

ORIGINAL APPLICATION NO. 98 OF 2019
(Pandurang M. Chandanshiv Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

The present matter was closed for orders on 01.10.2021.

2. Background Facts :-

During hearing of O.A. No. 98 of 2019, it came to notice of this Tribunal that another O.A. No. 719 of 2019 was also pending before this Tribunal, which related to payment of post-retirement benefits to the original applicant, who is common between O.A. No. 719 of 2019 and O.A. No. 98 of 2019. Therefore, it was considered appropriate to understand the reasons behind two parallel proceedings being pursued against the respondents who are also common between the two O.A. except for the Accountant General (A & E) Maharashtra State, Nagpur, who is one of the respondents in O.A. No. 719 of 2019, but has not been named in the present O.A. No. 98 of 2019. Accordingly, by an oral order of this Tribunal dated 23.08.2021 it was directed as follows-

“To know the underlying facts, the applicant and the respondents are required to file affidavit mentioning rationale of pursuing two parallel proceedings based on same facts and cause of action.”

3. However, instead of complying with above mentioned directions issued by this Tribunal, the learned Advocate for the applicant submitted a letter written by the applicant in O.A. No. 719 of 2019, dated 23.08.2021 and addressed to the Advocate requesting for withdrawal of O.A. No. 719/2019. Accordingly, the learned advocate for the applicant made submissions requesting for allowing withdrawal of O.A. No. 719/2019. Another letter dated 18.08.2021 purportedly written by the applicant addressed to the Chief executive Officer, Zilla Parishad Beed asking for arrears of pay difference for the period 01.01.1986 to 31.12.2012 was also submitted by learned advocate for the applicant who requested that direction be given to the respondent no. 3 in O.A. No.98/2019 to decide the representation and release pay arrears, which may suffice. Upon this, the Tribunal decided to reserve orders on further course of action in respect of O.A. No. 98/2019.

4. Examination of Records relating to O.A. No. 98 of 2019 and related M.A. No. 150 of 2018 following facts have been observed and are being brought on record for further decision-

(a) This Original Application (St.) No. 569 of 2018 was filed by Shri Pandurang Maruti Chandanshiv on 19.04.2018 invoking provisions of section 19 of the Administrative Tribunals Act, 1985. Initially, the original applicant prayed for directions to be issued

to the respondents Nos. 2 and 3 to calculate the difference of salary in respect of time bound promotion since 01.08.2001 till 31.12.2012 and paid to the applicant with interest. On the same day, the original applicant filed a Miscellaneous Application No. 150 of 2028 on 19.04.208 for condonation of delay of 2 years and 50 days in filing the original application (St.) No. 569 of 2018 which was allowed vide oral orders dated 31.01.2019 and the original application was registered with O.A. No. 98 of 2019.

(b) During hearing of the O.A. No. 98 of 2019 by this Tribunal on 04.07.2019 the learned advocate for the original applicant sought, by verbal submission, permission for amendment in title clause of the original application and this Tribunal passed following orders (Coram: Justice B.P. Patil, Vice Chairman)-

“2. Learned Advocate for the applicant has submitted that in the present O.A. the nomenclature of respondent No. 3 has been wrongly mentioned and therefore, he wants to amend the O.A. He further submitted that he wants to add one more respondent as party respondent to the present O.A. and therefore, he seeks leave of this Tribunal to amend the same.”

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“3. Leave as prayed for is granted. The applicant shall amend the O.A. on or before the next date.”

(c) Accordingly, the name of respondent No. 3 was amended from the Chief Engineer, PWD, Beed to the Executive Engineer, Z. P. Works, No. 1, PWD Beed and the Chief Engineer, Regional Office, Public Works Dept. Behind Old High Court Building, Aurangabad was added as respondent no. 4. Details of such amendments are listed below for **In addition to amendments in title clause of the O.A. No. 98/2019 certain other major amendments too have been made in the O.A. No. 98/2019 which includes the amendments in part containing background facts and prayer clauses which, prima facie appear to be unauthorized.** Details of such amendments are listed below for further fact finding :-

(I) In Para 6 of the O.A. titled as ‘Facts of The Case’, clause (VII) was initially amended by inserting certain words but later on whole text was expanded by pasting additional note. No authorization for effecting amendment in this para No. 6 of the O.A. is found on record.

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(II) In Para 7 of the O.A. titled as 'Relief Sought For' clause B has been amended. No authorization for effecting this amendment too, is found on record.

(III) In Para 8 of the O.A. titled as 'Interim Relief If Any Prayed For', clause A has been amended. No authorization for effecting this amendment too, is found on record.

(IV) All the above amendments have effect of expanding the nature of O.A. and authority for allowing the same is not seen in oral orders or from the endorsement made on the original test of the O.A.

(V) After effecting amendments in the O.A. No. 98 of 2019, freshly printed amended Original Application was re-verified on 11.07.2019 by the learned Advocate Shri L. H. Kawale, which was taken on record. At this stage too, it is noticed that page Nos. 49 and 50 A to 50 50 V of the paper-book are added to the amended O.A. No. 98 of 2019, which were not found with the Original version of O.A. No. 98 of 2019. Even the Index of the O.A. has been amended. No authorization for effecting this action too, is found on record.

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5. In yet another development, it has come to notice of this Tribunal that yet another O.A. No. 719 of 2016 had been filed before this Tribunal with following prayers :-

(A) *The Original Application may please be allowed.*

(B) *It may be held and declared that, the order dated 17.05 2016 (Exh. "A-7" passed by the respondent No. 4 may please be quashed and set aside.*

(C) *The respondent No. 2 may please be directed to disburse the regular pension of the applicant as granted by letter dated 07.07.2015 (Exh. "A-5").*

(D) *The respondent No. 2 and 4 may kindly be directed to pay / release the gratuity amount of Rs. 6,22,380/- which is withheld by the respondent No. 4 with interest to the applicant within stipulated time."*

6. Order was passed by this Tribunal in this O.A. No. 719 of 2016 on 02.02.2018 (CORAM: Justice A. H, Joshi, Chairman). The said order was challenged before the Hon'ble High Court of Judicature at Bombay, bench at Aurangabad by a writ petition No. 9164 of 2018 in which following orders were passed-

"....The impugned order passed by the Maharashtra Administrative Tribunal is quashed and set aside to the extent of Clause No. 2 thereof.

The parties are relegated before the Maharashtra Administrative Tribunal. The parties shall appear before the Tribunal on 05.12.2018. The Tribunal shall decide the Original Application No. 719 of 2016 afresh on its own merits expeditiously.”

7. No progress has been made in the fresh hearing of O.A. No. 719/2019 in pursuance of the above mentioned orders of the Hon'ble High Court.
8. Following points need to be ascertained by having a joint hearing of O.A. No. 98/2019 and O.A. No. 719/2019 :-
 - a) Whether the original applicant had represented for release of benefits of time bound promotion / assured career promotion scheme before or at the time of preparation of pension papers/ pension fixation? If so, then with what outcome?
 - b) Whether the applicant has disclosed in detail background facts of cause of action, relief prayed for and updated status of O.A. No. 719/2019, while pursuing O.A. No. 98/2019 before the Tribunal and *vis-a-versa*.
 - c) What were constraints in asking for benefits of time bound promotion/ ACPS and benefits based on Pay Commission Recommendations while filing O.A. No. 719 /2019 and subsequently during ongoing hearing of the said O.A.?

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d) Whether the amendments mentioned in preceding paras were unauthorisedly incorporated which otherwise, may be a serious matter denting the sanctity of the process of adjudication and against public interest.

9. In order to ascertain all above facts, the Registrar of this Tribunal is directed to do the needful for taking O.A. No. 719/2019 and present O.A. No. 98/2019 on board on **21.10.2021** for hearing together.

MEMBER (A)

DATE : 12.10.2021

ORIGINAL APPLICATION NO. 631 OF 2021

**(Shamsundar K. Suryawanshi Vs. The State of
Maharashtra & Ors.)**

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

1. Shri Ashish Rajkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 17.11.2021. The case be listed for admission hearing on 17.11.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

**M.A. No. 136/2019 in O.A. St. No. 346/2019
(Yayati T. Ghorband Vs. State of Maharashtra & Ors.)**

WITH

**M.A. No. 255/2019 in O.A. St. No. 931/2019
(Subhash H. Puri Vs. State of Maharashtra & Ors.)**

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicants in both the cases and Shri V.R. Bhumkar & Smt. M.S. Patni, learned Presenting Officers for the respective respondents in respective cases.

2. Learned Presenting Officers seek time for filing affidavit in reply on behalf of respondent No. 2 in M.A. No. 136/2019 in O.A. St. No. 346/2019 and respondent No. 3 in M.A. No. 255/2019 in O.A. St. No. 931/2019. Time granted.

3. Learned Presenting Officers would seek instructions for filing affidavit in reply on behalf of respondent Nos. 1 and 4 in both the cases.

4. S.O. to 30.11.2021.

MEMBER (A)

**M.A. No. 113/2020 in O.A. St. No. 299/2020
(Maruti N. Ghodake Vs. State of Maharashtra & Ors.)**

WITH

**M.A. No. 114/2020 in O.A. St. No. 301/2019
(Uttam K. Kadam Vs. State of Maharashtra & Ors.)**

WITH

**M.A. No. 115/2020 in O.A. St. No. 303/2019
(Ashok P. Patil Vs. State of Maharashtra & Ors.)**

WITH

**M.A. No. 116/2020 in O.A. St. No. 305/2019
(Jagannath B. Kaljate Vs. State of Maharashtra & Ors.)**

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri G.J. Kore, learned Advocate for the applicants in all these cases and S/shri D.R. Patil, M.P. Gude, Smt. Sanjivani K. Deshmukh-Ghate & Smt. M.S. Patni, learned Presenting Officers for the respective respondents in respective cases.

2. Learned Presenting Officer has placed on record a copy of communication received from the Dy. Superintendent of Police, Osmanabad addressed to the Chief Presenting Officer, MAT, Bench at Aurangabad dated 08.10.2021 along with a copy of order issued by the Superintendent of Police, Osmanabad dated 14/23.10.2020 regarding refund of excess amount recovered from the applicants. Copies of said documents are taken on record and marked as

//2// M.A. 113/2020 in
O.A. St. 299/2020 & Ors.

document 'X Collectively' for the purpose of identification. Copies of the said documents are also supplied to the learned Advocate for the applicants.

3. On perusal of the above documents, the learned Advocate for the applicants is satisfied as the grievance of the applicants has been redressed, even though during the last 11 months orders are yet to be implemented and payment to be made. Therefore, he submits that the present cases may be disposed of, as the grievances of the applicants have been redressed.

4. In view of the above, all these M.As. and O.As. are disposed of as the grievances of the applicants have been redressed to the satisfaction of the applicants. There shall be no order as to costs.

MEMBER (A)

O.A. Nos. 204, 238 & 239 All of 2019

(Dr. Bhagwat S. Khadke & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri M.B. Kolpe, learned Advocate holding for Shri Vevek Deshmukh, learned Advocate for the applicants in all these O.As., Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 4 in O.A. No. 204 & 239 both of 2019 and for respondent Nos. 1 to 3 in O.A. No. 238/2019 and Shri S.V. Deshmukh, learned Advocate for respondent Nos. 4 & 5 in O.A. No. 238/2019.

2. Learned Advocate for the applicants submitted written notes of arguments in O.A. No. 204/2019. Same is taken on record.

3. Learned Presenting Officer stated that the affidavit in reply filed on behalf of all the respondents in O.A. No. 204/2019 and O.A. No. 239/2019 and respondent Nos. 1 to 3 in O.A. No. 238/2019 be treated as written notes of arguments.

4. Learned Advocate for respondent Nos. 4 & 5 in O.A. No. 238/2019 submits that he will file a copy of

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O.A. Nos. 204/2019
& Ors.

the case law and order passed by Nagpur Bench of this Tribunal in identical case by tomorrow.

5. Learned Advocate for the applicants and learned Presenting Officer both have stated that they are aware of that case law and the present matter may be closed for orders without further deliberation of that case law.

6. S.O. to 13.10.2021. The present matters are already part heard.

MEMBER (A)

ORIGINAL APPLICATION NO. 361/2019

(Jijabia J. Sonawane & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officers for the respondents.

2. Learned Presenting Officer has placed on record a copy of communication dated 05.10.2021 initiated by one Shri Parag Soman, Dy. Commissioner (Revenue), Divisional Commissionarate Office, Aurangabad addressed to the Desk Officer, E-11, Revenue and Forest Department, Mantralaya, Mumbai-32 along with letter dated 7.10.2021 addressed by the said Shri Parag Soman to the Chief Presenting Officer, M.A.T. Aurangabad, and a letter dated 07.10.2021 issued by the Resident Dy. Collector, office of District Collector, Aurangabad to the Additional Chief Secretary, Revenue and Forest Department, Mantralaya, Mumbai-32. They are taken on record and marked as document 'X Colly.' for the purpose of identification.

3. Learned Presenting Officer seeks time for filing affidavits in reply on behalf of respondent Nos. 1 & 2

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O.A. No. 361/2019

covering the point of applicability of Section 116 (6) (a) (i) of the Maharashtra Civil Services (Pension) Rules, 1982.

4. Learned Advocate for the applicants stated that Succession Certificate has already been submitted at Annexure 'A-5' (Page-20 of paper book) and after death of employee the marriage cannot be registered, for complying with requirement of submission of the said certificate. Marriage certificate could not be obtained initially, as the second marriage cannot be registered and, therefore, affidavits in reply on behalf of respondent Nos. 1 & 2 covering point of applicability of Section 116 (6) (a) (i) of the Maharashtra Civil Services (Pension) Rules, 1982 becomes important.

5. In view of the above, S.O. to 24.11.2021 for filing affidavit in reply on behalf of respondent Nos. 1 & 2.

MEMBER (A)

ORIGINAL APPLICATION NO. 229 OF 2020
(Dr. Manik P. Sangale Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officers for the respondents.

2. Learned Presenting Officer has filed sur-rejoinder on behalf of the respondent Nos. 1 and 2 to the rejoinder affidavit filed by the applicant. Same is taken on record and copy thereof has been served on the other side, whereby the respondents have opposed treating the absence period of the applicant from 07.08.2017 to 30.08.2018 as a duty period and also submitted that this Tribunal in O.A. No. 541/2017 by order dated 05.08.2017 has not directed to treat the period of absence from duty as compulsory waiting period.

3. Learned Advocate for the applicant and learned Presenting Officer both have given consent for taking the matter for final hearing without adjournment. The said request of both the parties is granted.

4. Learned Advocate for the applicant argued the matter. During the argument, it was brought to the notice of the learned Advocate for the applicant that the prayer clause appears to be out of context with cause of action upon which, the learned Advocate for the applicant admitted the error in the prayer clause and attributed the same to typographical error. He pleaded that the Tribunal may kindly grant leave to amend the prayer clause by replacing the word “compulsory waiting period” by “extraordinary leave”, as the prayer clause itself is in contradiction with the grievance of the applicant. It was decided that the prayer clause may be suitably amended by placing a text of amendment which should be limited to the replacement of words “compulsory waiting period” with “extraordinary leave” which has been granted by the respondents.

5. Learned Advocate for the applicant argued the matter on the line that after decision of this Tribunal in O.A. No. 541/2017 a lot of time had been taken by the competent authority in giving modified transferred order to the applicant because the parties adversely affected had also litigated but that cannot be the

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O.A.NO. 229/2020

fault of the applicant and accordingly the period should not be treated as extraordinary leave but as compulsory waiting period.

6. Learned Presenting Officer maintained the arguments, which is submitted through sur-rejoinder and affidavit in reply on the ground that the respondents have followed the orders of this Tribunal. After the two sides concluded their arguments, the present matter is closed for orders.

MEMBER (A)

KPB ORAL ORDERS 12.10.2021

**ORIGINAL APPLICATION NO.546/2021
(Dipak Rohakale Vs. State of Maharashtra & Ors.)**

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

DATE : 12.10.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. tomorrow i.e. on 13-10-2021.

MEMBER (A)

YUK ORAL ORDERS 12.10.2021

**ORIGINAL APPLICATION NO.621/2021
(Shivaji Kawade Vs. State of Maharashtra & Ors.)**

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

DATE : 12.10.2021

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 17-11-2021.

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

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

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

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O.A.NO.621/2021

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 17-11-2021.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

YUK ORAL ORDERS 12.10.2021

ORIGINAL APPLICATION NO.625/2021
(Yogesh Korade Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri O.D.Mane, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents.

2. From the submissions made by learned Advocate for the applicant, it appears that the applicant is feeling aggrieved as he observed that except 25 officers other over 600 officers of the rank of ASI have been posted in the same districts in which they had been trained as probationer. Except for parity with those officers, no other cause of action has been given. Applicant has been advised to crystalize the grounds for seeking relief to make the same more granular.

3. Issue notices to the respondents, returnable on 25-11-2021.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book

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O.A.NO.625/2021

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 25-11-2021.

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

MEMBER (A)

YUK ORAL ORDERS 12.10.2021

ORIGINAL APPLICATION NO.627/2021
(Dr. Ajay Shivankar Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. Arguments of both sides are heard at length. Case is reserved for order.

MEMBER (A)

YUK ORAL ORDERS 12.10.2021

ORIGINAL APPLICATION NO.241/2019
(Chandrakant Patange & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri V.B.Wagh, learned Advocate for the applicant, Shri D.R.Patil, learned Presenting Officer for the respondent no.1, Shri S.B.Mene learned Advocate for respondent nos.2, 3 and 5, and Shri G.N.Patil learned Advocate for respondent no.4.

2. At the request of both the parties, S.O. 26-10-2021.

MEMBER (A)

YUK ORAL ORDERS 12.10.2021

ORIGINAL APPLICATION NO.372/2020
(Ramsing Chavan & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Advocate for the applicants and Shri N.U.Yadav, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants has submitted order passed by this Tribunal at Nagpur Bench in O.A.No.801/2021 and 802/2021 both dated 08-09-2021 which are taken on record. While arguing the matter, learned Advocate Shri Deshpande has made reference to Annexure A-1 at paper book page 14 showing various positions occupied by the applicants and that the applicants, even after becoming ASI (Assistant Sub Inspector), have been assigned work of vehicle driver only. He has also drawn my attention towards Annexure A-2, paper book page 15-22 to emphasize the point that these orders in the said annexure have mention of appointment of these applicants as regular vehicle driver. The exact words used in the said order are being quoted for accuracy and ready reference as follows: "नियमित मोटार चालक" या रिक्त पदावर नेमणूक करण्यात येत आहे. Thereafter, the learned Advocate has drawn my attention to decision of this Tribunal in O.A.No.550-560/2017 and O.A.No.578/2017

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O.A.NO.372/2020

wherein the authorities were directed to have uniform policy in respect of such employees.

3. Accordingly, then Additional Director General of Police (Establishment) Shri Sandeep Bishnoi had issued Circular dated 16 July, 2018 which is annexed at Annexure A-3, paper book page 23. Relevant extract from the said Circular is as under:

“जे पोलीस कर्मचारी चालक संवर्गातील नाहीत. अशा पोलीस कर्मचा—यांची नियुक्ती जर तात्पूरत्या स्वरूपात मोटार परिवहन विभाग येथे केली गेली असेल तर, त्या कर्मचा—यांचा त्या ठिकाणचा पदावधी हा सर्वसाधारणपणे ५ वर्षांचा ग्राह्य धरण्यात यावा व त्यानुसार मोटार परिवहन येथे चालक म्हणून ५ वर्षांचा कालावधी पूर्ण झाल्यानंतर त्यांची बदली पुन्हा कार्यकारी दलात करण्यात यावी. जर कर्मचा—याने मोटार परिवहन विभाग येथेच पुढे कार्यरत ठेवण्याची विनंती केल्यास, त्यावर पोलीस आस्थापना मंडळाने गुणवत्तेनुसार योग्य निर्णय घ्यावा झालेलेल्या रिक्त पदावर नियमाप्रमाणे इतर कर्मचा—यांची ५ वर्षाकरीता नियुक्ती करावी.”

(Reproduced as verbatim from paper book page 23 of O.A.)

4. Impugned orders have been filed on record by the applicants transferring the applicant back to the posts of armed police services. It is further argued that though the applicants belong to armed police service but they are given

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work of vehicle driving and after doing such job for a long time they are being transferred back to the armed service again. It is further submitted that in the interest of justice they have to be absorbed in the motor vehicle department.

5. On this point, an issue which emerges is that it is necessary to carry out further examination of the matter from the lens of recruitment rules for vehicle driver in motor transport department of the State Police Force.

6. Learned P.O. seeks time to advance his arguments. Hence the matter be treated as **part heard**.

7. S.O. to 21-10-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.535/2020
(Laxman Kopratkar Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant on instructions received from the applicant prays for leave to withdraw the O.A. with liberty to file fresh O.A. again after exhausting alternate remedy available to him if he feels aggrieved by any order of the respondents.

3. Leave as prayed for is granted. O.A. stands disposed of as withdrawn with liberty to file fresh O.A. after exhausting alternate remedy. There shall be no order as to costs.

MEMBER (A)

ORIGINAL APPLICATION NO.545/2020
(Dayanand Rajgire Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant is addressing to question whether the applicant meets requirement of additional pay without having additional work content and for the reasons as a Peon his job is of sitting outside chamber of the Executive Engineer and following the orders relating to office work and as a Naik also he does the same work. He seeks time to respond to this issue in view of the G.Rs. However, he states that the Executive Engineer has paid him additional pay for performing the duty of the post of Naik for some period.

3. Learned P.O. to respond on the above point filing affidavit in reply as they have taken a stand that there is no additional work done by the applicant then what was the basis of paying additional payment to the work done by the applicant previously.

4. S.O. to 25-11-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.11/2021
(Ravikant Hadoltikar Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri Ashish B. Rajkar, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent nos.1 to 3 and Shri G.N.Patil learned Advocate for respondent no.4.

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

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

MEMBER (A)

ORIGINAL APPLICATION NO.131/2021
(Vilas Shahane Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. Though service affidavit is filed on 18th March, 2021 which is evidence of service of notice during the period 2nd to 15th March, 2021 and even after lapse of 6 to 7 months' time affidavit in reply has not been filed. It is admitted by both sides that it is a case of missing service book. Internal communication of the department shows that Taluka Agriculture Officer, Majalgaon has submitted the same to the office of District Superintending Agriculture Officer, Beed.

3. Learned P.O. for the respondents seeks time for filing affidavit in reply. Time is being granted with direction to specifically cover points over and above what respondents want to submit; (1) as to whether duplicate service book was given to the applicant or not and if the same was given to the applicant then what prevented the respondents to get the same service book and update it and give service benefits, pension etc. to the applicant so that preparation of pension case does not get delayed, (2) in case the duplicate service book

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O.A.NO.131/2021

is not handed over to the applicant in that case, how much time they will take in creating documents based on office record and copies of various orders issued by the department in respect of service matter of the applicant, copies of which are endorsed to the applicant once he in turn presents the same to the respondents.

4. Applicant should also in the meantime prepare a list of documents which he is able to present, which are in his possession and produce attested copies of the same to the respondents before next hearing and share copies of the same with the other side.

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

MEMBER (A)

YUK ORAL ORDERS 12.10.2021

**ORIGINAL APPLICATION NO.205/2021
(Ramesh Gunjal Vs. State of Maharashtra & Ors.)**

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

DATE : 12.10.2021

ORAL ORDER :

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

2. Learned P.O. submits that separate affidavit in reply on behalf of the respondent no.1 is not necessary. Learned Advocate for the applicant has already received reply filed by the learned P.O. on behalf of other respondents.

3. Learned Advocate for the applicant seeks time to file affidavit in rejoinder. Time is granted.

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

MEMBER (A)

**ORIGINAL APPLICATION NO.232/2021
(Pravin Chavanke Vs. State of Maharashtra & Ors.)**

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

DATE : 12.10.2021

ORAL ORDER :

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

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

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

MEMBER (A)

YUK ORAL ORDERS 12.10.2021

**ORIGINAL APPLICATION NO.527/2021
(Devidas Gadekar Vs. State of Maharashtra & Ors.)**

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

DATE : 12.10.2021

ORAL ORDER :

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

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

3. S.O. to 26-10-2021.

MEMBER (A)

YUK ORAL ORDERS 12.10.2021

**ORIGINAL APPLICATION NO.528/2021
(Asaram Bilpe Vs. State of Maharashtra & Ors.)**

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri Prafull Bodade, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondents.

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

3. S.O. to 26-10-2021.

MEMBER (A)

YUK ORAL ORDERS 12.10.2021

**M.A.NO.149/2018 IN O.A.ST.NO.445/2018
(Prasad Mule Vs. State of Maharashtra & Ors.)**

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri V.G.Pingle, learned Advocate for the applicant, Smt. Sanjivani Ghate, learned Presenting Officer for the respondent nos.1 and 2 and Shri S.B.Mene learned Advocate for respondent no.3.

2. Learned Advocate for the respondent nos.2 and 3 seeks time for filing sur-rejoinder, if necessary as per instructions of the respondents. Time is granted.

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

MEMBER (A)

YUK ORAL ORDERS 12.10.2021

**ORIGINAL APPLICATION NO.578/2016
(C.H.Dongaonkar Vs. State of Maharashtra & Ors.)**

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri S.D.Dhongde, learned Advocate for the applicant, Smt. M.S.Patni, learned Presenting Officer for the respondent no.1 and Shri D.T.Devane learned Advocate for respondent nos.2 to 5.

2. At the request of both the sides, S.O. to 23-11-2021.

MEMBER (A)

YUK ORAL ORDERS 12.10.2021

ORIGINAL APPLICATION NO.181 OF 2021
(Ravindra B. Kanade Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the Applicant, Shri V.R. Bhumkar, learned Presenting Officer for the Respondent No.1, Shri A.D. Aghav, learned Advocate for the Respondent No.2 and Dr. Dadasaheb W. Salunke, respondent no.3 in person.

2. Learned P.O. produced the copy of receipt in respect of cost deposited by the Respondent. It is taken on record and marked as document 'X' for the purpose of identification.

3. Learned Advocate for the Applicant produced the copy of communication received by him from the Applicant for withdrawing the Original Application. It is taken on record and marked as document 'X-1' for the purpose of identification.

4. In view of said communication, the learned Advocate for the Applicant seeks permission to withdraw the present Original Application unconditionally.

5. I have no reason to refuse the permission to withdraw the Original Application. Hence, permission is granted to withdraw the present Original Application.

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O.A.181/2021

6. In view of above, the Original Application is disposed of as withdrawn with no order as to costs.

MEMBER (J)

SAS ORAL ORDERS 12.10.2021

ORIGINAL APPLICATION NO.497 OF 2020
(Bhujang V. Godbole Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. At the request of learned C.P.O. for the Respondents, time is granted for filing affidavit-in-reply.
3. S.O. to 23.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.247 OF 2021
(Ashok B. Dhokle Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. At the request of learned P.O. for the Respondents, time is granted for filing affidavit-in-reply.
3. S.O. to 22.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.270 OF 2021
(Nanda V. Solanki & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the Applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

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

3. S.O. to 23.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.439 OF 2021
(Shaikh Hafijoddin Hanifoddin Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri J.M. Murkute, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the Applicant, time is granted for filing service affidavit.
3. S.O. to 24.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.503 OF 2021
(Vilas V. Bari Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. At the request of learned P.O. for the Respondents, time is granted for filing affidavit-in-reply.
3. S.O. to 25.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.540 OF 2021
(Bhujang V. Godbole Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. At the request of learned C.P.O. for the Respondents, time is granted for filing affidavit-in-reply.
3. S.O. to 25.11.2021.

MEMBER (J)

M.A.NO.18/2020 IN O.A.NO.81/2018
(Sayyed Wali Abdul Khadar Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri D.A. Bide, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. At the request of learned P.O. for the Respondents, one more last chance is granted for filing affidavit-in-reply.
3. S.O. to 26.10.2021.

MEMBER (J)

M.A.NO.326/2021 IN O.A.NO.581/2021

(Dr. Aaliya Kausar Aziz Ahmed Khan Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the Applicant in the present M.A. (Respondent No.6 in O.A.), Shri N.U. Yadav, learned Presenting Officer for the Respondent Nos.2 to 5 in the present M.A. (Respondent Nos.1 to 4 in O.A.) and Shri J.M. Murkute, learned Advocate for the respondent no.1 (Applicant in O.A.). None present on behalf of Respondent No.6 (Respondent No.5 in O.A.)

2. Affidavit-in-reply filed on behalf of Respondent No.1 (Original Applicant) is taken on record and copy thereof has been served on the other side.

3. Affidavit-in-reply filed on behalf of respondent nos.2 to 5 (Respondent Nos.1 to 4 in O.A.) is taken on record and copy thereof has been served on the other side.

4. This Misc. Application is kept for hearing on 21.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.581 OF 2021
(Dr. Sarika B. Bade Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri J.M. Murkute, learned Advocate for the Applicant, Shri N.U. Yadav, learned Presenting Officer for the Respondent Nos.1 to 4 and Shri Avinash S. Deshmukh, learned Advocate for the Respondent No.6. None present on behalf of respondent no.5.

2. Considering the facts that two persons are transferred on one vacant post, the matter is of urgent nature and, therefore, the date is preponed on 21.10.2021.

3. The Applicant to take steps to urgent service to Respondent No.5 who is not before this Tribunal.

4. In the facts and circumstances, the Respondent Nos.1 to 4 to file affidavit-in-reply on 21.10.2021.

5. Learned Advocate for the Respondent No.6 submits that he would file affidavit-in-reply on the next date.

6. S.O. to 21.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.515 OF 2020
(Aniket D. Rakh Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri Swaraj Taldale, learned Advocate holding for Shri B.R. Kedar, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondents.

2. By consent of both the parties, S.O. to 23.11.2021 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.210 OF 2020
(Suresh B. Hallikar Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri D.V. Khillare, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

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

MEMBER (J)

ORIGINAL APPLICATION NO.310 OF 2020
(Sandip P. Nalwade Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. By consent of both the parties, S.O. to 27.10.2021 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.490 OF 2018
(Bhaudas D. Vaishnav Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

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

MEMBER (J)

ORIGINAL APPLICATION NO.256 OF 2021
(Priya A. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. The present case has already been treated as part heard.
3. On the last occasion, the learned P.O. was directed to produce on record the report of the Civil Services Board meeting.
4. Learned P.O. submits that the report of the Civil Services Board is not received from the Respondents and therefore, he seeks time.
5. Learned Advocate for the Applicant apprehends that by seeking time, the Respondents are trying to create fresh record of Civil Services Board meeting.
6. Learned P.O. to take note of this submission.
7. At the request of learned P.O., S.O. to 22.10.2021 for producing report of Civil Services Board meeting.

MEMBER (J)

M.A.NO.308/2019 IN O.A.ST.NO.1319 OF 2019
(Nathu N. Khartade Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the Applicant, S.O. to 23.11.2021 for hearing at the stage of admission.

MEMBER (J)

ORIGINAL APPLICATION NO.851 OF 2019
(Ravindra R. Gite Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. The present case has already been treated as part heard.

3. At the request of learned P.O., time is granted for producing original record to show the compliance of the Circular dated 08.11.2017.

4. S.O. to 28.10.2021.

MEMBER (J)

M.A.NO.270 OF 2018 IN O.A.ST.NO.1034 OF 2018
(Pandurang B. Nilewar Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. By consent of both the parties, S.O. to 23.11.2021.

MEMBER (J)

M.A.NO.111 OF 2018 IN O.A.ST.NO.412 OF 2018
(Abdul Rakhib Gulam Nabi Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondents.

2. By consent of both the parties, S.O. to 23.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.148 OF 2020
(Gorakhnath J. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. The present case has already been treated as part heard.
3. By consent of both the parties, S.O. to 27.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.526 OF 2021
(Vilas M. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. By consent of both the parties, S.O. to 28.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.626 OF 2021
(Rajendra B. Telap Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. The Original Application is filed challenging the impugned pay fixation order dated 07.10.2020/24.12.2020 (Annex. 'A-3') to the extent of directing recovery from the applicant issued by the respondent no.3.

3. By impugned order, recovery of amount of Rs. 72,957/- towards excess payment is ordered by another recovery order 25.02.2021 (Annex. 'A-4').

4. The applicant was serving in Police Department. He retired on 31.12.2019 on attaining the age of superannuation from the post of Assistant Police Sub-Inspector i.e. Group-C/Class-III employee.

5. Learned Advocate for the applicant submitted that the impugned order of recovery passed without notice. The excess payment was made on account of wrong pay fixation and not due to any misrepresentation or fraud practiced on the part of the applicant. In view of same, he seeks interim relief of stay to the recovery in view of law laid down in case of ***State of Punjab and others etc. V/s. Rafiq Masih***

(White Washer) etc. in Civil Appeal No.11527 of 2014 dtd.18.12.2014.

6. Learned P.O. on the other hand opposes the submission made on behalf of the applicant and sought time for seeking instructions and to file affidavit-in-reply.

7. After having considered the Original Application and Annexures thereof, it is prima-facie evident that the recovery order is passed against Group-C employee. The recovery order is passed about one and half years after retirement. The period of recovery is beyond five years. In view of same, the case of applicant is squarely covered by Clause Nos.(i) to (iii) of guidelines issued by the Hon'ble Apex Court in the matter of **State of Punjab and others etc. V/s. Rafiq Masih (White Washer) etc. in Civil Appeal No.11527 of 2014** as follows:-

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

employers, would be impermissible in law:

- (i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).*
- (ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*
- (iii) Recovery from the employees when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*

8. In view of above, interim stay to the recovery is granted till filing of affidavit-in-reply by the Respondents.

9. Issue notice to the respondents, returnable on 16.11.2021.

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

11. 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

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would be taken up for final disposal at the stage of admission hearing.

12. 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.

13. 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.

14. S.O. to 16.11.2021.

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

16. The present matter be placed on separate board.

MEMBER (J)

M.A.NO. 168/2021 IN O.A.NO. 566/2017
(Rajendra G. Mane Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 29.11.2021 for hearing.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 12.10.2021-HDD

M.A.NO. 83/2020 IN O.A.NO. 1036/2019
(Dr. Naresh S. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Ms. Angha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 3. Shri Rakesh Jain, learned Advocate for respondent Nos. 4 & 5 (**absent**).

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 1 to 3. Time granted as a last chance.

3. S.O. to 22.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 12.10.2021-HDD

ORIGINAL APPLICATION NO. 518 OF 2021
(Asmita M. Kekan & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 18.11.2021.

MEMBER (A)

MEMBER (J)

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

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

DATE : 12.10.2021

ORAL ORDER :

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

2. Learned Chief Presenting Officer seeks one more last chance of one week for filing affidavit in reply. He submits that if the affidavit in reply is not filed on the next date of hearing, the present case will proceed further in accordance with law. In the interest of justice, one more last chance of one week is granted to the respondents to file affidavit in reply.

3. S.O. to 25.10.2021.

MEMBER (A)

MEMBER (J)

M.A.NO. 149/2019 IN O.A.ST.NO. 413/2019
(Bharat Zendu Patil Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 24.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 12.10.2021-HDD

ORIGINAL APPLICATION NO. 607/2021
(Sachin K. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. In the facts and circumstances, the interim relief sought for by the applicant is kept open.

3. Issue notices to the respondents, returnable on 25.11.2021.

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

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

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 25.11.2021.

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

MEMBER (A)

MEMBER (J)

C.P.ST.394/2019 IN O.A.NO. 200/2016
(Shaikh Rahim Shaikh Chand Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. In the facts and circumstances, issue notices to the respondent Nos. 3, 4 & 5, returnable on 24.11.2021.

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

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

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

**:: - 2 - :: C.P.ST.394/2019 IN
O.A.NO. 200/2016**

(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 24.11.2021.

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

MEMBER (A)

MEMBER (J)

ORAL ORDERS 12.10.2021-HDD

**M.A.ST.NO. 1144/2021 IN O.A.ST.NO. 1145/2021
(Ramkrushna D. Gore & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Record shows that there is office objection of limitation. Learned Advocate for the applicant seeks time to take appropriate steps. Time granted.

3. S.O. to 23.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 12.10.2021-HDD

ORIGINAL APPLICATION NO. 903 OF 2018
(Dr. Jalindar S. Ambhore Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Shri Abhishek C. Deshpande, learned Advocate for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, present.

2. S.O. to 25.11.2021 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

C.P.NO. 2/2020 IN O.A.NO. 10/2019
(Shridevi M. Mahanwar Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 30.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 12.10.2021-HDD

ORIGINAL APPLICATION NO. 284 OF 2021
(Jitendra S. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks leave of this Tribunal to amend the designation of respondent No. 1 as "Additional Chief Secretary, Accounts and Treasury, Maharashtra State, Mantralaya, Mumbai-32" in place of "Principal Secretary, Accounts and Treasury, Maharashtra State, Mantralaya, Mumbai-32."

3. Leave as prayed for by the learned Advocate for the applicant is granted. The applicant shall amend the designation of respondent No. 1 forthwith.

4. After carrying out the necessary amendment by the learned Advocate for the applicant, issue fresh notice to the respondent No. 1, returnable on 25.10.2021.

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

6. 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.

7. 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.

8. 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.

9. S.O. to 25.10.2021.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 300 OF 2021
(Aabasaheb B. Ghayal Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks leave of this Tribunal to amend the designation of respondent No. 1 as "Additional Chief Secretary, Accounts and Treasury, Maharashtra State, Mantralaya, Mumbai-32" in place of "Principal Secretary, Accounts and Treasury, Maharashtra State, Mantralaya, Mumbai-32."

3. Leave as prayed for by the learned Advocate for the applicant is granted. The applicant shall amend the designation of respondent No. 1 forthwith.

4. After carrying out the necessary amendment by the learned Advocate for the applicant, issue fresh notice to the respondent No. 1, returnable on 25.10.2021.

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

6. 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.

7. 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.

8. 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.

9. S.O. to 25.10.2021.

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

MEMBER (A)

MEMBER (J)

M.A.NO. 69/2019 IN O.A.ST.NO. 323/2019
(Sarika B. Patole Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed documents obtained by the applicant under R.T.I. as per order passed by this Tribunal on 9.8.2021. The same are taken on record and marked as document 'X Colly.' for the purpose of identification.

3. Closed for orders.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 12.10.2021-HDD

ORIGINAL APPLICATION NO. 693 OF 2019
(Savita S. Birge Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 17.11.2021.

MEMBER (A)

MEMBER (J)

T.A.NO. 7/2016 (W.P.NO. 1533/2015)
(Chandrakala K. Navghire Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri Nassim R. Shaikh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer is directed to produce the original record of Exhibit 'B' produced by the applicant, on the next date of hearing.

3. The present case be treated as a part heard.

4. S.O. to 23.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 12.10.2021-HDD

ORIGINAL APPLICATION NO. 204 OF 2021
(Ganesh G. Jayabhaye & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 28.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1025 OF 2019
(Dr. Sangeeta S. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 28.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 618 OF 2018
(Sharad D. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 28.10.2021.

MEMBER (A)

MEMBER (J)

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

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri Nassim R. Shaikh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 23.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 141 OF 2019
(Pandharinath S. Gawali & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 25.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 223 OF 2020
(Divya S. Nandi & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 28.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 389 OF 2020
(Radhika S. Khare Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 390 OF 2020
(Ashatai P. Metkar Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri J.M. Murkute, learned Advocate for the applicants in both these cases and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents in both these cases.

2. By consent of both the parties, S.O. to 30.11.2021.

MEMBER (A)

MEMBER (J)

O.A.NOS. 626, 641 & 642 ALL OF 2019
(Sheshrao R. Giri & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.10.2021

ORAL ORDER :

Heard Shri S.K. Mathpathi, learned Advocate for the applicants in all these cases and Shri D.R. Patil, learned Presenting Officer for the respondents in all these cases.

2. Learned Advocate for the applicants filed common written notes of arguments in all these cases and the same is taken on record.

3. S.O. to 29.11.2021 for making further arguments in all these cases.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 12.10.2021-HDD

**M.A.NO.293/2021 WITH M.A.NO. 330/2021 IN
M.A.NO.233 OF 2021 IN O.A. NO. 722 OF19
(Ramakant N. Sadawarte Vs. State of Maharashtra & Ors.)**

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

DATE : 12.10.2021.

ORAL ORDER :

Heard Shri R.N. Chavan, learned Advocate the applicant in M.A.No.293/2021, Shri V.B. Wagh, learned Advocate for the applicants in the M.A. No. 233/2021 & M.A. No. 330/2021, Shri Ajay S. Deshpande, learned Advocate for the applicants in the O.A. (respondent Nos. 5 to 9 in the M.A. No. 233/2021), Shri M.S. Mahajan, learned Chief presenting Officer for respondent Nos. 1 to 3, Shri M.B. Kolpe, learned Advocate for respondent No. 4, Shri A.S. Deshmukh, learned Advocate for the Respondent Nos. 5, 6, 71, 87, 150, 198, 211, 229, 369, 489, 511, 528, 625, 628 & 629 in O.A., Shri G.K. Kshirsagar, learned Advocate for the Respondent Nos. 221, 222, 249, 252, 296, 327, 353, 573, 581, 593, 606 & 627 in O.A., Shri G.M. Ghongade, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the Respondent Nos.15, 193, 194, 278, 288, 291, 331, 344, 510, 515 & 554 in O.A. and Shri Ajay U. Chandel, learned Advocate holding for Shri Sandeep Dere, learned Advocate for Respondent Nos. 142, 248, 412, 20, 22, 23, 30, 33, 36, 58, 60, 75, 78, 79, 84, 90, 92, 94, 109, 111, 115, 117, 121, 123, 126, 130, 132, 133, 158

//2// M.A.293/2021 In
M.A.233/2021 In
O.A.722/2019

162, 171, 173, 177, 178, 180, 189, 196, 200, 205, 209, 210, 213, 216, 218, 226, 240, 255, 258, 260, 267, 271, 272, 594, 277, 279, 298, 303, 309, 315, 320, 326, 339, 343, 349, 351, 359, 372, 377, 382, 390, 391, 400, 402, 407, 411, 415, 417, 422, 426, 428, 436, 442, 450, 451, 453, 325, 456, 458, 467, 475, 477, 478, 479, 488, 491, 500, 502, 512, 514, 517, 533, 535, 536, 541, 545, 550, 367, 560, 563, 565, 568, 569, 596, 603, 618, 619, 624, 626, 630, 634, 636 & 638 and Shri Ashish Rajkar, learned Advocate for the respondent Nos. 105, 317, 443 & 458 in O.A.

2. Shri Ajay Deshpande, learned Advocate for the respondent Nos. 5 to 9 in M.A. No. 330/2021 (applicants in O.A.) has filed affidavit in reply on their behalf and the same is taken on record and copy thereof has been served on the other side.

3. In the facts and circumstances, M.A. No. 330/2021 IN M.A. No. 233/2021 IN O.A. No. 722/2019 be kept for hearing on the next date, as reply on behalf of the applicants in O.A. is filed in both these cases.

4. S.O. to 21.10.2021.

MEMBER (A)

MEMBER (J)

Date : 12.10.2021

O.A. 623/2021

**(Mehboobali Yawarali Khan Pathan V/s State of
Maharashtra & Ors.)**

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

1. Ms. Preeti Wankhade, learned Advocate for the applicant and Shri I.S. Thorat, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 17.11.2021. The case be listed for admission hearing on 17.11.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR