

ORIGINAL APPLICATION NO. 1009/2024
(Uday M. Rathod Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 12.09.2024

ORAL ORDER :

Heard Shri Sachin Deshmukh, learned counsel holding for Shri Ashish P. Deshmukh, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 14.10.2024.

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 14.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 81/2020 IN O.A. ST. NO. 2435/2019
(Dipali N. Kulkarni Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 12.09.2024

ORAL ORDER :

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

2. Learned counsel for the applicant has tendered synopsis of events to explain the delay caused in filing accompanying O.A. It be taken on record and copy thereof be supplied to learned Presenting Officer.

3. S.O. to 29.10.2024.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 292/2023 IN O.A. ST. NO. 977/2023
(Suresh L. Gore Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 12.09.2024

ORAL ORDER :

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

2. Learned counsel for the applicant has tendered synopsis of events to explain the delay caused in filing accompanying O.A. It be taken on record and copy thereof be supplied to learned Presenting Officer.

3. S.O. to 29.10.2024.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 281/2024 IN O.A. NO. 208/2024
(The State of Maharashtra & Ors. Vs. Suryabhan E. Pawar)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 12.09.2024

ORAL ORDER :

Shri V.R. Bhumkar, learned Presenting Officer for the applicants in the present M.A./respondent authorities in O.A. and Shri K.B. Jadhav, learned counsel for the respondent in the present M.A./applicant in the O.A., are present.

2. S.O. to 03.10.2024. The interim relief granted earlier in O.A. to continue till then.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 12.09.2024

M.A. NO. 375/2024 IN O.A. NO. 210/2024
(The State of Maharashtra & Ors. Vs. Prem Bhojraj Totre)

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

DATE : 12.09.2024

ORAL ORDER :

Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the applicants in the present M.A./respondent authorities in O.A. and Shri K.B. Jadhav, learned counsel for the respondent in the present M.A./applicant in the O.A., are present.

2. Learned C.P.O. has tendered affidavit in reply on behalf of respondent nos. 01 to 03 in O.A. It is taken on record and copy thereof has been supplied to other side.

3. Issue notice to the respondent in the present M.A./applicant in O.A., returnable on 03.10.2024.

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

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

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

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

8. S.O. to 03.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1079 OF 2024
(Dr. Dinesh Ramchandra Boralkar Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Heard Shri S.D. Joshi, 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 the applicant is suffering from physical impairment disability to the extent of 79%. By impugned order dated 31.08.2024, the applicant came to be transferred from the post of Taluka Health Officer, Jintur, Dist. Parbhani to Primary Health Centre, Rampuri, Tq. Manwat, Dist. Parbhani. Even though the applicant is handicapped person, his choice of posting was not called upon nor transferred to the near place as mandatory by the Government Resolution issued in this regard. Learned counsel submits that so far as place of transfer i.e. Primary Health Centre, Rampuri, Tq. Manwat, Dist. Parbhani is concerned, the same is at a distance of 100 kms from Jintur, Dist. Parbhani. Learned counsel submits that the applicant is yet not relieved and he is working on the same post. Learned counsel further on instructions

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O.A. No. 1079/2024

from the applicant submits that respondent No. 6 though transferred by separate order on the post of applicant, he was not interested in joining the transferred place as on the date of filing of the present Original Application. Learned counsel for submits that there is no recommendation of Civil Services Board with regard to the transfer of applicant, which is mid-term.

3. Learned Presenting Officer submits that there are no clear-cut instructions from the respondent authorities as to whether the applicant has been relieved or not. However, the respondent No. 6 himself has filed application to the District Health Officer, Zilla Parishad, Parbhani on 10.09.2024 expressing his willingness to join the post, which the applicant is presently occupying. It is thus not correct that the respondent No. 6 is not willing to join the place of transfer. Learned P.O. submits that in case the interim order is passed, the respondent No. 6 will remain in hanging position.

4. It appears that the applicant is suffering from physical disability to the extent of 79% and he came to be transferred and posted at a place which is near about 100 kms away from his present posting. The

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O.A. No. 1079/2024

applicant as it appears from the submissions made on behalf of the applicant is yet not relieved and respondent No. 6 has not joined the post of applicant.

5. **In view of the same, the parties are directed to maintain status-quo as on today till the next date of hearing.**

6. Issue notices to the respondents, returnable on 24.09.2024.

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

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O.A. No. 1079/2024

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. Learned Presenting Officer is directed to call record particularly the minutes of Civil Services Board meeting, if any.

12. S.O. to 24.09.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 124 OF 2024
(Mohammed Farook Shujauddin Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Heard Shri V.B. Wagh along with Shaikh Wajeed Ahmed, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. The present Original Application is disposed of finally with the consent of both the sides.

3. Learned counsel for the applicant submits that before the General Transfers of the year 2024, the applicant has submitted request application / representation dated 11.01.2024 to the respondents for his transfer on the vacant post at District Tuberculosis Centre, Nanded by raising his health issues and also on the count of educational aspect of his children. Learned counsel submits that in addition to the same, the applicant is going to be retired within a period of two years. Learned counsel submits that if the request application of the applicant dated 11.01.2024, so also the ground that the applicant is going to be retired on 30.08.2027, is directed to be decided within a time bound manner,

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O.A. No. 124/2024

then the purpose of filing of the present Original Application will be served.

4. Learned Presenting Officer submits that the respondents may be given liberty to decide the said representation on its own merits.

5. Before issuance of impugned order of transfer, which is in fact general transfer order of the applicant along with other employees, it appears that the request application submitted by the applicant on 11.01.2024 was not considered. Thus the present Original Application can be disposed of by giving suitable directions to the respondents to decide the said representation on its own merits in a time bound manner by modifying the order of transfer of the applicant, if the same would be justifiable and permissible. Hence, the following order :-

ORDER

- (i) The Original Application is hereby partly allowed.
- (ii) The respondents are hereby directed to decide the application / representation dated

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O.A. No. 124/2024

11.01.2024 submitted by the applicant on its own merits and also consider the grounds raised by the applicant that he is going to be retired on 30.08.2027, as expeditiously as possible and preferably within a period of four weeks from the date of this order.

- (iii) The Original Application is accordingly disposed of. No order as to costs.

MEMBER (J)

KPB ORAL ORDER 12.09.2024

ORIGINAL APPLICATION NO. 332 OF 2022
(Rohit Bhimrao Salve Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Heard Shri S.N. Pagare, learned counsel for the applicant and Smt. Vanita Choudhary, learned Presenting Officer for the respondent authorities.

2. The present Original Application disposed of finally with the consent of both the sides.

3. By filing the present Original Application, the applicant is seeking directions to respondent Nos. 3 and 4 to give him appointment on compassionate basis on any post in Class-III or Class-IV category.

4. Learned counsel for the applicant submits that deceased employee Bhimrao Salve was serving on the post of Peon in Zilla Sainik Welfare Office, Aurangabad. He was appointed on the said post from the ex-serviceman category. However, he expired while in service on 05.02.2014. Learned counsel submits that mother of the applicant has filed an application for getting appointment on compassionate ground to her son i.e. the applicant

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O.A. No. 332/2022

herein in place of her deceased husband on 19.09.2014 and name of the applicant has been duly incorporated in the waiting list prepared and maintained for compassionate appointment. Learned counsel submits that since 2014 the applicant has not given the appointment on compassionate ground.

5. Learned Presenting Officer submits that initially the name of applicant was at Sr. No. 538 and at present as per the affidavit in reply filed on behalf of respondent No. 3 i.e. the Tahsildar concerned, the applicant is at Sr. No. 40. Learned Presenting Officer submits that as and when any requirement from the various Government Department in the district for appointment on compassionate ground is received and after exhausting the waiting list, the applicant can be considered for being appointed on compassionate ground as and when his turn comes based on the qualification etc.

6. In view of above submissions, para no. 8 of the affidavit in reply filed on of respondent No. 3 is reproduced herein below :-

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O.A. No. 332/2022

“8. I say and submit that, in the case of present applicant, the name of the applicant has been placed at serial no. 40 in the waiting list, as and when the Respondent No. 3 receives any requirement from the various Government Department in the district for appointment on compassionate grounds and after exhausting the waiting list, the applicant can be considered for being appointed on compassionate ground as and when his turn comes based on the qualification process on the present applicant and after exhausting waiting list in terms of seniority.”

7. Thus considering the entire aspect of the case, I think that there is no hurdle as such to grant appointment to the applicant as and when his turn comes by exhausting the waiting list particularly the persons above the applicant.

8. In view of the same, the Original Application is accordingly disposed of. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 958 OF 2024
(Deepak U. Pardhe Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri P.M. Nagargoje, 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. S.O. to 26.09.2024 for filing rejoinder affidavit, if any.

MEMBER (J)

M.A. No. 194/2022 in O.A. St. No. 616/2022
(Sunil D. Kakade Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. The present matter is not on board. At the request of learned counsel for the applicant the same is taken on board.

3. Time to deposit the amount of costs while condoning the delay is extended by one week.

MEMBER (J)

KPB ORAL ORDER 12.09.2024

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 : 12.09.2024

ORAL ORDER :

Shri H.M. Shaikh, 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 19.11.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 687 OF 2021
(Vipul R. Bhagwat Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri B.P. Gonare, learned counsel holding for Shri I.D. Maniyar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard matter. At the request of learned counsel for the applicant, S.O. to 04.10.2024 for further hearing.

MEMBER (J)

M.A. No. 144/2024 in O.A. No. 412/2024
(Sumedh D. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri P.B. Vikhe, learned counsel for the applicant and Smt. Vanita Choudhary, learned Presenting Officer for the respondent authorities, are present. Shri K.S. Solanke, learned counsel for respondent Nos. 4 to 6, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 28.10.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 12.09.2024

ORIGINAL APPLICATION NO. 832 OF 2024
(Saika S. Patil @ Sarika B. Ahire Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri R.A. Shinde, 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 today itself in the office.

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

4. S.O. to 09.10.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 766 OF 2023
(Omkar T. Pachpute Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

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 counsel for the applicant, S.O. to 20.11.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 611 OF 2024
(Dambhaji B. Londhe Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri Dhananjay Chinchole, learned counsel holding for Shri R.S. Kasar, 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 is not willing to file any rejoinder affidavit.
3. List the matter for admission hearing on 25.10.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 959 OF 2023
(Dr. Deepali A. Gavhane-Katte Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

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

2. Even though the last chance is granted, no affidavit in reply has been filed.

3. List the matter for admission hearing on 18.11.2024 with liberty to the other side to file affidavit in reply, if any, till then.

MEMBER (J)

M.A. No. 471/2023 in O.A. St. No. 1797/2023
(Dr. Yadav S. Sonkamble Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

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 seeks leave to file affidavit in reply on behalf of respondent Nos. 1 to 4 in M.A. Leave granted. The affidavit in reply is taken on record and copy thereof is given to learned counsel for the applicant.

3. Learned counsel for the applicant seeks time to file synopsis of events to explain the delay. Time granted.

4. S.O. to 27.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 292 OF 2024
(Maruti V. Surwase Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

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

3. S.O. to 25.10.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 849 OF 2024
(Ragunath P. Ghodake Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

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

2. Learned counsel Shri R.A. Joshi, submits that he has instructions to appear for respondent No.4 and thus seeks time to file affidavit in reply. Time granted.

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

4. S.O. to 04.10.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 860 OF 2023
(Arun W. Bomnalikar Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri S.P. Dhobale, learned counsel holding for Shri A.V. Patil (Indrale), learned counsel for the applicant and Smt. Vanita Choudhary, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits rejoinder affidavit. Same is taken on record and copy thereof is given to learned Presenting Officer.
3. S.O. to 25.11.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 453 OF 2020
(Bhatu R. Mahale Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri S.P. Dhobale, learned counsel holding for Shri Vinod 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 counsel for the applicant, S.O. to 22.11.2024 for hearing.

MEMBER (J)

M.A. No. 575/2023 in O.A. St. No. 2221/2023
(Rajabhau B. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri U.S. Jadhav, learned counsel for the applicant and Smt. Vanita Choudhary, learned Presenting Officer for the respondent authorities, are present. None present for respondent Nos. 3 & 4.

2. Even though the last chance is granted, no affidavit in reply has been filed.

3. List the matter for hearing on 25.10.2024 with liberty to the other side to file affidavit in reply, if any, till then.

MEMBER (J)

KPB ORAL ORDER 12.09.2024

M.A. No. 220/2024 in O.A. St. No. 274/2024
(Dr. Maroti P. Pote & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri S.N. Pagare, learned counsel for the applicants and Smt. Resha Deshmukh, 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 in M.A.

3. S.O. to 07.10.2024.

MEMBER (J)

KPB ORAL ORDER 12.09.2024

M.A. No. 439/2024 in O.A. No. 848/2024
(Shau S. Jaswantsingh S. Hazurasing Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri M.K. Bhosle, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 23.10.2024.

MEMBER (J)

KPB ORAL ORDER 12.09.2024

ORIGINAL APPLICATION NO. 1073 OF 2024
(Tukaram B. Lavte Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri S.R. Sapkal, 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 23.09.2024 **in urgent admission category.**

MEMBER (J)

ORIGINAL APPLICATION NO. 147 OF 2022
(Bhaskar D. Nelte Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant (**Leave Note**). Smt. Vanita Choudhary, learned Presenting Officer for the respondent authorities, is present.

2. It is a part heard matter. In view of leave note filed by learned counsel for the applicant, S.O. to 14.10.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 21 OF 2024
(Rameshwar B. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

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

2. It is a part heard matter. At the request of learned counsel for the applicant, S.O. to 09.10.2024 for further hearing.

MEMBER (J)

M.A. No. 06/2024 in O.A. St. No. 3133/2023
(Girju D. Jagtap Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri Azizoddin R. Syed, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks time to file synopsis of event to explain the inordinate delay of 18 years. Time granted.

3. S.O. to 25.09.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 12.09.2024

ORIGINAL APPLICATION NO. 656 OF 2018
(Dr. Sunil D. Dhumal Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that M.A. seeking amendment in the present O.A. is ready and the same will be filed in the office during the course of the day.

3. In view of above, list the present matter along with M.A. seeking amendment on 16.10.2024 for hearing.

MEMBER (J)

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

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

DATE : 12.09.2024

ORAL ORDER :

Shri A.D. Gadekar, 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 submits that in terms of order dated 27.08.2024 the applicant has carried out amendment and also provided amended copy of O.A. to the other side.

3. Learned Presenting Officer seeks short adjournment for taking instructions from the concerned respondent/s as to whether the additional reply is necessary to be filed or not. Adjournment granted.

4. S.O. to 24.10.2024 for final hearing.

MEMBER (J)

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

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

DATE : 12.09.2024

ORAL ORDER :

Shri Vishal Rathod, learned counsel holding for Shri Shamsunder B. Patil, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri M.V. Bhamre, learned counsel for respondent No. 5, are present.

2. It is a part heard matter. By consent, S.O. to 25.09.2024 for further hearing.

MEMBER (J)

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 : 12.09.2024

ORAL ORDER :

Heard Shri R.A. Shinde, learned counsel holding for Shri D.B. Thoke, learned counsel for the applicant, Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri R.A. Joshi, learned counsel for respondent No.4.

2. Part heard.

3. Learned Presenting Officer is directed to place on record a copy of online application submitted by respondent No. 4.

4. S.O. to 20.09.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 188 OF 2022
(Gorakh M. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri G.L. Awale, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 11.11.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 88 OF 2023
(Dr. Sachin V. Nawale Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that today only she has received copy of the affidavit in reply filed on behalf of respondent Nos. 1 to 4. Learned counsel thus seeks time to go through the same and file rejoinder affidavit, if it is necessary. Time granted.

3. S.O. to 14.10.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 175 OF 2023
(Ramesh B. Tekale Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Heard Shri D.R. Irale Patil, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. The Original Application is hereby dismissed.
Reasons to follow.

MEMBER (J)

ORIGINAL APPLICATION NO. 596 OF 2023
(Dattu R. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

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

2. S.O. to 18.11.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 706 OF 2023
(Kishan I. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

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

2. Part heard.
3. S.O. to 26.09.2024 for further hearing.

MEMBER (J)

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 : 12.09.2024

ORAL ORDER :

Ms. Vishakha Patil, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present. Shri A.A. Khande, learned counsel for respondent No. 4, is **absent**.

2. Though learned counsel for the applicant and learned Presenting Officer are ready to work out the matter, learned counsel representing for respondent No. 4 is absent today. He was also remained absent on the last date.

3. Learned counsel for the applicant is requested to inform learned counsel representing for respondent No. 4 in writing with the rider that even after receipt of intimation if learned counsel representing for respondent No. 4 is absent on the next date of hearing, the present matter will be heard in his absence.

4. S.O. to 25.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 568 OF 2021
(Bhausahab S. Pansare Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri Avinash Khedkar, learned counsel for the applicant, Smt. Vanita Choudhary, learned Presenting Officer for the respondent authorities and Shri Vishal Rathod, learned counsel holding for Shri Shamsunder B. Patil, learned counsel for respondent Nos. 3 to 5, are present.

2. At the request of learned counsel for respondent Nos. 3 to 5, S.O. to 24.10.2024 for hearing.

3. Learned counsel for the applicant submits that there is one another matter, wherein the similar issue has been raised.

4. In view of the same, office to list O.A. No. 200/2021 along with present O.A. on the next date of hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 783 OF 2021
(Gulab S. Jondhale Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri Avinash Khedkar, learned counsel for the applicant, Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri Vishal Rathod, learned counsel holding for Shri Shamsunder B. Patil, learned counsel for respondent Nos. 3 & 4, are present.

2. At the request of learned counsel for respondent Nos. 3 & 4, S.O. to 24.10.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1069 OF 2024
(Vinayak Mahipatrao Deshpande Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 12.09.2024

ORAL ORDER :

Heard Shri V.A. Mundhe, learned counsel holding for Shri S.B. Solanke, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 25.09.2024. **Point of interim relief is kept open.**

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 25.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1076 OF 2024
(Sanjeev Sonaji Kale Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 12.09.2024

ORAL ORDER :

Heard Shri Milind S. Mahajan, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 25.09.2024. **Point of interim relief is kept open.**

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 25.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1330 OF 2024
(Shishir Shivaji Ganjale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 24.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 12.09.2024-HDD

O.A.NO. 1023/2024 WITH M.A.NO. 429/2024
(Sunil Hariram Khandve & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Heard Shri Ram B. Deshpande, learned counsel for the applicants and Shri S.S. Dambe, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants seeks leave of this Tribunal to withdraw the Original Application and Misc. Application both with liberty to file them before the appropriate Bench. Hence the following order is passed:-

ORDER

- (i) The Original Application and Misc. Application both stand disposed of since withdrawn with liberty as prayed for.
- (ii) There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 401/2024 IN O.A.NO. 967/2024
(Dagdu Sahebrao Barde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Heard Shri Ajit B. Kale, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

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

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

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

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 12.09.2024-HDD

ORIGINAL APPLICATION NO. 967 OF 2024
(Dagdu Sahebrao Barde & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 12.09.2024

ORAL ORDER :

Heard Shri Ajit B. Kale, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants undertakes to remove the office objections.

3. Issue notice to respondents, returnable on 27.09.2024. **Point of interim relief is kept open.**

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

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

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

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

8. S.O. to 27.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 227 OF 2023
(Digambar Shekuba Pawar & Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 449 OF 2023
(Chandan D. Kulkarni & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Ms. Nikita Gore, learned counsel for the applicants in O.A. No. 227/2023, Shri P.D. Suryawanshi, learned counsel for the applicants in O.A. No. 449/2023 and Shri Ajay S. Deshpande, learned Special counsel with Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Shri Ajay S. Deshpande, learned special counsel appointed for State authorities seeks time to file affidavit in reply. Time granted.

3. S.O. to 11.11.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 12.09.2024-HDD

ORIGINAL APPLICATION NO. 391 OF 2024
(Shailesh J. Pankhade Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

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

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

3. S.O. to 16.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 12.09.2024-HDD

ORIGINAL APPLICATION NO. 402 OF 2024
(Navalkumar B. Bansode & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

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

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

3. S.O. to 16.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 12.09.2024-HDD

ORIGINAL APPLICATION NO. 803 OF 2024
(Pooja Babasaheb Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri Bhargav B. Kulkarni, learned counsel holding for Shri Rohit S. Sarvadnya, 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 rejoinder affidavit is not to be filed. List the matter for hearing on 09.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 12.09.2024-HDD

ORIGINAL APPLICATION NO. 468 OF 2022
(Mrs. Smita Sanjay Ingle Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

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

2. S.O. to 09.10.2024. Interim relief, if any, granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 12.09.2024-HDD

ORIGINAL APPLICATION NO. 753 OF 2024
(Ramdas Santaram Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri O.D. Mane, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply. Today was the last chance granted for filing affidavit in reply.

3. In view of above, request is rejected. List the matter for hearing on 14.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 12.09.2024-HDD

C.P.NO. 01/2024 IN O.A.NO. 217/2024
(Ashok Uttamrao Giri Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri Prashant M. Nagargoje, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer submits that during the course of the day affidavit in reply will be filed. If it is filed the same be taken on record and copy thereof be served on the other side.

3. S.O. to 26.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 12.09.2024-HDD

ORIGINAL APPLICATION NO. 760 OF 2024
(Mahendra Omkar Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri Prashant M. Nagargoje, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer has sought one week's time for filing affidavit in reply. Time granted as prayed for.

3. S.O. to 26.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 460 OF 2024
(Yadav Shankarrao Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Shri Sayyed Tauseef Yaseen, learned counsel for the applicants and Shri S.S. Dambe, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicants has filed rejoinder affidavit and the same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 15.10.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 581 OF 2024
(Sachin Prakash Waghodekar Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

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

2. S.O. to 16.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 12.09.2024-HDD

**M.A.NO. 247/24 IN Rev. St.1338/24 IN O.A.238/20
(State of Maharashtra & Ors. Vs. Balu S. Sumbe)**

**M.A.NO. 248/24 IN Rev. St.1348/24 IN O.A.248/20
(State of Maharashtra & Ors. Vs. Bhagwan K. Govekar)**

**M.A.NO. 249/24 IN Rev. St.1352/24 IN O.A.243/20
(State of Maharashtra & Ors. Vs. Somnath N. Gadhve)**

**M.A.NO. 250/24 IN Rev. St.1350/24 IN O.A.249/20
(State of Maharashtra & Ors. Vs. Vivek V. Nikam)**

**M.A.NO. 251/24 IN Rev. St.1344/24 IN O.A.244/20
(State of Maharashtra & Ors. Vs. Sandip S. Kale)**

**M.A.NO. 252/24 IN Rev. St.1336/24 IN O.A.246/20
(State of Maharashtra & Ors. Vs. Dattatraya M. Devkate)**

**M.A.NO. 253/24 IN Rev. St.1346/24 IN O.A.245/20
(State of Maharashtra & Ors. Vs. Dnyaneshwar J. Sonwane)**

**M.A.NO. 254/24 IN Rev. St.1342/24 IN O.A.242/20
(State of Maharashtra & Ors. Vs. Bahiru K. Benke)**

**M.A.NO. 255/24 IN Rev. St.1340/24 IN O.A.239/20
(State of Maharashtra & Ors. Vs. Rahul A. Tarwade)**

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

Shri Vinay Kargaonkar, Member (A)

DATE : 12.09.2024

ORAL ORDER :

Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the applicants in the present MAs and Shri S.R. Sapkal, learned counsel for the applicants in O.A., are present.

Shri S.Y. Shinde, learned counsel for respondent Nos. 4 to 7, **is absent**.

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2. S.O. to 17.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 12.09.2024-HDD

M.A. No. 133/2024 in O.A. St. No. 742/2024
(Mushtaqali Vahedali Sayyed Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Heard Shri Avinash Khedkar, learned counsel for the applicant and Smt. Vanita Choudhary, learned Presenting Officer for the respondent authorities.

2. There is a delay of 10 months and 21 days caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that by filing Original Application the applicant is seeking deemed date of promotion. Learned counsel submits that the applicant was due for promotion in the year 2019 as per the seniority list dated 01.01.2019. The respondents have failed to implement the seniority list and therefore, the applicant was constrained to file representation on 25.09.2021 to respondent No. 3 and requested for grant of promotion or benefits of time bound promotion, since he is eligible and entitled for promotion to the post of Assistant Draftsman. Thereafter the respondent No. 3 has

//2// M.A. No. 133/2024 in
O.A. St. No. 742/2024

forwarded communication dated 07.03.2022 to the District Water Conservation Officer, Dhule and directed applicant to produce documents for the purpose of promotion. However, the applicant's claim has not been considered favourably by the respondents. Learned counsel submits that there is a continuous cause of action. However, there is a technical delay of 9 months and 22 days caused in filing the accompanying Original Application. Learned counsel submits that there no intentional or deliberate delay as such and there is no inaction on part of the applicant. Learned counsel thus submits that the delay may be condoned.

4. Learned Presenting Officer has resisted the application on the ground that there is an inordinate delay caused in filing the accompanying Original Application, for which no satisfactory explanation has been tendered by the applicant. Learned P.O. submits that there is no substance in the Misc. Application seeking condonation of delay and the same is liable to be dismissed.

5. It appears that even though the applicant has submitted representation, no decision was taken on the said representation nor the applicant was

//3// M.A. No. 133/2024 in
O.A. St. No. 742/2024

communicated anything in connection with his representation. I find much substance in the submissions made on behalf of the applicant by his learned counsel that there is a continuous cause of action, since the said representation is still pending with the respondent authorities. I am thus inclined to condone the delay caused in filing the accompanying Original Application, subject to payment of some costs by the applicant. Hence, the following order :-

ORDER

- (i) The Misc. Application No. 133/2024 is hereby allowed.
- (ii) The delay of 10 months and 21 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 500/- (Five Hundred Only) to be paid by the applicant. The amount of costs shall be paid to the M.A.T. Bar Association within a period of one month from the date of this order.
- (iii) 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.
- (iv) The M.A. accordingly disposed of.

MEMBER (J)

O.A. St. No. 742/2024

(Mushtaqali Vahedali Sayyed Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2024

ORAL ORDER :

Heard Shri Avinash Khedkar, learned counsel for the applicant and Smt. Vanita Choudhary, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to respondents, returnable on 22.11.2024.

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 22.11.2024.

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

MEMBER (J)