

**ORIGINAL APPLICATION NO. 632 OF 2021  
(Harishchandra G. Lohkare Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

2. At the request of learned counsel for the applicant, S.O. to 25.01.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 11.01.2024 sas

**ORIGINAL APPLICATION NO. 470 OF 2022  
(Prasad D. Mule Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned counsel for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3.

2. It appears that the respondent Nos. 2 & 3 have not filed their affidavit in reply. The learned counsel representing them is unable to explain as to whether it is the case of substitution or the applicant's application seeking compassionate appointment came to be rejected solely on the ground that the application was not submitted within the stipulated period of one year after attaining the age of majority.

3. In view of same, the respondent No. 2 is directed to remain present in person before this Tribunal on the next date of hearing in case if the affidavit in reply is not filed.

4. S.O. to 25.01.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 473 OF 2022**  
**(Satish S. Vairale Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

2. At the request of learned P.O., S.O. to 29.01.2024.

**MEMBER (J)**

ORAL ORDER 11.01.2024 sas

**ORIGINAL APPLICATION NO. 446 OF 2023**  
**(Virbahadur K. Gurung Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

2. Part Heard.
3. S.O. to 06.02.2024 for further hearing.

**MEMBER (J)**

ORAL ORDER 11.01.2024 sas

**ORIGINAL APPLICATION NO. 453 OF 2023**  
**(Shamkumar V. Wallekar Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

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

3. S.O. to 20.03.2024 for hearing/for filing affidavit in rejoinder.

**MEMBER (J)**

ORAL ORDER 11.01.2024 sas

**ORIGINAL APPLICATION NO. 593 OF 2023**  
**(Chetan S. Malunde Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri M.R. Kulkarni, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16.02.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 11.01.2024 sas

**ORIGINAL APPLICATION NO. 772 OF 2023**  
**(Vijaya S. Nilewad Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri V.P. Kadam, learned counsel holding for Mrs. A.N. Ansari, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 01.02.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 408 OF 2019**  
**(Sandeep G. Salve Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri H.V. Tungar, learned counsel for the applicant, is **absent**. Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. This Original Application is of the year 2019.

3. In view of above, S.O. to 14.03.2024 for passing order.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 434 OF 2019**  
**(Namdeo S. Ghone Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri S.D. Dhongde, learned counsel for the applicant has filed a **leave note**. Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 14.03.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 907 OF 2019**  
**(Dr. Namdeo V. Korde Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri J.S. Deshmukh, learned counsel for the applicant and Shri C.V. Dharurkar, learned counsel for the respondent No.6, are **absent**. Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. This Original Application is of the year 2019.

3. In view of above, S.O. to 14.03.2024 for passing order.

**MEMBER (J)**

**O.A.No. 98/2020 With Caveat No. 78/2019  
(Bhavana R. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

Shri Manish Bhambre, learned counsel for respondent No.2 (Caveator), is **absent**.

2. Though the learned counsel for the applicant and learned P.O. are ready to work out the matter, the respondent No. 2 is absent.

3. S.O. to 01.02.2024 as a last chance to respondent No.2 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 233 OF 2020  
(Arun A. Ghate Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri V.G. Pingle, learned counsel for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent No.4, are present.

2. Learned counsel for the applicant placed on record the copies of orders passed by the Hon'ble High Court of Bombay, Bench at Aurangabad along with one G.R. dated 15.12.2022. The same are taken on record and copies thereof are given to other sides.

3. S.O. to 11.03.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 581 OF 2020  
(Ganesh S. Khetre Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri V.P. Kadam, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 02.02.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 464 OF 2021**  
**(Vilas K. Hiwale Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard matter. At the request of learned P.O., S.O. to 25.01.2024 for further hearing.

**MEMBER (J)**

**M.A. No. 143/2022 in O.A. St. No. 75/2022**  
**(Sudhir S. Bramhne Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri A.V. Thombre, learned counsel holding for Shri A.B. Kale, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

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

**MEMBER (J)**

KPB ORAL ORDER 11.01.2024

**ORIGINAL APPLICATION NO. 164 OF 2021  
(Balu A. Chavan Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Ms. Preeti Wankhade, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 13.03.2024 for hearing.

**MEMBER (J)**

KPB ORAL ORDER 11.01.2024



**ORIGINAL APPLICATION NO. 387 OF 2021  
(Shankar B. Ghogare Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri A.V. Thombre, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 15.01.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 422 OF 2021  
(Satish A. Trimukhe Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, S.O. to 25.01.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 676 OF 2021  
(Navnath J. Kachare Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri A.B. Rajkar, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri A.D. Gadekar, learned counsel for respondent Nos. 5 & 6, are present.

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

**MEMBER (J)**

KPB ORAL ORDER 11.01.2024

**ORIGINAL APPLICATION NO. 513 OF 2022  
(Vikram S. Vairale Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri Akshay Kulkarni, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 25.01.2024 for hearing.

**MEMBER (J)**

KPB ORAL ORDER 11.01.2024

**ORIGINAL APPLICATION NO. 645 OF 2022  
(Jayprakash A. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri A.A. Khande, learned counsel holding for Shri A.M. Hajare, learned counsel for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri S.D. Joshi, learned counsel for respondent Nos. 2, 3, 5 & 6, are present.

2. At the request of learned counsel for the applicant, S.O. to 13.03.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 734 OF 2022**  
**(Shrimant M. Murkute Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

2. At the request of learned counsel for the applicant, S.O. to 13.03.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 168 OF 2023  
(Ishwar V. Dahiphale Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 830 OF 2018  
(Shailendra H. Mali Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri Shamsunder B. Patil, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present. Shri M.V. Bhamre, learned counsel for respondent No. 5, is **absent**.

2. At the request of learned Presenting Officer, S.O. to 18.01.2024 for final hearing.

**MEMBER (J)**

KPB ORAL ORDER 11.01.2024



**ORIGINAL APPLICATION NO. 1049 OF 2019  
(Pralhad L. Bhalerao Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri A.D. Kawre, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present. Shri S.D. Dhongde, learned counsel for respondent Nos. 4 & 5 (**Leave Note**).

2. At the request of learned counsel for the applicant, S.O. to 25.01.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 977 OF 2023**  
**(Digambar S. Naiknaware Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1, 3 & 4. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. Learned P.O. seeks time to file affidavit in reply on behalf of respondent No. 2. Time granted.

4. S.O. to 13.03.2024 for filing affidavit in reply on behalf of respondent No. 2 and for filing rejoinder affidavit, if any.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 149 OF 2023  
(Vijay R. Thorat Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri D.K. Dagadkhair, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned C.P.O. submits that during the course of the day affidavit in reply on behalf of respondent Nos. 3 & 4 will be filed.

3. S.O. to 18.03.2024 for filing rejoinder affidavit, if any.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 672 OF 2023  
(Ganpat U. Radkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

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

3. In view of above, list the matter for admission hearing on 15.02.2024. Liberty is granted to the respondents to file the affidavit in reply on the next date of hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 840 OF 2023  
(Sandip J. Shirsath Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri B.R. Warma, learned counsel for the applicant and Shri A.K. Tiwari, learned counsel for respondent No. 4, are **absent**.

Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 2 & 3. Learned P.O. submits that the respondent No. 1 is adopting the affidavit in reply filed on behalf of respondent Nos. 2 & 3. Same is taken on record along with spare copy for other side.

3. Pleadings completed. List the matter for admission hearing on 21.03.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 929 OF 2023  
(Gopal P. Sanap Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri D.S. Patil, learned counsel for the applicant, is **absent**.

Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 2 & 3 separately. Learned P.O. submits that the respondent No. 1 is adopting the affidavit in reply filed on behalf of respondent Nos. 2 & 3. Same are taken on record along with spare copies for the applicant.

3. Pleadings completed. List the matter for admission hearing on 19.03.2024 and for filing rejoinder affidavit, if any.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 308 OF 2023  
(Dattatray B. Kakde Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri V.Y. Patil, learned counsel for the applicant, is **absent**.

Heard Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned P.O. on instructions in writing dated 09.01.2024 submits that the entire pensionary benefits have been paid to the applicant except the commutation of pension and to that extent the proposal has been submitted to the Accountant General-II, Nagpur. Learned P.O. submits that in view of the same, nothing survives for further consideration in the present Original Application. Learned P.O. submits that however the necessary affidavit to clarify the same will be filed on the next date of hearing.

3. S.O. to 25.01.2024.

**MEMBER (J)**

**M.A. No. 359/2023 in O.A. St. No. 1560/2023  
(Trishna M. Mali Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Smt. Vidya Taksal, learned counsel for the applicant, is **absent**.

Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 to 5 in M.A. Same are taken on record along with spare copies for the applicant.

3. List the matter for hearing on 21.03.2024.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 15 OF 2024**  
**(Raju H. Rathod Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

2. At the request of learned counsel for the applicant, S.O. to 25.01.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 36 OF 2024**  
**(Saraswati K. Bhojne Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Heard Smt. M.A. Kulkarni, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 21.02.2024.

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

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

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

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

7. S.O. to 21.02.2024.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 44 OF 2023**  
**(Prashant B. Kachhawa Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Heard Shri K.G. Salunke, learned counsel for the applicant.

Shri Ajay Deshpande, learned Special Counsel for respondents (**Leave Note**).

2. In view of leave note filed by learned Special Counsel, S.O. to 16.01.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 597 OF 2023**  
(Ashish N. Hiware Vs. State of Maharashtra & Ors.)

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

2. It is a part heard matter.
3. Learned Presenting Officer seeks time to comply with the directions given by this Tribunal on 18.12.2023. Time granted.
4. S.O. to 19.01.2024 for further hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 806 OF 2023**  
**(Sunil R. Mamilwad & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri Dhananjay Mane, learned counsel holding for Shri Nagesh Talekar, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard matter.
3. At the request of learned counsel for the applicants, one week time is extended to carry out the amendment as per the order dated 20.12.2023.
4. S.O. to 19.01.2024 for further hearing.

**MEMBER (J)**

**M.A. No. 164/2022 in O.A. St. No. 2280/2019**  
**(Govardhan H. Chavan Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri P.H. Patil, learned counsel holding for Shri P.B. Patil, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Leave to file synopsis of events to explain the delay in nutshell.

3. S.O. to 01.02.2024 for hearing.

**MEMBER (J)**

KPB ORAL ORDER 11.01.2024

**ORIGINAL APPLICATION NO. 1119 OF 2023 with  
Caveat No. 40/2023  
(Dr. Milind V. Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri R.S. Pawar, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri J.B. Choudhary, learned counsel for respondent No. 5, are present.

2. The present matter is not on board, at the request of learned counsel for the applicant it is taken on board.

3. Learned counsel for the applicant submits that inadvertently the notices could not be collected from the office.

4. In view of the same, returnable date is extended by another 04 weeks.

5. S.O. to 17.01.2024.

**MEMBER (J)**

**MA 07/2024 in MA St. 44/2024 in OA St. 2449/2023  
(Pandurang G. More & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

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

3. For the reasons stated in the applications, and since the cause and the prayers are identical and since the applicants have prayed for same relief and the applicants are from the same department and out of them, two applicants have been retired on attaining the age of superannuation and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. M.A. St. No. 44/2024 be registered and numbered, after removal of office objections, if any. Accordingly, M.A. No. 07/2024 stands disposed of. No order as to costs.

**MEMBER (J)**



**M.A. St. No. 44/2024 in O.A. St. No. 2449/2023**  
**(Pandurang G. More & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

2. After registration, issue notices to respondents in M.A., returnable on 21.03.2024.

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

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

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

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

7. S.O. to 21.03.2024.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1100 OF 2023**  
**(Dr. Sanjay M. Rathod Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Avinash Deshmukh along with Shri Shamsunder B. Patil, learned counsel for respondent No. 4.

2. Learned counsel for the applicant submits affidavit, wherein certain allegations have been made against the respondent No. 4 and respondent No. 1 also. Same is taken on record and copy thereof is given to other sides. Learned counsel submits that even though his entire belongings are in the Government Quarter at Aurangabad, the said Government Quarter has been sealed.

4. Learned counsel for respondent No. 4 seeks time to file detailed reply to the above affidavit filed by the applicant.

5. Learned C.P.O. submits a copy of communication dated 11.01.2024 received from the Under Secretary, Government of Maharashtra, wherein it is stated that

//2//

O.A. No. 1100/2023

the process of appointment of Special Counsel is still going on and since the applicant has already joined the post of his transfer, the present matter may be kept after four weeks for filing affidavit in reply, as there is no urgency in the matter.

6. By order dated 22.12.2023 this Tribunal has directed the learned C.P.O. to call upon the original record and proceedings and keep the same ready with him for hearing. However, the learned C.P.O. has expressed his inability to produce the original record. It reveals from the letter dated 11.01.2024 that the appointment of Special Counsel is yet to be made and the learned C.P.O. is showing his inability to cooperate the Tribunal. In view of the same, this Tribunal left with no other alternative, but to direct the learned C.P.O. to keep present the respondent No. 1 personally, in case till the next date the original record is not produced before the Tribunal. Learned C.P.O. is also requested to convey today's discussion to the respondent No. 1 and also convey, to complete the process of appointment of Special Counsel at the earliest.

7. S.O. to 25.01.2024.

**MEMBER (J)**

**M.A. No. 231/2021 in O.A. St. No. 782/2021**  
**(Raju T. Kamble Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Heard Smt. Suchita Dhongde, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that in fact there are various incorrect affirmation of facts in the pleadings so also in the prayer clause. Learned counsel submits that it is thus difficult to carry out amendment in the pleadings and in view of the same, along with prayer, the entire Original Application is required to be substituted.

3. In view of the same, learned counsel for the applicant on instructions seeks leave to withdraw the present M.A. along with O.A. with liberty to file fresh O.A. along with M.A. seeking condonation of delay on the ground that the present O.A. along with M.A. for condonation of delay was pending before this Tribunal since 2021.

//2//

M.A. 231/2021 in  
O.A. St. 782/2021

4. I find much substance in the contentions raised on behalf of the applicant by the learned counsel. In view of the same, leave granted. The M.A. along with O.A. are disposed of as withdrawn with liberty to the applicant to file O.A. along with M.A. seeking condonation of delay afresh, if such liberty is exercised by the applicant within a period of one month from today. No order as to costs.

**MEMBER (J)**

KPB ORAL ORDER 11.01.2024

**M.A. No. 208/2023 in O.A. St. No. 544/2023**  
**(Nisha Balasaheb Ghatule Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Heard Smt. Nima Suryawanshi, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that there is a delay of 515 days caused in filing the accompanying O.A. The Original Application pertains to compassionate appointment. The husband of the applicant was working with the respondent No. 3 as Cook. He died in harness during the service tenure on 15.06.2019. The respondents by communication dated 16.09.2020 rejected the claim of the applicant on the ground that she is having three children after cutoff date 31.12.2001. Learned counsel pointed out that after death of bread earner of the family, the applicant become helpless and she was not having source to maintain her family and her children. It is difficult for her to seek legal advice and approach this

//2// M.A. No. 208/2023 in  
O.A. St. No. 544/2023

Tribunal in time. The delay is not intentional one and there is no in action on part of the applicant.

3. Learned P.O. resisted the application seeking condonation of delay on the ground that the delay has not been satisfactorily explained by the applicant. There is no substance in the Misc. Application and the same is liable to be dismissed.

4. It appears that the applicant is widow of Government servant. Her husband died while in service on the post of Cook i.e. Class-IV post on 15.06.2019. He left behind him his wife i.e. the present applicant and minor children including 03 daughters and one handicapped son. It appears that after death of bread earner of family, the applicant had to face lot of financial crises, because of which the delay has been caused in approaching this Tribunal in time. There is no intentional or deliberate delay, nor any inaction on part of the applicant. Thus considering the entire aspects of the case, I am inclined to condone the delay. Hence, the following order :-

//3// M.A. No. 208/2023 in  
O.A. St. No. 544/2023

**ORDER**

- (i) The M.A. No. 208/2023 is hereby allowed in terms of prayer clause 4(B).
- (ii) The delay of 515 days caused in filing the accompanying O.A. is hereby condoned.
- (iii) Accompanying O.A. be registered and numbered in accordance with law.
- (iv) Accordingly, M.A. stands disposed of. No order as to costs.

**MEMBER (J)**



**O.A. St. No. 544/2023**  
**(Nisha B. Ghatule Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Heard Smt. Nima Suryawanshi, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

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

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

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

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

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

7. S.O. to 11.03.2024.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 882 OF 2021**  
**(Shaligram Bhimaji Dudhe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**  
**And**  
**Hon'ble Shri Vinay Kargaonkar, Member (A)**  
**(Reference Bench)**

**DATE : 11.01.2024**

**ORAL ORDER :**

Heard Shri V.R. Borkar, learned counsel holding for Shri K.G. Salunke, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Avinash Deshmukh, learned counsel as amicus curiae.

2. The present matter is closed for orders.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.952/2022**  
(Mangesh Balu Zore Vs. State of Maharashtra & Ors.)  
**AND**  
**ORIGINAL APPLICATION NO.960/2022**  
(Siddheshwar P. Darade Vs. State of Maharashtra & Ors.)

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

**DATE : 11.01.2024**  
**ORAL ORDER :**

Heard Shri A.P.Shejul, learned Counsel for the applicants and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

Shri C.D.Fernandes/ Shri Pramod S. Brahmane, learned Counsel for respondent no.5 in O.A.No.952/2022 & respondent nos.4 and 5 in O.A.No.960/2022 (**absent**).

2. Arguments are heard. Reserved for order.

**MEMBER (A)**  
YUK ORAL ORDER 11.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.914/2023**  
**(Vitthal Khillare Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

2. On request of learned Counsel appearing for the applicant, issue fresh notice to the respondent nos.3 to 7, returnable on 18-03-2024.

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

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

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

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

7. S.O. to 18-03-2024.

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

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.930/2022**  
**(Shagir Rustum Pathan Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri A.R.Tapse, learned Counsel holding for Shri P.D.Suryawanshi, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 01-02-2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**  
YUK ORAL ORDER 11.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.931/2022**  
**(Jubirruddin H. Shaikh Vs. State of Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri A.R.Tapse, learned Counsel holding for Shri P.D.Suryawanshi, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 01-02-2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**  
YUK ORAL ORDER 11.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 35 OF 2024  
(Smt. Asha Jitendra Devang & Ors. Vs. the State of  
Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

2. It is the grievance of the applicant that though all these applicants have passed Revenue Qualifying Examination within the prescribed period and stipulated chances, they have been shown below the candidates, who are junior to them. Learned counsel submits that since all these candidates belonging to reserved class, for passing Revenue Qualifying Examination, some relaxation is provided by the Government and these candidates were to pass the said examination within 4 years and within 4 chances and accordingly all these applicants have passed the Revenue Qualifying Examination within the stipulated chances and within prescribed time limit. Learned counsel submits that the process for

effecting the promotions to the post of Circle Officer is in progress. Learned counsel in the circumstances has prayed for staying the said process or in the alternative to issue directions to the respondents to keep six promotional posts vacant till decision of the present Original Application.

3. Shri M.S. Mahajan, learned Chief Presenting Officer appearing for the respondent authorities has opposed for granting any such relief. Learned C.P.O. submits that until the instructions are received it may not be possible to make an authentic statement on the subject matter. Learned C.P.O. further submitted that the entire process however, cannot be arrested and if the order making promotions subject to the outcome of the present O.A. is passed that will suffice the purpose of the applicant.

4. It appears to us that the opportunity needs to be given to the respondents to clarify the position. However, in the meanwhile if the promotions are effected by the respondents, to safeguard the



interest of the applicant, we deem it appropriate to pass the following order: -

**ORDER**

(i) Issue notices to the respondents, returnable on 13.02.2024. **In the meanwhile if the promotions are effected, all such promotions shall be subject to outcome of the present Original Application.**

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

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

(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. Applicants are directed to file affidavit of compliance and notice.

(vi) S.O. to 13.02.2024.

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

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION ST. NO. 26 OF 2024  
(Santosh S. Magare Vs. the State of Mah. & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Heard Shri Jiwan J. Patil, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The office has raised the objection as about limitation and more particularly that the prayer clause 'D' appears to be barred by limitation. Vide prayer clause 'D' the applicant has sought direction against respondent No. 2 to promote him on the post of Awwal Karkoon with deemed date of 4<sup>th</sup> June, 2021. According to the office objection, the cause of action arose on the said date, the aforesaid prayer is beyond the period of limitation. Learned counsel however, brought to our notice that the cause of action arose for the present applicant to approach this Tribunal, when the seniority list was revised under the orders of this Tribunal and when it was noticed that persons junior to the applicant are promoted prior to him, the applicant had made

representations in the month of May, 2022 and July, 2022, which came to be decided on 3.2.2023. As such, the applicant has approached this Tribunal within a period of limitation. We are convinced that the applicant has approached this Tribunal within the period of limitation. The office objection, therefore, cannot be sustained.

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

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of 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.

**:: - 3 - ::**

**O.A. ST. NO. 26/2024**

Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 18.03.2024.

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

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 11.01.2024-HDD

**ORIGINAL APPLICATION NO. 11 OF 2024  
(Sachin Henry Thorat Vs. the State of Mah. & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

2. The candidature of the applicant was kept out of consideration on the ground that the Non-Creamy-Layer certificate submitted by him was not of the period as prescribed in the advertisement. In the meanwhile the Government has clarified the said position and the Non-Creamy-Layer certificates valid as on the date of verification of documents are accepted as due compliance of that provision. In the circumstances, the applicant has made a statement that his grievance stands redressed.

3. Learned C.P.O. submitted for passing necessary orders.

**:: - 2 - ::**

**O.A. NO. 11/2024**

4. In view of the submissions made on behalf of both the sides, the Original Application stands disposed of however, without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 11.01.2024-HDD

**ORIGINAL APPLICATION NO. 956 OF 2023  
(Kishor Apparao Patil Vs. the State of Mah. & Ors.)**

**ORIGINAL APPLICATION NO. 957 OF 2023  
(Rajendra S. Halkude Vs. the State of Mah. & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri Jiwan J. Patil, learned counsel for the applicants, Shri M.P. Gude, learned Presenting Officer for the respondent authorities in both the matters and Smt. Suchita A. Dhongde, learned counsel for respondent No. 2 in O.A. No. 956/2023, are present.

2. Learned counsel for the applicants submits that in O.A. No. 957/2023 the respondents are already served and service affidavit is filed in the office in that regard and the remark 'await service' be removed.

3. Learned Presenting Officer has sought time to file affidavit in reply in both the matters. Time granted.

4. S.O. to 16.2.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 11.01.2024-HDD

**ORIGINAL APPLICATION NO. 516 OF 2023  
(Yogesh S. Kharde Vs. the State of Mah. & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

2. Learned Presenting Officer submits that since contesting respondent i.e. respondent No. 3 has already filed affidavit in reply, the other respondents may not file any separate affidavit in reply and they are adopting the reply filed by respondent No. 3.

3. In view of above, pleadings are complete. List the matter for hearing on 5.2.2024.

**MEMBER (A)**

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO. 918 OF 2023  
(Bhimrao G. Parodwad Vs. the State of Mah. & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1, 3 & 4 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 31.1.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 11.01.2024-HDD

**M.A.NO. 255/2023 IN O.A.NO. 227/2023**  
**(Malhari E. Mane & Ors. Vs. the State of Mah. & Ors.)**  
**WITH**  
**ORIGINAL APPLICATION NO. 449 OF 2023**  
**(Chandan D. Kulkarni & Ors. Vs. the State of Mah. & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri A.B. Rajkar, learned counsel for the applicants in M.A. No. 255/2023 and for applicants/intervenors in M.A. No. 216/2023, Shri Harish Bali, learned counsel for the applicants/intervenors in M.A. St. No. 817/2023, Smt. N.N. Gore, learned counsel for the applicants in O.A. No. 227/2023, Shri A.R. Tapse, learned counsel holding for Shri Prashant D. Suryawanshi, learned counsel for the applicants in O.A. No. 449/2023, Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned special counsel for the respondent authorities and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in O.A. No. 449/2023, are present.

2. At the request of Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned special counsel appearing for the State authorities, time is granted for filing affidavit in reply. I.R. to continue till then.

3. S.O. to 29.1.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 11.01.2024-HDD

**C.P.NO. 73/2023 IN O.A.NO. 620/2023  
(Smt. Anita J. Bhartilak Vs. the State of Mah. & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

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

3. S.O. to 31.01.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 11.01.2024-HDD

**ORIGINAL APPLICATION NO. 263 OF 2023  
(Vinesh Vitthal Maher Vs. the State of Mah. & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri V.G. Pingle, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Today also time is sought for filing affidavit in reply. Last chance was granted in October, 2023. In the circumstances, the request deserves to be rejected. List the matter for hearing on 11.3.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 11.01.2024-HDD

**M.A. 437/2023 IN M.A. 35/2023 IN O.A. 812/2022  
(Rashtra Seva Arogya Karmachari Sanghatna through  
its Secretary Kailas T. Harkal Vs. the State of  
Maharashtra & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri Prasad D. Jarare, learned counsel for the applicants (M.A. No. 437/2023 & O.A.) and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

Shri K.G. Gaikwad, learned counsel appearing for the intervenors (M.A. No. 35/2023), **is absent**.

2. At the request of learned counsel for the applicants in M.A. No. 437/2023, S.O. to 7.2.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 11.01.2024-HDD

**C.P.NO. 72/2023 IN O.A.NO. 580/2022  
(Ramhari G. Sontakke Vs. the State of Mah. & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted till 16.2.2024.
3. S.O. to 16.2.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 11.01.2024-HDD

**ORIGINAL APPLICATION NO. 928 OF 2022  
(Bhagwat Laxman Lagad Vs. the State of Mah. & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Shri S.M. Shegaonkar, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Despite last chance was given to the respondents the affidavit in reply has not filed. It is clarified that the affidavit in reply of the respondents will not be accepted, since it has not been filed after giving due opportunities.

3. S.O. to 11.3.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 11.01.2024-HDD

**M.A. ST. NO. 71 /2024 IN O.A. NO. 778/2023**  
**(Anup D. Mane Vs. Vithal G. Shinde & Ors. and State of Mah. & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

2. The applicant in this Application intends to be impleaded as applicant in O.A. No. 778/2023 since he is having same grievance as has been made by the applicants in the said O.A.

3. We see substance in the contentions raised in the Misc. Application. Since the applicant has same grievance, he shall be impleaded as applicant in the O.A. Necessary amendment be carried out within a week.

4. The Misc. Application stands disposed of in the aforesaid terms without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**



**M.A. ST. 68/2024 IN O.A. NO. 778/2023**  
(Sagar S. Pawar & Ors. Vs. Vithal G. Shinde & Ors. and State of Mah. & Ors.)

**M.A. 467/2023 IN O.A. NO. 778/2023**  
(Pravin S. Jawale Vs. Vithal G. Shinde & Ors. and State of Mah. & Ors.)

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Heard S/shri A.S. Khedkar & S.N. Pagare, learned counsel for the applicants in respective matters, Shri Avinash S. Deshmukh, learned counsel for the applicants in O.A. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The applicants in these Applications intend to be impleaded as respondents in O.A. No. 778/2023. After having gone through the contents of the misc. applications we find that the applicants in M.As. deserve to be impleaded as respondents in O.A. Necessary amendment be carried out within a week and the applicants be added as respondents in O.A.

3. Both the M.As. stand disposed of without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

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

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri G.D. Darandale, learned counsel for respondent nos. 7, 12, 24 & 32, Shri J.B. Choudhary, learned counsel for respondent nos. 8, 28 & 36, Shri A.S. Khedkar, learned counsel for respondent nos. 18 & 38, Shri M.K. Bhosale, learned counsel holding for Shri P.V. Barde/Anand Kaware, learned counsel for respondent no. 29 in O.A., S/shri M.K. Bhosale & A.S. Khedkar, learned counsel for applicants in M.A. Nos. 395, 396 & 404 all of 2023.

2. On 9.1.2024 the following directions were given:-

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

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

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

3. Today when the present matter is taken up for consideration, the learned C.P.O. has submitted 02 communications received by way of email from the MPSC. Both are taken on record and copies thereof are supplied to the learned counsel for the applicants. When asked why the affidavit is not filed as was directed in the aforesaid order, the learned C.P.O. submitted that the order passed by

this Tribunal on 09.01.2024 was communicated to the office of MPSC on the same day. However, the MPSC officers' did not respond and have informed that draft affidavit is prepared however, it has not yet been approved by the Secretary of MPSC and hence, affidavit cannot be filed. The reason as has been assigned and the submissions so made are unconscionable. When the information as sought for has been tendered across the bar is possessing signatures of almost all concerned, there appears no reason for not filing affidavit as was directed in the aforesaid order. The concerned officer shall file the affidavit on the next date.

4. We have heard the learned counsel for the parties. The core issue involved in the present matter is 'whether the candidates belonging to socially backward class, who have secured more meritorious position, but who have availed concession in fees and relaxation in age limit can be held entitled for their appointment in Open category against the seat meant for Open category?'

5. In the O.A. the applicants' have named such 52 candidates in Objection List 'A', who according to the applicants have availed concession in fees, as well as, age relaxation but are recommended by the MPSC for their appointment on the posts meant for open candidates against the said seats. It has also been argued that the candidates belonging to socially backward class who have secured more meritorious position can certainly be recommended from the respective class and category, but cannot against the open seats. It has also been argued that if these candidates ultimately are required to shift to their respective class and category, the other candidates from the said class or category, who are recommended from that category will have to be pushed down and probably may not get the appointments. Such candidates are named in Objection List 'B'.

6. When the matter was heard at the time of issuance of first notice in the matter, this Tribunal has passed an interim order, thereby restraining the respondents from issuing orders of appointment to

said 104 candidates till filing of the affidavit in reply by the respondents.

7. The MPSC and the Government both have filed affidavits in reply in the present matter. The interim stay granted has been from time to time continued and is in force till today. M.A. Nos. 395, 396 & 404 all of 2023 have been filed with a prayer for vacating the interim relief passed in the O.A. The arguments were partly heard on the point of vacation of the interim relief and thereafter the matter was adjourned for securing some authentic information from the MPSC which the MPSC has submitted on record today.

8. As has been mentioned above, there are two objections raised on behalf of the applicants. First in respect of relaxation in age and other in relation to availment of concession in fees. From the contents of the M.A. filed, as well as, arguments advanced by the parties it is revealed that the respondents and more particularly the candidates whose are named in the Objection Lists 'A' & 'B' may not be held responsible or blamed for availing

the concession in fees. It is argued that the moment the caste is mentioned in the online application form, by default the amount of fees used to be displayed as applicable to the caste which is mentioned in the said online application. The document, which the MPSC has placed on record today, supports the said contention.

9. Learned counsel for the applicants in O.A. however, has expressed certain reservation about the facts so stated in the communication. Learned counsel submitted that certain instances are within knowledge of the applicants, wherein the person belonging to backward class in his application, though, has submitted his caste has paid the fees prescribed for open category candidates and he did not find any problem in uploading the online application form.

10. On such submissions made by the learned counsel the learned counsel appearing for the applicants in the M.As. submitted that it has happened in the cases where the person belonging to reserved class if is not possessing Non-Creamy-Layer certificate and submits information

accordingly, in his case by default the fees amount applicable for the open category used to be displayed. Learned counsel pointed out that this has happened in the cases of only OBC candidates.

11. We regret to state that had the MPSC along with information submitted today had submitted affidavit of its competent officer perhaps the controversy on the issue could have been sorted out to that extent. We however, find *prima facie* substance in the information as has been provided by the MPSC. In the circumstances, according to us the availment of concession in fees may not be that material aspect to be considered if the candidates belonging to backward class having availed concession in fees are recommended against the open seats on the basis of more meritorious position secured by them.

12. The question remains as about relaxation in age which has been also canvassed by the learned counsel earnestly. The judgment, to which the learned counsel for the applicants in O.A. has referred to at the time of first hearing in the matter,



relying on which the interim relief has been granted and even thereafter, we were prima facie convinced that as per the law consistently laid down by the Hon'ble Supreme Court, the candidates belonging to backward class even have secured more meritorious position if have availed the concession meant for backward class, cannot claim their appointment against the open seats.

13. The learned counsel appearing for the applicants in M.As. also have placed on record certain judgments which lay down a bit different criteria and as such this is the issue which will have to be finally and exhaustively heard in the present matter. Though the learned counsel for the applicants has submitted that he is ready to argue the matter finally since pleadings are complete, there are certain constraints for hearing the matter finally. We sincerely feel that such matters are not to be decided in haste and are to be considered patiently.

14. Contention which remains to be considered as has been argued by the learned counsel for the

applicants in M.As. is that at the instance of 11 applicants the prospective appointments of 52 candidates at the first instance and thereafter appointments of other 52 candidates in another list whether can be restrained. In the arguments it has been argued that in the Objection List 'A' and in the Objection List 'B' some such candidates are named who have not availed any benefit as alleged by the learned counsel for the applicants. Some candidates who are in service as APPs also cannot be included in the said list since in the advertisement it has been provided that insofar as in service candidates are concerned, there is no upper age limit. Some candidates are such who have submitted an affidavit that they have not availed any benefit and they have been appointed against their respective caste and not against the open seats.

15. After having considered the facts which have come on record as above, we are convinced that some modification is required in the interim order passed by this Tribunal on 24.08.2023.

16. After filing of O.A. by 11 applicants till today more two persons have approached this Tribunal for their impleadment as applicants and number of applicants thus has reached to 13. We are certainly conscious about the rights, which have accrued in their favour, however, while protecting the interest of 13 applicants question arises whether the prospective appointments of 104 candidates whose names are included in Objection List 'A' and Objection List 'B' can be restrained.

17. It was argued by the learned counsel appearing for the applicants that though only 13 applicants may have approached to the Tribunal, number of such persons may be much more than this and according to the learned counsel it was a question of principle whether such practice can be allowed to continue which according to him is against the law laid down by the Hon'ble Supreme Court. If issue is finally decided and if the contentions of the applicants are accepted it will result in entire reshuffling of the select list and hence, it is the contention of the original applicants that neither the

interim relief requires to be vacated nor there is need of any modification in the said order.

18. We reiterate that we can certainly protect the interest of the persons who have approached the Tribunal since as we have recorded they have made out a prima facie case. According to us, they are aggrieved persons and their grievance certainly needs to be considered by this Tribunal. Yet, according to us, these candidates can pursue their request restricting to them only and cannot prosecute the cause of others for the reason that we cannot convert the O.A. into Public Interest Litigation.

19. As is revealing from the arguments of the parties, 137 posts are kept for open general candidates. Admittedly, the MPSC had recommended 114 candidates against the open general seats. Thus, prima facie it appears that there is scope for recommendations of 23 more candidates from the open general class. However, in the affidavit in reply filed by the MPSC it has been taken a stand that the candidates who were to be

recommended from the category of DIVYANG as well as ORPHAN since have not become available the vacancies for them will be carried forward and to that extent number of open general candidates will stand decreased. It is further contended that 07 DIVYANG candidates are recommended against open general category.

20. According to the applicants in the O.A., the MPSC has thus recommended names of 121 candidates against the open general seats. An impression is, therefore, created that the MPSC has yet to recommend the names of more 16 candidates against the open general seats. In the affidavit in reply submitted by the MPSC it is, however, contended that against the seats reserved for DIVYANG and ORPHANS suitable candidates have not become available, the said vacancies are carried forward and, as such, no more candidate is likely to be recommended by the MPSC against the open general seats. We reiterate that amongst 121 candidates recommended by the MPSC, according to

the contentions raised by the applicants, names of the reserved class candidates are recommended. According to them, the number of such candidates is 52. It has to be stated that the facts, which have come on record through the affidavit in replies filed by the respondents, out of said 52 candidates named by the applicants, many of them have not availed any benefit as alleged by the original applicants. At this juncture, we do not wish to make any comment on the submissions so made taking to the number of such candidates.

21. After having heard all the concerned, it, however, appears to us that while protecting the interest of 13 applicants before the Tribunal, the appointments of other eligible candidates shall not be unnecessarily delayed. We, therefore, deem it appropriate to pass the following order, which, according to us, would take care of all the parties, who are before this Tribunal. As such, we modify the interim order passed on 24.8.2023 as under :-

**O R D E R**

The interim order passed on 24.08.2023 is modified as under:

- (i) From out of the Backward Class Candidates, whose names exist in the list of 121 candidates recommended by the M.P.S.C. for their appointments against Open General Seats, Respondent No. 01 shall keep in abeyance the appointments of such last 13 Backward Class Candidates in order of their inter-se merit, who have availed the benefit of age relaxation, by ascertaining the said fact from the record, till decision of the present Original Application.
- (ii) It is clarified that appointments of the candidates, whose names are included in Objection List 'A' and Objection List 'B' if made, shall be subject to outcome of the present O.A.
- (iii) Misc. Application Nos. 395, 396 & 404 all of 2023 are allowed to the aforesaid extent and disposed of.

::-15-::

**O.A. NO. 778/2023 & MAs**

(iv) The Original Application be listed for further consideration on 12.2.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 11.01.2024



**Date : 11.01.2024**

**ORIGINAL APPLICATION NO. 31/2024**

**(Shri Maheshkumar Bhagwan Patil V/s State of Maharashtra & Ors.)**

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

1. Shri J.B. Choudhary, learned Advocate for the applicant and Shri B.S. Deokar, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on **14.02.2024**. The case be listed for admission hearing on **14.02.2024**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

**I/C REGISTRAR**

**Date : 11.01.2024**  
**ORIGINAL APPLICATION NO. 30/2024**  
**(Shri Satish Maharu Thailar V/s State of Maharashtra & Ors.)**

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

1. Shri J.B. Choudhary, learned Advocate for the applicant and Shri B.S. Deokar, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on **14.02.2024**. The case be listed for admission hearing on **14.02.2024**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

**I/C REGISTRAR**

ARJ REGISTRAR NOTICE - 11.01.2024  
**Date : 11.01.2024**

**ORIGINAL APPLICATION NO. 29/2024**  
**(Shri Umakant Naval Koli V/s State of Maharashtra & Ors.)**

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

1. Shri J.B. Choudhary, learned Advocate for the applicant and Shri B.S. Deokar, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on **14.02.2024**. The case be listed for admission hearing on **14.02.2024**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

**I/C REGISTRAR**

**ORIGINAL APPLICATION NO. 1072/2022**  
**(Shri Vishal Govindrao Waghmare Vs. State of Mah. & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

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

2. Learned Presenting Officer on instructions submits that the respondent no. 02 has already filed the affidavit in reply and other respondents may not file separate reply and are adopting reply filed by respondent no. 02.

3. List the matter for hearing on 29.1.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 622/2021**  
**(Arjun R. Deshmukh (Gawali) Vs. State of Mah. & Ors.)**

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Heard Shri C.V. Dharurkar, learned counsel holding for Shri R.V. Gore, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. S.O. to 12.1.2024 for hearing. **Part Heard.**

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 11.01.2024

**C.P. NO. 36/2019 IN O.A. NO. 229/2015**  
(Dr. Bhaskar Sadashivrao Borgaonkar Vs. State of Mah. & Ors.)

**C.P. NO. 37/2019 IN O.A. NO. 230/2015**  
(Dr. Dilip Ramkrishnarao Tandale Vs. State of Mah. & Ors.)

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

**DATE : 11.01.2024**

**ORAL ORDER :**

Heard Shri P.R. Tandale, learned counsel for the petitioners in both the matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in both the matters.

2. Both the Contempt Petitions are filed against the orders passed by this Tribunal on 14.9.2016 in respective Original Applications. It is the grievance of the contempt petitioners that the respondents have not obeyed the orders passed by this Tribunal in the O.As. As against this, it is the contention of the respondents that they have duly complied with the orders passed by the Tribunal.

3. In O.A. No. 239/2015 the following order was passed :-

::-2-::

**C.P. NO. 36/2019 IN O.A.**  
**NO. 229/2015 & Anr.**

*“(i) The impugned communication dated 9.2.2015 issued by the respondent no. 3 on the basis of the order dated 17.10.2013 passed by the Commissioner, Animal Husbandry, M.S., Pune, is hereby quashed and set aside.*

*(ii) The respondents are directed to extend the benefit of ‘revised in-service Assured Progress Scheme’ to the applicant as per the various G.Rs. dated 1.4.2010, 5.7.2010, 1.7.2011 and 6.9.2014 w.e.f. his entitlement to such scheme.*

*(iii) Accordingly, the present original application stands disposed of with no order as to costs.”*

In O.A. no. 230/2015 the following order was passed:-

*“(i) The impugned communication dated 30.1.2015 issued by the respondent no. 3 the Joint Commissioner of Animal Husbandry (Head Quarters), M.S., Aundh, Pune – 7, is hereby quashed and set aside.*

*(ii) The respondents are directed to extend the benefit of ‘revised in-service Assured Progress Scheme’ to the applicant as per the various G.Rs. dated 1.4.2010, 5.7.2010, 1.7.2011 and 6.9.2014 w.e.f. his entitlement to such scheme.*

::-3-::

**C.P. NO. 36/2019 IN O.A.**  
**NO. 229/2015 & Anr.**

*(iii) Accordingly, the present original application stands disposed of with no order as to costs.”*

4. Learned counsel for the contempt petitioners submitted that as per the orders as aforesaid the respondents ought to have granted the Grade Pay of Rs. 6600 to the petitioners; whereas the respondents have granted the Grade Pay of Rs. 6400 on wrong presumption that the posts on which the petitioners were working were isolated posts.

5. Learned Presenting Officer submitted that after passing of the orders in the aforesaid O.As., the respondents had sought opinion of the Law & Judiciary Department of the State as about the implementation of the said orders. Learned P.O. submitted that the benefit of the Modified Assured Career Progression Scheme has been extended strictly as per the advice received from the Law & Judiciary Department. The respondents have placed on record the copy of the opinion so received from the Law & Judiciary Department.



::-4-::

**C.P. NO. 36/2019 IN O.A.  
NO. 229/2015 & Anr.**

6. Shri Tandale, learned counsel appearing for the petitioners submitted that in the orders passed by this Tribunal, it is nowhere observed by this Tribunal that the posts held by the petitioners are isolated posts. Learned counsel reading out the judgment delivered in the O.A. no. 229/2015 and more particularly para 11 thereof submitted that in view of the observations made and findings recorded by this Tribunal the petitioners were entitled for the Grade Pay of Rs. 6600/-; whereas they have been paid Grade Pay of Rs. 6400/-. According to the learned counsel, respondents have thus not complied the order passed by this Tribunal and are hence entitled to have committed contempt of the order of this Tribunal. As against the argument so made on behalf of the petitioners, it has been argued on behalf of the respondents that they have duly complied with the order passed by this Tribunal.

7. As noted hereinabove, before implementation of the order, the respondents had referred the matter to the Law & Judiciary Department seeking opinion. The said opinion is placed on record by the

respondents. We have gone through the said opinion. It *prima-facie* appears that neither the respondents nor the Law & Judiciary Department have correctly appreciated the order passed by this Tribunal. The order passed by the Hon'ble High Court in the writ petition has also seems to have been misinterpreted by the respondents. The contempt petitioners *prima facie* appear to be entitled for the Grade Pay of Rs. 6600/-.

8. The question, however, is whether by not paying the Grade Pay of Rs. 6600/- the respondents can be said to have committed the contempt of the order passed by this Tribunal. As defined in section 2(b) of the Contempt of Court Act, 1971, civil contempt means 'willful disobedience to any judgment, decree, direction, order, writ or other process of a court or willful breach of an undertaking given to a court'.

8. It is not the case that the respondents have not complied the order passed by this Tribunal. The grievance is that it has not been complied as it ought to have been complied. According to the

::-6-::      **C.P. NO. 36/2019 IN O.A.**  
**NO. 229/2015 & Anr.**

petitioners, the order has been partly complied with. As we have stated hereinabove, according to the respondents, they have fully complied with the orders under the legal advice of the Law & Judiciary Department. In the circumstances as aforesaid even though we see substance in the contentions raised on behalf of the petitioners that they are entitled to receive Grade Pay of Rs. 6,600/- but instead of that the respondents have paid it @ Rs. 6,400/-, even then the respondents cannot be held to have willfully disobeyed the order passed by this Tribunal. Had there been an express direction that the Grade Pay be paid to the petitioners @ Rs. 6,600/- and if that order would not have been complied then certainly it could have been said that the respondents have willfully disobeyed the order passed by this Tribunal. However, when the order was passed directing the respondents to extend the revised in-service Assured Progression Scheme as per the G.Rs. dated 1.4.2010, 5.7.2010, 1.7.2011 and 6.9.2014, the respondents had their own interpretation of the aforesaid GRs and they got

::-7-::      **C.P. NO. 36/2019 IN O.A.**  
**NO. 229/2015 & Anr.**

support to the interpretation made by them by the Law & Judiciary Department of the State.

9. In the aforesaid circumstances, it is difficult to hold that the respondents have willfully disobeyed the orders passed by the Tribunal. As such, there is no other option for us except to reject both the contempt petitions. We, however, wish to observe that the petitioners are not remediless and can very-well avail the appropriate remedy.

**ORDER**

- (i) Both the Contempt Petitions are rejected.
- (ii) There shall be no order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**