

ORIGINAL APPLICATION NO. 796/2019
(Laxmibai Uttam Bahirwad Vs. State of Maharashtra &
Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri Girish Kulkarni, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities.

2. The learned counsel for the applicant seeks leave to add some portion in the prayer clause thereby seeking directions for setting aside the order dated 15.7.2016 also. The learned counsel submits that the order passed on 15.7.2016 in continuation of the order dated 30.11.2015 which is already sought to be quashed by the applicant. The learned counsel pointed out that the date is mentioned of the said order as 15.7.2015, it must be 15.7.2016 and it was served on the applicant after 15.7.2016. The learned counsel pointed out that in the said order reference is given of the order dated 1.4.2016 and as such there is no possibility of the said order to have been passed on 15.7.2015. In view of the submission made and after having considered that the nature of the OA is not likely to be changed the leave is

granted. The necessary amendment be carried out forthwith since the matter is posted for positive hearing.

3. In the present Original Application the applicant is seeking quashment of the orders dated 30.11.2015 and 15.7.2016 issued by respondent no. 1 and has also sought direction against the respondents to refund the amount of Rs. 2,87,307/- deducted from the pensionary benefits of deceased husband of the applicant with interest.

4. Few facts which are relevant for decision of the present matter are thus :-

The husband of the present applicant namely Uttam Lalu Bahirwar was the employee in the Police force and lastly he worked under respondent no. 1. He had entered into the Police services in the year 1986 and got retired on 30.6.2016 on attaining the age of superannuation. Before retirement of deceased Uttam Bahirwad an order dated 30.11.2015 was served upon him whereby respondent no. 1 has communicated deceased Uttam Bahirwad about his revised pay fixation from the year 1986 and about the alleged excess payment made to him during the period from 1986 to 2015. The aforesaid order was passed by respondent no. 1 giving direction to the Accountant in his office for

recovery of the excess amount paid to the applicant and to submit compliance report. Thereafter an order was passed on 15.6.2016 thereby intimating the applicant that he will stand retired on attaining the age of superannuation on 30.6.2016. Accordingly he got retired from Police services on the said date. After his retirement on 15.7.2016 the impugned order came to be served upon deceased Uttam Bahirwad whereby he was informed that amount of Rs. 2,87,307/- was paid in excess to him during the period from 1.1.1986 to 1.7.2015 and it was further informed that the said amount of excess payment will be recovered from final gratuity amount payable to him to the tune of Rs. 1,62,525/- and the balance amount of Rs. 1,24,782/- was directed to be deposited by deceased Uttam Bahirwad at his own or else it was directed to be recovered from the amount of GPF payable to him. As contended in the O.A., deceased Uttam Bahirwad though had requested the departmental authorities for not giving effect to the said orders the amount was recovered from him in two installments; first installment from the amount of gratuity and second installment from the amount of GPF. Deceased Uttam Bahirwad thereafter preferred application with respondent no. 1 seeking refund of the said amount, however, the request was not

considered and deceased Uttam Bahirwad in the said circumstances was constrained to file O.A. bearing No. 943/2016 before this Tribunal. The record shows that said O.A. was withdrawn by deceased Uttam Bahirwad with liberty to file a fresh O.A. on same cause of action and for same relief. However, before such application could be filed by him he died on 4.5.2017. After death of Uttam Bahirwad his wife has preferred the present O.A. Since there was some delay in preferring the present O.A. separate application was filed seeking condonation of delay. This Tribunal has condoned the said delay and thereafter present O.A. was registered.

5. In the present OA as noted above the applicant has sought quashment of the order dated 30.11.2015 and 15.7.2016 and has also sought refund of the amount recovered from the gratuity and GPF amount of deceased Uttam Bahirwad to the tune of Rs. 2,87,307/- with interest.

6. The learned counsel for the applicant relying on the judgment of Hon'ble Supreme Court in the case of **State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.**, AIR 2015 SC 596 submitted that recovery so made from the amount of gratuity and GPF of deceased Uttam Bahirwad was wholly illegal and impermissible. The learned counsel invited my attention

to the observations made and directions given by the Hon'ble Supreme court in paragraph no. 12 of the said judgment. Placing reliance on the said guidelines the learned counsel submitted that prayer so made by the applicant deserves to be allowed.

7. The learned counsel has brought to my notice that pay of deceased Uttam was re-fixed without giving any opportunity of hearing to him either before such re-fixation or subsequent to that as about correctness of the pay so re-fixed from the year 1986. The learned counsel further pointed out that when order dated 30.11.2015 came to be passed within 7 months thereafter the deceased was to retire from service on attaining the age of superannuation. The learned counsel further submitted that undisputedly deceased Uttam Bahirwad was Class-IV employee and as such no recovery could have been directed against him in the last few months of his service. The learned counsel submitted that it was never the allegation against deceased Uttam Bahirwad that in the alleged excess payment received to him there was any role played by him or any fraud was alleged against him in receiving that amount. The learned counsel therefore prayed for allowing the O.A.

8. The respondent no. 1 has filed the affidavit in reply contending therein that the pay of the applicant was wrongly fixed and that fact was came to the notice of respondent no. 1 when the Pay Verification Unit verified the pay fixation of the applicant. The learned PO submitted that the applicant was paid excess payment for which he was not entitled and as such no error can be found on part of the respondents if recovery is made of that amount. The learned PO sought to rely on the judgment of the Hon'ble Supreme Court in the case of **High Court of Punjab and Haryana & Ors. Vs. Jagdev Singh, in Civil Appeal No. 3500 of 2006** and submitted that the Hon'ble Supreme Court has recorded a clear finding therein that any wrong payment made to the employee for which he is not entitled is recoverable and employer posses every right to recover the said amount. He therefore prayed for rejecting the OA.

9. I have carefully considered the submissions advanced on behalf of the applicant, as well as, respondents. I have also perused the documents filed on record. Insofar as the factual matrix is concerned the following facts are undisputed :

- (i) The applicant was to retire after attaining the age of superannuation on 30.6.2016.

(ii) The order of re-fixation of pay and consequential recovery of excess amount paid to the applicant came to be passed first time on 30.11.2015.

(iii) that the alleged amount was recovered from the deceased Uttam Bahirwad in two installments. First installment of Rs. 1,62,525/- was recovered from final gratuity amount of deceased Uttam Bahirwad and second installment of Rs. 1,24,782/- was recovered from the amount of GPF payable to deceased Uttam Bahirwad.

10. In the affidavit in reply, it is not the case of the respondents that there was any role of deceased Uttam Bahirwad in wrong fixation of pay in the year 1986. It has also not been alleged that the applicant was aware of the fact that his pay was wrongly fixed but he did not bring to the notice the said fact to respondent no. 3.

11. After having considered the aforesaid facts in light of the law laid down by the Hon'ble Supreme Court in the case of **State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.**, AIR 2015 SC 596 (supra) the recovery so made by the respondents cannot be sustained and deserves to be set aside. The Hon'ble

Supreme Court in following circumstances has restrained the employer to deduct any amount :-

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

(i) Recovery from employees belonging to Class-III and Class-IV service (or Group ‘C’ and Group ‘D’ service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from the employees when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a

higher post and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employees, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."

12. Deceased Uttam Bahirwad was admittedly Class-IV employee. The recovery was directed and re-fixation was made when less than one year's period was left for retirement of the applicant. The recovery which has been made is for the payment made during the years 1986 to 2015 i.e. of the period of about 29 years when as per the guidelines given by the Hon'ble Supreme Court in the case of **State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.**, **AIR 2015 SC 596** cited supra) recovery from employees when the excess payment has been made for the period in excess of five years is impermissible.

13. On all above counts the impugned orders appear to be unsustainable and deserves to be set aside and are accordingly set aside. The respondents are directed to refund the amount of Rs. 2,87,307/- to the applicant

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with simple interest at the rate of 6% per annum from the date of recovery till its actual realization. The amount is to be refunded by respondents within period of 6 months from the date of this order or else the applicant will be entitled for the interest at the rate of 12% per annum from the initial date.

14. The present Original Application stands disposed of in above terms without any order as to costs.

VICE CHAIRMAN

ARJ O.A. NO. 796 OF 2019

ORIGINAL APPLICATION NO. 366/2022
(Rahul Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O..to 25.11.2022 for filing rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO. 630/2021
(Babasaheb Dahifale Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. The respondents have not filed sur-rejoinder till today. In the circumstances, list the matter for hearing on 30.11.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO. 398/2022
(Yuvraj B. Dhamik Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. In spite of last chance given to the respondents for filing the affidavit in reply the same has not been filed and today some more time has been asked by the learned P.O. No case is made out for giving any more time for filing the affidavit in reply.

3. List the matter for hearing on 25.11.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO. 328/2022
(Ashok B. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. In spite of last chance given to the respondents for filing the affidavit in reply the same has not been filed and today some more time has been asked by the learned P.O. No case is made out for giving any more time for filing the affidavit in reply.

3. List the matter for hearing on 25.11.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO. 667/2022
(Dr. Pradip Vaishnav Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. The learned PO has sought time of 2 weeks for filing the affidavit in reply. Granted by way of last chance. If the affidavit in reply is not filed by the next date, the matter will be heard on the given date without reply.

3. S.O. to 25.11.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO. 510/2020
(Priyadarshi S. Maske Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri I.D. Maniyar, learned counsel holding for Shri V.S. Panpatte, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Though last chance was granted even today the affidavit in reply has not been filed and time is sought by the learned P.O. for filing the reply.

3. List the matter for hearing on 6.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO. 255/2022
(Namdeo Agashe & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel for the applicants seeks leave to add the Principal Secretary, Revenue & Forest Department as party respondent. Leave as prayed for is granted. The necessary amendment be carried out forthwith.

3. Issue notice to the added respondent, returnable on 16.12.2022.

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

5. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of 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.

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

8. S.O. to 16.12.2022.

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

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

M.A. 188/2022 IN O.A. 480/2019
(Ashok Puri Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri Shamsunder Patil, learned counsel for respondent nos. 2 & 3, are present.

2. In the remark column incorrect remark has been noted that the respondent no. 3 is not yet served. However, said respondent no. 3 has already been served and Shri Shamsunder B. Patil, learned counsel has caused his appearance for the said respondent. Accordingly, the remark noted in the remark column be corrected.

3. S.O. to 29.11.2022 for filing affidavit in reply on behalf of respondent no. 3.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1045/2019
(Sunil P. Pathrikar Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

2. Though one more last chance was granted the rejoinder is not filed by the applicant. The learned counsel has sought further more time for filing rejoinder. In the interest of justice time granted with an understanding that no further time will be granted for the said purpose and matter will proceed further without rejoinder.

3. S.O. to 29.11.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO. 834/2019
(Ravikant R. Hadoltikar Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri G.N. Patil, learned counsel for respondent no. 2, are present.

2. At the request of learned P.O. and learned counsel for respondent no. 2, S.O. to 29.11.2022 for filing affidavit in reply.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO. 177/2021
(Lata B. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

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

2. At the request of learned counsel, S.O. to 5.12.2022 for filing rejoinder affidavit of the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO. 201/2021
(Vasant G. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Shri S.S. Jadhavar, 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, S.O. to 5.12.2022 for filing rejoinder affidavit of the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO. 291/2021
(Dattatraya M. More Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri S.N. Suryawanshi, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel, S.O. to 5.12.2022 for filing rejoinder affidavit of the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO. 611/2021
(Sayyed Salim Sayyed Yaqub Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri Indranil Godsay, 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, S.O. to 5.12.2022 for filing rejoinder affidavit of the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO. 322/2022
(Dr. Datta Dhanve Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present. Shri SB. Ghute, learned counsel for respondent no. 3 (**leave note**).

2. In spite of last chance given to the respondents for filing the affidavit in reply the same has not been filed and today some more time has been asked by the learned P.O. No case is made out for giving any more time for filing the affidavit in reply.

3. List the matter for hearing on 30.11.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO. 709/2022
(Jyoti Ghadoje Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri M.R. Kulkaarni, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. The learned P.O. has tendered across the bar the reply on behalf of respondent nos. 1 to 3. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 2.12.2022 for filing rejoinder, if any, by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO. 756/2022
(Jitendra Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri V.D. Godbharle, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The learned PO has tendered across the bar the reply on behalf of respondent no. 2. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 2.12.2022 for filing rejoinder affidavit, if any, by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

**M.A. 472/2022 IN O.A., ST. 1845/2022
(Harischandra Fulpagare Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 23.11.2022 for filing the affidavit in reply on behalf of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

ORIGINAL APPLICATION ST. NO. 1695/2022
(Shaukat Ullah Khan Ahesan Khan Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri Vaibhav Kulkarni, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. The learned counsel for the applicant seeks time to file Misc. Application seeking condonation of delay caused in filing the present O.A. The request is accepted.

3. S.O. to 25.11.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

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

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri V.P. Golewar, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 29.11.2022.

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 Reistry before due date. Applicant s directed to file affidavit of compliance and notice.

7. S.O. to 29.11.2022.

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

VICE CHAIRMAN

**M.A. 484/2022 WITH M.A. 485/2022 IN O.A. ST.
1748/2022
(Gangadhar N. Fasale & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri A.G. Ambvetkar, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

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

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

M.A. 485/2022 IN O.A. ST. 1748/2022
(Gangadhar N. Fasale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri A.G. Ambvetkar, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents in the present M.A. for condonation of delay insofar as applicant no. 3 is concerned, returnable on 29.11.2022.

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 29.11.2022.

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

VICE CHAIRMAN

M.A. 483/2022 IN O.A. ST. 1750/2022
(Arun M. Bangar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri A.G. Ambvetkar, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

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

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

O.A. ST. 1750/2022
(Arun M. Bangar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri A.G. Ambvetkar, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to the added respondent, returnable on 30.11.2022.

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 30.11.2022.

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

VICE CHAIRMAN

**M.A. 482/2022 IN O.A. ST. 1874/2022
(Hemantkumar M. Sonawani & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

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

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

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

O.A. ST. 1874/2022
(Hemantkumar M. Sonawani & Ors. Vs. State of
Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

2. Issue notice to the added respondent, returnable on 5.12.2022.

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 5.12.2022.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 340/2022
(Nandkishor Chitlange Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. At the request of learned P.O., S.O. to 15.11.2022 for further consideration.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO. 657/2022
(Laxman H. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 15.11.2022 for further consideration.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

O.A. NO. 230/2020
(Ashvini D. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondents, are present.

2. The learned counsel for the applicant on instructions seeks leave to withdraw the present O.A. Hence the following order :-

ORDER

The present O.A. stands disposed of since withdrawn without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 710/2021
(Shivshakti M. Kendre Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

None appears for the applicant. Shri MP Gude, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 2.12.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO. 145/2022
(Bhimrao Mhaske Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Shri PM Gaikwad, learned counsel for the applicant, Shri SK Shirse, learned Presenting Officer for the respondent authorities and Shri SS Shete, learned counsel for respondent no. 5, are present.

2. With the consent of both the sides, S.O. to 29.11.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

**M.A.331/2022 IN M.A. 375/2021 IN O.A. 489/2020
(Subhash O. Ghodke Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Shri HP Randhir, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12.12.2022 for submitting service proof by learned counsel of res. no. 1 and for filing reply by res. nos. 2 & 3 by the learned P.O.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

M.A. 284/2020 IN O.A. ST. 1213/2020
(Sumanbai R. Tayade Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O..to 5.12.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

**M.A. 338/2021 IN O.A. ST. 1455/2021
(Amol Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 5.12.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

**MA 298/2022 IN MA 503/19 IN O.A. ST. 2016/2019
(Amina Begum Maheboob Shaikh Vs. State of Maharashtra
& Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Shri KB Jadhav, learned counsel holding for Shri AB Rajkar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O..to 18.11.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

O.A. NO. 158/2018
(Dr. Yogesh Sathe Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri SG Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 14.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

O.A. NO. 265/2019
(Taher Ali Sayed Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel holding for Smt. Vidhya Taksal, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 16.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

O.A. NO. 532/2022 WITH M.A. 432/2022
(Maroti Sonkamble Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. With the consent of the parties the present Original Application along with Misc. Application is taken up for final disposal. In the Original Application the applicant has sought the quashment of the order of suspension dated 16.6.2022. The O.A. has been filed on 19.6.2022 i.e. immediately after 3 days of the passing of the order of suspension. In Misc. Application the applicant has prayed directions against the respondents to place the matter before the Review Committee for taking review of the suspension order dated 16.6.2022 in view of Government Resolution dated 9.7.2019.

3. After having considered the facts as aforesaid it appears to me that the Original Application, as well as, Misc. Application both can be disposed of by

::-2-:: **O.A. NO. 532/2022 WITH**
M.A. 432/2022

directing the respondents to review the order of suspension dated 16.6.2022 within a month from the date of this order, since the period of more than 3 months has lapsed thereafter. The order accordingly.

4. O.A. & M.A. both stand disposed of in terms of above order without any order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDER 11.11.2022

**M.A.NO.135/2020 IN O.A.ST.NO.336/2020
(Khurshid Begum Mohd. Moosa Vs. State of Maharashtra &
Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

Heard Shri A.G.Dalal, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities.

2. This is an application preferred by the applicant seeking condonation of delay which has occasioned in filing the annexed O.A.

3. There is checkered history behind the present matter. The applicant is agitating for her right to receive family pension since the year 2003. Husband of the present applicant was an erstwhile employee of the Hyderabad Sansthan, and subsequently, absorbed in the Government service according to the contentions raised in the application. The O.A. filed in the year 2003 bearing O.A.No.212/2003 was disposed of with certain directions to the respondents therein as well as to the A.G. Office. Since the said directions were not complied with according to the contentions of the

applicant, she had filed contempt petition in the year 2005. Said contempt petition came to be disposed of by this Tribunal holding that the order was complied with and as such there was no contempt. Said order was passed in the year 2006.

4. Thereafter, the applicant filed Writ Petition bearing W.P.No.6841/2016 before Aurangabad Bench of Hon'ble Bombay High Court for the reason that till the said time nothing had happened in her pension matter. Said petition was disposed of by the Hon'ble High Court making some observations about non-disclosure of certain facts by the applicant in the said Writ Petition. It is the contention of the applicant that during the course of arguments in the said Writ Petition, it was submitted by the learned A.G.P. appearing in the said matter that the request of the applicant for family pension was rejected way back in the year 2006. Learned Counsel for the applicant submitted that, however, in the said Writ Petition, no such order was placed on record by respondents. Taking clue from the submissions so made by the learned A.G.P., applicant was making endeavor for securing

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M.A.NO.135/2020 IN O.A.ST.NO.336/2020

copy of the said order by making representations and by visiting the offices concerned.

5. After her failure to secure the said copies by many efforts made by her, she ultimately, resorted to remedy under Right to Information Act and ultimately got the copy of the communication dated 25-08-2006 wherein the reason for not accepting request of the applicant was disclosed. It is the contention of the applicant that after receiving the said document under Right to Information Act, she became aware that her request for family pension has been rejected for the reasons stated therein. It is the further contention of the applicant that by the said time, the applicant had become quite old unable to take any prompt action and failing in receiving the appropriate advice. Learned Counsel for the applicant submitted that ultimately, the applicant decided to challenge the said order which according to her is illegal and the reason which has been assigned for not considering her request for family pension is erroneous.

6. Learned Counsel for the applicant submitted that, as such, the delay which has occasioned, in fact, may be of the period of a year or so and even if it is stretched back to the decision in contempt petition or the earlier litigation it may be of 12 or 13 years. Learned Counsel submitted that in the present matter what is more important is the cause for which the applicant is approaching this Tribunal. Learned Counsel submitted that during the course of earlier litigation an impression was created in the mind of the applicant that her case for pension is under consideration and one or the other day she will get pension. However, she was never informed that her claim is rejected or she is not entitled to family pension. Learned Counsel submitted that in the circumstances though the delay may be appearing of a very long period, having regard to the cause for which the lady in the advanced stage of her life is agitating, be considered and she may be given an opportunity to prosecute her application on merit. Learned Counsel further submitted that the applicant is quite sure that she will be able to establish her case, however, only on

the point of delay, if the application is rejected, her cause will be frustrated for which the applicant is sincerely agitating for last so many years.

7. Learned Counsel has relied upon the judgment of the Hon'ble Apex Court in the case of **S.K. Mastan Bee V/s. General Manager, South Central Railway & Anr.** reported in **[(2003) 1 SCC 184]**. Learned Counsel invited my attention to the observations made and findings recorded by the Hon'ble Apex Court in paragraph 6 of the said judgment. Learned Counsel submitted that keeping in mind the view taken by the Hon'ble Apex Court, delay occurred in filing the present matter by the applicant be condoned.

8. Request so made is opposed by the learned P.O. Respondent no.1 has filed detailed affidavit in reply to the application for condonation of delay and has also annexed along with it certain documents. Learned P.O. submitted that by allowing the present application, the claim which has become too stale cannot be permitted to be agitated. Learned P.O. submitted that the applicant has not come out with

true facts and has not disclosed the entire facts. Learned P.O. has submitted that during the course of hearing in the contempt petition in the year 2005 itself the applicant had become aware of the reason of rejection of her claim by the respondents. However, for more than 13 years thereafter the applicant did not take any further action and as such inordinate delay so occurred in filing the present application cannot be condoned.

9. Learned P.O. submitted that even in the Writ Petition filed before the Hon'ble High Court the observations have been made that in the said Writ Petition the applicant had not disclosed all the facts though she was quite aware of the said facts. Learned P.O. submitted that even otherwise there is no merit in the prayer made in the O.A., and as such, there is no reason to entertain and allow the present application. Learned P.O., therefore, prayed for rejecting the application.

10. I have carefully considered the submissions advanced on behalf of the applicant and the respondents. I have also perused the documents

filed on record. It is true that the applicant first asserted her right in the year 2003 by filing the O.A. before this Tribunal. There is no dispute as about the filing of the contempt petition by her as well as the Writ Petition thereafter before the Aurangabad Bench of the Hon'ble Bombay High Court. It is also true that during the period between 2006 to 2016 i.e. till the Writ Petition was filed by the applicant, there is nothing on record to show that the applicant was making an endeavor for securing the relief which she had claimed in the O.A. filed in the year 2003. However, what is glaringly noticed by me during the course of hearing and after going through the documents on record is the fact that the applicant was never communicated by the respondents that her claim for family pension was rejected by them for a particular reason.

11. Learned P.O. was asked by me to point out any document on record evidencing that the applicant was given information about rejection of her claim with particulars. Learned P.O. was harping upon the facts which have come on record during the hearing of the contempt petition and in the Writ

Petition before the Hon'ble High Court and based on that it was his submission that the applicant had acquired full knowledge of the said reasons at that time itself. I am, however, not convinced with the submissions so made. Neither in the order passed in the contempt petition nor in the order passed by the Hon'ble High Court, there is any reference from which an inference can be drawn that the applicant had become aware about the reasons for rejection of her application. In the circumstances, I see no reason to disbelieve the version of the applicant that only after she received the document under Right to Information Act that she came to know about the fact that her request has been rejected for the reasons stated in the said document. Thereafter also, some delay has certainly caused in filing the application, however, if the cause for which the applicant is agitating is considered, a case is certainly made out by the applicant for condoning the delay.

12. In the case of **S.K. Mastan Bee**, cited supra, the Hon'ble Apex Court has observed that in the matters of pension which relate to very survival of

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M.A.NO.135/2020 IN O.A.ST.NO.336/2020

the persons claiming it, the courts shall not refuse to consider the cases of such persons only on account of delay. Keeping in view observations made by the Hon'ble Supreme Court, I am inclined to condone the delay which has occasioned in filing the O.A. by the applicant so that the applicant may prosecute her claim on merit. Hence, the following order:

ORDER

- [i] Delay caused for filing the O.A. is condoned.
- [ii] O.A. be registered and numbered in accordance with rules.
- [iii] M.A. is allowed and disposed of accordingly.
- [iv] There shall be no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION ST.NO.336/2020
(Khurshid Begum Mohd. Moosa Vs. State of Maharashtra & Ors.)

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

DATE : 11-11-2022

ORAL ORDER :

Heard Shri A.G.Dalal, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities.

2. After registration of O.A., issue notice to the respondents, returnable on 16-12-2022.

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 16-12-2022.

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

ORIGINAL APPLICATION NO.178/2021
(Nandkishor Ramdin Vs. State of Maharashtra & Ors.)

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

DATE : 11-11-2022

ORAL ORDER :

Heard Shri V.B.Wagh, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities.

2. It is the grievance of the applicant that his retiral benefits in totality have not been given to him on the ground that a criminal appeal filed against acquittal of the applicant in a Special Case is pending before the Hon'ble High Court. Learned Counsel for the applicant relying on the judgment of the Hon'ble Bombay High Court Bench at Aurangabad passed in W.P.No.6650/2020 in the case of Ashfakali Khan Abdulali Khan V/s. State of Maharashtra & Ors. decided on 25-10-2021 submitted that merely on the ground that a criminal appeal is pending against the acquittal of the Government employee in the criminal case filed against him, retiral benefits cannot be withheld. Learned Counsel in the circumstances has prayed for allowing the O.A. in view of the law laid down by

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O.A.No.178/2021

the Division Bench of the Hon'ble High Court in the aforesaid judgment.

3. Learned Counsel pointed out that this Tribunal in number of cases has passed such orders and some of which are filed on record. So far as recovery of amount of Rs.35632/- is concerned, learned Counsel submitted that before taking decision to recover the amount, no opportunity of hearing was given to the applicant. As such, he submits that the said recovery also deserves to be set aside.

4. Learned P.O. opposed for granting any relief referring to Maharashtra Civil Services (Pension) Rules, 1982. However, as has been observed by the Hon'ble High Court, learned P.O. could not point out any provision to the effect that the retiral benefits can be withheld on the ground of pendency of the appeal against acquittal of the delinquent Government servant. In so far as recovery of the amount of Rs.35632/- is concerned, the learned P.O. has submitted that if it is the grievance of the applicant that he was not heard before directing the recovery, the respondents are ready to hear him and re-consider the said aspect.

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O.A.No.178/2021

5. In view of the submissions made, it appears to me that the present O.A. can be disposed of. I deem it appropriate to reproduce the entire judgment delivered by the Hon'ble Bombay High Court in Writ Petition No.6650/2020 as the same is a short judgment delivered by the Hon'ble High Court, it reads thus:

"1. We have considered the strenuous submissions of the learned Advocates for the respective sides. The learned Advocate for respondent Nos.2 and 3 and the learned AGP have vehemently opposed this petition and pray for it's dismissal. It is pointed out that though the petitioner has been acquitted for committing offences punishable under sections 7 and 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988 vide judgment dated 19/07/2019 in Special Case (ACB) No.07/2007, a criminal appeal challenging such acquittal is pending in this Court.

2. The petitioner has put forth prayer clause B, C and D as under :-

"B. By Writ, order or directions the respondent No.2 and 3 may kindly be directed to fix final pensionable pay and to grant regular pension, gratuity and commutation of pension to the petitioner as per 7th Pay Commission as provided under

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O.A.No.178/2021

the Maharashtra Civil Services (Pension) Rules, 1982 in the interest of justice.

C. By writ, order or directions the respondent No.2 and 3 may kindly be directed to pay the difference of final regular pension deducting the amount paid to the petitioner by way of provisional pension from 01.07.2017 till the actual grant of regular pension as per 7th Pay Commission and to pay interest @ 12% on regular pension from 20.07.2019 till the grant and payment of actual regular pension and for the payment of interest on the amount payable to the petitioner of gratuity from 01.07.2017 till the actual payment of gratuity in the interest of justice.

D. Pending hearing and final disposal of this Writ Petition the respondent No.2 and 3 may kindly be directed to fix the final pensionable pay and to grant regular pension, gratuity and commutation of pension to the petitioner as per 7th Pay Commission as provided under the Maharashtra Civil Services (Pension) Rules, 1982 in the interest of Justice."

3. It is settled Law that gratuity cannot be forfeited unless the offence amounting to moral turpitude is proved to have been committed by the petitioner, u/s 4, 6(d)(2) of the Payment of Gratuity Act, 1972 and in the light of the judgment delivered by the Hon'ble Apex Court in the matter of Union Bank of India and others Vs.C.G.Ajay Babu and another [(2018) 9 SCC 529].

4. *The learned Advocate for the Corporation submits that the provisional pension is being granted to the petitioner. He, however, cannot point out any provision under the MCS (Pension) Rules, 1982 that an appeal pending against acquittal would empower the employer to hold back regular pension.*

5. *In the light of the facts as recorded above and keeping in view that an appeal against the acquittal is pending adjudication, the petitioner need not be made to suffer the rigours of litigation, though, we intend to pass an equitable order.*

6. *In view of the above, this petition is partly allowed in terms of prayer clause "B" with the following rider :-*

[a] The petitioner shall tender an affidavit/undertaking to respondent No.3 Municipal Commissioner stating therein that if he suffers an adverse order in the pending proceedings for challenging the acquittal and his acquittal is converted into conviction, he shall return the entire gratuity amount within 8 weeks from such adverse judgment, subject to his right to challenge the said judgment. All consequences flowing from such conversion of acquittal into conviction would bind the petitioner to the extent of the monetary reliefs that he would be getting in view of this order.

[b] After such affidavit is filed satisfying the above stated ingredients, the Corporation shall initiate steps for compliance of prayer

clause "B" and ensure that such compliance is made within 12 (twelve) weeks from the date of the filing of such affidavit by the petitioner."

6. In the aforesaid matter also, grievance of the applicant was that on the ground of pendency of the criminal appeal, retiral benefits in totality were not given to the said petitioner and in that circumstances, relief was sought in terms of prayer clause (B) in the said petition. Hon'ble High Court after having considered the submissions had allowed the said petition in terms of clause (B). Reading of the prayer clause (B) makes it explicitly clear that directions were sought for fixing final pensionable pay and to grant regular pension, gratuity and commutation of pension, etc.

7. In view of the decision rendered by the Hon'ble High Court as above, I see no difficulty in allowing the present O.A. in so far as grant of the retiral benefits are concerned which are withheld on the ground of pendency of appeal against the present applicant. As about the recovery of amount of Rs.35632/-, the proposal given by the learned P.O. is fair enough and deserves to be accepted. In the

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O.A.No.178/2021

circumstances, I direct the respondents to reconsider the decision of said recovery as directed vide order dated 13-05-2013 by giving an opportunity of hearing to the applicant.

8. In view of discussion as above, O.A. stands disposed of with the following order:

ORDER

[i] The applicant shall tender an affidavit/undertaking to respondents stating therein that if he suffers an adverse order in the pending proceedings for challenging the acquittal and his acquittal is converted into conviction, he shall return the entire gratuity amount within 8 weeks from such adverse judgment, subject to his right to challenge the said judgment. All consequences flowing from such conversion of acquittal into conviction would bind the petitioner to the extent of the monetary reliefs that he would be getting in view of this order.

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[ii] After such affidavit is filed satisfying the above stated ingredients, the respondents shall initiate steps for compliance of prayer clause "B" and ensure that such compliance is made within 12 (twelve) weeks from the date of the filing of such affidavit by the applicant.

[iii] Order dated 13-05-2013 whereby the respondent no.3 has deducted the amount of Rs.35,632/- from the salary of the applicant shall be reconsidered by respondent no.3 by giving opportunity of hearing to the applicant within 8 weeks from the date of this order. If the said deduction is held unsustainable, the respondent no.3 shall refund the said amount within 6 weeks thereafter. It would be open for the applicant to challenge the decision, if he so desires, in the event it goes against him.

[iv] O.A. stands disposed of in aforesaid terms without any order as to costs.

VICE CHAIRMAN

DATE : 11.11.2022

ORIGINAL APPLICATION NO. 986 OF 2022

(Avinash A. Rakh Vs. The State of Maharashtra & Ors.)

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

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

2. Circulation is granted. Issue notices to the respondents, returnable on **19.12.2022**. The case be listed for admission hearing on **19.12.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

M.A. No. 27/2022 in O.A. St. No. 64/2022
(Madhavi M. Kulkarni & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

2. As per the order dated 29.09.2022 passed in M.A. No. 27/2022 in O.A. St. No. 64/2022, the delay was condoned subject to payment of costs of Rs. 1500/- (Rs. One Thousand Five Hundred Only) within a period of one month from the date of said order. The applicant however, did not deposit the amount of costs within time. Now the application dated 11.11.2022 is made on behalf of the applicant seeking extension of time for compliance of the order of costs.

3. In the interest of justice, the applicant is allowed to deposit the amount of costs today. Thereafter, the office to register the O.A. in accordance with law.

MEMBER (J)

Review 02/2021 in O.A. No. 654/2018
(Somnath B. Bagul & Ors. Vs. State of Maharashtra & Ors.)

AND

Review 03/2021 in O.A. No. 653/2018
(Gorakshanath N. Londhe & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicants in both the cases and Shri M.S. Mahajan and Shri M.P. Gude, learned Chief Presenting Officer and Presenting Officer for the respective respondents in respective cases.

2. Both the Review Petitions are being filed against the order dated 01.12.2021 passed in O.A. 653/2018 & 654/2018. The said order under review is passed by the Division Bench of Hon'ble Justice P.R. Bora, Vice Chairman and one of us i.e. Hon'ble Shri Bijay Kumar, Member (A).

3. In view of the same, the present matters may be placed before the Division Bench consisting of Hon'ble Justice P.R. Bora, Vice Chairman and Hon'ble Shri Bijay Kumar, Member (A).

4. S.O. to 07.12.2022.

MEMBER (A)

MEMBER (J)

T.A. No. 04/2021 (W.P. No. 8018/2020)
(Pratik V. Phutane Vs. State of Maharashtra & Ors.)

WITH

T.A. No. 05/2021 (W.P. No. 8019/2020)
(Raviraj R. Manurwar Vs. State of Maharashtra & Ors.)

WITH

T.A. No. 06/2021 (W.P. No. 8020/2020)
(Syed Akhtar Syaed LalVs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.11.2022

ORAL ORDER :

Heard Shri Abhay Rathod, learned Advocate for the applicants in all these cases. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases.

2. Learned C.P.O. waives notices for the respondents in all these cases.

3. Record shows that affidavit in reply is filed on behalf of respondent No. 2 in all these cases.

4. Learned Chief Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 & 3 in all these O.As. Same is taken on record and copy thereof has been served on the other side.

5. At the request of learned C.P.O., S.O. to 19.12.2022 for filing affidavit in reply on behalf of respondent No. 4.

MEMBER (A)

MEMBER (J)

M.A. No. 459/2022 in O.A. St. No. 734/2022
(Hanuman A. Baglane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. S.O. to 01.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 422/2018
(Dr. Raghuvir V. Bhosale Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that long back the applicant has taken back papers of the present Original Application from him. Hence, he seeks withdrawal of his appearance in the present O.A.

3. In view of above, permission to withdraw the appearance by Shri S.D. Dhongde, learned Advocate for the applicant is granted.

4. Issue notice to the applicant on motion of this Tribunal.

5. S.O. to 19.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 503/2017
(Panchamlal Laxman Salve Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

2. The present Original Application is filed by the applicant challenging the selection process for the post of Joint Director, Maharashtra Ground Water Services (Group-A) in the Director of Ground Water Survey Development Agency under the Water Supply and Sanitation Department, Government of Maharashtra. The applicant had applied for the said post in the said selection process being undertaken pursuant to the advertisement issued by the MPSC. The applicant, however, during pendency of the present O.A. is retired on superannuation.

//2//

O.A. 503/2017

3. In view of the same, learned Advocate for the applicant on instructions submits that the applicant does not wish to prosecute the present O.A. and seeks permission to withdraw the same.

4. We have no reason to refuse the permission. Hence, permission to withdraw the O.A. is granted. Accordingly, the O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (A)

MEMBER (J)

M.A. No. 277/2019 in O.A. St. NO. 09/2019
(Kishan E. Vibhute & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri A.D. Kaware, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities. Shri D.P. Bakshi, learned Advocate for respondent No. 7 in O.A., **absent**.

2. At the request of learned P.O., S.O. to 08.12.2022 for filing affidavit in reply in M.A.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 11.11.2022

ORIGINAL APPLICATION NO. 259/2021
(Megharani P. Takase & ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Smt. Vinaya Muley, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3.

2. Learned Presenting Officer submits that the amended copy of O.A. is received by the respondent Nos. 1 to 3.

3. At the request of learned Advocate for the applicants, issue fresh notice to the newly added respondent Nos. 4 & 5, returnable on 19.12.2022.

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

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

//2//

O.A. No. 259/2021

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

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

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

8. S.O. to 19.12.2022.

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

MEMBER (A)

KPB ORAL ORDERS 11.11.2022

MEMBER (J)

**C.P. 03/2020 C.P. 47/2018 in O.A. No. 138/2016
(Dr. Shaikh Faiz Mohammad Noor Mohammad Vs.
State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri R.R. Bangar, learned Advocate holding Shri I.S. Maniyar, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri D.T. Devane, learned Advocate for respondent No. 4

2. Record shows that affidavit in reply is filed on behalf of respondent No. 4.

3. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 to 3.

4. S.O. to 13.12.2022.

MEMBER (A)

MEMBER (J)

**O.A. Nos. 658/2021, 659/2021, 660/2021,
661/2021, 182/2022, 183/2022, 184/2022,
185/2022, 186/2022 & 187/2022**

(Sayyed Taufit Harun & ors. Vs. State of Maharashtra & Ors.)

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

and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 11.11.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned Advocate for the applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As.

2. Learned C.P.O. submits that the present matters are proceeded for final hearing without affidavit in reply of the respondents. He placed on record a copy of communication dated 09.11.2022 received by his office from the respondent No. 7 i.e. the District Malaria Officer, Beed, whereby it is stated that the Enquiry Committee has submitted the report and the said report is pending before the Government. He submitted that the Government is thinking of initiating criminal action. In view of the same, the affidavit in reply in all these O.As. is necessary. Copy of the said communication is taken on record and marked as document 'X' for identification.

//2// O.A. Nos. 658/2021 & Ors.

3. Record shows that in spite of grant of opportunities. the respondents have failed to file affidavit in reply and therefore, all these matters are proceeded without affidavit in reply of the respondents.

4. Learned Advocate for the applicants opposed for granting any further time for filing affidavit in reply.

5. We are of the opinion that considering the controversy involved in the matters, the affidavits in reply and documents would be required from the respondents side. Hence, last opportunity is granted to the respondents for filing affidavit in reply in all these O.As.

6. S.O. to 14.12.2022.

MEMBER (A)

MEMBER (J)

M.A. No. 269/2022 in O.A. No. 407/2022
(Vijaykumar S. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant placed on record a copy of communication dated 13.09.2022 addressed by the office of respondent No. 2 to the Joint Director of Agriculture of all the Divisions, whereby it is stated that the seniority list of Agriculture Supervisor and Agriculture Assistant is under reconsideration. Same is taken on record and marked as document 'X' for the purpose of identification.

3. At the request of learned Advocate for the applicant, S.O. to 12.12.2022 for taking necessary steps.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 14/2021
(Jaykumar R. Koli Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Smt. Vinaya Muley-Dharurkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 15.12.2022 for hearing.

MEMBER (A)

KPB ORAL ORDERS 11.11.2022

MEMBER (J)

ORIGINAL APPLICATION NO. 218/2021

(Mahamad Husain Tayyabsaheb Inamdar Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Smt. Vinaya Muley-Dharurkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 15.12.2022 for hearing.

MEMBER (A)

KPB ORAL ORDERS 11.11.2022

MEMBER (J)

ORIGINAL APPLICATION NO. 783/2019
(Anil P. Chittarwad Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri M.B. Bharaswadkar, learned Advocate holding for Shri S.B. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 09.12.2022 for hearing.

MEMBER (A)
KPB ORAL ORDERS 11.11.2022

MEMBER (J)

C.P. No. 09/2017 in O.A. No. 633/2014
WITH
C.P. No. 13/2018 in O.A. No. 633/2014
(Dr. Pradip D. Mansapure & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicants in both the cases and Shri S.K. Shirse, learned Presenting Officer for the respondents in both the cases.

2. Learned Advocate for the applicants submitted that the final order passed in O.A. 633/2014 is challenged before the Hon'ble High Court and the Hon'ble High Court has granted stay. In view of the same, the present matters are removed from the board.

MEMBER (A)

MEMBER (J)

C.P. No. 26/2018 in O.A. No. 447/2009
(Prabhakar P. Tayde Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant submitted that the respondents have challenged the final order passed in O.A. No. 447/2009 before the Hon'ble High Court and in the said proceedings, the applicant has given undertaking that he will not take any coercive action.

3. In view of above, the present matter is removed from the board.

MEMBER (A)

MEMBER (J)

M.A. No. 459/2022 in O.A. St. No. 1734/2022
(Hanuman A. Baglane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The Original Application is filed challenging the impugned communication / order dated 11.10.2021 (Annexure A-7) passed by the respondent No. 4 i.e. the Assistant Director of Health Services (Malaria), Latur and the order dated 12.10.2021 (Annexure A-8) passed by the respondent No. 6 i.e. District Malaria Officer, Beed. The issue involved in the present matter is regarding filling up the post of Health Worker (Male) from 50% Multipurpose Workers, from which the applicants are disqualified. In view of the same, the cause of action involved in the present matter is similar. Hence, in order to avoid multiplicity of proceedings, permission to sue the respondents is granted, subject to payment of court fee stamps, if not paid.

4. Accordingly, M.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 1734 OF 2022
(Hanuman A. Baglane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 19.12.2022.
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. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 19.12.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 738/2019
(Vikas V. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant placed on record a copy of order dated 28.08.2019 passed in W.P. No. 10669/2019. Same is taken on record and marked as document 'X' for the purpose of identification.

3. At the request of learned Advocate for the applicant, S.O. to 14.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**M.A. 181/2016 with M.A. 372/2016 in O.A. 67/2016,
O.A. No. 368/2016, O.A. No. 369/2019 & 490/2016
(Jagdishkumar N. Shirsath & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri Sudhir Patil, learned Advocate for the applicants in all these cases and Smt. M.S. Patni, learned Presenting Officer for the respondents in all these cases and Shri Avinash Deshmukh, learned Advocate for respondent Nos. 4 to 5 in O.A. 67/2016.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing corrected reply on behalf of respondent Nos. 1 to 3 in all these cases.

3. S.O. to 22.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 201/2022
(Dr. Raman S. Dalvi Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

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

3. S.O. to 16.12.2022 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 202/2022
(Dr. Rohit R. Zarkar Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

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

3. S.O. to 16.12.2022 for admission.

MEMBER (A)
KPB ORAL ORDERS 11.11.2022

MEMBER (J)

ORIGINAL APPLICATION NO. 203/2022
(Dr. Amol B. Bansode Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

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

3. S.O. to 16.12.2022 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 28 OF 2018
(Shashank B. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri Ganesh J. Kore, learned Advocate for the applicant and Shri Mahendra Kochar, learned Advocate for the respondent Nos.3 to 5, are **absent**. Heard Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. In view of absence of learned Advocate for the applicant, S.O. to 08.12.2022 for hearing/for passing order.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 567 OF 2018
(Shubhangi M. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri Avishkar S. Shelke, learned Advocate for the applicant (**absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 15.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 913 OF 2019
(Shrirish D. Deshmukh & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri V.B. Wagh, learned Advocate for the respondent Nos.7 to 19. Shri S.B. Deshpande, learned Advocate for the respondent No.6, is **absent**.

2. List the present Original Application along with O.A.No.612 of 2019 on 14.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 133 OF 2020
(Alka S. Mundhe Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 14.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 1076 OF 2019
(Ramling S. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri H.A. Joshi, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Affidavit in reply filed on behalf of the respondent Nos.3 to 5 is taken on record and copy thereof has been served on the other side.

3. S.O. to 15.12.2022 for filing affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 409 OF 2020
(Kamini S. Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri V.P. Patil, learned Advocate for the applicant (**absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 15.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 562 OF 2020
(Amol N. Bari Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 15.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 780 OF 2021
(Dr. Gajanan A. Surwade Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

2. On the earlier date i.e. on 30.08.2022 it was ordered that the matter shall proceed ahead without reply of the respondents as in spite of granting sufficient opportunity, the respondents failed to file reply by the given time.

3. S.O. to 02.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 798 OF 2021
(Bharat Z. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 01.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 799 OF 2021
(Shirish R. Yadav Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri Jiwan J. Patil, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 05.01.2023 for hearing.

3. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

T.A.07 OF 2022 IN W.P.NO.6055 OF 2022
(Dr. Sunita C. Dalvi Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 21.12.2022 for hearing/ for filing affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 11.11.2022

**M..A.NO.383 OF 2022 IN O.A.NO.687 OF 2022
(Shivaji S. Kawade Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 05.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 11.11.2022

**M.A.NO.439 OF 2022 IN O.A.NO.498 OF 2022
(Sandip L. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 05.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 11.11.2022

ORIGINAL APPLICATION NO. 461 OF 2015
(Vijay L. Tarode Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 09.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 403 OF 2016
(Prakash A. Doiphode Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 15.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 406 OF 2016
(Vasanta B. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Hemant Surve, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 15.12.2022, for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 708 OF 2016
(Vivek S. Harale Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri S.S. Deshmukh, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 16.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 226 OF 2017
(Baliram S. Kakade Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri K.M. Nagarkar, learned Advocate for the applicant has filed a **leave note**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. In view of leave note of learned Advocate for the applicant, S.O. to 13.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 496 OF 2017
(Varsharani S. Chavhan Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri Sandip S. Chakurkar, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 16.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 776 OF 2017
(Moni V. Varghese Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 12.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

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

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

DATE : 11.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 12.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 833 OF 2018
(Prashant A. Falke Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri Naseem R. Shaikh, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 19.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 866 OF 2018
(Venkat M. Methe Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Second set not filed.
3. By consent of both the sides, S.O. to 13.12.222 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 935 OF 2018
(Chandrabhan V. Veer Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 13.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 11 OF 2019
(Bapurao A. Dongar & Ors. Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 30 OF 2019
(Vaishali V. Mhaske Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 81 OF 2019
(Manohar M. Musale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri S.B. Solanke, learned Advocate for the applicants in all these O.As. and Shri B.S. Deokar, learned Presenting Officer for the respondents in all these O.As.

2. By consent of both the sides, S.O. to 14.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 60 OF 2020
(Sangita S. Patil @ Alka M. Chaudhari Vs. State of
Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri J.B. Choudhary, learned Advocate for the applicant has filed a **leave note**. Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. In view of leave note of learned Advocate for the applicant, S.O. to 15.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

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

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

DATE : 11.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 19.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

C.P.NO.26 OF 2020 IN O.A.NO.772 OF 2018
(Anil S. Barkul Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri Kishor D. Khade, learned Advocate for the applicant (**absent**). Heard B.S. Deokar, learned Presenting Officer for the respondents.

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

3. S.O. to06.12.2022.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 11.11.2022

**C.P.NO.10 OF 2022 IN O.A.NO.191 OF 2021
(Sandip W. Khadse Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri A.W. Khadse, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

Shri M.D. Lonkar, learned Special Counsel for the respondents authorities (**absent**).

2. Affidavit in rejoinder filed on behalf of the applicant is taken on record and copy thereof has been served on the other side.

3. S.O. to 25.11.2022 for hearing. It is open for the respondents to file sur rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 615 OF 2019
(Shafi Kassimsab Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri Abhijit P. Avhad, learned Advocate for the applicant (**absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Chief Officer for the respondents.

2. At the request of learned P.O., time is granted for filing affidavit in reply.
3. S.O. to 09.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 631 OF 2019
(Dilip V. Kadam Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 677 OF 2019
(Trimbak S. Chavan Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 714 OF 2019
(Prakash R. Arsul Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri R.D. Khadap, learned Advocate for the applicants in O.A.No.631 & 714 of 2019 (**absent**). Heard Shri S.S. Thombre, learned Advocate for the applicant in O.A.No.677/2019 and Shri M.S. Mahajan, learned Presenting Chief Officer for the respondents in all these O.As.

2. At the request of the learned C.P.O., time is granted for filing reply by the respondents in which the same is not filed.

3. S.O. to 09.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1074 OF 2019
(Ashok M. Gadekar (Died) Through LRs. Kamal A.Gadekar
& Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri A.M. Nagarkar, learned Advocate for the applicants (**absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply.
3. S.O.to 12.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 292 OF 2020
(Bhatu J. Borse & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

3. S.O. to 12.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 277 OF 2021
(Shivaji N. Wagh Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

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

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

3. S.O. to 13.12.2022. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 299 OF 2021
(Nagorao W. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri M.B. Sandanshiv, learned Advocate for the applicant and Shri S.S. Ware, learned Advocate for the respondent Nos.5 & 6, are **absent**. Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 15.12.2022 for filing affidavit in rejoinder.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 339 OF 2021
(Arun S. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

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

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

3. S.O. to 13.12.2022. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 421 OF 2021
(Manohar M. Bharane Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned Advocate for the respondent No.3.

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

3. S.O. to 13.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 561 OF 2021
(Toliram P. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri H.A. Joshi, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Await service.
3. S.O. to 16.12.2022 for taking necessary steps.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 254 OF 2022
(Sandip W. Khadse Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri A.W. Khadse, learned Advocate for the applicant and Smt. Deepali S.Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 09.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 312 OF 2022
(Shyam V. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

None present on behalf of the applicant.

Heard Shri M.S. Mahajan, learned Presenting
Chief Officer for the respondents.

2. Affidavit in reply filed on behalf of respondent
Nos.1 to 3 is taken on record.

3. S.O. to 15.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 361 OF 2022
(Bhausahab D. Aghav Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

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

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

3. S.O. to 16.12.2022

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 504 OF 2022
(Kiran S. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri A.S. Deshpande, learned Advocate for the applicant (**absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Affidavit in reply filed on behalf of the respondent Nos.1 & 2 is taken on record.

3. S.O. to 16.12.2022 for filing affidavit in rejoinder if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 507 OF 2022
(Lande A. Ramnath Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri V.S. Kadam, learned Advocate for the applicant (**absent**). Heard Shri M.S. Mahajan, learned Presenting Chief Officer for the respondents.

2. Await service.

3. In view of absence of learned Advocate for the applicant, S.O. to 19.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 525 OF 2022
(Somnath B. Satbhai Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Shri Dhananjay Mane, learned Advocate for the applicant (**absent**). Heard Shri M.S. Mahajan, learned Presenting Chief Officer for the respondents.

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

3. S.O. to 19.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 833 OF 2022
(Sampat L. Mallad Vs. State of Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Smt. Vinaya Mule-Dharurkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Await service.

3. At the request of learned Advocate for the applicant, S.O. to 20.12.2022 for taking necessary steps.

MEMBER (A)

MEMBER (J)

**M.A.NO.286 OF 2021 IN O.A.ST.NO.860 OF 2021
(Pusha S. Waghmode Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Shri D.H. Jadhavar, learned Advocate for the applicant (**absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Await service.

3. In view of absence of learned Advocate for the applicant, S.O. to 09.12.2022.

MEMBER (A)

MEMBER (J)

**M.A.ST.NO.1599 /2021 IN O.A.ST.NO.1553/ 2021
(S.G. Shsinde Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Shri A.D. Aghav learned Advocate for the applicant (**absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 12.12.2022 for filing affidavit in rejoinder.

MEMBER (A)

MEMBER (J)

**M.A.NO.86 OF 2022 IN O.A.ST.NO.1792 OF 2021
(Sanjay P. Tarte Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

3. S.O. to 12.12.2022.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 11.11.2022

**M.A.NO.95 OF 2022 IN O.A.ST.NO.109 OF 2022
(Sanjay V. Mhaske Vs. State of Maharashtra & Ors.)**

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

DATE : 11.11.2022

ORAL ORDER :

Smt. Amruta Paranjape-Menezes, learned Advocate for the applicant (**absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Await service.

3. Affidavit in reply filed on behalf of the respondent Nos.2 & 3 is taken on record.

4. S.O. to 13.12.2022.

MEMBER (A)

MEMBER (J)

M.A.NO.312/2022 IN O.A.ST.NO.1121 /2021
(Dr. Balasaheb M. Kalegore & ors. Vs. State of
Maharashtra & Ors.)

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

DATE : 11.11.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri P.R. Tandale, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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

3. S.O. to 13.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

DATE : 11.11.2022
ORIGINAL APPLICATION NO.994 OF 2022
(Sharad s/o Shamrao Borse V/s The State of Maharashtra & Ors.)

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

1. Shri R.O. Awasarmol, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present
2. Circulation is granted. Issue notices to the respondents, returnable on 19.12.2022. The case be listed for admission hearing on **19.12.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

ORIGINAL APPLICATION NO.27/2022
(Shaikh Hamed Shaikh Hyder Vs. State of Maharashtra & Ors.)

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

DATE : 11-11-2022

ORAL ORDER :

Heard Shri I.D.Maniyar, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Arguments are heard for some time.
3. S.O. to 18-11-2022 for further consideration.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO.96/2022
(Nagraj Patil Vs. State of Maharashtra & Ors.)

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

DATE : 11-11-2022

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 29-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO.138/2022
(Rajaram Sevalikar Vs. State of Maharashtra & Ors.)

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

DATE : 11-11-2022

ORAL ORDER :

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

2. At the request of learned Counsel for the applicant, S.O. to 16-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO.372/2022
(Babasaheb Korekar Vs. State of Maharashtra & Ors.)

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

DATE : 11-11-2022

ORAL ORDER :

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

2. When the present matter was taken up for consideration, learned Counsel for the applicant has tendered a short affidavit of the applicant wherein he has contended that the impugned order is modified and the said modified order is also placed on record.

3. In view of the aforesaid subsequent events, learned Counsel for the applicant on instructions has sought leave to withdraw the present O.A.

4. Leave as prayed for is granted. O.A. is disposed of since withdrawn without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.484/2022
(Jayendra Ahire Vs. State of Maharashtra & Ors.)

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

DATE : 11-11-2022

ORAL ORDER :

Shri S.U.Chaudhari, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Counsel for the applicant, S.O. to 15-11-2022 for further consideration.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

M.A.NO.152/2022 IN O.A.ST.NO.346/2021
(Suryakant Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 11-11-2022

ORAL ORDER :

Heard Shri P.V.Suryavanshi, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities.

2. By filing the present O.A., applicant is intending to cause amendment in the clause of limitation so as to explain the necessary circumstances.

3. Learned P.O. has submitted for passing appropriate order.

4. Having gone through the context of the application and having heard the same, I am inclined to pass the following order:

ORDER

(i) Necessary amendment be carried out within two weeks.

(ii) M.A.No.152/2022 stands disposed of accordingly with no order as to costs.

5. After amendment is carried out, O.A. be listed on 25-11-2022.

VICE CHAIRMAN

M.A.NO.451/2022 IN M.A.NO.88/2021 IN
O.A.ST.NO.323/2021
(Shrikant Bhale Vs. State of Maharashtra & Ors.)

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

DATE : 11-11-2022

ORAL ORDER :

Heard Shri R.A.Joshi, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities.

2. The applicant is seeking leave to add two new respondents stating that their impleadment is necessary for the purpose of adjudication of the matter.

3. Learned P.O. has submitted for passing appropriate order.

4. In view of the above submissions, following order is passed.

ORDER

(1) Necessary amendment be carried out within one week.

(2) M.A.No.451/2022 stands disposed of accordingly with no order as to costs.

VICE CHAIRMAN

**M.A.NO.88/2021 IN O.A.ST.NO.323/2021
(Shrikant Bhale Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

Heard Shri R.A.Joshi, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities.

2. Issue notice to the newly added respondents in M.A.No.88/2022, returnable on 07-12-2022.

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 07-12-2022.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO.292/2018
(Bhavana Thakare Vs. State of Maharashtra & Ors.)

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

DATE : 11-11-2022

ORAL ORDER :

Shri S.D.Dhongde, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.712/2018
(Sandipan Gavali Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

Shri A.G.Ambetkar, learned Counsel holding for Shri Deepak K. Rajput, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.255/2019
(Subhash Thale Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

Shri V.G.Salgare, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO.405/2019
(Shishupal Raut Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

Shri V.G.Salgare, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO.160/2020
(Shrirang Jarhad Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

Shri Shrirang Jarhad applicant in person, Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities and Shri S.B.Mene, learned Counsel for respondent no.4, are present.

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.577/2020
(Kalidas Chaudhari Vs. State of Maharashtra & Ors.)

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

DATE : 11-11-2022

ORAL ORDER :

Shri K.G.Salunke, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO.712/2021
(Dr. Subhash Kabade Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

Shri A.G.Ambetkar, learned Counsel holding for Shri Shamsundar B. Patil, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.653/2019
(Vijay B. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

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. S.O. to 06-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO.251/2020
(Sandu Magar Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

Shri D.K.Dagadkhair, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 07-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO.437/2020
(Arjun Kharat Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

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

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 4. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 24-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO.496/2020
(Mohd. Akif Abrar Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 21-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO.534/2020
(Rajesh Bade Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

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

2. S.O. to 28-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO.03/2021
(Sudhir Pathak Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

Shri A.G.Ambetkar, learned Counsel holding for Shri Deepak K. Rajput, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 06-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO.35/2021
(Shaikh Mohd. Noman Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

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

2. S.O. to 17-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO.106/2021
(Manoj Salagar Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

Shri U.P.Giri, learned Counsel for the applicant
and Shri M.P.Gude, learned Presenting Officer for
the respondent authorities, are present.

2. S.O. to 07-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO.129/2021
(Dr. Sheshrao Lohgave Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

Shri J.S.Deshmukh, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 24-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO.172/2021
(Baliram Pandule Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 06-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO.313/2021
(Pandurang Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

Shri P.B.Rakhunde, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 25-11-2022. **High on Board.**

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO.602/2021
(Pravin Nemade Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

Shri H.V.Patil, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 17-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO.70/2022
(Ramkisan Mante Vs. State of Maharashtra & Ors.)

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

DATE : 11-11-2022

ORAL ORDER :

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

2. S.O. to 22-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO.71/2022
(Sampat Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 11-11-2022

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO.72/2022
(Arjun Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 11-11-2022

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO.163/2022
(Dr. Suhas Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 11-11-2022

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant, Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

Shri R.S.Pawar, learned Counsel for respondent no.4. is **absent**.

2. S.O. to 17-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO.173/2022
(Ajay Dawane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 11-11-2022

ORAL ORDER :

Heard Shri V.P.Kadam, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities.

2. Arguments are heard for some time.
3. Case be placed for further consideration on 23-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

ORIGINAL APPLICATION NO.363/2022
(Ranjit Ratnaparkhe Vs. State of Maharashtra & Ors.)

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

DATE : 11-11-2022

ORAL ORDER :

Shri N.T.Tribhuwan, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 02-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022

**ORIGINAL APPLICATION NO.580/2022
(Ramhari Sontakke Vs. State of Maharashtra & Ors.)**

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

DATE : 11-11-2022

ORAL ORDER :

Shri K.G.Salunke, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 15-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 11.11.2022