

ORIGINAL APPLICATION NO.113/2020
(Graduate Part Time Employees Association, Dhule Through its
President Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri S.D.Joshi, learned Counsel holding for Shri Ashish Rajkar, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Applicant Association working for Graduate Part Time Employees has filed the present O.A. seeking following relief:

“[B] By issue of an appropriate order or direction, the respondents No.1 to 4 may kindly be directed to consider the cases of the members of the applicant-Association for appointment to any of the Class-III/ Class-IV posts on the establishment of respondent No.4 so as to implement the Govt. Resolutions at Annexure-A3, A-5, A-6 and A-7 in its true letter and spirit within such period as may be deemed appropriate by this Hon’ble Tribunal.”

3. During the course of the arguments it was pointed out by the learned Counsel appearing for the Applicant Association that some of the members of the Association in whose interest the present O.A. has been filed have crossed the age limit of even 55 years. Referring to the aforesaid fact, learned Counsel submitted that other members of the Association whose names are included in the list maintained at the office of respondent no.4 at least deserve to be considered with priority since they are also about to cross the upper age limit.

4. Learned C.P.O. referring to the contentions in the affidavit in reply filed on behalf of the respondent nos.1 to 3 and documents filed on record along with the said affidavit, submitted that the Graduate Part Time Employees who were eligible, are already considered and issued with appointment orders. Learned CPO further submitted that now the Government is more inclined to outsource the work and even names of the Part Time Employees are recommended for their appointment to the agencies to which the works are being outsourced.

5. Learned Counsel appearing for the Applicant Association then submitted that the names of all the Graduate Part Time Employees who are members of the Applicant Association and whose names are included in the list maintained with respondent no.4 can be recommended to the agencies to which the work is being outsourced. Learned Counsel submitted that almost all the members have crossed the age of 50 and in the circumstances, at least, they would get the contract work for the period of remaining years till their age of superannuation.

6. As has been revealed from the pleadings in the O.A. and the affidavit in reply filed on behalf of the respondents, though some of the Graduate Part Time Employees have been appointed in the Government service, some of them are still waiting for their recommendation. As has been submitted on behalf of the respondents, Government is now not inclined to create posts or fill the posts which have become vacant on retirement of the employee working on the said post and is in favour of outsourcing the said works to some agencies.

7. Considering the facts as aforesaid, the possibility of getting regular employment in

Government to the unemployed Graduate Part Time Employees appears difficult. However, as has been submitted by learned Counsel appearing for the Applicant Association, the names of these Graduate Part Time Employees can be recommended to the agencies to which the work has been outsourced. As has been submitted by the Applicant Association all such employees are beyond the age of 50. In the circumstances, if their names are recommended, at least, they will have the benefit of working under such agencies for few years till they attain the age of superannuation and can earn reasonable amount of salary.

8. In the above circumstances, as has been prayed on behalf of the Applicant Association, we deem it appropriate to dispose of the present O.A. by directing respondent no.4 to recommend the names of Graduate Part Time Employees whose names are enrolled in the office of respondent no.4 to the agencies to whom the work has been outsourced by the Government with priority as and when such occasion would arise. Order accordingly. No costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 337 OF 2023
(Santosh Baburao Ipper Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions seeks leave to withdraw the present Original Application.

3. Leave granted. The Original Application is disposed of as withdrawn. No order as to costs.

MEMBER (J)

M.A. No. 254/2022 in O.A. St. No. 626/2022
(Dr. Megha D. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri R.N. Bharaswadkar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 05.08.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 12.06.2024

ORIGINAL APPLICATION NO. 290 OF 2024
(Asha B. Garud Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits that during the course of the day affidavit in reply will be filed.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 20.06.024. Interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1024 OF 2022
(Vitthal S. Bade Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri I.D. Maniyar, learned counsel holding for Shri R.R. Bangar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant do not want to file rejoinder affidavit.

3. List the matter for admission hearing on 16.07.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 418 OF 2024
(Sainath N. Panchal Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri I.D. Maniyar, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri U.B. Deshmukh, learned counsel for respondent No. 4, are present.

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

3. S.O. to 24.06.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 496 OF 2024
(Dr. Sunil G. Vidhate Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri B.V. Virdhe, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that all the respondents have been duly served and the service affidavit will be filed in the office during the course of the day.

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

4. S.O. to 26.06.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 843 OF 2023
(Bhagwat M. Kavhar Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri G.R. Jadhav, learned counsel holding for Shri M.K. Bhosale, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No. 3, are present.

2. At the request of learned counsel for the applicant, S.O. to 26.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 844 OF 2023
(Sunil D. Kakde Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri G.R. Jadhav, learned counsel holding for Shri M.K. Bhosale, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No. 3, are present.

2. At the request of learned counsel for the applicant, S.O. to 26.06.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 915 OF 2022
(Kailas M. Prajapati Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 735 OF 2023
(Suryakant D. Nikam Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 686 OF 2022
(Shaikh Musa Shaikh Mohioddin Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri H.M. Shaikh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 23.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 841 OF 2023
(Prasashant B. Telang Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri Dhananjay Chinchole, learned counsel holding for Shri Jiwan Patil, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 09.07.2024 for filing affidavit in reply on behalf of respondent No. 2.

MEMBER (J)

**M.A. No. 427/2023 in O.A. St. No. 1065/2023
(Madhyamsing P. Maher Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri J.R. Chavan, learned counsel holding for Shri Akshay Kulkarni, learned counsel for respondent Nos. 5 & 6, are present.

2. At the request of learned counsel for respondent Nos. 5 & 6, S.O. to 29.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 12.06.2024

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

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

DATE : 12.06.2024

ORAL ORDER :

Shri J.R. Chavan, learned counsel holding for Shri Akshay Kulkarni, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 12.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 771 OF 2023
(Atul U. Mahajan Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 01.07.2024 for filing affidavit in reply on behalf of respondent Nos. 2 and 3.

MEMBER (J)

ORIGINAL APPLICATION NO. 223 OF 2022
(Rahul Vijaysing Padvi Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri M.S. Shaikh, learned counsel holding for Shri A.S. Bayas, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions from the applicant in writing submits that the purpose of filing of the present Original Application is now served, since the applicant is appointed on compassionate ground by order dated 01.03.2024. Learned counsel has placed on record the said communication in writing and also a copy of order dated 01.03.2024 before this Tribunal. Same are taken on record and marked as document 'X' collectively for identification.

3. In view of above, nothing survives for further consideration in this Original Application. The Original application is disposed of. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 289 OF 2024
(Sultan Usman Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 01.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 352 OF 2024
(Ganesh P. Bothikar Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. List the present matter on tomorrow i.e. 13.06.2024 along with the M.A. filed for amendment by the applicant.

MEMBER (J)

KPB ORAL ORDER 12.06.2024

**ORIGINAL APPLICATION NO. 460 OF 2023
(Manisha T. Gite Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri Dhananjay Mane, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 26.06.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 461 OF 2023
(Pravin Y. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri Dhananjay Mane, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 26.06.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 94 OF 2024
(Dilip K. Sawant Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 3. Same is taken on record and copy thereof is given to other side.

3. Await service of notice upon the respondent Nos. 1, 2 & 4.

4. S.O. to 30.07.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 387 OF 2024
(Harshal D. Thombare Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri P.R. Nangare, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 3. Same is taken on record along with the spare copy for the applicant.

3. S.O. to 30.07.2024 for filing affidavit in reply on behalf of other respondents.

MEMBER (J)

**ORIGINAL APPLICATION NO. 312 OF 2024
(Vinod A. Wagh Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri M.S. Shaikh, learned counsel holding for Shri Sachin Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri N.L. Choudhary, learned counsel for respondent No. 3, are present.

2. Learned Presenting Officer submits that during the course of the day affidavit in reply on behalf of respondent No. 1 will be filed.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 20.06.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 101 OF 2024
(Satish V. Zade Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri M.R. Deshmukh, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits that the respondent Nos. 1 and 2 are adopting the affidavit in reply filed on behalf of respondent No. 3.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 30.07.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 339 OF 2022
(Shahurao A. Kakde Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer on instructions submits that during pendency of the present Original Application, the re-fixation as claimed by the applicant has been done.

3. Learned counsel for the applicant seeks time to take instructions from the applicant. Time granted.

4. S.O. to 14.06.2024.

MEMBER (J)

**M.A. No. 337/2023 in O.A. St. No. 1400/2023
(Kishor S. Nile & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri V.N. Mundhe / S.V. Salve, learned counsel for the applicants (**Absent**).

Heard Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. None present for the applicants for last many dates. Last chance was given. Even, today also the applicants and his counsel remain absent. It appears that the applicants are not interested in prosecuting the present matter. The M.A. is dismissed in default.

MEMBER (J)

**M.A. No. 493/2023 in O.A. St. No. 1818/2023
(Nana W. More Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri K.J. Taur, learned counsel for the applicant (**Absent**).

Heard Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. None present for the applicant for last many dates. Last chance was given. Even, today also the applicant and his counsel remain absent. It appears that the applicant is not interested in prosecuting the present matter. The M.A. is dismissed in default.

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 2414 OF 2023
(Sultana Ekbal Naikwade Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri S.P. Urgunde, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. Even though the circulation is sought and the present matter is listed along with objection, learned counsel for the applicant is absent.

3. In view of above, as a last chance, S.O. to 05.08.2024.

MEMBER (J)

SUO MOTU REVIEW APPLICATION NO. 01/2024
IN
ORIGINAL APPLICATION NO. 584 OF 2022
(Balaji T. Kedare Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 14.06.2024.

MEMBER (J)

KPB ORAL ORDER 12.06.2024

**M.A. No. 93/2024 in O.A. St. No. 1879/2023
(Ashok B. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri S.S. Kulkarni, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 19.06.2024.

MEMBER (J)

KPB ORAL ORDER 12.06.2024

ORIGINAL APPLICATION NO. 431 OF 2024
(Vitthal K. Bhusare Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notices to respondents, returnable on 08.07.2024.

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

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

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

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

7. S.O. to 08.07.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 569 OF 2024
(Taher Ali Mohammad Ali Shah Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 02.07.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 575 OF 2024
(Ajit B. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri Dhananjay Mane, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, S.O. to 20.06.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 430 OF 2024
(Ajit B. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri Dhananjay Mane, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, S.O. to 20.06.2024.

MEMBER (J)

KPB ORAL ORDER 12.06.2024

**ORIGINAL APPLICATION ST. NO. 696 OF 2024
(Haribhau D. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri G.N. Kulkarni (Mardikar), learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks time to file application seeking condonation of delay. Time granted.

3. S.O. to 26.06.2024.

MEMBER (J)

M.A. St. No. 707/2024 in O.A. St. No. 587/2024
(Ravindra V. Torwane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri P.B. Jadhav, learned counsel for the applicants and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. All the applicants are the retired employees of Revenue Department. All the applicants have jointly submitted an application on 03.01.2024 for availing advance additional increment, increase salary and pension accordingly. Since the respondents have not taken any decision on the said representation, the applicants have approached this Tribunal by filing this joint Original Application.

3. In view of above, since the cause of action is same, the grievances of all the applicants are similar and they are retired from one and the same department, leave to sue jointly granted, subject to payment of court fee stamps, if not paid. M.A. is hereby allowed in terms of prayer clause 5(A).

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MA St. 707/2024 in
OA St. 587/2024

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. No. 120/2024 stands disposed of accordingly. No order as to costs.

MEMBER (J)

KPB ORAL ORDER 12.06.2024

O.A. St. No. 587/2024

(Ravindra V. Torwane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri P.B. Jadhav, learned counsel for the applicants and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notices to respondents, returnable on 12.08.2024.

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

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

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

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

7. S.O. to 12.08.2024.

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

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 1187 OF 2024
(Manoj N. Fhulboyane Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel holding for Shri S.B. Madde, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. The office has raised following three objections:-

“1. Memo not sworn, Applicant is in Jail.

2. Original Application appears to be barred by limitation in view of order dt. 22.09.2022.

3. Applicant has not filed Departmental Appeal before the Higher Authority U/Rules 17 (i) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.”

3. Learned counsel for the applicant has pointed out that in connection with the crime registered against the applicant, he is in jail since his arrest. Therefore, memo of the O.A. is not sworn. In view of above, the same is dispensed with.

//2//

O.A. St. 1187/2024

4. Learned counsel for the applicant on instructions deleted the prayer clause X(B) and restrict his Original Application to the extent of claim of subsistence allowance in terms of prayer clause X(C) and (D).

5. In view of above, the office objections as raised do not survive.

6. Issue notices to respondents, returnable on 31.07.2024.

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

8. 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.

9. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

//3//

O.A. St. 1187/2024

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

10. 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.

11. S.O. to 31.07.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 296 OF 2024
(Pramod R. Bhingare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. It appears that under the special circumstances and in the backdrop of the directives issued by the Election Commission of India, the applicants came to be transferred from Chh. Sambhajinagar to Dharashiv. The applicant No. 1 who was working as PSI came to be transferred to Dharashiv and applicant Nos. 2 and 3, who were working as Assistant Police Inspector came to be transferred to Dharashiv. However, at present the said purpose is over, since the Parliamentary Election is over. This Tribunal has not granted any interim relief and thus, all the applicants have joined the place of transfer at Dharashiv as per the order of transfer. However, at present the purpose of transfer doesn't exist. It may be appropriate for the respondent authorities to decide as to whether the

//2//

O.A. No. 296/2024

applicants shall be taken back or whether they shall serve remaining period at Dharashiv.

3. Learned Presenting Officer shall take specific instructions about the proposed action, if any by the sole respondent in this regard.

4. S.O. to 19.06.2024 for hearing **in urgent admission category**.

MEMBER (J)

KPB ORAL ORDER 12.06.2024

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

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

DATE : 12.06.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent No. 2.

2. Learned counsel for respondent No. 2 submits that in para No. 2 of the affidavit in reply, it has been specifically pleaded that the present Original Application is not maintainable in view of the disposal of the O.A. No. 807/2017, as the same was withdrawn by the applicant and the Tribunal has disposed of the said O.A. by detailed order dated 08.07.2019.

3. Learned counsel for respondent No. 2 is hereby directed to place on record the copy of application bearing O.A. No. 807/2017 (disposed of on 08.07.2019) and also a copy of communication dated 20.05.2019 placed on record by learned Presenting Officer marked as "X" for identification.

4. It is a part heard matter. S.O. to 24.06.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 392 OF 2023
(Vishnu K. Kore Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri R.K. Ashtekar, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities for some time.

2. Learned Presenting Officer seeks time to take instructions from the concerned respondent/s as to whether the applicant is treated as an employee in handicapped category. Time granted.

3. S.O. to 20.06.2024 for hearing.

MEMBER (J)

**M.A. No. 125/2024 in O.A. St. No. 660/2024
(Naresh S. Chavriya Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

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

3. List the M.A. for hearing on 15.07.2024.

MEMBER (J)

KPB ORAL ORDER 12.06.2024

**ORIGINAL APPLICATION NO. 571 OF 2020
(Madhukar R. Mapari Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer is directed to submit on record the written notes of arguments.

3. It is a part heard. S.O. to 24.06.2024 for further hearing.

MEMBER (J)

**O.A. Nos. 324, 325, 326, 327, 328, 329 & 330 all of 2024
(Dr. Manohar T. Jadhav & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicants in all these O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As. Shri R.S. Pawar, learned counsel for respondent No. 5 in O.A. No. 326/2024, is **absent**.

2. Learned counsel for the applicants submits that the applicant in O.A. No. 324/2024 Dr. Manohar Jadhav underwent surgery on account of Brain Hemorrhage, the applicant in O.A. No. 328/2024 Dr. Dinesh Valvi is physically disabled to the extent of 54% and underwent Angioplasty on 17.02.2024 and also seeking couple convenience, as his wife is working as Aganwadi Supervisor at ICDC Dhadgaon and the applicant in O.A. No. 330/2024 Dr. Narayan Bawa his wife is suffering from cancer. Learned counsel submits that at least for these three applicants, their choice place of posting may be considered.

3. Learned Presenting Officer is hereby directed to take specific instructions in this regard.

4. S.O. to 20.06.2024 for hearing. Status quo granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO.486/2024
(Amol S. Rathod & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri Ajay Deshpande, learned Counsel for applicants and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned CPO files affidavit in reply on behalf of respondent nos.1 to 9. It is taken on record. Copy thereof has been served on the other side.

3. Learned Counsel for applicants insisting for taking the matter for hearing forthwith. Learned CPO has, however, requested time to work out the matter till 14-06-2024. On earlier occasion, respondent nos.2 and 3 were directed to place on record the question paper in Marathi and English both. Learned CPO submitted that respondent no.2-A has handed over the said documents in a sealed cover and it is the contention of the said respondents that the said documents cannot be made public. Learned CPO in the circumstances has sought permission to place on record the said documents in the sealed cover and permit him to argue on the issue

=2=

O.A.NO.486/2024

whether these documents can be made public. Respondent No.2A is permitted to submit the concerned documents in a sealed envelope. Said sealed envelope shall be kept in the custody of the learned In-Charge Registrar of this Tribunal and the learned In-Charge Registrar shall produce the said sealed envelope before the Tribunal as and when required.

4. S.O. to 14-06-2024.

MEMBER (A)

YUK ORAL- ORDER 12.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.897/2023
(Dhanraj B. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri H.P.Jadhav, learned Counsel for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities and Shri D.T.Devane, learned Counsel for respondent nos.5, 10 & 11, are present.

2. Learned P.O. seeks leave to file on record affidavit in reply on behalf of respondent no.2. Learned Counsel for the applicant has consented for taking reply on record. Accordingly, it is taken on record. Learned P.O. undertakes to serve copies of the reply on the other side.

3. List the matter for hearing on 08-07-2024. It will be open for other side to file rejoinder, if it is so desired.

MEMBER (A)
YUK ORAL ORDER 12.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.473/2024
(Manisha G. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri Milind S. Mahajan, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 16-07-2024. It will be open for other side to file rejoinder, if it is so desired.

MEMBER (A)
YUK ORAL ORDER 12.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.439/2019
(Prakash M. Ishware Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri D.R.Irale Patil, learned Counsel for the applicant, Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri S.B.Mene, learned Counsel for respondent no.2 and Shri Ajay Deshpande, learned Counsel for respondent nos.4 to 7.

2. When the present matter was taken up for consideration, it was revealed that the applicant has secured the degree though while in service but after coming into force of Recruitment Rules of 2013. Apparently, therefore, he will not be entitled for any relief as claimed in the O.A.

3. O.A., therefore, deserves to be dismissed and it is accordingly dismissed without any order as to costs.

MEMBER (A)
YUK ORAL ORDER 12.06.2024

VICE CHAIRMAN

M.A.NO.17/2020 IN O.A.NO.1072/2019
(Ajit S. Solanke & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Counsel for the applicant in M.A., Shri D.R.Irale Patil, learned Counsel for applicant in O.A. and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Applicant has filed the present M.A. seeking intervention in O.A.No.1072/2019. Learned Counsel for the applicant in O.A. as well as the learned CPO have prayed for passing appropriate order in the matter. In view of the fact that the applicant in M.A. is likely to suffer if the O.A. is allowed. M.A. for intervention, therefore, deserved to be allowed. Accordingly the intervention is allowed. M.A. stands disposed of accordingly. Applicant in M.A. be made party respondent in O.A. Necessary amendment be carried out.

3. Arguments in O.A. are concluded. O.A. is reserved for order.

MEMBER (A)

VICE CHAIRMAN

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

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri D.R.Irale Patil, learned Counsel for applicants, Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Ajay Deshpande, learned Counsel for respondent nos.3 to 5.

2. Arguments are concluded. Reserved for order.

MEMBER (A)

YUK ORAL ORDER 12.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.478/2024
(Manisha Kangle & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri A.V.Thombre, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 01-07-2024. Status quo granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 12.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.685/2019
(Shivaji R. Thakare Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri S.D.Joshi, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 08-07-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 12.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.590/2023
(Rajendra A. Shirsat Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri K.B.Jadhav, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08-07-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 12.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.387/2023
(Sachin M. Landge Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

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

2. S.O. to 04-07-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 12.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.994/2023
(Trimbak Dasu Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri H.P.Jadhav, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08-07-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 12.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 543 OF 2024
(Mahendra U. Harpalkar Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri A.V. Bandiwadekar, learned counsel for the applicant (**absent**). Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 03.07.2024.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 60/2020 IN O.A.ST.NO. 2451/2019
(Priti D/o Vivek Sangolkar Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel holding for Shri R.D. Khadap, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicant, reissue notice to respondent No. 1, as well as, respondent Nos. 3 to 6 in M.A. 60/2020, returnable on 18.07.2024.

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

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

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

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

7. S.O. to 18.07.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 515 OF 2023
(Harish Dawalu Mahure Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri K.A. Pathade, learned counsel holding for Shri R.V. Gore, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks time.
Time granted.
3. S.O. to 02.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 397 OF 2023
(Shobha Ashok Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri Nitin S. Kadarale, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri K.A. Pathade, learned counsel holding for Shri R.V. Gore, learned counsel for respondent No. 3, are present.

2. Learned counsel for respondent No. 3 seeks time. Time granted.
3. S.O. to 02.07.2024.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 218/2023 IN O.A.ST.NO. 697/2023
(Bharat Bhagwan Mhaske Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Delay caused is of meager period of 02 months and 20 days and learned Presenting Officer has also submitted for passing appropriate orders, the following order is passed: -

ORDER

- (i) Delay caused in filing accompanying Original Application is condoned.
- (ii) Accompanying Original Application be registered in accordance with law.
- (iii) Accordingly, the Misc. Application stands disposed of without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION ST.NO. 697 OF 2023
(Bharat Bhagwan Mhaske Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. After registration of O.A., issue notice to the respondents, returnable on 18.07.2024.

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

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

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

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

7. S.O. to 18.07.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 564 OF 2024
(Ajitkumar Shivhari Khansole Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri R.J. Nirmal, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Respondent Nos. 1 & 2 have been duly served and learned Presenting Officer has caused appearance for the said respondents. Respondent Nos. 3 & 4, who are also State authorities are shown in 'await service category'. Learned counsel for the applicant submits that the said respondents have also been served but postal remark is received "notice could not be delivered since office concerned locked".

3. Learned Presenting Officer submits that he will take instructions from the office concerned. As such, the said respondents shall be deemed to have been served. Time is sought for filing affidavit in reply on behalf of the said respondents. Granted.

4. S.O. to 10.07.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1000 OF 2023
(Ramakant J. Sonkamble Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri S.P. Dhobale, learned counsel holding for Shri P.G. Rodge, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply. It appears from the record that earlier three chances have been availed by the respondents for filing affidavit in reply. In the interest of justice time is granted by way of last chance.

3. S.O. to 16.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 248 OF 2024
(Dr. Trupti H. Mande Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

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

2. Learned counsel submits that respondent No. 7 has been duly served and the service affidavit is being filed today itself in the registry. This matter is shown in 'await service category'. Remark be removed.

3. S.O. to 16.07.2024.

MEMBER (A)

VICE CHAIRMAN

M.A.NO.563/2023 IN O.A.NO.526/2023

(Angad R. Shinde Vs. State of Maharashtra & Ors.)

O.A.NOS.1037, 1038, 1055 TO 1067, 1072 TO 1075 ALL OF 2023

(Sanjay S. Patil & Ors. Vs. State of Maharashtra & Ors.)

O.A.NO.757/2023

(Yashwant Katkar & Anr. Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND**

Shri Vinay Kargaonkar, Member (A)

DATE : 12.06.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P.Bhumkar, learned Counsel for the applicant in M.A. NO.563/2023, Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri U.L.Momale, learned Counsel for applicant in O.A.526/23, are present.

Shri U.L.Momale, learned Counsel for the applicants in O.A.No.1037, 1038, 1055 TO 1067, 1072 TO 1075 ALL OF 2023 & Ors. & 757/2023 and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer submits that in all these matters affidavit in reply of the respondents will be filed during the course of the day. If it is so filed, it be taken on record and copy thereof be given to all concern.

3. S.O. to 01.07.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 537 OF 2024
(Prashant P. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

O R D E R

Heard Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri Ajay Deshpande, learned Special counsel for the respondent authorities on the issue of interim relief sought in the application.

2. The applicant has prayed for the following interim reliefs: -

“D) Pending the admission, hearing and final disposal of this Original Application Respondents may kindly be restrained from proceeding ahead in any manner in the five Departmental Enquiries initiated against applicant vide impugned Memorandums of Charge dated 14/03/2024, 13/03/2024, 07/03/2024, 12/03/204 and 06/03/2024 (Annexs. A-1 Colly. to A-5 Colly.)

E) Pending the admission, hearing and final disposal of this Original Application all further proceedings in the five Departmental Enquiries initiated against the applicant vide impugned Memorandums of Charge dated 14/03/2024, 13/03/2024, 07/03/2024, 12/03/204 and 06/03/2024 (Annexs. A-1 Colly. to A-5 Colly.) may kindly be stayed.”

3. Shri Avinash Deshmukh, learned counsel appearing for the applicant submitted that all 05 departmental enquiries, which are challenged in the present Original Application are initiated against the applicant at the instance of respondent No. 4. Learned counsel submitted that respondent No. 4 comes from the cadre of Assistant Engineers, Grade-I; whereas the applicant entered into the services as Assistant Executive Engineer. Learned counsel referred to the litigation between above two sets, wherein respondent No. 4 was party. Learned counsel submitted that O.A. Nos. 912/2015 and 53/2015 filed by respondent No. 4 along the some other officers have been rejected by this Tribunal and though respondent No. 4 and others approached the Hon'ble Bombay High Court could not get any relief therein. Learned counsel submitted that on the aforesaid count respondent No. 4 carries personal grudge against the applicant, which has resulted in initiation of 05 departmental enquiries against the applicant. Learned counsel submitted that respondent No. 4 is presently posted and working as Superintending Engineer of the Vigilance and Quality Control has misused the said

position and has acted detrimental to the interest of the applicant. Learned counsel referring to the documents filed on record submitted that in the matter where earlier enquiry committee has given clean chit to the applicant also the enquiry has been initiated against the applicant at the instance of respondent No. 4. Learned counsel submitted that the documents on record further reveal that in all the matters, wherein departmental enquiries are initiated against the applicant the preliminary enquiries are conducted by respondent No. 4, who is holding bias attitude against the applicant.

4. Learned counsel relying on the decision of the Hon'ble Apex Court in the case of **Union of India & Ors. Vs. Sanjay Jethi & Anr, 2013 (16) SCC 116**, submitted that the plea of bias is to be considered by the Tribunal by adopting deliberative approach. Learned counsel submitted that as observed by the Hon'ble Apex Court in the said judgment what is relevant is the fact whether apprehension in the mind of applicant is reasonable or otherwise? Learned counsel submitted that the applicant has placed on record all primary evidences showing bias

attitude of respondent No. 4 behind initiation of all 05 departmental enquiries against the applicant. Learned counsel further submitted that in the circumstances it would be unjust and improper to require the applicant to face the said departmental enquiries. Learned counsel further submitted that the object behind initiation of all 05 departmental enquiries at one stroke is writ large which demonstrates that the respondents are bent upon not to promote the applicant to the post of Chief Engineer though he is eligible for such promotion. Learned counsel pointed out that earlier also the respondents have refused to consider the applicant for promotion to the post of Chief Engineer on the ground of pending departmental enquiries against him and this Tribunal has granted interim relief in favour of the applicant in the said matter (O.A. No. 117/2024) directing the respondents to consider the applicant for promotion to the post of Chief Engineer subject to outcome of the said O.A. Learned counsel further submitted that the said interim relief was granted in favour of the applicant on 8th February, 2024 and few days thereafter with the only intention to make the interim relief so granted redundant that

more 05 departmental enquiries have been initiated against the applicant. Learned counsel submitted that if enquiry proceedings are not stayed, the respondents on that pretext will decline to consider the applicant for promotion to the post of Chief Engineer. Learned counsel, in the circumstances, prayed for grant of interim relief as prayed in the prayer clauses 'D' and 'E' of the Original Application.

5. Opposing the submissions made on behalf of the applicant, the learned special counsel appearing for the respondent authorities submitted that initiation of the departmental enquiry against the Government servant/officer is an unfettered right of the Government which can be exercised by it till the date of superannuation of the Government servant/officer and in some cases even after his retirement. Learned special counsel further submitted that the departmental enquiries are initiated against the applicant by respondent Nos. 1 & 2 and not by respondent No. 4. Learned special counsel further submitted that the contention of the applicant that the said departmental enquiries are initiated against him at the instance of respondent

No. 4 is fallacious. Learned special counsel further submitted that there are serious allegations against the applicant which require to be inquired into. It is further submitted that if the applicant is not guilty of any such misconduct alleged against him, he can very well prove his innocence during the course of the enquiry. Learned special counsel further submitted that even if at the conclusion of the departmental enquiries the applicant is found to be not guilty, he can be fully compensated and, as such, no irreparable loss is likely to be caused to the applicant. Learned special counsel therefore, prayed for rejecting the request for interim relief.

6. The departmental enquiries are sought to be quashed by the applicant mainly on the ground that said enquiries have been initiated on the basis of preliminary enquiry conducted by respondent No. 4, who is carrying personal grudge against the applicant. It has been argued by Shri Avinash Deshmukh, learned counsel appearing for the applicant that the plea of bias advanced by the applicant makes out a case for grant of interim relief in favour of the applicant. Learned counsel

submitted that if the applicant ultimately succeeds in establishing the bias behind initiation of the departmental enquiries against the applicant, the action of respondents of initiating departmental enquiries would be held unsustainable. Learned counsel has placed reliance on the judgment of the Hon'ble Apex Court in the case of **Union of India & Ors. Vs. Sanjay Jethi & Anr** (cited supra) and more particularly on the observations made in paragraph 45 of the said judgment. We deem it appropriate to reproduce the said paragraph, which reads thus: -

“45. The principle that can be culled out from the number of authorities fundamentally is that the question of bias would arise depending on the facts and circumstances of the case. It cannot be an imaginary one or come into existence by an individuals perception based on figment of imagination. While dealing with the plea of bias advanced by the delinquent officer or an accused a court or tribunal is required to adopt a rational approach keeping in view the basic concept of legitimacy of interdiction in such matters, for the challenge of bias, when sustained, makes the whole proceeding or order a nullity, the same being coram non-judice. One has to keep oneself alive to the relevant aspects while accepting the plea of bias. It is to be kept in mind that what is relevant is actually the reasonableness of the apprehension in this regard in the mind of such a party or an impression would go that the decision is dented

and affected by bias. To adjudge the attractability of plea of bias a tribunal or a court is required to adopt a deliberative and logical thinking based on the acceptable touchstone and parameters for testing such a plea and not to be guided or moved by emotions or for that matter by one's individual perception or misguided intuition.”

We have gone through the entire text of the judgment relied upon by the learned counsel for the applicant. There cannot be a dispute about the ratio laid down in the said judgment. However, with all humbleness we state that the facts in the present matter being distinguishable, the said judgment may not apply in the present matter. In the said matter, the plea of bias has been considered by the Hon'ble Apex Court in the context with rule 180 of the Armed Forces Rules, 1954 and Section 14 of the Armed Forces Tribunal Act, laying down the procedure when character or military reputation of personnel is likely to be affected in the course of inquiry. In the present matter even if it is assumed that initiation of the departmental enquiries is an outcome of personal grudge nurtured by respondent No. 4 against the applicant, only on that count it is difficult to restrain the Government i.e. respondent Nos. 1 to 4 from conducting the departmental

enquiries into the misconduct alleged against the applicant in the respective enquiries.

7. Whether the applicant is really guilty of the misconduct alleged against him in the concerned departmental enquiries or is completely innocent cannot be conclusively decided at this juncture. It is difficult even to record any *prima facie* conclusion in that regard. The burden is on the respondents to prove the said misconducts by adducing necessary evidence therefor, whereas the equal responsibility is on the applicant to prove his innocence. It is thus evident that unless the departmental enquiries are conducted, no conclusions can be arrived at. In the circumstances, we are not inclined to grant the interim relief as has been sought for by the applicant.

8. In the alternative it is submitted by Shri Avinash S. Deshmukh, learned counsel appearing for the applicant that the respondents may at least be directed to consider the candidature of the applicant for promotion to the post of Chief Engineer as and when such occasion arises, subject to

outcome of the present O.A. Learned counsel submitted that in O.A. No. 117/2024 earlier filed by the applicant such relief has been granted by the Tribunal in favour of the applicant. We having gone through the order dated 08.02.2024 passed in O.A. No. 117/2024. In the said order the interim relief has been granted for the reason that in the departmental enquiries which are challenged in the said matter the charges leveled against the applicant are of the period prior to more than 12 years from the date of issuance of the memorandum of charge. That is not the case in the present matter. In the circumstances, even the alternate request is difficult to be accepted. In the result, the following order is passed: -

O R D E R

- (i) The prayer of the applicant for grant of interim relief stands rejected.
- (ii) S.O. to 10.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 585 OF 2020
(Chandrasen V. Lahade Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri H.P. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities for some time.

2. Learned Presenting Officer has made the compliance of order dated 17.01.2024 and submitted the short affidavit of respondent No.5. In support of the said affidavit certain documents have been filed including bank statement.

3. Admittedly, except the report of the committee which is rather preliminary in nature, no full-fledged departmental enquiry has been initiated against the applicant. Only on the basis of observations made by the said committee in its preliminary report, the amount of Rs.8,00,000/- has been recovered from the pensionary benefits of the applicant i.e. leave encashment.

4. In view of above, Admit.

5. Learned P.O. waives notices for all the respondents on admission.

6. S.O. to 02.09.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 251 OF 2023
(Ashok B. Shejwal Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri Shaikh Mazhar A. Jahagirdar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. By consent of both the sides, S.O. to 27.06.2024 for further hearing.

MEMBER (J)

**M.A.NO. 276/2019 IN O.A.ST.NO. 871/2019
(Rakesh T. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel holding for Shri S.N. Suryawanshi, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 29.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

**M.A.NO. 85/2023 IN O.A.ST.NO. 261/2023
(Ganesh M. Ingle Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri S.S. Tandale, learned counsel holding for Shri B.R. Kedar, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Smt. S.H. Bali, learned counsel for respondent No.4, are present.

2. At the request of learned P.O., S.O. to 28.06.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

**M.A.NO. 483/2023 IN O.A.ST.NO. 1998/2023
(Gautam S. Bhalerao Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri S.R. Dheple, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. There is a delay of 3 years, 2 months and 5 days caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that the applicant came to be retired on 31.07.2019 on attaining the age of superannuation. Before that due to registration of crime against him, he was remained under suspension w.e.f. 22.10.2009 to 17.07.2013. Even though the criminal case resulted into acquittal, the State has preferred an appeal against the acquittal before the Hon'ble High Court which is still pending. Consequently the department has not released the pensionary benefits to the applicant not passed any order to regularize the suspension period.

//2// M.A. 483/2023 in
O.A.St. 1998/2023

4. Learned counsel for the applicant submits that there is a recurring cause of action and even if there is a delay on the part of the applicant to approach this Tribunal, the delay is not intentional or deliberate one.

5. Learned Presenting Officer submits that there is an inordinate delay in filing the Original Application for which no satisfactory explanation has been tendered by the applicant. There is no substance in the Misc. Application and the same is liable to be rejected.

6. It appears that even though the criminal case resulted into acquittal, because of the pendency of the appeal preferred by the State against the acquittal, the retirement benefits have not been released though the applicant came to be retired in the year 2019 on attaining the age of superannuation.

7. I agree with the submissions made on behalf of the applicant that there is a recurring cause of action since no final decision has been taken and further there is no order about the regularization of

//3// M.A. 483/2023 in
O.A.St. 1998/2023

suspension period. Even if there is a delay in approaching this Tribunal, the delay is not intentional or deliberate. In view of same, I am inclined to condone the delay. However, the applicant is required to be saddled with costs. I compute the costs of Rs. 500/- (Five Hundred only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 483/2023 is allowed in following terms:-

- (A) The delay of 3 years, 2 months and 5 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 500/- (Five Hundred only). The amount of costs to be paid to the Bar Association of this Tribunal and after depositing the said amount, the applicant shall produce the receipt before the office of this Tribunal.

//4// M.A. 483/2023 in
O.A.St. 1998/2023

- (B) Upon satisfaction of the costs as above,
the accompanying O.A. be registered
and numbered by taking in to account
other office objection/s, if any.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

**ORIGINAL APPLICATION ST.NO. 1998 OF 2023
(Gautam S. Bhalerao Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri S.R. Dheple, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 08.08.2024.

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

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

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

//2// O.A.St. 1998/2023

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 08.08.2024.

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

MEMBER (J)

SAS ORAL ORDER 12.06.2024

M.A.NO. 33/2024 IN O.A.NO. 161/2023
(Balu S. Bharnale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicants, is **absent**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicants, S.O. to 30.07.2024 for hearing.

MEMBER (J)

Later On:-

Shri H.P. Jadhav, learned counsel for the applicants, present.

2. S.O. to 30.07.2024 for hearing.

MEMBER (J)

**M.A. 191/2024 IN M.A. 192/2024 IN O.A. 287/2024
(Dinesh R. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that during pendency of this Original Application by order dated 24.05.2024, the respondent authority re-fixed the existing grade pay of the applicant and also held that the applicant is not entitled to revised pay scale. Further, the authority directed Municipal Council, Chalisgaon to recover excess payment made to the applicant due to wrong pay fixation.

3. By way of filing this Misc. Application the applicant is seeking amendment in the Original Application challenging thereby this order passed on 24.05.2024 and also seeking insertion of para No. 9(A) to 9 (C) in the body of the application along with prayer clause (BB).

4. Shri H.P. Jadhav, learned counsel holding for Shri B.V. Thombre submits that learned counsel Shri B.V. Thombre has instructions to appear for

//2// M.A.191/2024 in
M.A.192/2024 in
O.A. 287/2024

respondent No.3 i.e. Municipal Council, Chalisgaon and **VAKALATNAMA** on behalf of said respondent No.3 will be filed in the office during the course of the day.

5. However, considering the fact that during pendency of this Original Application the order dated 24.05.2024 has been passed, this Misc. Application seeking amendment in the Original Application challenging the said order deserves to be allowed. Hence, the following order:-

ORDER

- (A) Misc. Application No. 191/2024 is hereby allowed.
- (B) The applicant to amend the Original Application as per para No. 5 of the Misc. Application within a week from the date of this order and copy of amended O.A. be served on the other side.
- (C) The Misc. Application is accordingly disposed of.
- (D) No order as to costs.

MEMBER (J)

**M.A.NO. 192 OF 2024 IN O.A.NO. 287 OF 2024
(Dinesh R. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri S.R. Patil, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri H.P. Jadhav, learned counsel holding for Shri B.V. Thombre, learned counsel for respondent No.3.

2. Learned Presenting Officer for the respondent authorities and learned counsel for respondent No.3 seek time to file affidavit in reply. Time granted.

3. S.O. to 26.06.2024.

MEMBER (J)

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

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

DATE : 12.06.2024

ORAL ORDER :

Shri Vijay V. Deshmukh, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 14.08.2024 as a last chance for hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

**ORIGINAL APPLICATION NO. 592 OF 2021
(Khandu H. Wane Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel for the applicant, is **absent**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 14.08.2024 as a last chance for hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

**ORIGINAL APPLICATION NO. 833 OF 2021
(Deepali Y. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri R.A. Shinde, learned counsel holding for Shri D.B. Thoke, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri K.B. Jadhav, learned counsel holding for Shri R.A. Joshi, learned counsel for respondent No.4, are present.

2. At the request of learned counsel for the applicant, S.O. to 09.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

ORIGINAL APPLICATION NO. 399 OF 2022
(Tawshikar G. Gyanoba Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri Sanjay Sarode, learned counsel holding for Shri C.V. Thombre, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 29.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

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

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

DATE : 12.06.2024

ORAL ORDER :

Shri A.M. Hajare, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri S.D. Joshi, learned counsel for respondent Nos. 2,3,5 & 6, are present.

2. In view of absence of learned counsel for the applicant, S.O. to 05.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

ORIGINAL APPLICATION NO. 871 OF 2022
(Santosh A. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri N.R. Pawade, learned counsel for the applicant, is **absent**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. Even though the last chance is granted, none present for the applicant.

3. S.O. to 04.08.2024 for passing order/for hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

ORIGINAL APPLICATION NO. 913 OF 2022
(Varsha V. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent Nos. 3 & 4, are present.

2. At the request of learned P.O., S.O. to 31.07.2024 as a last chance for hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

**ORIGINAL APPLICATION NO. 1045 OF 2022
(Rajendra V. Desale Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri N.S. Shah, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent No.4, are present.

2. Learned counsel representing the respondent N.4 placed before this Tribunal the copy of order dated 29.12.2023 stating therein that the term of respondent No.4 has been extended for the further period of 10 years i.e. from 01.11.2023 to 31.10.2033. The copy of said order is taken on record and marked as document 'X' for the purpose of identification.

3. In view of absence of learned counsel for the applicant, S.O. to 06.08.2024 as a last chance for hearing.

MEMBER (J)

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

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

DATE : 12.06.2024

ORAL ORDER :

Shri K.B. Bhise, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 27.06.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 465 OF 2023
(Kuldip P. Ambhore Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 19.06.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

**ORIGINAL APPLICATION NO. 591 OF 2023
(Sanjay P. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri P.B. Umrani, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer is directed to call the original record and proceedings in connection with the transfer order of the applicant including the order passed by the competent authority i.e. the respondent No.1.

3. S.O. to 24.06.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 607 OF 2023
(Gajanan B. Borse Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 29.07.2024 for hearing.

3. The interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 736 OF 2023
(Ushabai P. Tupe Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri A.R. Jadhva, learned counsel holding for Shri Akshay S. Tilve, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri D.L. Khivesara, learned counsel for respondent No.3, are present.

2. At the request of learned counsel for the applicant, S.O. to 30.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

**ORIGINAL APPLICATION NO. 813 OF 2023
(Shahuraj D. Datil Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Ms. Preeti R. Wankhade, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned counsel for respondent No.1, are present.

2. At the request of learned counsel for the applicant, S.O. to 22.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 920 OF 2023
(Chandrakant V. Sadakal Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri N.B. Narwade, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. Despite the last chance, none present on behalf of the applicant.

3. S.O. to 22.08.2024 for passing order/for hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

ORIGINAL APPLICATION NO. 922 OF 2023
(Sachin Dashrath Bhume Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri Joslyn Anthony Menezes, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions seeks leave to withdraw this Original Application as it has become infructuous now.
3. Leave as prayed for is granted.
4. The Original Application is disposed of as withdrawn. No costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 81 OF 2024
(Ganesh M. Mupde Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri Mohit R. Deshmukh, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 23.06.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

ORIGINAL APPLICATION NO. 256 OF 2024
(Sachin Dashrath Bhume Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Heard Shri Joslyn Anthony Menezes, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions seeks leave to withdraw the present Original Application.

3. Leave as prayed for is granted.

4. The Original Application is disposed of as withdrawn. No costs.

MEMBER (J)

**ORIGINAL APPLICATION NO. 395 OF 2017
(Shobha R. Pathak Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3, are present.

2. S.O. to 15.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

**ORIGINAL APPLICATION NO. 611 OF 2017
(Nagnath G. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

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

2. S.O. to 15.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 49 OF 2018
(Ravindra V. Sapkale Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri H.P. Randhir, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 15.07.2024 for final hearing.

MEMBER (J)

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

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

DATE : 12.06.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 15.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

ORIGINAL APPLICATION NO. 580 OF 2018
(Amol R. Sakruskar Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri H.A. Joshi, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned counsel for respondent Nos. 2 & 3, are present.

2. S.O. to 15.07.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 620 OF 2018
(Baban D. Gadekar Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri V.M. Maney, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

ORIGINAL APPLICATION NO. 28 OF 2019
(Suresh G. Sadavarte Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri V.P. Kadam, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 23.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

ORIGINAL APPLICATION NO. 362 OF 2019
(Neelabai A. Done & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 422 OF 2019
(Syed Khaja Syed Meeran Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 835 OF 2019
(Sanjay M. Churmurkar Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3, are present.

2. S.O. to 19.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

**ORIGINAL APPLICATION NO. 898 OF 2019
(Babu K. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

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

2. S.O. to 19.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

ORIGINAL APPLICATION NO. 921 OF 2019
(Dr. Aasma Kalim Siddiqui Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Shri R.P. Adgaonkar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 19.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

**ORIGINAL APPLICATION NO. 1070 OF 2019
(Suryabhan B. Nagre Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri V.G. Salgare, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri U.S. Mote, learned counsel for respondent No.3, are present.

2. S.O. to 19.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

**O.A.NO. 122/2020 With Caveat No. 06/2020
(Sandip P. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel holding for Shri Y.B. Bolkar, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities, Smt. Suchita Dhongde, learned counsel holding for Shri S.D. Dhongde, learned counsel for respondent No.4 and Shri N.N. Desale, learned counsel for respondent No.5, are present.

2. S.O. to 22.07.2024 for final hearing.

MEMBER (J)

**M.A.NO. 94 OF 2021 IN O.A.NO. 1060 OF 2019
(Devidas D. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri S.V. Suryawanshi, learned counsel for the applicant in M.A./respondent No.8 in O.A., Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri R.A. Shinde, learned counsel holding for Shri D.B. Thoke, learned counsel for respondent No.1 in M.A./applicant in O.A., are present.

2. S.O. to 09.07.2024 for final hearing.

MEMBER (J)

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

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

DATE : 12.06.2024

ORAL ORDER :

Shri S.U. Chaudhari, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

**ORIGINAL APPLICATION NO. 104 OF 2024
(Vishnu S. Darade Vs. State of Maharashtra & Ors.)**

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

DATE : 12.06.2024

ORAL ORDER :

Shri Amit Tandulkar, learned counsel holding for Shri Gajanan Kadam, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri H.P. Jadhav, learned counsel for respondent Nos. 3 & 4, are present.

2. At the request of learned counsel for the applicant, S.O. to 28.06.2024 as a last chance for final hearing.

3. Status quo granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDER 12.06.2024

ORIGINAL APPLICATION NO. 348 OF 2024
(Shubham W. Ramasane Vs. State of Maharashtra & Ors.)

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

DATE : 12.06.2024

ORAL ORDER :

Ms. Vishakha Patil, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

Shri A.A. Khande, learned counsel for respondent No.4, is **absent**.

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

3. S.O. to 28.06.2024.

MEMBER (J)

