondent No.3.
3. At the request of the learned P.O., time is granted for filing affidavit in reply on behalf of other respondents.
4. S.O. to 14.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 716 OF 2022
(Dr. Pravinkmar C. Govande Vs. State of Maharashtra &
Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri A.D. Sugdare, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

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

3. S.O. to 11.02.2023. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 725 OF 2022
(Kishor A. Deshmukh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Heard Shri S.V. Chandiwai, learned Advocate holding for Shri S.S. Khivansara, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. As the reply is received by the respondent No.2, it can be said that respondent No.2 is duly served.

4. Issue fresh notice to the respondent No.1, returnable on 15.02.2023.

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

6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are

//2//

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put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

9. At the request of the learned P.O., time is granted for filing affidavit in reply on behalf of the respondent Nos. 3 to 4.

10. S.O. to 15.02.2023. Interim relief granted earlier to continue till then.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 728 OF 2022
(Chandrakant M. Choudante Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri H.D. More, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. Affidavit in reply filed on behalf of the respondent Nos. 2 & 3 is taken on record and copy thereof has been served on the other side.

3. At the request of the learned P.O., last chance is granted for filing affidavit in reply on behalf of the respondent Nos. 1 & 4.

4. S.O. to 27.01.2023.

MEMBER (A)

MEMBER (J)

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

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri S.S. Tandale, learned Advocate holding for Shri B.R. Kedar, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned Advocate for the respondent Nos.3 & 4, are present.

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

3. S.O. to 13.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 771 OF 2022

(Mulani Manzura Rustum Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 11.01.2023

ORAL ORDER :

Shri V.S. Kadam, learned Advocate for the applicant (**Absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri G.R. Jadhav, learned Advocate holding for Shri M.B. Kolpe, learned Advocate for the respondent No.3, are present.

2. Service affidavit is not filed by the applicant.
3. S.O. to 14.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 802 OF 2022
(Dnyaneshwar S. Andhale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri R.A. Joshi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. Affidavit in reply filed on behalf of the respondent No.2 is taken on record and copy thereof has been served on the other side.
3. At the request of the learned P.O., time is granted for filing affidavit in reply on behalf of the respondent Nos.1, 3 & 4.
4. S.O. to 14.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 952 OF 2022
(Mangesh B. Zore Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Heard Shri A.P. Shejul, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Shri C.D. Fernandes along with Shri Pramod S. Brahmane, learned Advocates filed **VAKALATNAMA** on behalf of the respondent No. 5. It is taken on record. Affidavit in reply filed on behalf of the respondent No.5 is also taken on record.

3. As the affidavit in reply is filed on behalf of the respondent No.5, it can be said that respondent No.5 is duly served.

4. Await service of notice on the other respondents.

5. S.O. to 14.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 960 OF 2022
(Siddheshwar P. Darade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Heard Shri A.P. Shejul, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Shri C.D. Fernandes along with Shri Pramod S. Brahmane, learned Advocates filed **VAKALATNAMA** on behalf of the respondent Nos. 4 & 5. It is taken on record. Affidavits in reply filed on behalf of the respondent Nos. 4 & 5 separately are also taken on record.

3. As the affidavits in reply are filed on behalf of the respondent Nos. 4 & 5, it can be said that respondent Nos. 4 & 5 are duly served.

4. Await service of notice on the other respondents.

5. S.O. to 14.02.2023.

MEMBER (A)

MEMBER (J)

M.A.NO. 205/2021 IN O.A.ST.NO. 2467/2019
(Vijaykumar B. Rathi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri P.R. Tandale, learned Advocate holding for Shri M.M. Bhokarikar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. At the request of the learned P.O., time is granted for filing affidavit in reply on behalf of the respondent in M.A.

3. S.O. to 06.02.2023.

MEMBER (A)

MEMBER (J)

M.A.NO. 13/2022 IN O.A.ST.NO. 528/2022
(Sitaram V. Inkare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. Record shows that in spite of grant of opportunities, affidavit in reply is not filed on behalf of the respondents.

3. Hence, fix the Misc. Application for hearing on 03.02.2023.

MEMBER (A)

MEMBER (J)

M.A.NO. 471/2022 IN O.A.NO. 579/2022
(Dr. Satyavijay N. Jadhav & Ors. Vs. State of Maharashtra
& Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri P.R. Tandale, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. Record shows that in spite of grant of opportunities, affidavit in reply is not filed on behalf of the respondents in M.A.

3. In view of the above, fix the Misc. Application for hearing on 01.02.2023.

MEMBER (A)

MEMBER (J)

C.P.ST.NO. 04/2023 IN O.A.NO. 670/2021
(Gokul D. Patil Vs. State of Maharashtra & Ors.)

WITH

C.P.ST.NO. 05/2023 IN O.A.NO. 671/2021
(Nitin S. Bedse Vs. State of Maharashtra & Ors.)

WITH

C.P.ST.NO. 06/2023 IN O.A.NO. 672/2021
(Sanjaykumar M. Sonawane Vs. State of Maharashtra & Ors.)

WITH

C.P.ST.NO. 07/2023 IN O.A.NO. 673/2021
(Rekha S. Chavan (Lohar) Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicants in all these cases, Shri M.S. Mahajan, learned C.P.O., Shri I.S. Thorat, Smt. M.S. Patni and Smt. Deepali S. Deshpande, respective learned Presenting Officers for the respondents in respective cases.

2. The present Contempt Petitions be tagged with O.A.Nos.670, 671, 672 and 673 all of 2021 respectively.

3. S.O. to 14.02.2023.

MEMBER (A)

MEMBER (J)

T.A.NO. 23 OF 2022 (W.P.NO. 4411/2022)
(Surekha A. Gadekar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Heard Shri Jitendra Patil, learned Advocate holding for Shri Ganesh Gadhe, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 03.02.2023.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 11.01.2023

**M.A.ST.NO.1958/2022 IN M.A.ST.NO. 1611/2022
IN O.A.ST.NO. 1612/2022
(Fakirchand S. Thorat Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 11.01.2023

ORAL ORDER :

Mrs. M.A. Kulkarni, learned Advocate for the applicant (**Absent**). Shri N.U. Yadav learned Presenting Officer for the respondent, is present.

2. In view of absence of learned Advocate for the applicant, S.O. to 27.01.2023.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 11.01.2023

ORIGINAL APPLICATION NO. 28 OF 2023
(Vijay R. Sarole Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. S.O. to 12.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 37 OF 2020
(Pandurang N. Mendake Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

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

2. S.O. to 12.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 82 OF 2019
(Devendra R. Dandgavhal & Ors. Vs. State of Maharashtra
& Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri Shankar Borkute, learned Advocate for the applicants (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents, is present.

2. The present matter has already been treated as part heard.
3. At the request of the learned P.O., time is granted for filing affidavit in reply to the amended O.A.
4. S.O. to 06.02.2023. **High on Board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 547 OF 2021
(Jalamsing D. Valvi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

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

2. The present matter be treated as part heard.
3. S.O. to 07.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 271 OF 2020
(Siddharth M. Kadam Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

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

2. The present matter is closed for order.

MEMBER (A)

MEMBER (J)

T.A.NO. 2/2012 (W.P.NO. 9902/2011)
(Radha N. Choure Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

None present on behalf of the applicant,
Shri V.R. Bhumkar, learned Presenting Officer
for the respondents, is present.

2. In view of absence of learned Advocate for the
applicant, S.O. to 03.02.2023 for re-hearing. **High
on Board.**

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 11.01.2023

ORIGINAL APPLICATION NO. 694 OF 2021
(Avinash G. Chonde Vs. State of Maharashtra & Ors.)
Speaking to Minutes

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

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

2. Learned Advocate for the applicant filed preceipe dated 11.01.2023 seeking speaking to minutes of the order dated 10.01.2023 passed in O.A.No. 694/2023. He submitted that in the said order inadvertently interim relief granted in O.A. remained to be continued.

3. In view of the above, S.O. to 09.02.2023. Interim relief granted earlier to continue from 10.01.2023 till the next date.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 702 OF 2021
(Vivekanand P. Dhongade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Heard Shri Avinash Deshmukh along with Shri Avinash Khedkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. During the course of arguments, it transpires that in order to verify the disputed fact as regards initial appointment of the applicant on the post of Clerk whether in Open category or VJ-A category, original record would be necessary and more particularly to interpret the letter dated 26.11.2021 (Annex. A-1) and to conclude the controversy regarding initial appointment of the applicant in Open category or in VJ-A category.

3. Learned C.P.O. submitted that he will produce original record in that respect by the next date of hearing.

4. The present matter is to be treated as part heard.

5. S.O. to 18.01.2023. **High on Board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 355 OF 2019
(Nangesh N. Unche & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Heard Shri D.R. Irale-Patil, learned Advocate for the applicants, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri Ajay Deshpande, learned Advocate for respondent Nos. 3 to 5.

2. During the course of arguments, learned Advocate for the applicants seeks liberty to produce documents along with additional affidavit. According to him those documents are necessary to adjudicate the matter.

3. Learned P.O. for respondent Nos. 1 and 2 and learned Advocate for respondent Nos. 3 to 5 sought time for filing response to the above-said additional affidavit filed by the applicants. Time granted.

4. Subject to said response, the additional affidavit filed by the applicants is taken on record.

5. S.O. to 19.01.2023. **High on Board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 579 OF 2021
(Siddarth R. Pandurnikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri Shailendra Kulkarni, learned Advocate for respondent No. 4.

2. Record shows that the affidavit in rejoinder filed by the applicant is already on record, which is dated 15.07.2022. Record further shows that as per the farad sheet order dated 18.07.2022, the applicant was granted liberty to file rejoinder affidavit. There is no record regarding the copy of said rejoinder affidavit is served on the other sides.

3. Today, learned Advocate for the applicant placed on record fresh rejoinder affidavit sworn on 30.11.2022. Same is taken on record and copy thereof has been served on the other sides.

4. In the facts and circumstances, the respondents are allowed to file sur-rejoinder to the rejoinder affidavit filed by the applicant, if any.

5. The present matter is to be treated as part heard.

6. S.O. to 02.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 950 OF 2019
(Jayashri T. Thakur Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Heard Shri H.A. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The present matter is closed for orders.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 11.01.2023

ORIGINAL APPLICATION NO. 761 OF 2022
(Balu N. Bosale & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Heard Shri S.S. Dambe, learned Advocate for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri D.B. Gaikwad, learned Advocate for respondent No. 2 and Shri Sayyed Tauseef Yaseen, learned Advocate for respondent Nos. 4 to 10 / intervenors.

2. By consent of all the parties, S.O. to 17.01.2023. **High on Board.**

3. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

O.A. No. 596/2018 with O.A. No. 597/2018
(Dr. Sunil P. Bhandare & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri G.S. Shembole, learned Advocate for the applicants in both the O.As. and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities in both the O.As., are present.

2. S.O. to 13.02.2023 for hearing.

MEMBER (A)

KPB ORAL ORDERS 11.01.2023

MEMBER (J)

ORIGINAL APPLICATION NO. 218 OF 2019
(Sharnappa V. Mannylikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri S.A. Deshmukh, learned Advocate holding for Shri M.D. Godamgaonkar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08.02.2023 for hearing.

MEMBER (A)
KPB ORAL ORDERS 11.01.2023

MEMBER (J)

ORIGINAL APPLICATION NO. 675 OF 2019
(Eknath C. Sonawane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

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

2. S.O. to 08.02.2023 for hearing.

MEMBER (A)

KPB ORAL ORDERS 11.01.2023

MEMBER (J)

ORIGINAL APPLICATION NO. 760 OF 2019
(Vishnu B. Jaybhaye Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri Swapnil Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 11.01.2023

ORIGINAL APPLICATION NO. 101 OF 2021
(Dhansing B. Chavan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 11.01.2023

**ORIGINAL APPLICATION NO. 196 OF 2021
(Sandip P. More Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 11.01.2023

ORAL ORDER :

Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 16.02.2023 for hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 485 OF 2021
(Amol J. Kale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Smt. K. Sharma, learned Advocate holding for Shri M.G. Deokate, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present. Shri Sanjay Wakure, learned Advocate for respondent No. 5 and Shri D.A. Madke / A.B. Chalak, learned Advocate for respondent No. 6, are **absent.**

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

3. S.O. to 17.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 600 OF 2021
(Subhash G. Dhutire Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

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

2. S.O. to 01.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 11.01.2023

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

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita Dhongde, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. As per the Circular No. MAT/MUM/JUD/1340/2022, dated 22.12.2022 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Single Bench. The present matter is pertaining to benefits of ACPS.

3. In view of the same, the present matter be placed before the Single Bench for further hearing.

4. S.O. to 03.02.2023.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 161 OF 2022
(Bharat A. Sawant Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 11.01.2023

ORAL ORDER :

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

2. S.O. to 02.02.2023 for hearing.

MEMBER (A)

KPB ORAL ORDERS 11.01.2023

MEMBER (J)

ORIGINAL APPLICATION NO. 196 OF 2022
(Alka T. Pagare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri S.A. Deshmukh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 11.01.2023

ORIGINAL APPLICATION NO. 638 OF 2022
(Jitendra N. Mutkule Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri V.G. Pingle, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri S.D. Dhongde, learned Advocate holding for Shri Amit Dhongde, learned Advocate for respondent No. 3, are present.

2. S.O. to 01.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 11.01.2023

M.A. No. 109/2018 in O.A. St. No. 408/2018
WITH
M.A. No. 110/2018 in O.A. St. No. 410/2018
WITH
M.A. No. 111/2018 in O.A. St. No. 412/2018
WITH
M.A. No. 269/2018 in O.A. St. No. 1036/2018
WITH
M.A. No. 270/2018 in O.A. St. No. 1034/2018
(Punjaram N. Wathore & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri Ajay Deshpande, learned Advocate for the applicants all these cases and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities in all these cases, are present.

2. As per the Circular No. MAT/MUM/JUD/1340/2022, dated 22.12.2022 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Single Bench. The present matters are pertaining to benefits of time bound promotion / ACPS.

3. In view of the same, the present matters be placed before the Single Bench for further hearing.

4. S.O. to 31.01.2023.

MEMBER (A)

MEMBER (J)

**M.A. No. 273/2021 in O.A. St. No. 987/2021
(Prakash N. Phulluke Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 11.01.2023

ORAL ORDER :

Shri S.D. Joshi, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 02.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 11.01.2023

ORIGINAL APPLICATION NO. 517 OF 2015
(Pathan Wajiskhan Yunus Khan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri S.R. Medhekar, learned Advocate for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 06.02.2023 for final hearing.

MEMBER (A)

KPB ORAL ORDERS 11.01.2023

MEMBER (J)

ORIGINAL APPLICATION NO. 211 OF 2016
(Jayshri N. More & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri V.B. Anjanwatikar, learned Advocate for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 06.02.2023 for final hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 11.01.2023

ORIGINAL APPLICATION NO. 362 OF 2016
(Pratap V. Rathod & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri Y.P. Deshmukh, learned Advocate for the applicants (**Absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 07.02.2023 for final hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 11.01.2023

ORIGINAL APPLICATION NO. 482 OF 2016
(Harshal V. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri Avinash Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 07.02.2023 for final hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 11.01.2023

ORIGINAL APPLICATION NO. 07 OF 2017
(Shishirbaba K. Ghonmode Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Smt. Surekha Mahajan, learned Advocate for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 08.02.2023 for final hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 11.01.2023

ORIGINAL APPLICATION NO. 79 OF 2017
(Md. Kamran Md. Abrar Shaikh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08.02.2023 for final hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 11.01.2023

ORIGINAL APPLICATION NO. 788 OF 2017
(Ashok T. Ghobale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri Ajay Deshpande, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 09.02.2023 for final hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 11.01.2023

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

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

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

2. As per the Circular No. MAT/MUM/JUD/1340/2022, dated 22.12.2022 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Single Bench. The present matter is pertaining to benefits of time bound promotion / ACPS.

3. In view of the same, the present matter be placed before the Single Bench for further hearing.

5. S.O. to 01.02.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 08 OF 2018
(Devendra S. Jade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Smt. Usha Jadhav, learned Advocate holding for Smt. Pratibha Bharad, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 09.02.2023 for final hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 11.01.2023

O.A. No. 104/2018 with O.A. No. 105/2018
(Dr. Nandkishro D. Karwa & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicants in both the O.As. and Shri D.R. Patil, learned Presenting Officer for the respondent authorities in both the O.As., are present.

2. S.O. to 03.03.2023 for final hearing.

MEMBER (A)
KPB ORAL ORDERS 11.01.2023

MEMBER (J)

ORIGINAL APPLICATION NO. 213 OF 2018
(Balaji N. Sontakke Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

Ms. Preeti Wankhade, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10.02.2023 for final hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 11.01.2023

ORIGINAL APPLICATION NO. 471 OF 2018
(Raosaheb K. Pangre Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.01.2023

ORAL ORDER :

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

2. S.O. to 10.02.2023 for final hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 11.01.2023

**ORIGINAL APPLICATION NO. 27 OF 2023
(Sanjay Murlidharrao Vyas Vs. State of Mah. & Ors.)**

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

DATE : 11.1.2023

ORAL ORDER :

Heard Shri S.B. Jadhav, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 15.2.2023.

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. **The respondents are restrained from recovering any amount as directed in the order dated 22.9.2022 till affidavit in reply is filed by the respondents.**

8. S.O. to 15.2.2023.

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

VICE CHAIRMAN

**M.A.NO.543/2022 IN O.A.NO.1068/2022
(Devidas Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 11-01-2023

ORAL ORDER :

Shri A.V.Thombre, learned Counsel holding for Shri S.S.Thombre, learned Counsel for the applicant in M.A., Shri A.S.Deshmukh, learned Counsel for the applicant in O.A. and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13-01-2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 11.01.2023

**ORIGINAL APPLICATION NO. 740/2019, 741/2019,
742/2019, 743/2019, 745/2019, 746/2019, 01/2021
and 45/2021,
(Natharao Dodabe & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 11-01-2023

ORAL ORDER :

Heard Shri M.B.Bharaswadkar, learned
Counsel for the applicants and Shri I.S.Thorat,
learned Presenting Officer for the respondent
authorities.

2. For further consideration, S.O. to 30-01-2023.

High on Board.

VICE CHAIRMAN

YUK ORAL ORDER 11.01.2023

**ORIGINAL APPLICATION NO.99/2021
(Shrikant Mundhe Vs. State of Maharashtra & Ors.)**

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

DATE : 11-01-2023

ORAL ORDER :

Shri V.M.Maney, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. For further consideration, S.O. to 20-01-2023.

High on Board.

VICE CHAIRMAN

YUK ORAL ORDER 11.01.2023

**ORIGINAL APPLICATION NO.502/2018
(Bansilal Jaiswal Vs. State of Maharashtra & Ors.)**

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

DATE : 11-01-2023

ORAL ORDER :

Shri A.D.Raut, learned Counsel for the applicant, Shri D.R.Patil, learned Presenting Officer for the respondent authorities, Shri S.D.Joshi, learned Counsel for respondent no.2 and Ku. Anagha Pandit, learned Counsel holding for Talekar & Associates, are present.

2. S.O. to 13-02-2023.

VICE CHAIRMAN

YUK ORAL ORDER 11.01.2023

**ORIGINAL APPLICATION NO.67/2021
(Prabhakar Chincholkar Vs. State of Maharashtra & Ors.)**

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

DATE : 11-01-2023

ORAL ORDER :

Shri S.G.Kulkarni, learned Counsel for the applicant, Smt. M.S.Patni, learned Presenting Officer for the respondent authorities and Shri Shamsundar B. Patil, learned Counsel for respondent nos.2 and 3, are present.

2. S.O. to 28-02-2023.

VICE CHAIRMAN

YUK ORAL ORDER 11.01.2023

**ORIGINAL APPLICATION NO.570/2021
(Shivkumar Chamkure Vs. State of Maharashtra & Ors.)**

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

DATE : 11-01-2023

ORAL ORDER :

Shri C.R.Thorat, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 17-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 11.01.2023

ORIGINAL APPLICATION NO. 31 OF 2023
(Dr. Vivek Baburao Khatgaonkar Vs. State of Mah. & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 11.1.2023

ORAL ORDER :

Heard Shri S.S. Tope, learned counsel holding for Shri Vaibhav U. Pawar, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. The applicant has approached this Tribunal against the order dated 27.12.2022, whereby he has been suspended in contemplation of the departmental enquiry against him in respect of financial irregularities in the purchases made in the period of Corona Pandemic. In the said order itself the headquarter of the applicant during the period of suspension is fixed at Bhandara and the applicant is directed not to leave the said headquarter during the period of enquiry without permission of the competent authority. Learned counsel for the applicant submitted that action initiated against the applicant is *per se* vindictive and only at the instance of the local MLA.

3. Learned counsel for the applicant pointed out that during the Corona period the applicant had given

excellent performance for which he has been appreciated by awarding the certificates in that regard. Learned counsel further submitted that the allegation as is made against the applicant is *per se* unsustainable for the reason that the purchases if at all were made and if according to the respondents, there is some financial irregularities, the committee shall be held responsible which had taken decision at the relevant time. Learned counsel pointed out the relevant arrangements made in the Corona period and the resolutions time to time passed by the Government in that regard. Learned counsel further submitted that in fact in the said period the situation was so panic that some decisions were required to be taken urgently to combat spread of Corona. Learned counsel further submitted that vide Section 4 of the Epidemic Diseases Act, 1897 the protection is provided for the acts done by the officers in good-faith in the aforesaid period for providing medical services to the affected persons.

4. In the above circumstances, according to the learned counsel, action initiated against the applicant is *per se* illegal and, therefore, deserves to be immediately stayed till decision of the present Original Application. Learned counsel has placed reliance on the judgment dated 13.9.2022 delivered by the Principal Seat of this

Tribunal at Mumbai in **O.A. No. 29/2018 (Shri Sunil Mahadu Saundane Vs. State of Maharashtra & Ors.)**. Learned counsel has also placed reliance on the judgment delivered by the Hon'ble Allahabad High Court in the case of **Chaman Singh Vs. State of U.P. through Principal Secretary decided on 3.2.2021**. Learned counsel submitted that the vindictiveness in the action initiated against the applicant is explicit from further order passed by the respondents, thereby fixing headquarter of the applicant at Bhandara during the period of suspension. Learned counsel submitted that having regard to the approach and attitude of the Government in initiating action against the applicant, *prima facie* applicant has made out a case for staying effect and operation of the impugned order. Learned counsel in the circumstances prayed for interim relief in that regard while issuing notices to the respondents.

5. The request so made is opposed by the learned Presenting Officer appearing for the respondents. Learned Presenting Officer submitted that unless entire facts are brought on record it may not be just and proper to record any findings on merits of the contentions raised by the applicant in the Original Application. Learned P.O. further submitted that procedurally the respondents have followed the prescribed norms and

when the enquiry is contemplated against the applicant it is within the powers of the respondents to keep the applicant under suspension during the said period. Learned P.O. in the circumstances, while praying time for filing affidavit in reply on behalf of the respondents, opposed for grant of any interim relief.

6. I have duly considered the submissions advanced by the learned counsel for the applicant and learned Presenting Officer for the respondents. I have also gone through the documents filed on record.

7. From the documents it appears that the performance of the present applicant was appreciated and he was also awarded the certificates in that regard. However, merely on the said ground no certain conclusion can be drawn at this stage as about allegation leveled against the applicant in respect of the financial irregularities in purchasing medicines in the relevant period. The points which are argued by the learned counsel and are also pleaded in the O.A. can be pressed by the applicant for his defence and to prove his innocence in the enquiry contemplated against him in respect of allegation leveled against him. To initiate the departmental enquiry against the applicant and for that purpose to keep the applicant under suspension during the period of such inquiry are the actions well within the

powers of the respondents. At this stage, without giving opportunity to the respondents to submit their reply to the contentions raised in the application, no conclusion can be arrived at even *prima facie*, about the veracity of the alleged allegations against the applicant. As such, it is difficult to accept the request made by the applicant to grant the interim relief thereby staying the implementation of the order of suspension passed against the applicant. The said request, therefore, stands rejected.

8. The another request made by the learned counsel for the applicant during the course of his argument in respect of change in the headquarter of the applicant during the period of suspension, however, deserves consideration.

9. During the period of suspension, headquarter of the applicant is fixed at Bhandara and prohibition is imposed upon him not to leave headquarter without permission of the competent authority. It has been submitted on behalf of the applicant that fixing his headquarter at Bhandara which is far away from Jalna is an unfair action. There appears substance in the submissions so made. There seems no rational in determining the headquarter of the applicant during the

period of his suspension at Bhandara. The enquiry is contemplated in respect of the financial irregularities allegedly committed by the applicant in purchase of medicine during the period of Corona while working as District Health Officer, Jalna. It is evident that in the enquiry the evidence, which is likely to come on record would be necessarily documentary evidence. Even if it is accepted that for conduct of fair enquiry, the applicant shall not be allowed to remain at the same station i.e. Jalna, at the most he can be placed at the neighbouring or nearby district but there seems no propriety in determining headquarter of the applicant at Bhandara a far away district. The said decision needs to be reconsidered by the competent authority. The applicant may make a request in that regard with the competent authority and said authority shall duly consider the said request. In the circumstances, I deem it appropriate to pass the following order: -

ORDER

- (i) Issue notice to the respondents, returnable on 6.2.2023.
- (ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- (iii) Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

(vi) The applicant shall make a representation for change in his headquarter during the period of his suspension within a period of 10 days from the date of this order with the competent authority and if such a representation is made the authority shall give due consideration to the request of the applicant and decide the said representation within two weeks thereafter. Till then the applicant shall report to the Deputy Director of Health Services at Aurangabad and shall not leave the jurisdiction of Aurangabad without prior permission of the Deputy Director of Health Services at Aurangabad.

(vii) S.O. to 6.2.2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION ST. NO. 97 OF 2022
(Vidya S. Ghorpade Vs. State of Maharashtra & Ors.)**

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

DATE : 11.1.2023

ORAL ORDER :

Heard Shri S.R. Barlinge, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. The applicant has filed the present Original Application seeking direction against respondent No. 2 to decide the representation of the applicant in respect of correction in her date of birth in the service record. From the contents of the Original Application, as well as, submissions as are made by the learned counsel, it is apparently revealed that the applicant applied for correction in her date of birth in service record at the fag end of her service.

3. Having regard to the facts as aforesaid it does not appear to me that any interference may be required by this Tribunal. However, grievance of the applicant is that the respondent authorities have not decided her representation either way and that has resulted in delaying her pension proposal, as well as, remittance of retiral benefits. In the circumstances, I deem it

appropriate to dispose of the present Original Application with the following directions.

4. The respondents shall decide the representation as submitted by the applicant on its own merit and ensure that after decision of the said representation, her pension papers are expeditiously forwarded to the Accountant General-II, Nagpur and also ensure that applicant gets retiral benefits as expeditiously as possible.

5. The Original Application stands disposed of in the aforesaid terms. There shall be no order as to costs.

VICE CHAIRMAN

**M.A.NO. 529/2022 IN O.A.ST.NO. 97/2022
(Vidya S. Ghorpade Vs. State of Maharashtra & Ors.)**

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

DATE : 11.1.2023

ORAL ORDER :

Heard Shri S.R. Barlinge, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. This is an application filed by the applicant for condonation of delay of about 1 year, 5 months and 16 days caused in filing accompanying O.A.

3. For the reasons stated in the Misc. Application, the same is allowed and delay caused in filing accompanying O.A. is condoned. There shall be no order as to costs.

VICE CHAIRMAN

ORAL ORDER 11.1.2023-HDD