

**ORIGINAL APPLICATION NO.618/2021  
(Yusufkhan Pathan Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

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

2. The representation made by the applicant before the Superintendent of Police, Aurangabad (Rural) dated 30-08-2021 is under consideration of the authority. Therefore, without hearing the respondents, it may not be proper to issue any directions.

3. Issue notices to the respondents, returnable on 22-11-2021.

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

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

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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 22-11-2021.

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

**MEMBER (A)**

YUK ORAL ORDERS 11.10.2021

**ORIGINAL APPLICATION NO.564/2019  
(Vijay Lad Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri V.G.Pingle, learned Advocate for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondent nos.1 to 4 and Shri D.T.Devane learned Advocate for respondent no.5.

2. The matter is not admitted as yet. The respondent nos.1 to 3 have filed affidavit in reply on 14-01-2021. Learned Advocate for respondent no.5 submits that the respondent no.5 adopts affidavit in reply submitted by the respondent nos.1 to 3. Separate affidavit in reply on behalf of respondent no.4 has not been filed.

3. Learned P.O. seeks time for filing affidavit in reply on behalf of respondent no.4. Learned Advocate for the applicant has filed rejoinder to the affidavit in reply by respondent nos.1 to 3 on 17-02-2021. Respondent no.1 has also filed sur-rejoinder on 13-08-2021.

4. Time is granted as a last chance for filing affidavit in reply on behalf of respondent no.4, failing which matter may be taken for final hearing.

5. In the meantime, learned Advocate for the applicant had briefly explained the grounds for seeking relief. He has

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referred to Government Circular dated 12-01-2007 (Annexure A-7, page 56 of paper book) read with Government Resolution dated 23-03-2017 issued by the Water Supply and Sanitation Department. Learned Advocate for the applicant to respond to the implications of following provisions in Circular dated 12-01-2007:

"२. वरील योजनेसंदर्भात शासन आणखी असा खुलासा करीत आहे की, ज्या शासकीय कर्मचा-याने १ नोव्हेंबर २००५ पुर्वी शासन सेवेत निवृत्तीवेतनाह आस्थापनेवर कार्यरत असताना त्याच किंवा अन्य विभागातील निवृत्तीवेतनाह आस्थापनेच्या पदावरील नियुक्तीसाठी अर्ज केला असेल आणि त्यास १ नोव्हेंबर २००५ रोजी किंवा त्यानंतर नवीन पदावर नियुक्त करण्यात आले असेल तर अशा प्रकरणी खालील सर्व अटीची पूर्तता झाल्यास संबंधित शासकीय कर्मचा-यास महाराष्ट्र नागरी सेवा (निवृत्तीवेतन) नियम, १९८२ व सर्वसाधारण भविष्य निर्वाह निधी योजना लागू ठरतील.:-"

6. S.O. to 23-11-2021.

**MEMBER (A)**

YUK ORAL ORDERS 11.10.2021

**O.A.NO.740/2019, 741/2019, 742/2019, 743/2019,  
745/2019 AND 746/2019.**

**(Natharao Dodabe & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri M.B.Bharaswadkar, learned Advocate for the applicants and Shri S.K.Shirse, learned Presenting Officer for the respondents in respective cases.

2. Learned Advocate for the applicant requested to untag O.A.No.01/2021 and 45/2021 from the rest of cases due to difference in facts etc. Learned P.O. agrees to the proposition, therefore, untagging is allowed from this group of O.As. These two O.A.No.01/2021 and 45/2021 be tagged together and heard jointly on the next date.

3. Learned Advocate for the applicant has further submitted a chart for applicants in O.A.Nos.740/2019, 741/2019, 742/2019, 743/2019, 745/2019, 746/2019 showing points of scrutiny viz a viz eligibility of the six original applicants, in compliance of the directions given by paragraph 4 of the oral order passed on 16-09-2021. He has also enclosed relevant copies of orders passed by the Tribunal and judgment of Hon'ble Bombay High Court Bench at Nagpur, which are taken on record.

4. Learned P.O. seeks time to comply with the directions given in paragraph 5 of the order dated 16-09-2021.

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O.A.NO.740/2019 & Ors.

Learned Advocate for the applicants in O.A.No.01/2021 and 45/2021 has cited communication from one Shri Ramakant Ghatge, Under Secretary, Revenue and Forest Department addressed to Additional Principal Chief Conservator of Forests, Maharashtra State, Nagpur dated 18-11-2021 and flagged the issue that even if the applicants' services were terminated by paying compensation w.e.f. 01-04-2004 they are still eligible for benefits under the relevant G.R.

5. Learned P.O. is advised to respond to abovementioned points. Learned Advocate for the applicant has also given details on similar chart and scrutiny points of O.A.No.01/2021 and 45/2021 viz a viz eligibility of the applicants.

6. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.

7. S.O. to 22-11-2021.

**MEMBER (A)**

**O.A.NOS.01/2021 AND 45/2021.**  
**(Prasad Bhise & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri M.B.Bharaswadkar, learned Advocate for the applicants and Shri D.R.Patil and Shri S.K.Shirse, learned Presenting Officers for the respondents in respective cases.

2. These two O.A.No.01/2021 and 45/2021 be tagged together and heard jointly on the next date.

3. S.O. to 22-11-2021.

**MEMBER (A)**

YUK ORAL ORDERS 11.10.2021

**ORIGINAL APPLICATION NO.350/2020  
(Ramraje Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant submits that access to record is not available to the applicant and he is not in a position to respond by filing rejoinder to affidavit in reply with special reference to its paragraph 6.

3. Therefore, respondent no.4 is required to make records available for inspection relating to his charge of work with reference to paragraph 6 of the affidavit in reply, so that rejoinder to the affidavit in reply can be filed.

3. S.O. to 18-11-2021.

**MEMBER (A)**



**ORIGINAL APPLICATION NO.351/2020  
(Ramraje Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant has submitted that the affidavit in reply submitted by the respondents does not address to critical points of grievance, for example, how the applicant is responsible for not dealing with pending references in time, or preparing roster register etc. during his tenure.

3. Learned P.O. may like to respond to those specific points raised in the application as those are not addressed in the affidavit in reply during the final hearing.

4. In view of the above situation, learned Advocate for the applicant has submitted that rejoinder is not necessary.

5. Both sides have agreed to hear the matter finally.

6. S.O. to 18-11-2021 for final hearing.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.352/2020  
(Ramraje Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant states that the affidavit in rejoinder is not necessary.
3. Pleadings are complete. Case be placed for final hearing.
4. S.O. to 18-11-2021 for final hearing.

**MEMBER (A)**

YUK ORAL ORDERS 11.10.2021

**M.A.NO.72/2021 IN O.A.NO.691/2019**  
**(Rajendra Potdar Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

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

2. After hearing both sides, though affidavit in reply to the M.A. has not been submitted it is seen that the proposed amendment is in respect of the subsequent development as the applicant has retired on superannuation from service. Therefore, prayer in O.A. for granting him promotion needs to be amended which may not change nature of litigation and cause of action and it may not be prejudicial to any of the parties, therefore, same is allowed.

3. M.A. stands disposed of accordingly with no order as to costs.

4. Amendment be carried out within 7 days' time.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.691/2019**  
**(Rajendra Potdar Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

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

2. After amendment is carried out, matter be placed for final hearing.

3. S.O. to 24-11-2021.

**MEMBER (A)**

YUK ORAL ORDERS 11.10.2021

**M.A.NO.214/2021 IN O.A.NO.179/2021**  
**(Ujjwala Deshmukh Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri V.R.Bhumkar, learned Presenting Officer for the applicants (original respondents) and Shri V.G.Pingle, learned Advocate for the respondent (original applicant).

2. Learned P.O. submits a copy of communication dated 06-09-2021 issued by Section Officer, Home Department, by which he has been informed that the applicant has been granted one year study leave to complete Psychology Consultancy Course thereby relief sought for has been granted. As per the directions of the Tribunal representation is decided within time.

3. Accordingly, M.A. stands disposed of being infructuous with no order as to costs. O.A. is already disposed.

**MEMBER (A)**

YUK ORAL ORDERS 11.10.2021

**ORIGINAL APPLICATION NO.583/2018**  
**(Sahebrao Sormare Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents.

2. Matter has been reopened in the background of order of this Tribunal passed on 08-10-2021 informing the learned Advocate for the applicant to submit copy of Complaint (ULP) No.53/2002 and M.A. (ULP) No.01/2006 filed by the applicant before the learned Member of the Industrial Court, Jalna. Learned Advocate for the applicant may also submit copy of joining report along with medical certificate with acknowledgement of the office of the Senior Geologist, Jalna/Hingoli, whichever is applicable, so that the period of delay can be assigned at proper level for calculation of interest.

3. S.O. to 17-11-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.721/2018  
(Bhagwan Sangle Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri V.B.Wagh, learned Advocate for the applicant, Smt. Deepali Deshpande, learned Presenting Officer for the respondent nos.1 and 4 and Shri S.D.Dhongde learned Advocate for respondent nos.2 and 3.

2. Learned P.O. seeks time to file affidavit in reply on behalf of respondent nos.1 and 4. Learned P.O. submits that she will seek instructions from the respondent no.1 about filing of affidavit in reply as the State of Maharashtra is necessary party.

3. Learned Advocate for the applicant also seeks time to file a short affidavit in view of observations in paragraph 3 of the order dated 30-08-2021.

4. S.O. to 28-10-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO. 747/2019**  
**(Prashant M. Wayukar Vs. State of Maharashtra & Ors.)**  
**WITH**  
**ORIGINAL APPLICATION NO. 948/2019**  
**(Monohar K. Mulmule & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri Ajay Deshpande, learned Advocate for the applicants in both the O.As. and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in both the O.As.

2. The present matter is already part heard.
3. Considering the issues raised in both the Original Applications and relief sought of mandatory nature, at this stage, it would be necessary to call for the information about the vacancies in Nagpur Railway District as of the date of hearing.
4. The respondents are directed to furnish the above information positively on the next date of hearing.
5. S.O. to 21.10.2021.

**MEMBER (J)**



**ORIGINAL APPLICATION NO.981 OF 2019**  
**(Ravindra K. Deshmukh Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri Ganesh V. Mohekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officers for the respondents.

2. At the request of learned Advocate for the applicant, time is granted for filing affidavit-in-rejoinder.
3. S.O. to 16.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.50 OF 2021**  
**(Ravindra K. Deshmukh Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri Ganesh V. Mohekar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officers for the respondents.

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

2. S.O. to 16.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.269 OF 2021**  
**(Kishor G. Narwade Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officers for the respondents.

2. Learned Advocate for the applicant submits that the applicant has sought appointment on compassionate ground for himself only and he never made any application for appointment to his wife namely Mrs. Jayashree Kishor Narwade. However, prayer clause (C) came to be sought wrongly.

3. Learned Advocate for the applicant seeks deletion of that prayer by substituting it appointment for himself.

4. Permission as prayed for is granted.

5. The applicant to carry out amendment within the period of one week and serve the amended copy on the other side.

6. S.O. to 15.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.507 OF 2021**  
**(Sunil N. Khamitkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officers for the respondent nos.1 & 2 and Shri A.B. Rajkar, learned Advocate holding for Shri S.S. Manale learned Advocate for the respondent no.4.

2. Learned Advocate Shri Uttam B. Bondar has filed **Note of Appearance** on behalf of respondent no.3. The same is taken on record.

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

4. Learned Advocate appearing on behalf of the respondent no.3 submits that affidavit-in-reply of respondent no.3 is not necessary.

5. Learned P.O. seeks time for filing affidavit-in-reply on behalf of respondent nos.1 & 2. Time is granted.

6. S.O. to 15.11.2021. Interim relief granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.508 OF 2021**  
(Navnath N. Sabale Vs. State of Maharashtra & Ors.)

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officers for the respondents.

2. Affidavit-in-reply filed on behalf of respondent nos.1 to 3 has taken on record and copy thereof has been served on the other side.
3. At the request of learned Advocate for the applicant, time is granted for filing affidavit-in-rejoinder, if any.
4. S.O. to 18.11.2021. Interim relief granted earlier to continue till then.

**MEMBER (J)**

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

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri K.G. Salunke, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officers for the respondent nos.1 & 2 and Shri V.B. Kale, learned Advocate holding for Shri N.B. Narwade, learned Advocate for the respondent no.3.

2. Record shows that affidavit-in-reply of respondent no.3 is already filed.

3. Learned P.O. seeks time for filing affidavit-in-reply on behalf of respondent nos.1 & 2 and original record.

4. Learned Advocate for the applicant submitted that during pendency of this application, the applicant has received three show cause notices. He placed the same on record. They are marked as document 'X' collectively for the purpose of identification.

5. Record further shows that hearing of this application is already expedited considering the controversy raised.

6. In view of same, last chance is granted to the respondent nos.1 & 2 for filing affidavit-in-reply.

7. S.O. to 26.10.2021.

**MEMBER (J)**

**M.A.NO.184/2021 IN O.A.NO.88/2020**  
(Sanjay S. Kute Vs. State of Maharashtra & Ors.)

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

**DATE : 11.10.2021**

**ORAL ORDER :**

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

2. Affidavit-in-reply filed on behalf of respondent nos.1 to 3 is taken on record and copy thereof has been served on the other side.
3. At the request of learned Advocate for the applicant, time is granted for filing affidavit-in-rejoinder, if any.
4. S.O. to 17.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.230 OF 2020**  
(Ashvini D. Jadhav Vs. State of Maharashtra & Ors.)

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri S.B. Solanke, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officers for the respondents.

2. At the request of learned P.O., S.O. to 27.10.2021 for further hearing.

**MEMBER (J)**



**ORIGINAL APPLICATION NO.616 OF 2021**  
**(Mayus L. Sonawane Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officers for the respondents.

2. Issue notice to the respondents, returnable on 29.10.2021.

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

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

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

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6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 29.10.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter is placed on separate board.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.151 OF 2021**  
**(Dattatraya A. Ubale Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri R.D. Khadap, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officers for the respondents.

2. By consent of both the parties, S.O. to 18.11.2021 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.459 OF 2020**  
**(Priti J. Patale Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri Amit S. Savale, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officers for the respondents.

2. The present matter is already part heard.

3. Learned Advocate for the applicant placed on record the copy of letter dated 22/23-09-2021 issued by the respondent no.2 to the respondent no.1 requesting for appropriate order for cancellation of deputation order of the applicant. The said letter is signed by the respondent no.2 on 21.09.2021. It is taken on record and marked as document 'X-1' for the purpose of identification.

4. Learned P.O. seeks time for taking instruction from the respondents. Time is granted.

5. S.O. to 25.10.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.23 OF 2021**  
**(Nagnath P. Telgane Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officers for the respondents.

2. Affidavit-in-sur-rejoinder filed on behalf of respondent no.3 is taken on record and copy thereof has been served on the other side.

3. S.O. to 17.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.136 OF 2021**  
**(Laxmi N. Dhotre Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officers for the respondents.

2. Affidavit-in-reply filed on behalf of the respondent no.3 is taken on record and copy thereof has been served on the other side.
3. Learned P.O. seeks time for filing affidavit-in-reply on behalf of the respondent nos.1 & 2. Time is granted.
4. S.O. to 23.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.142 OF 2021**  
**(Santosh D. Chatupale (Zalte) Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri Suresh D. Dhongde, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officers for the respondents.

2. Learned Advocate for the applicant pursuant to the direction given by order dated 09.08.2021 produced the copy of service book. It is taken on record and marked as document 'X' for the purpose of identification.

3. Record shows that along with affidavit-in-reply, the respondents have annexed two documents as Exhibit 'R-1' collectively which are letter dated 24.11.2020 and entry in the service book to the effect that the earlier suspension order of the applicant dated 31.10.2017 and stay of suspension order dated 1.11.2017 are cancelled as per contents of letter dated 24.11.2020.

4. In actual entry, the date of reference order is mentioned as 24.01.2020 and not 24.11.2020. Moreover, the said entry is taken on separate page and not on the page on which the suspension and stay of suspension order is mentioned which is contrary to Rule.

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5. In view of same, the respondents are directed to make necessary correction and take a said entry of cancellation on the page where there is entry of suspension order and stay of suspension order.
6. The respondent to take necessary steps by next date.
7. S.O. to 29.10.2021.

**MEMBER (J)**



**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 : 11.10.2021**

**ORAL ORDER :**

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

2. Record shows that affidavit-in-reply of respondent nos.1 & 2 is already filed.

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

4. Pleadings are complete. The matter is pertaining to compassionate appointment. It is admitted and fixed for final hearing on 18.11.2021.

**MEMBER (J)**

**M.A.NO.201/2020 IN O.A.ST.NO.464 OF 2020**  
**(Satish S. Gugale Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officers for the respondents.

2. By consent of both the parties, S.O. to 22.11.2021.

**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 : 11.10.2021**

**ORAL ORDER :**

Heard Shri Avishkar S. Shelke, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officers for the respondents.

2. At the request of learned P.O., S.O. to 22.11.2021 for filling affidavit-in-reply.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.683/2019**  
(Shivaji M. Ghantewad Vs. State of Maharashtra & Ors.)  
**WITH**  
**ORIGINAL APPLICATION NO.902/2019**  
(Shivaji M. Thorat Vs. State of Maharashtra & Ors.)

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate for the applicants in both the O.As and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officers for the respondent in both the O.As.

2. By consent of both the parties, S.O. to 17.11.2021 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 542 OF 2019**  
**(Krishna B. Joshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 & 2. Shri P.R. Tandle, learned Advocate for respondent No. 4 (**absent**). None appears for respondent No. 3.

2. Record shows that affidavit in reply is filed on behalf of respondent No. 2. Today, the present case was placed for filing affidavit in reply on behalf of respondent No. 4.

3. In view of above, S.O. to 22.11.2021 as a last chance for filing affidavit in reply.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 490 OF 2021**  
**(Shyamsundar S. Ramdasi Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri A.S. Khedkar, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time is granted as a last chance.

3. S.O. to 25.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 428/2019 IN O.A.NO. 707/2019**  
**(Rama Mitthu Shinde Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Ms. Megha Y. Mali, learned Advocate holding for Shri S.K. Mathpathi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 5. Shri G.N. Patil, learned Advocate for respondent No. 6 (**absent**).

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time is granted as a last chance.

3. S.O. to 24.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 79/2021 IN O.A.ST.NO. 288/2021**  
**(Pralhad V. Fiske Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant seeks time for filing rejoinder affidavit. Time is granted.

3. S.O. to 22.11.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 11.10.2021-HDD



**M.A.141/21 WITH M.A.121/21 IN O.A.295/19 WITH  
C.P.NO. 3/21**

**(State of Maharashtra & Ors. Vs. Maharashtra Rajya Hangami  
Hivtap Prayogshala Karmachari Sangathana through its President)**

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

**AND**

**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 11.10.2021**

**ORAL ORDER :**

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

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent No. 1 in C.P. No. 3/2021 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 27.10.2021 for filing rejoinder affidavit, if any, in C.P. No. 3/2021.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 202/2021 IN O.A.NO. 639/2019**  
**(Ajit V. Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Ms. Angha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri D.R. patil, learned Presenting Officer for the respondent Nos. 1 & 2 and Ms. Tejal R. Mankar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for respondent No. 3.

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time is granted as a last chance.

3. S.O. to 26.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 352 OF 2021**  
**(Krushna Gulab Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

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

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

3. S.O. to 18.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**O.A.NO. 339/2019 WITH O.A.NO. 340/2019**  
**(Dr. Kishor S. Ubale Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri A.S. Deshmukh, learned Advocate for the applicant in both the cases and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents in both the cases.

2. By consent of both the parties, S.O. to 16.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**M.A. NO.372/2018 IN O.A. NO. 581/2018**  
(Vaishali R. Barhate Vs. State of Maharashtra & Ors.)

**WITH**

**M.A. NO.521/2018 IN O.A. NO. 818/2018**  
(Kishor S. Surdkar Vs. State of Maharashtra & Ors.)

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri S.D. Dhongde, learned Advocate for the applicant in M.A. No. 372/2018 In O.A. No. 581/2018 and Smt. M.S. Patni, learned Presenting Officer for the respondents in both these cases.

Shri G.K. Muneshwar, learned Advocate for the applicant in M.A. No. 521/2018 In O.A. No. 818/2018 **(absent)**.

2. Shri S.D. Dhongde, learned Advocate for the applicant has produced on record copy of G.R. dated 7.8.2019 issued by respondent No. 1 and the same is taken on record and marked as document 'X' for the purpose of identification.

3. S.O. to 22.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 406 OF 2018**  
**(Arun S. Gosavi Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 24.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 160 OF 2018**  
(Nilesh P. Bansude Vs. State of Maharashtra & Ors.)  
**WITH**  
**ORIGINAL APPLICATION NO. 844 OF 2018**  
(Navnath M. Shendekar Vs. State of Maharashtra & Ors.)

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

**DATE : 11.10.2021**

**ORAL ORDER :**

**O.A. NO. 160/2018**

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

**O.A. NO. 844/2018**

Heard Shri A.S. Kulkarni, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 22.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 715 OF 2019**  
**(Sushma E. Chaudhari Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri Santosh S. Jadhavar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Record shows that affidavit in reply of respondent Nos. 1 & 2 has already been filed on record.
3. Learned Advocate for the applicant submits that there is no necessity to file rejoinder affidavit.
4. Record shows that the present case is pertaining to appointment. It is admitted and fixed for final hearing.
5. S.O. to 25.11.2021.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 384 OF 2019**  
**(Vinayak B. Kapse & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri Mahendra B. Kolpe, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The present case be treated as part heard.
3. S.O. to 27.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 582 OF 2017**  
**(Sanjay B. Kokate & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri A.S. Shelke, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 18.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**O.A.NO. 555/2021 WITH M.A.NO. 314/2021**  
**(Mahendra D. Suryawanshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri Suresh D. Dhongde, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The O.A. No. 555/2021 is filed seeking correction in the seniority list of Executive Engineers (Mechanical) as on 01.01.2020 showing the applicant above the persons shown at Sr. No. 4 and 6 following 50- point roster system and further seeking promotion to the post of Superintendent Engineer (Mechanical). Notices were issued to the respondent Nos. 1 to 4 in O.A. on 16.9.2021. Meanwhile the applicant as per his prayer was allowed to delete the names of respondent Nos. 3 & 4 as per order passed on 1.10.2021 and the applicant was allowed to add new respondent Nos. 3 & 4 in O.A. & M.A. In view of the same, fresh notices are required to be issued to the newly added respondent Nos. 3 & 4 in O.A.

3. In view of above, issue fresh notices to the respondent Nos. 3 & 4 in O.A., returnable on 29.11.2021.

**:: - 2 - :: O.A.NO. 555/2021 WITH  
M.A.NO. 314/2021**

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

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

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

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

8. Meanwhile the applicant has taken out M.A. No. 314/2021 seeking interim relief of restraining the

respondents from effecting the promotion of the eligible candidates from the post of Executive Engineer (Mechanical) Water Resources Department to the post of Superintendent Engineer (Mechanical) Water Resources Department or in the alternate to keep one post vacant for that. Today, the applicant has produced on record further short affidavit. It is taken on record.

9. Learned Chief Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1 & 2 in the O.A., as well as, in the M.A.

10. Learned Advocate for the applicant further seeks alternative interim relief of keeping one post vacant of Superintendent Engineer (Mechanical). As per contentions raised in the O.A., the applicant is contending that he is eligible for promotion to the post of Superintendent Engineer (Mechanical) for one of the two vacant posts, which are likely to be filled in by the respondents.

11. Considering the contentions raised by the applicant, if the promotion process is undertaken by

**:: - 4 - :: O.A.NO. 555/2021 WITH  
M.A.NO. 314/2021**

the respondents, it is made subject to outcome of the present litigation.

12. S.O. to 29.11.2021.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 79 OF 2020**  
**(Dr. Naser Ahmed Razvi Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

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

2. By consent of both the parties, S.O. to 18.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**C.P.NO. 28/2020 IN O.A.NO. 113/2012**  
**(Bhagwat T. Kadam Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

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

2. Learned Presenting Officer seeks time for filing sur-rejonder . Time is granted.

3. S.O. to 15.11.2021.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 11.10.2021-HDD



**C.P.NO. 20/2020 IN O.A.NO. 326/2019**  
**(Prakash B. Shinde Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Record shows that pleadings are complete. The present case be kept for hearing on 25.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**C.P.NO. 10/2020 IN O.A.NO. 913/2017**  
**(Dilipkumar Rama Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

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

2. Record shows that pleadings up to rejoinder are complete. However, it appears that the applicant has raised certain contentions in the affidavit in rejoinder, which are required to be dealt with by the respondents by filing affidavit in sur-rejoinder. In view of this learned Presenting Officer to file sur-rejoinder on the next date of hearing.

3. S.O. to 22.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**C.P.NO. 26/2019 In O.A. NO. 793/1996**  
**(Chokhoba S. Kharat Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for respondent No. 1 and Shri S.B. Mene, learned Advocate for respondent Nos. 2 & 3.

2. At the request of learned Advocate for respondent Nos. 2 & 3, S.O. to 15.11.2021.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 327/2021 IN O.A.ST. 1396/2021**  
**(Hemant H. Ugale & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The Origin Application is filed challenging the communication dated 7.9.2021 (Annexure 'A-4') issued by the Deputy Superintendent of Police, Anti Corruption Bureau, Ahmednagar to the office of respondent No. 4 – the District Superintendent of Agriculture Officer, Savedi Road, Bhutkalwadi, Ahmednagar to hold an open enquiry against the applicants for the academic year 2015-16.

3. In the O.A. the applicants have produced on record G.R. dated 18.1.2021 (Annexure 'A-3'), which refers to the Committee formed by the Cabinet for making open enquiry about the work of Water Conservation Scheme. The said document shows that learned Member (A) of this Division Bench namely Shri Bijay Kumar was president of the said committee and the report is submitted by the said committee.

**:: - 2 - ::**

**M.A.NO. 327/2021 IN  
O.A.ST. 1396/2021**

4. In view of the above, learned Member (A) has refused for hearing of this particular matter. In the circumstances, the present case be placed before the appropriate Division Bench.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 308/2021 IN O.A.NO. 492/2021**  
**(Ganesh K. Chate & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Today, learned Advocate for the applicant has produced on record various documents including copy of G.R. dated 7.10.2021 issued by P.W.D., a copy of communication dated 17.9.2021 calling for options for posting, copies of orders passed by Hon'ble High Court dated 25.5.2021 & 14.9.2021 in pending various writ petitions concerning 5% promotions to the post of Junior Engineer and copy of G.R. dated 7.5.2021. Those documents are taken on record and marked as document 'X' collectively for the purpose of identification.

3. Learned Advocate for the applicant in this M.A. prays for interim relief of not giving posting to the selected 25 candidates, which list is produced in G.R. dated 7.10.2019 and to give direction to the respondents to produce record, which is produced by the respondents before the DPC. Learned Chief Presenting Officer submits that he would positively produce entire record / data within

**:: - 2 - :: M.A.NO. 308/2021 IN  
O.A.NO. 492/2021**

a period of a week. He also seeks time for filing affidavit in reply in the M.A., as well as, O.A. Considering the facts as stated above, a week's time is granted to the learned Chief Presenting Officer to produce the data.

4. S.O. to 21.10.2021.
5. Steno copy be provided to both the parties.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 513/2019  
(Yousufuddin Qamruddin Vs. State of Maharashtra &  
Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 11.10.2021**

**ORAL ORDER :**

Heard Smt. A.N. Ansari, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. It has been brought to the notice of the Tribunal by the learned Advocate for the applicant that the son of the applicant has not appeared in the examination in question, rather the name of father of the candidate, who appeared in the said examination, matches with the name of the applicant, and therefore, charges against him got framed in the joint departmental enquiry. After ascertaining facts from the ration card and the service record of the applicant, the respondent no. 2, the District Collector, Nanded, has been satisfied that the applicant Shri Yousufuddin Qamruddin, Peon, Collectorate, Nanded was implicated in the joint enquiry out of misgiving. Therefore, the respondent no. 2, the District Collector, Nanded had reported the matter to the State Government addressing a letter bearing No. २०१६/मशाका-१/आस्था-३/प्र.क., dated 9.9.2016 and recommended that case of the said Peon Shri Yousufuddin Qamruddin may be considered with sympathy and accordingly final decision in the matter of penalty be taken. However, while passing the order dated 17.12.2016



a penalty has been imposed on the original applicant Shri Yousufuddin Qamruddin also.

3. Affidavit in reply has been filed by one Shri Prasad s/o Prabhakar Rao Kulkarni, Tahsildar (General), Collector, Office, Nanded. Therefore, affidavit in reply of respondent no. 1 has become necessary for deciding the present matter on merit.

4. Accordingly, the learned Presenting Officer is directed to get the affidavit in reply of respondent no. 1 for which he seeks time. Three weeks time is granted to the learned Presenting Officer for filing affidavit in reply of respondent no. 1.

5. S.O. to 18.11.2021.

6. The present matter be treated as part heard.

7. Steno copy allowed for the use of learned Presenting Officer for the respondents.

**MEMBER (A)**

**ORIGINAL APPLICATION NO. 514/2019**  
**(Sanjay V. Nagamwad Vs. State of Maharashtra & Ors.)**

**CORAM** : **Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE** : **11.10.2021**

**ORAL ORDER** :

Heard Smt. A.N. Ansari, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. With the consent of both the sides, S.O. to 18.11.2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO. 1062/2019  
(Bhaury M. Khade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 11.10.2021**

**ORAL ORDER :**

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

2. The present matter has been admitted on 28.7.2021 and was fixed on 20.8.2021 for final hearing. On 20.8.2021 at the request of parties, the case was adjourned to 3.9.2021. On 3.9.2021 this Tribunal observed that the affidavit in reply of respondent nos. 1, 2, 4 & 5 has already been filed. Learned P.O. stated that the respondent no. 3 adopts affidavit in reply of other respondents. Therefore matter was adjourned to today i.e. on 11.10.2021 to file rejoinder, if any, by the applicant.

3. Learned Advocate for the applicant has clarified that the applicant does not have objection about revised pay fixation, however, recovery of excess amount already paid to him is his main cause of action.

4. Affidavit in reply filed by the respondents is basically on the line that recovery of excess payment made to employee in service can be made in installments, especially when the recovery is with respect to pay fixation under time bound promotion scheme / assured career progression scheme. In such cases undertaking is given by the employee for returning excess amount paid to him due to wrong pay fixation.

5. However, learned Advocate for the applicant wishes to cite case laws that in case of Class-IV employee, who has not carried out his pay fixation, should not suffer for recovery of excess amount paid to him. Revised pay fixation should be applied from prospective date.

6. However, the learned P.O. has put counter arguments. He submits that the pay fixation without verification by the Pay Verification Unit is done in the interest of employees so that they get the revised pay earlier, subject to verification from the Pay Verification Unit. However, it is in the public interest and according to public policy that nobody should get

benefit of wrong calculation of pay fixation. Therefore, undertaking is taken from the employees for refund of excess amount and accordingly amount of recovery is determined and has been initiated against the applicant as per the rules and guidelines in force.

7. Learned Advocate for the applicant has agreed to share the relevant case laws on which she is going to make out the case of the applicant with the learned P.O. for the respondents in advance before the next date of hearing. Learned P.O. for the respondents shall accordingly go through the said case laws, which would be supplied by the learned Advocate for the applicant, and incorporate his response to the same in addition to arguments made by the learned Advocate for the applicant today and restructure his arguments accordingly.

8. S.O. to 26.10.2021.

9. The matter be treated as part heard.

**MEMBER (A)**

**Date : 11.10.2021**

**ORIGINAL APPLICATION NO. 629 OF 2021**

**(Dr. Archana V. Bhosle V/s State of Maha. & Ors.)**

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

1. Shri Sudhir K. Chavan, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 17.11.2021. The case be listed for admission hearing on **17.11.2021**.
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**

**Date : 11.10.2021**

**O.A. 624/2021**

**(Pradeep D. Mulgir V/s State of Maharashtra & Ors.)**

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

1. Smt. Suchita Dhongde, learned Advocate for the applicant and Shri V.R. Bhumkar, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 18.11.2021. The case be listed for admission hearing on 18.11.2021.
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**