

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT
AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Single Bench

Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

Date: -12/09/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Regular Admission Matters						
1	MA393/23 In OAS1664/23	Jalna	Adv.K.N. Tayade/ Adv.M.S. Choudhari (Dwarkabai R Kumkar)	M.A. For Condonation of Delay		4.10.2023
High On Board Matter						
2	OA313/21	Nanded	Adv.P.B. Rakhunde (Pandurang M Kamble)	Direction/ Interest on Delayed Payment	Reply Filed by R-3	13.9.2023
3	OA722/22	A'bad	Adv.P.R. Tandale (Devidas M Kandhare) <u>Adv.G.N. Patil for R.Nos. 2 & 3</u>	Increment	Rehearing Reply Filed by R-2 & R-3	21.9.2023
Order Matters						
4	MA82/20 In OAS172/20	A'bad	Adv.Vivek Pingle (Arshad Khan Gulab Khan)	M.A. For Condonation of Delay	Reply Filed by R-1 to R-3	19.10.2023
5	MA4/21 In OAS1401/20	N'bar	Adv.R.S. Wani/ Adv.S.G. Kulkarni (Sampat B Jadhav) <u>Adv.S.P. Pandit for Spl. Counsel for R.Nos.1 to 4</u>	M.A. For Condonation of Delay	For Hearing Reply Filed by R-5	12.9.2023
6	MA131/22 In OAS528/22	P'bhani	Adv.V.B. Wagh (Sitaram V Inkare)	M.A. For Condonation of Delay	For Hearing	21.9.2023
7	MA284/22 In MAST635/22 In OAST536/22	A'bad	Adv.Aniket V Patil (Anna B Holkar & Ors.)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R-4	9.10.2023
8	MA312/22 In OAS1121/22	Latur	Adv.P.R. Tandale (Dr.Balasaheb M Kalegore & Ors.)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R-6	29.9.2023

9	MA258/23 In OAS758/23	Latur	Adv.R.K. Ashtekar (Bharti V Raut)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R-4	29.9.2023
10	MA305/23 In MA15/21 In OAS1139/20	N'bar	Adv.Sanket N Surywanshi (Chunilal R Pawar) <u>Adv.S.P. Pandit for R.Nos.1 to 4</u>	M.A. For Bring on Record/ Production of Record	Reply filed by R-1 to R-5 in MA	9.10.2023
11	MA403/23 In OA700/23	P'bhani	Adv.Milind M Patil(Beedkar) (Tukaram S Pawar)	M.A. For Production of documents & Amendment in Payer Clause		M.A. allowed
12	MA408/23 In OA701/23	P'bhani	Adv.Milind M Patil(Beedkar) (Uttam V Bhumare)	M.A. For Production of documents & Amendment in Payer Clause		M.A. allowed
Due Admission Matters						
13	OA433/21	A'bad	Adv.A.K. Mishra (Chabutai R Dudhe)	Family Pension	For Hearing Reply Filed by R-2 to R-5	19.10.2023
14	OA681/21	Beed	Adv.K.B. Jadhav (Govind H Darade)	Recovery	For Hearing Reply Filed by R-1 to R-4	4.10.2023
15	OA539/22	A'nagar	Adv.M.M. Parghane (Bhimraj S Sonkamble)	Suspension Period/ Pensionary Benefits	For Hearing Reply filed by R-2	9.10.2023
16	OA583/22	Nanded	Adv.K.P. Rodge (Shivling M Sakhare)	Pay Scale	For Hearing Reply Filed by R-1 to R-3	19.10.2023
17	OA682/22	Beed	Adv.S.R. Shirsath (Bhimrao N Doiphode)	Re Fixation of Pay Scale & Arrears of Salary	For Hearing	9.10.2023
18	OA718/22	Nanded	Adv.Kakasaheb B Jadhav (Shankar F Pawar)	Refund of Recovered Amount	For Hearing Reply Filed by R-3	13.9.2023
19	OA879/22	Hingoli	Adv.H.P. Jadhav (Janabai B Gadade)	Police Patil	For Hearing	3.10.2023
20	OA1000/22	Dhule	Adv.Amol S Sawant (Dilip R Gavit & Ors.)	Repatriation	Reply Filed by R-3 & R-4	9.10.2023

21	OA1063/22	Dhule	Adv.V.B. Wagh (Dr. Rahul S Hatolkar)	Recovery	For Hearing	9.10.2023
22	OA35/23	Beed	Adv.S.S. Thombre (Narayan D Gayke)	Suspension/ Reinstatement	For Hearing Reply Filed by R-1 to R-3	18.9.2023
23	OA389/23	A'bad	Adv.K.G. Salunke/ Adv.A.S.Deshpande (Vandana G Sukale) <u>Adv.A.B. Raikar for R.No.3 in OA389/23</u>	Transfer	<u>For Further Consideration</u> For Hearing Reply Filed by R-1 to R-3	13.9.2023
24	OA425/23	Dhule	Adv.Y.B. Bolkar/ Adv.K.B. Jadhav (Dinesh R Choudhary)	Posting	For Hearing Reply Filed by R-3 & R-4	3.10.2023
25	OA620/23	Jalna	Adv.A.D. Sugdare (Anita J Bhaltalik)	Transfer	For Hearing Short Affidavit Filed by R-3	
26	OA740/23	J'gaon	Adv.Vinod P Patil (Hitesh D Yadhav)	Transfer	<u>For Further Consideration</u>	21.9.2023
27	OA762/23	Beed	Adv.S.D. Joshi (Dr. Suryakant A Sable)	Suspension	For Hearing Reply Filed by R-1 to R-4	14.9.2023
Final Hearing Matters						
28	OA773/18	A'bad	Adv.R.P. Bhumkar (Shivaji B Satote) <u>Adv.S.B. Mene for R.No.2</u> <u>Adv.S.B. Mene has Filed</u> <u>Leave Note From 08.09.2023</u> <u>to 12.09.2023</u>	Time Bound Promotion/ ACPS/ Benefit as Per G.R./ Higher Pay Scale	Reply Filed by R-2 & R-3	27.9.2023
29	OA896/18	Latur	Adv.R.P. Bhumkar (Madhukar D Madarase & Ors.)	Time Bound Promotion/ ACPS/ Benefit as per G.R.	Reply Filed by R-1 to R-3	27.9.2023
30	OA129/19	N'bar	Adv.J.N. Patil (Tejrao B Gadekar) <u>Adv.Vaishali S Chaudhari</u> <u>for R.Nos. 3 & 4</u>	Suspension/ Subsistence Allowance/ Salary	Reply filed by R-1 to R-4	19.10.2023

31	OA898/19	A'bad	Adv.K.B. Jadhav (Babu K Chavan)	Deemed Date of Promotion	Reply Filed by R-1 to R-4	19.10.2023
32	OA347/20	N'bar	Adv.Asha N Gore (Jitenmdra B Raipure)	Recovery of Govt. Quarter	Reply Filed by Respondents	20.10.2023
33	OA522/20	A'bad	Adv.J.B. Choudhary (Prakash D Bharambe)	Deemed Date of Promotion	Reply Filed by R-1 to R-3	20.10.2023
34	OA109/21	Nanded	Adv.Kakasaheb B Jahdav (Ashok D Shiradkar & Ors.)	Retiremenet Benefits	Reply Filed by R-3 & R-4	20.10.2023
35	OA206/21	A'nagar	Adv.S.B. Solanke (Deepak B Aher & Ors.)	Benefit of Old Pension Scheme	Reply Filed by R-3 to R-5	6.10.2023
36	OA388/21	Beed	Adv.K.B. Jadhav (Navnath L Dhande)	Recovery	Reply Filed by R-1 to R-4	3.10.2023
37	OA411/21	Beed	Adv.K.B. Jadhav (Bharat L Bhillare)	Recovery	Reply Filed by R-1 to R-4	3.10.2023
38	OA469/21	Beed	Adv.K.B. Jadhav (Dhondiba M Zade)	Recovery/ Pension & Pensionery Benefits	Reply Filed by R-1 to R-4	3.10.2023
39	OA25/22	N'bar	Adv.JP Legal Assoiates (Shailesh V Gavit)	Minor Punishment	Reply Filed by R-1 to R-3 & R-5	12.10.2023
40	OA331/22	A'bad	Adv.Anant D Gadekar (Mandabai C Khambat)	Family Pension	Reply Filed by R-1 to R-4	

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT
AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Single Bench

Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

Date: -12/09/2023

Suplimentary Board

Time 03:00 P.M.

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	OA948/22	Dhule	Adv.V.B. Wagh (Vilas B Patil)	Benefit of G.R./ Higher Pay Scale	Await Service	10.10.2023
2	OA977/22	A'bad	Adv.V.B. Wagh (Sheshrao K Chabukswar)	Extend the Benefits/ Equal Pay For Equal Works	For Hearing	10.10.2023
3	OA1055/22	A'nagar	Adv.Vishwas B Wagh (Hemantkumar M Sonawani & Ors)	Absorption	For Filing Affidavit in Reply	10.10.2023
Order Matters						
4	MA592/19 In OASt2196/19	Nanded	Adv.V.S. Kadam (Arvind A Joshi) <u>Adv.G.N. Patil for R.No.3</u>	M.A. For Condonation of Delay	For Filing Affidavit in Rejoinder	10.10.2023
5	MA124/22 In OASt260/22	A'nagar	Adv.V.B. Wagh (Dr. Radhakisan N Pokharkar & Ors.) <u>Adv.Milind S Mahajan for R.Nos.3 & 4</u>	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 & R-2	13.9.2023
Final Hearing Matters						
6	OA238/21 with	Nanded	Adv.V.S. Kadam (Pandurang H Bhalerao & Ors.) <u>Adv.G.N. Patil for R.Nos.2 & 3</u>	Fix the Pay Scale Service Benefits as per G.R.	Reply Filed by R-1 to R-3	Disposed of
7	OA239/21 with	Nanded	Adv.V.S. Kadam (Khanderao M Ajegaonkar & Ors.) <u>Adv.S.B. Mene for R.No.2 & 3</u>	Fix the Pay Scale Service & Monitory Benefits	Reply Filed by R-2 & R-3	
8	OA240/21 with	Nanded	Adv.V.S. Kadam (RanjeetSingh B Rajput) <u>Adv.S.B. Mene for R.Nos.2 & 3</u>	Fix the Pay Scale Service & Monitory Benefits	Reply Filed by R-1 to R-3	
9	OA241/21 with	Nanded	Adv.V.S. Kadam (Prakash S Shegokar & Ors.) <u>Adv.A.D. Gadekar for R.No.2</u>	Fix the Pay Scale Service & Monitory Benefits as per G.R.	Reply Filed by R-2 to R-3	
10	OA242/21 with	Nanded	Adv.V.S. Kadam (Shaikh Mohamad Farukh Mohamad Mastan & Ors.)	Fix the Pay Scale Service & Monitory Benefits as per G.R.	Reply Filed by R-1 to R-3	

11	OA243/21 with	Nanded	Adv.V.S. Kadam (Pandurang R Bellale) <u>Adv.N.U. Yadav for R.Nos.2 & 3</u>	Fix the Pay Scale Service & Monitory Benefits as per G.R.	Reply Filed by R-1 to R-3
12	OA244/21 with	Nanded	Adv.V.S. Kadam (Venkat R Shinde) <u>Adv.N.U. Yadav for R.Nos.2 & 3</u>	Fix the Pay Scale Service & Monitory Benefits as per G.R.	Reply Filed by R-1 to R-3
13	OA245/21 with	Nanded	Adv.V.S. Kadam (Sunil R Dharmadhikari)	Fix the Pay Scale Service & Monitory Benefits as per G.R.	Reply Filed by R-1 to R-3
14	OA254/21	Nanded	Adv.V.S. Kadam (Datta D Wagmare & Ors.) <u>Adv.N.U. Yadav for R.Nos.2 & 3</u>	Benefit fo G.R./ Higher Pay Scale	Reply Filed by R-1 to R-3

Compassionate Appointment Substitution Matters

Date: -12/09/2023

Time : 03:00 P.M.

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	OA33/23	Jalna	Adv.S.S. Thombre (Prajakta V Devkule)	Compassionate Appointment	For Hearing Reply Filed by R-3 & R-4	18.9.2023
2	OA81/23	A'bad	Adv K B Jadhav (Vaibhav D Wagh & Ors.)	Compassionate Appointment	For Reply	18.9.2023
3	OA185/23	A'bad	Adv.A.D. Gadekar (Chandrakala W Gaikwad & Ors.)	Compassionate Appointment	Reply Filed by R-1 to R-3	18.9.2023
4	OA214/23	Jalgaon	Adv S D Joshi (Salim S Tadvi)	Compassionate Appointment	Reply Filed By R-1 to R-5	18.9.2023

Date: -12/09/2023

S.B. For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	OA567/17	Jalgaon	Adv Vinod P Patil (Bebabai P Koli (Sapkale))	Family Pension	Reply Filed By R-2 & R-3 & One More Last Chance For Filing Affidavit in Rejoinder Ref Order Dtd. 09.11.2022	3.10.2023
2	OA501/22	A'bad	Adv Suchita Dhongde (Jayvant B Gaikwad) Adv Vilas V Mande For R-3	Recovery	Reply Filed By R-2 & R-3	3.10.2023
3	OA1141/22	Nanded	Adv Suchita Dhongde (Mariba Y Kamble)	Deemed Date of Promotion & Other Benefits	Reply Filed By R-3 & For Filing Affidavit in Reply R-1 & R-2	18.10.2023
4	OA1142/23	A'nagar	Adv V B Wagh (Smt. Maya Bapu Chabuikswar W/o Late Dr. Bapu Raoka Chabuikswar)	Directions/ Pension	Last Chance For Filing Affidavit in Reply	29.9.2023
5	OA88/23	Thane	Adv P R Wankhade (Dr. Sachin V Nawale)	Regularization of Service	For Filing Affidavit in Reply	3.10.2023
6	OA398/23	Nanded	Adv Ajay S Deshpande (Sanjay R Betiwar)	Transfer	For Filing Affidavit in Rejoinder to the Affidavit in Reply Filed R-1 & R-2	20.9.2023
7	OA427/23	P'rbn	Adv H P Jadhav (Amol J Parakhe & Ors.)	Compassionate Appointment	By way of Last Chance For Filing Affidavit in Reply	21.9.2023

8	OA460/23	A'bad	Adv Dhananjay Mane (Manisha T Gite)	Transfer	For Filing Affidavit in Reply	29.9.2023
9	OA461/23	A'bad	Adv Dhnanjay Mane (Pravin Y Pawar)	Transfer	For Filing Affidavit in Reply	29.9.2023
10	OA503/23	N'bar	Adv S U Chaudhary (Dr. Swati N Sadafule)	Transfer	For Filing Affidavit in Reply	Disposed
11	OA650/23	Latur	Adv V D Gundale Adv K B Bhise (Gangadhar G Sontakke)	Compassionate Appointment	For Filing Affidavit in Reply	13.10.2023
Order Matters						
12	MA12/21 In OAS134/21	A'bad	Adv D A Mane (Gorakh Dhakane)	M.A For Condonation of Delay	Reply Filed By R-1 & As a Last Chance For Filing Affidavit in Rejoinder	19.10.2023
13	MA83/22 In OAS1621/21	Nanded	Adv S G Kulkarni (Sopan P Chavan)	M.A For Condonation of Delay	Await Service	19.10.202 3
14	MA194/23 In OAS1616/22	Nanded	Adv R A Joshi/ Adv D M Shinde (Sunil D Kakade)	M.A For Condonation of Delay	For Filing Affidavit in Reply	20.10.202 3

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT
AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. before Hon'ble Division Bench

DB is Not Available

Date: -12/09/2023

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Urgent Admission Matters						
1	CP14/23 In OA533/22	A'bad	Adv.C.V. Thombre (Diwakar M Jadhav)	Contempt Petition	For Hearing Reply Filed by R-1 to R-3	20.9.2023
2	CPS1504/23 In OA57/20	P'bhani	Adv.Pranil Sonawane/ Adv.A.B. Rajkar (Sayema Suleman Pathan & Ors.)	Contempt Petition	With Office Objection	26.9.2023
3	MASt1291/20 In OA493/18	A'nagar	Adv.H.A. Joshi (Rajendra K Shimpi)	M.A. For Restoration	With Office Objection For Hearing	30.10.2023
4	MA89/23 In OAs13037/22	A'nagar	Adv.A.P.Avhad (Annasaheb R.Andhale)	M.A. For Condonation of Delay		27.9.2023
5	MA290/23 In OAs1138/20	Beed	Adv.A.N. Sabnis (Vishnu S Sanap)	M.A. For Restoration		30.10.2023
6	MA406/23 In OAs1761/23	Nanded	Adv.Pavan P Uttarwar (Almoddin Babu Shaikh & Ors.)	M.A. For Sue Jointly		13.9.2023
7	MA407/23 In OAs1789/23	P'bhani	Adv.R.R. Shinde (Santosh N Shendge)	M.A. For Sue Jointly		13.9.2023
8	OAs1078/23	P'bhani	Adv.Sharad S Ambore (Balasaheb S Ambore)	Termination	with Office Objection	27.9.2023
9	MASt1185/23 In OAs1171/23	A'bad	Adv.P.D. Suryawanshi (Jagan D Mundhe & Ors.)	M.A. For Sue Jointly	with Office Objection	29.9.2023
10	OA579/23	P'bhani	Adv.P.D. Suryawanshi (Mohsin Khan Mahebook Khan)	Promotion	Circulation For Withdrawal	Withdraw

Order Matters						
11	MA69/22 In OAS43/22	Nanded	Adv.Suchita Dhongde (Bhausahab P Tidke &Ors)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R-4	31.10.2023
12	MA348/22 In OAS11262/22	A'bad	Adv.Suchita Dhongde (Deorao S Aher)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R-4	31.10.2023
13	MA544/22 In OA762/18	O'bad	Adv.V.V. Deshmukh in MA544/22 (Maharashtra Rajya Bazar Samiti Karmachari Seva Nivrutti Vetan Yojna, Pune Through its CEO, Balasaheb G Katore) Adv.S.D. Joshi in OA762/18 (Sahebrao D Deshmukh & Ors.)	M.A. For Adding Party Respondents Challenging G.R.	Affidavit in reply Filed by Petitioners in MA544/22 Reply Filed by R-1 to R-3 in OA762/18	3.10.2023
14	MA78/23 In OA774/22	O'bad	Adv.R.P. Bhumkar (Angad R Shinde)	M.A. For Amendment		25.9.2023
15	MA80/23 IN OA826/22	A'bad	<u>Adv.A.D. Sugdare in MA80/23</u> (Prmod B More & Ors.) Adv.Talekar & Associates In OA826/22 (Mujeebkhan Mehboobkhan Pathan) Adv.Ajay Deshpande For R. No.5 Adv.D.R. Shelke For R.No.6 Adv.Avinash Deshmukh for R.Nos.7 to 8 Adv.Mahesh S. Deshmukh For R.Nos. 9 to 28	M.A. For Intervention		25.9.2023
16	MA239/23 In MA359/22 In OA729/222 with	Jalna	Adv.V.B. Wagh in MA239/23 in OA729/22 (Dnyaneshwar B Jadhav & Ors.) Adv.Amol B Chalak For Intervenor in MA359/22 (Pavansing M Chungda & Ors.)	M.A.239/23 For Direction M.A.359/22 For Intervention	Reply Filed by R-1 to R-3 in MA239/23	4.10.2023
17	MA257/23 In MA563/22 In OA730/22	Beed	Adv.V.G. Pingle In MA257/23 in OA730/22 (Gajanan P Chaudhari & Ors.) Adv.R.A. Joshi For Intervenor in MA563/22 (Bhausahab R Bhosale & Ors.)	M.A.257/23 For Direction M.A.563/22 For Intervention	Reply Filed by by R- 1 to R-3 in MA257/23	4.10.2023

Due Admission Matters						
18	CP17/21 In OA127/17	Nanded	Adv.V.P. Golewar (Trimbak D Tompe)	Contempt Petition	<u>For Further Consideration</u> Reply Filed by R-4 & R-5	30.10.2023
19	OA758/17	A'bad	Adv.V.B. Wagh (Dadarao D Borade)	Minor Punishment	For Hearing Reply Filed by R-1 & R-2	25.10.2023
20	OA960/18	A'bad	Adv.Vidya A Taksal (Sunil B Gaikwad)	Dismissal From Service	For Hearing Reply Filed by R-1 to R-4	25.10.2023
21	OA299/19 With MA398/23 With Caveat30/23 with	A'bad	Adv.Preeti R Wankhade (Rahul T Pol & Ors.) <u>CPO MAT A'BAD For Caveator</u> (i.e. The Commissioner, Health & Mission Director National Health Mission, Maharashtra State, Arogya Bhavan, Saint George Hospital Compound, Near CST Mumbai)	Advertisement/ Allow to Appear For Exam <u>M.A. 398/23 For I.R.</u>	For Hearing Reply Filed by R-1 to R-3	M.A. Rejected 10.10.2023
22	OA463/21	A'bad	Adv.P.R. Wankhade (Payal P Tathe)	Selection Process	For Hearing Reply Filed by R-1 to R-3	10.10.2023
23	OA135/20	Latur	Adv.Vinod M Vibhute (Santosh V Suryawanshi)	Seniroyty	For Admission	26.10.2023
24	OA308/20	Beed	Adv.Ameya N Sabnis (Ranjeet T Bhorje) <u>Adv.Mahesh B Ubale for R.No.3</u>	Selection/ Waiting List	For Hearing Reply Filed by R-2	26.10.2023
25	OA419/20	O'bad	Adv.S.S. Jadhavar (Ashish D Dhakane)	Departmental Enquiry/ Dismissal	For Admission Reply Filed by R-1 to R-3	27.10.2023
26	OA490/20	J'gaon	Adv.Vivek G Pingle (Vivek S Sonawane)	Appointment	For Hearing Reply Filed by R-1 to R-5	27.10.2023
27	OA27/21	Nanded	Adv.Dhananjay A Mane (Mohan G Wadajkar)	Major Punishment/ Quashing Chargesheet/ Pension	For Hearing Reply Filed by R-1	4.10.2023

28	OA28/21	A'bad	Adv.Dhananjay A Mane (Gorakh B Dhakane)	Major Punishment/ Quashing Chargesheet/ Pension	For Hearing Reply Filed by R-1	4.10.2023
29	OA148/21	A'nagar	Adv.V.B. Wagh (Dattaram U Rathod)	Departmental Enquiry (Vishakha Committee)	For Hearing Reply Filed by R-1 & R-2	30.10.2023
30	OA196/21	P'bhani	Adv.K.B. Jadhav (Sandip P More)	Termination	For Hearing Reply Filed by R-2, R-3 & R-5 to R- 7	6.10.2023
31	OA335/21	P'bhani	Adv.Kailas B Bhise (Dyaneshwar B Bulbule & Ors.)	Challenging Seniority List (Kotwal)	For Hearing Reply Filed by R-2, R-3 & R-7	30.10.2023
32	OA679/21	Jalna	Adv.K.B. Jadhav (Maresh G Satkar)	Rmoval From Service	For Hearing Reply Filed by Respondents	30.10.2023
33	OA809/21	J'gaon	Adv.V.B. Wagh (Dr.Imran Nizam Pathan)	Continuation of Service	For Hearing Reply Filed by R-1 to R-4	31.10.2023
34	OA818/21	Nanded	Adv.S.D. Joshi (Dr.Ashwini A Patil) <u>Ajit Kadethankar for R.No.6</u> <u>Adv.S.G. Kulkarni for R.No.8</u> <u>Adv.Amol T Jagtap for R.No.9</u> <u>Adv.Akshav H Joshi for R.No.7</u>	Challenging G.R./ Seniority List	For Hearing Reply Filed by R-1 to R-7	3.10.2023
35	OA100/22	Dhule	Adv.V.B. Wagh (Rakesh A Salunke)	Promotion	For Hearing Reply Filed by R-1 & R-2	3.10.2023
36	OA143/22	P'bhani	Adv.J.S. Deshmukh (Dr.Amol K Chavan)	Admission Process	For Admission	31.10.2023
37	OA401/22	A'bad	Adv.Suchita Dhongde (Kirti M Nagargoje)	ACR Promotion	For Hearing Reply Filed by R-1 to R-4 For Filing Affidavit in Rejoinder	31.10.2023
38	OA525/22	Dhule	Adv.Dhananjay Mane (Somnath B Satbhai)	Interview	For Hearing Reply Filed by R/2	4.10.2023
39	OA736/22	Beed	Adv.P.R. Wankhade (Dr.Pradeep A Shendge)	Advertisement	For Admission Reply Filed by R-1 to R-4	26.9.2023

40	OA786/22	A'nagar	Adv.Ajay S Deshpande (Bapusaheb B Warale)	Promotion	For Hearing Reply Filed by R-1 & R-2	12.10.2023
41	OA142/23	Beed	Adv.A.N. Nagargoje (Deelipkumar B Khedkar)	Reversion	For Hearing Reply Filed by R- 1 to R-3	12.10.2023
Final Hearing Matters						
42	OAA385/19	Dhule	Adv.P.B. Rakhunde (Suresh U Nande)	Removal From Service	Reply Filed by R-2 & R-3	1.11.2023
43	MA169/21 In OAS141/21	Beed	Adv.A.S. Khedkar / Adv.Pranoti R Karpe (Anil J Kande & Ors.)	M.A. For Condonation of Delay	Reply Filed by R-1 & R-3	8.11.2023
44	OA304/23	A'bad	Adv.A.S. Deshpande/ Adv. V.P. Potbhare (Samir M Morey)	Selection	Reply Filed by R-1 to R-3	8.11.2023

DB is Not Available

Date: -12/09/2023

for reply board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	CP1/21 In OA83/18	Nanded	Adv.K.M. Nagarkar (Vyankat S More & Ors.)	Contempt Petition	Reply Filed by R-2, R-3, R-5 & R-6	30.10.2023
2	CP08/23 In OA960/19	Beed	Adv.I.D. Maniyar (Govind N Londhe)	Contempt Petition	For Filing Affidavit in Reply	30.10.2023
3	CP09/23 In OA962/19	Beed	Adv.I.D. Maniyar (Devidas M Chandane)	Contempt Petition	For Filing Affidavit in Reply	30.10.2023
4	CP10/23 In OA964/19	Beed	Adv.I.D. Maniyar (Vishal N Jogdand)	Contempt Petition	For Filing Affidavit in Reply	30.10.2023
5	CP11/23 In OA963/19	Beed	Adv.I.D. Maniyar (Amol S Kamble)	Contempt Petition	For Filing Affidavit in Reply	30.10.2023
6	OA261/22	A'bad	Adv.V.R. Jain (Dadarao U Phule)	Appointment	Last Chance For Filing Affidavit in Reply	12.10.2023

7	OA509/22	A'bad	Adv.Ajay S Deshpande (Groundwater Engineers Association Maha. State Through Its President Balasaheb D Patil)	Change In Nomenclatures	For Filing Affidavit in Reply For R-1 & For Filing Affidavit in Rejoinder to Affidavit of Reply Filed by R-2 & R-3	12.10.2023
8	OA582/22	O'bad	Adv.S.A. Nagarsoge (Dr. Shrikant B Balwande) <u>Adv.B.B. Bhise for R.No.4</u>	Departmental Enquiry	For Filing Affidavit in Rejoinder to Affidavit of Reply Filed by R-1 to R-3	18.9.2023
9	OA699/22	A'bad	Adv.S.S. Thombre (Maharashtra Rajya Adarsh Shikshak Samiti, A'bad through its state President, Gajanan N Walke)	Correction In Selection List (MPSC)	For Filing Affidavit in Rejoinder to Affidavit of Reply Filed by R-1 & R-3	13.10.2023
10	OA818/22	Latur	Adv.P.R. Wankhade (Dr. Pranita P Patil & Ors.)	Advertisement	For Filing Affidavit in Rejoinder	26.9.2023
11	OA819/22	Latur	Adv.P.R. Wankhade (Dr. Dharmaraj A Dudde & Ors.)	Advertisement	For Filing Affidavit in Rejoinder	26.9.2023
12	OA824/22	Nanded	Adv.S.S. Thombre/ Adv.A.V. Thombre (Pravin S Jadhav & Ors.)	Seniority List	For Filing Affidavit in Rejoinder	13.10.2023
13	OA875/22	Hingoli	Adv.S.B. Patil (Dr. Anup R Naik)	Eligibility	For Filing Affidavit in Reply	18.10.2023
14	OA919/22	Nanded	Adv.Vijay A Dhakne (Rahul R Burrewar)	Directions/ Ad-hoc Promotion/ ACPS	For Filing Affidavit in Rejoinder	18.10.2023
15	OA939/22	Nanded	Adv.P.S. Anerao (Santosh T Pawar & Ors.)	Seniority List	For Filing Affidavit in Rejoinder	26.10.2023
16	OA89/23 with	Mumbai Etc.	Adv.P.R. Wankhade (Dr.ARun K Rathod & Ors.)	Selection of Process	By Way of Last Chance For Filing Affidavit in Reply	26.9.2023
17	OA90/23 with	K'pur	Adv.P.R. Wankhade (Dr.Zahir Ahmed Kutubddin Patwekar & Ors.)	Regularization & Challenging the Advertisement	By Way of Last Chance For Filing Affidavit in Reply	26.9.2023
18	OA91/23 with	Sangli	Adv.P.R. Wankhade (DR. Madhav G Kumbhar & Ors.)	Appointment	By Way of Last Chance For Filing Affidavit in Reply	26.9.2023
19	OA92/23 with	Sangali	Adv.P.R. Wankhade (Dr.Yashvant C Shende)	Appointment	By Way of Last Chance For Filing Affidavit in Reply	26.9.2023
20	OA93/23 with	Mumbai Etc.	Adv.P.R. Wankhade (Dr.Bhushan B Wankhade)	Challenging Advertisement	By Way of Last Chance For Filing Affidavit in Reply	26.9.2023

21	OA94/23 with	S'pur	Adv.P.R. Wankhade (Dr. Hemlata D Patil @ Dr. Hemlata S Desai)	Challenging Advertisement	By Way of Last Chance For Filing Affidavit in Reply	26.9.2023
22	OA95/23	K'pur	Adv.P.R. Wankhade (Dr. Kedarnath G Patil)	Appointment	By Way of Last Chance For Filing Affidavit in Reply	26.9.2023
23	OA380/23	P'bhani Nanded Latur O'bad	Adv.Vaibhav U Pawar (Dinesh S Londhe & Ors.) <u>Adv.N.B. Narwade for R.Nos. 4 to 9 & 11 to 16</u>	Provisional Selection & Waiting List	For Filing Affidavit in Reply	13.10.2023
24	OA381/23	P'bhani Hingoli Latur	Adv.V.U. Pawar (Rajesh S Manwate)	Selection & Waiting List/ Appointment	For Filing Affidavit in Reply	13.10.2023
25	OA395/23	A'bad Jalna	Adv.Vaibhav U Pawar (Sanjay S Londhe & Ors.)	Selection Process	For Filing Affidavit in Reply	13.10.2023
26	OA662/23	A'bad	Adv.K.B. Jadhav (Rajesh R Potpallewar)	Promotion	For Reply	15.10.2023
27	OAS1033/23	A'bad	Adv.Ajay S Deshpande/ Adv.C.V. Dharurkar (Maharashtra Vikas Seva Rajpatrit Adhikari Sanghatana Through The Secretary Vasudeo P Solanke & Ors.)	Promotion/ Direction	<u>Hon'ble High Court Time Limit</u> Await Service	9.10.2023
Order Matters						
28	MA27/21 In OAS147/21	Jalna	Adv.Sajitkhan M Pathan (Ramesh L Kamble)	M.A. For Condonation of delay	Await Service Reply filed By R-1 & R-2	27.10.2023
29	MA95/22 In OAS109/22	A'bad	Adv.Amruta Paranjape Menezes (Sanjay V Mhaske)	M.A. For Condonation of Delay	As a Last Chance For Filing Affidavit in Rejoinder	27.10.2023
30	MA142/22 In OAS1562/22	Nanded	Adv.S.K. Mathpati (Rajratan S Ippalwad)	M.A. For Condonation of Delay	As a Last Chance For Filing Affidavit in Rejoinder	18.10.2023
31	MA418/22 In OA640/22	O'bad	Adv.S.V. Deshmukh (Dilipkumar R Patil)	M.A. For Condonation of Delay	As a Last Chance For Filing Affidavit in Reply	17.10.2023
32	MA149/23 In OAS1437/23	A'bad	Adv.Kiran G Salunke (Balbir Singh Jagannath Prasad Tyagi)	M.A. For Condonation of Delay	By Way of Last Chance For Filing Affidavit in Reply	17.10.2023

**M.A. No. 398/2023 in O.A. No. 299/2019 with
Caveat No. 30/2023
(Rahul Taterao Pol & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : Justice Shri P.R. Bora, Vice Chairman
[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 12.09.2023

ORDER

Heard Ms. Preeti Wankhade, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities (Caveator).

2. The applicants have filed the present Misc. Application seeking direction against the respondents to allow them to appear for examination in pursuance to the advertisement dated 28.08.2023 by accepting online application forms of the applicants.

3. The applicants are diploma holders in Ophthalmic Assistant. They have filed the Original Application for quashment of Notification dated 31.10.2018 whereby "Ophthalmic Officer, Group-C in the Directorate of Health Services (Recruitment) Rules, 2017" have been notified. Vide the aforesaid Notification, qualification for the appointment of

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Ophthalmic Officer, Group-C has been modified. Previously the said post was known as Ophthalmic Assistant. Subsequently, the nomenclature has been changed and now it is known as Ophthalmic Officer (Class-III). In the amended Rules, the qualification for appointment on the post of Ophthalmic Officer, Group-C or Class-III has been prescribed as Degree in Optometry or in Clinical Optometry. Previously the qualification prescribed was Diploma in Ophthalmic Assistant. It is the contention of the applicants in the O.A. that because of modification in the qualification, opportunity is denied to them, as well as, similarly situated large number of candidates for the post of Ophthalmic Officer, Group-C.

4. It is the contention of the applicants in the present M.A. that the Government has issued an advertisement dated 28.08.2023 for various posts of Class-III under the Directorate of Health Services, which also include 212 posts of Ophthalmic Officer. The applicants are aspiring the said appointment. As stated in the M.A., the last date for making online application is 18.09.2023. It is the further

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contention of the applicants that the modification made in the prescribed qualification vide Rules of 2017 is arbitrary and in violation of Articles 14 and 16 of the Constitution of India. It is the contention of the applicants in the present M.A. that they are confident that their challenge to the modified rules so far as change in the prescribed qualification is concerned would sustain. It is their further contention that if the applicants are not allowed to submit their applications and appear in the written examination, even if they succeed in the OA, they would lose the chance of getting selected in pursuance of the advertisement dated 28.8.2023. In the circumstances, the applicants have prayed for interim relief thereby seeking directions against the respondents to allow the applicants to appear for the examination to be conducted in pursuance of the advertisement dated 28.8.2023 by accepting the online application forms of the applicants subject to outcome of the present Original Application.

5. Learned counsel for the applicants argued that in the year 2021 also advertisement was issued, however, subsequently the examination was cancelled. Learned counsel submitted that 2 years

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thereafter the present advertisement has been issued. Learned counsel submitted that there are good number of posts and if the applications of the applicants are accepted and they are permitted to appear for the examination, they are confident of their selection. However, if no opportunity is given, the applicants will suffer irreparable loss even ultimately OA filed by them is allowed in their favour. Learned counsel, in the circumstances, prayed for allowed the M.A.

6. Learned Chief Presenting Officer has opposed for granting any such relief. Learned C.P.O. submitted that in the O.A. also interim relief was sought on the similar lines, however, the same was not granted. According to the learned C.P.O., to prescribe the educational qualification is within the domain of the Government and ordinarily no interference is expected in such matters by the Tribunals or by the Courts. Learned C.P.O. further submitted that after filing of the O.A., at least on 3 to 4 occasions the recruitment has been carried out and the applicants did not make any attempt to appear for the said examinations. Learned C.P.O.

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submitted that the pleadings are complete in the O.A. and in such circumstances, only advisable course would be to hear and decide the O.A. He therefore, prayed for rejection of the present M.A.

7. I have duly considered the submissions made by the learned counsel appearing for the applicants and the learned C.P.O. appearing for the State authorities. I have also perused the documents placed on record. The grievance of the applicants in the O.A. is that because of the modification made in the qualification prescribed for the post of Ophthalmic Officer, Group-C, injustice has been caused to them and opportunity is denied to them to compete for the said post. All the applicants are holding Diploma in Ophthalmic Assistant. Now, vide the amended Rules 2017 the qualification prescribed is Degree in Optometry or in Clinical Optometry. Naturally, the applicants would not be able to compete for the said post as they do not possess the required qualification i.e. Degree in Optometry or Clinical Optometry. It is true that prior to amendment, the candidates holding qualification of Diploma in Ophthalmic Assistant were also eligible

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to apply for the post of Ophthalmic Officer, Group-C. Thus, if the qualification would not have been modified, the applicants were eligible according to the previous rules and could have applied for the said post. In these circumstances, the applicants have requested in the present M.A. to direct the respondents to allow them to make an applications and to appear for the examination, subject to outcome of the O.A. As stated above, the respondents have opposed for granting any such relief.

8. After having considered the submissions as are made on behalf of the applicants, as well as, the respondents, it does not appear to me that any case is made out by the applicants for grant of interim relief as has been prayed by them. It is well settled that mode and source of recruitment shall be governed by the rules in force on the date of advertisement. Since the advertisement was published on 28.8.2023, Rules of 2017 would apply. As per the said rules, for the post of Ophthalmic Officer, Group-C the qualification prescribed is Graduation in Optometry or Clinical Optometry. The

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applicants admittedly do not possess the said qualification. It is true that prior to coming into force of Rules 2017, Diploma holders were also held qualified to be appointed on the post of Ophthalmic Officer, Group-C. Now the qualification has been changed by the respondents. The respondents are competent to bring change in the eligibility criteria including that of educational qualification. It is well settled that it is open to the competent authority to lay down the requisite qualification for recruitment to the Government service. The Hon'ble Apex Court in the case of **Basic Education Board UP Vs. Upendra Rai, (2008) 3 SCC 432** has held the change in eligibility condition /educational qualification for the purpose of recruitment has been held to be a policy decision which cannot be interfered with by the Courts. In another judgment in the case of **Mangej Singh Vs. UOI, (1998) 9 SCC 471** the Hon'ble Apex Court has held that normally it is for the State to decide the qualifications required and the Courts cannot substitute the requirements on their assessment of what the requirements should be. It is prerogative and authority of the employer. Having regard to the changing circumstances, if the

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respondents thought it proper to enhance the basic qualification from diploma holder to degree holder, it cannot be said that the Government has arbitrarily exercised its powers. Having regard to the settled legal position, it does not appear to me that any case is made out by the applicants for grant of any interim relief as prayed in the present M.A. In the result, the following order is passed: -

ORDER

- (i) The Misc. Application is rejected. There shall be no order as to costs.
- (ii) O.A. to come up for hearing on 10.10.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 582 OF 2022
(Dr. Shrikant B. Balwande Vs. The State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 12.9.2023

ORAL ORDER :

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

Shri B.B. Bhise, learned counsel for the respondent No.4, is **absent**.

2. Learned counsel for the applicant has tendered the rejoinder affidavit. The same is taken on record and copy of it is given to learned P.O.

3. List the matter for hearing on 18.09.2023.

VICE CHAIRMAN

M.A.NO. 149 OF 2023 IN O.A.ST.NO. 437 OF 2023
(Balbir Singh Jagannath Prasad Tyagi Vs. The State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 12.9.2023

ORAL ORDER :

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

2. Learned P.O. has submitted affidavit in reply on behalf of respondent Nos. 2 and 4 to the Misc. Application as well as Original Application. Both are taken on record and copies are given to learned counsel appearing for the applicant.

3. List the matter for hearing on 17.10.2023. In the meanwhile it would be open for the applicant to file rejoinder affidavit, if he so desires.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1142 OF 2022
(Smt. Maya Babu Chabukswar w/o Late Dr. Babu Raoka
chabukswar Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks time to file affidavit in reply stating that para-wise reply has been forwarded for approval and it is likely to be received within a week. The request is opposed by learned counsel appearing for the applicant stating that due opportunities are availed by the respondents. However, in the interest of justice, time granted till 29.09.2023. Learned P.O. shall supply copy of the said reply to learned counsel for the applicant well in advance.

3. S.O. to 29.09.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 650 OF 2023
(Gangadhar Govind Sontakke Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

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

2. Learned counsel Shri K.G. Salunke submits that he has instructions to appear for respondent No.3 in the present matter. He has sought time to file affidavit in reply. Time granted.

3. Learned P.O. has also sought time to file affidavit in reply. Two opportunities are already availed by the State. However, in the interest of justice, last chance granted for filing affidavit in reply till 13.10.2023.

4. S.O. to 13.10.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 427 OF 2023
(Amol Jayram Parakhe & Anr. Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits that in the present matter the draft reply has been approved and it will be filed within a week.

3. S.O. to 21.09.2023.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

ORIGINAL APPLICATION NO. 398 OF 2023
(Sanjay Ramalu Betiwar Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant is not intending to file any rejoinder.
3. List the matter for hearing on 20.09.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

O.A.NO. 774 OF 2022 WITH M.A.NO. 78 OF 2023
(Angad Ramkisan Shinde Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

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

2. At the request of learned counsel appearing for the applicant, S.O. to 25.09.2023.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

ORIGINAL APPLICATION NO. 739 OF 2023
(Prashant Narayan Kedar Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

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

2. Learned P.O. has again sought time to file affidavit in reply stating that para-wise reply has already been forwarded for approval and it is likely to be received in this week only. The request is opposed by learned counsel appearing for the applicant stating that already 3 to 4 opportunities are availed by the respondents. However, in the interest of justice, time granted till 21.09.2023. Learned P.O. shall supply copy of the said reply to learned counsel for the applicant well in advance.

3. The matter now be listed for hearing on 21.09.2023. It is made clear that if the reply is not filed by the respondents, the matter will be heard on merit without reply of the respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 740 OF 2023
(Hitesh D. Yadhav Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

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

2. Learned P.O. has again sought time to file affidavit in reply stating that para-wise reply has already been forwarded for approval and it is likely to be received in this week only. The request is opposed by learned counsel appearing for the applicant stating that already 3 to 4 opportunities are availed by the respondents. However, in the interest of justice, time granted till 21.09.2023. Learned P.O. shall supply copy of the said reply to learned counsel for the applicant well in advance.

3. The matter now be listed for hearing on 21.09.2023. It is made clear that if the reply is not filed by the respondents, the matter will be heard on merit without reply of the respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 579 OF 2023
(Mohsin Khan Mahebook Khan Vs. The State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 12.9.2023

ORAL ORDER :

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

2. Learned counsel for the applicant has tendered the written pursis received to him from the applicant wherein the applicant has requested the counsel to withdraw the present Original Application.

3. Learned counsel for the applicant has also put his signature on the said pursis. It is taken on record. In view of the submission made, the following order is passed:-

ORDER

The present Original Application stands disposed of since withdrawn without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 380 OF 2023
(Dinesh S. Londhe & Ors. Vs. The State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 12.9.2023

ORAL ORDER :

Shri V.U. Pawar, learned counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present. Shri N.B. Narwade, learned counsel for respondent Nos. 4 to 9 is **absent**.

2. Learned P.O. for the respondents has sought time to file affidavit in reply. Time granted by way of last chance till 13.10.2023.

3. S.O. to 13.10.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 381 OF 2023

(Rajesh S. Manwate Vs. The State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 12.9.2023

ORAL ORDER :

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

2. Learned P.O. for the respondents sought time to file affidavit in reply. Time granted by way of last chance till 13.10.2023.

3. S.O. to 13.10.2023.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

ORIGINAL APPLICATION NO. 395 OF 2023
(Sanjay S. Londhe & Ors. Vs. The State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 12.9.2023

ORAL ORDER :

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

2. Learned P.O. has submitted affidavit in reply on behalf of respondent Nos. 1 to 3. The same is taken on record and copy thereof has been served on the other side.

3. Learned counsel for the applicants has submitted the written pursis of applicant No.1 namely Sanjay Sakharam Londhe. The same is taken on record. It is also countersigned by learned counsel appearing for the applicants. The applicant No.1 has sought leave to withdraw the present Original Application to his extent. In view of the aforesaid pursis, the following order is passed:-

ORDER

The present Original Application stands disposed of as withdrawn without any order as to

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O.A. 395/2023

costs to the extent of applicant No.1 only. The name of applicant No.1 be deleted from the array of applicant.

4. List the matter for hearing on 13.10.2023. In the meanwhile it would be open for the applicants to file rejoinder affidavit, if they desire.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

ORIGINAL APPLICATION NO. 682 OF 2022
(Bhimrao N. Diophode Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

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

2. S.O. to 09.10.2023 for hearing.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

ORIGINAL APPLICATION NO. 1063 OF 2022
(Dr. Rahul S. Hatolkar Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

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

2. S.O. to 09.10.2023. By this date the respondents are expected to file their reply. If it is not filed, the matter will be heard without reply of the respondents. The learned P.O. shall call for the record from the office concerned for perusal of this Tribunal.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

ORIGINAL APPLICATION NO. 681 OF 2021
(Govind H. Darade Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

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

2. Learned P.O. seeks leave to file affidavit in reply on behalf of respondent No.5. Leave as prayed for is granted. The same is taken on record and copy thereof has been served on the learned counsel appearing for the applicant.

3. S.O. to 04.10.2023 for hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

**M.A.NO. 305/2023 IN M.A.NO. 15/2021 IN
O.A.ST.NO. 1139/2020
(Chunnilal Rama Pawar Vs. The State of Maharashtra & Ors.)**

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

DATE : 12.9.2023

ORAL ORDER :

Shri S.N. Suryawanshi, learned counsel for the applicant (**absent**). Shri M.P. Gude learned Presenting Officer for the respondent authorities and Shri S.P. Pandit, learned counsel for respondent Nos. 2 to 4, are present.

2. Learned counsel for the respondent Nos. 2 to 4 in the present matter submits that learned counsel Shri S.N. Suryawanshi has some difficulty and he has therefore requested him to sought time for further consideration.

3. In view of the submission so made, S.O. to 09.10.2023.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

ORIGINAL APPLICATION NO. 503 OF 2023
(Dr. Swati Namdeo Sadafule Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

Heard Shri S.U. Chaudhari, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions submits that the purpose of filing the Original Application has been served in the meanwhile period. He has tendered across the bar the order of extension dated 29.08.2023. The same is taken on record. Learned counsel for the applicant has therefore prayed for disposing of the present Original Application.

3. In view of the submissions made, the Original Application stands disposed of without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 879 OF 2022
(Janabai B. Gadade Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

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

2. S.O. to 03.10.2023 for hearing.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

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

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 12.9.2023

ORAL ORDER :

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

2. S.O. to 04.10.2023 for hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

ORIGINAL APPLICATION NO. 818 OF 2021
(Dr. Ashwini A. Patil Vs. The State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 12.9.2023

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri Ajit Kadethankar, learned counsel for the respondent No.6, Shri Akshay H. Joshi, learned counsel for the respondent No.7, Shri S.G. Kulkarni, learned Advocate for the respondent No.8 and Shri Amol T. Jagtap, learned counsel for the respondent No.9, are present.

2. S.O. to 03.10.2023 for hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 196 OF 2021
(Sandip P. More Vs. The State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 12.9.2023

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 06.10.2023 for hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

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

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

DATE : 12.9.2023

ORAL ORDER :

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

2. At the request of learned P.O., time is granted for filing affidavit in reply on behalf of the respondents till 29.09.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

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

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

DATE : 12.9.2023

ORAL ORDER :

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

2. At the request of learned P.O., time is granted for filing affidavit in reply on behalf of the respondents till 29.09.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

ORIGINAL APPLICATION NO. 501 OF 2022
(Mr. Jayvant B. Gaikwad Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

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

2. S.O. to 03.10.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

ORIGINAL APPLICATION NO. 469 OF 2021
(Dhondiba M. Zade Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

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

2. S.O. to 03.10.2023 for final hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

ORIGINAL APPLICATION NO. 411 OF 2021
(Bharat L. Bhillare Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 03.10.2023 for final hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

ORIGINAL APPLICATION NO. 388 OF 2021
(Navnath L. Dhande Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 03.10.2023 for final hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

M.A. 239/2023 IN M.A. 359/2022 IN O.A. 729/2022
(Dnyaneshwar B. Jadhav & Ors. Vs. The State of Maharashtra & Ors.)

M.A. 257/2023 IN M.A. 563/2022 IN O.A. 730/2022
(Gajanan P. Choudhari & Ors. Vs. The State of Maharashtra & Ors.)

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

(These matters are placed before the Single Bench
due to non-availability of Division Bench)

DATE : 12.09.2023

ORAL ORDER :

Shri V.B. Wagh, learned counsel for applicants in M.A.No. 239/2023 and in O.A.No. 729/2022, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Amol Chalak, learned counsel for the applicants in M.A. 359/2022, are present.

Shri V.G. Pingle, learned counsel for applicants in M.A. No. 257/2023 and in O.A.No. 730/2022, Shri M.S. Mahajan, learned Chief Officer for the respondent authorities and Shri R.A. Joshi, learned counsel for the applicants in M.A.No. 563/2022, are present.

2. S.O. to 04.10.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

M.A. NO. 407/2023 IN O.A. ST. NO.. 1789/2023
(Santosh N. Shendge & Ors. Vs. State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 12.09.2023

ORAL ORDER :

Shri R.R. Shinde, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 13.9.2023.

VICE CHAIRMAN

M.A. NO. 4/2021 IN O.A. ST. NO. 1401/2020
(Shri Sampat Bhimaji Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 12.09.2023

ORAL ORDER :

Heard Shri R.S. Wani, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri S.P. Pandit, learned counsel for respondent nos. 2 to 4.

2. When the present application is taken up for consideration, it is informed that the respondents have principally agreed to pay the amount of interest and the Accountant General Office, Mumbai has also approved the said proposal. In the circumstances, the respondents have not opposed for condoning the delay in the present matter though it is a longer period. Hence, the following order :-

ORDER

(i) Delay caused in filing Original Application is condoned.

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M.A. NO. 4/2021 IN
O.A. ST. NO. 1401/2020

(ii) The Original Application be registered in accordance with law.

(iii) Learned C.P.O. waived notice for respondent nos. 1, 5 & 6 in O.A., whereas learned counsel Shri S.P. Pandit has waived notice for respondent nos. 2 to 4.

(iv) M.A. stands disposed of in the above terms. No order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 1401/2020
(Shri Sampat Bhimaji Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2023

ORAL ORDER :

Heard Shri R.S. Wani, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri S.P. Pandit, learned counsel for respondent nos. 2 to 4.

2. When the present matter is taken up for consideration, the learned counsel tendered across the bar communication dated 23.8.2023 between the Accountant General Office at Mumbai and the Deputy Conservator of Forest, Shahada. It is taken on record. Learned counsel submits that the proposal was already accepted by respondent nos. 2 to 4 and was forwarded to the Accountant General, Mumbai and that approval is now received.

3. In view of the aforesaid fact nothing remains to be considered in the present Original Application. The respondent nos. 2 to 4 are directed to release the amount of interest of Rs. 4,977/- to the applicant within 06 weeks from the date of this order.

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O.A. ST. NO. 1401/2020

4. The Original Application stands disposed of in above terms. There shall be no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 12.09.2023

M.A. NO. 393/2023 IN O.A. ST. NO. 1664/2023
(Smt. Dwarkabai R. Kumar Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2023

ORAL ORDER :

None appears for the applicant. Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 4.10.2023.

VICE CHAIRMAN

**MA 284/22 IN MA ST. 635/2022 IN OA ST. 536/2022
(Anna B. Holkar & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 12.09.2023

ORAL ORDER :

Shri Aniket Patil, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 9.10.2023 for hearing.

VICE CHAIRMAN

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

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

DATE : 12.09.2023

ORAL ORDER :

Shri P.B. Rakhunde, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.9.2023 for orders.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 722/2022
(Devidas M. Kandhare Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2023

ORAL ORDER :

Shri P.R. Tandale, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri G.N. Patil, learned counsel for respondent nos. 2 & 3, are present.

2. S.O. to 21.9.2023 for placing on record the compilation of the judgments.

VICE CHAIRMAN

ARJ ORAL ORDERS 12.09.2023

**ORIGINAL APPLICATION NOS. 89 TO 95 ALL OF 2023
(Dr. Arun K. Rathod & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 12.09.2023

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicants in all these matters and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has submitted affidavit in reply on behalf of respondent nos. 1, 2 and 4 to 7 in O.A. No. 89/2023. It is taken on record and copy thereof has been given to other side. Along with the affidavit in reply certain documents are filed. Learned P.O. submits that para-wise remarks are already forwarded and once they are approved replies would be filed in other matters.

3. S.O. to 26.9.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 762 OF 2023
(Dr. Suryakant A. Sable Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

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

2. Learned C.P.O. has tendered across the bar the communication dated 06.09.2023 which is annexed with the complementary enquiry report dated 06.09.2023. The document is taken on record.

3. Learned C.P.O. also seeks leave to produce on record another enquiry report dated 25.07.2023. Leave granted as prayed for. The same is taken on record and copy is given to learned counsel appearing for the applicant.

4. Learned counsel for the applicant submits that direction be given that the responsible officer must file his affidavit in support of the contents in the document so produced. It is up to the respondents whether or not to file such affidavit. I am not inclined to give such direction to the respondents.

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O.A.762/2023

5. Learned counsel for the applicant submits that the applicant intends to file counter affidavit to the documents which are placed on record.

6. S.O. to 14.09.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

M.A.NO. 403 OF 2023 IN O.A.NO. 700 OF 2023
(Tukaram S. Pawar Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

Heard Shri Bhargav B. Kulkarni, learned counsel holding for Shri Milind M. Patil (Beedkar), learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. For the reason stated in the application, the Misc. Application for amendment is allowed. The necessary amendment be carried out forthwith. No order as to costs.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

ORIGINAL APPLICATION NO. 700 OF 2023
(Tukaram Sudamrao Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

Heard Shri Bhargav B. Kulkarni, learned counsel holding for Shri Milind M. Patil (Beedkar), learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. The applicant retired on attaining the age of superannuation on 30.6.2010. It is his contention that since he has worked for one full year preceding to his date of retirement, he is entitled for the increment which fell due on 1.7.2010 i.e. on the next day of his retirement. The applicant had made a representation in that regard. However, he did not receive any positive response from the respondents. He has, therefore, filed the present Original Application praying for grant of increment which fell due on 1.7.2010 and the consequential benefits flowing therefrom. Learned counsel for the applicant has tendered on record the Government Circular dated 28.6.2023 and in view of the said Government Circular has prayed for the appropriate orders in the present Original Application.

3. Notice was issued in the present matter on 1.8.2023. The respondents till date have not filed the affidavit in reply. Learned counsel for the applicant pointed out that vide the Government Circular dated 28.6.2023, the State Government has now taken a policy decision to grant annual increment felling due on 1st July to all its employees who have retired on 30th June of their respective year of retirement. In view of the policy decision taken by the Government, learned Presenting Officer has submitted for passing appropriate orders in the O.A.

4. The applicant on oath has stated that on attaining the age of superannuation he retired from the Government services on 30.6.2010. In view of the Government Circular referred to hereinabove the applicant is thus entitled for grant of annual increment in his favour, which fell due on 1st July, 2010. The Original Application, therefore, deserves to be allowed. In the result, the following order is passed: -

ORDER

(i) The applicant is held entitled for the increment which fell due on 1st July, 2010.

(ii) The respondents are directed to give one notional increment fell due on 1st July, 2010 to the applicant for the purpose of pensionary benefits and not for any other purpose. This notional inclusion of the annual increment shall be considered for recalculating the pension, gratuity, earned leave, commutation of pension etc.

(iii) It is clarified that the monetary benefits which would become payable to the applicant are restricted to the period of three years preceding the date of filing of the present Original Application by the applicant. The monetary benefits shall be paid to the applicant as stated above within twelve weeks from the date of this order.

(iv) The Original Application is allowed in the aforesaid terms.

(v) There shall be no order as to costs.

VICE CHAIRMAN

M.A.NO. 408 OF 2023 IN O.A.NO. 701 OF 2023
(Uttam Vithoba Bhumare Vs. The State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

Heard Shri Bhargav B. Kulkarni, learned counsel holding for Shri Milind M. Patil (Beedkar), learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. For the reason stated in the application, the Misc. Application for amendment is allowed. The necessary amendment be carried out forthwith. No order as to costs.

VICE CHAIRMAN

ORAL ORDERS 12.9.2023 sas

ORIGINAL APPLICATION NO. 701 OF 2023
(Uttam Vithoba Bhumare Vs. State of Maharashtra & Ors.)

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

DATE : 12.9.2023

ORAL ORDER :

Heard Shri Bhargav B. Kulkarni, learned counsel holding for Shri Milind M. Patil (Beedkar), learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. The applicant retired on attaining the age of superannuation on 30.6.2010. It is his contention that since he has worked for one full year preceding to his date of retirement, he is entitled for the increment which fell due on 1.7.2010 i.e. on the next day of his retirement. The applicant had made a representation in that regard. However, he did not receive any positive response from the respondents. He has, therefore, filed the present Original Application praying for grant of increment which fell due on 1.7.2010 and the consequential benefits flowing therefrom. Learned counsel for the applicant has tendered on record the Government Circular dated 28.6.2023 and in view of the said Government Circular has prayed for the appropriate orders in the present Original Application.

3. Notice was issued in the present matter on 1.8.2023. The respondents till date have not filed the affidavit in reply. Learned counsel for the applicant pointed out that vide the Government Circular dated 28.6.2023, the State Government has now taken a policy decision to grant annual increment felling due on 1st July to all its employees who have retired on 30th June of their respective year of retirement. In view of the policy decision taken by the Government, learned Presenting Officer has submitted for passing appropriate orders in the O.A.

4. The applicant on oath has stated that on attaining the age of superannuation he retired from the Government services on 30.6.2010. In view of the Government Circular referred to hereinabove the applicant is thus entitled for grant of annual increment in his favour, which fell due on 1st July, 2010. The Original Application, therefore, deserves to be allowed. In the result, the following order is passed: -

ORDER

(i) The applicant is held entitled for the increment which fell due on 1st July, 2010.

(ii) The respondents are directed to give one notional increment fell due on 1st July, 2010 to the applicant for the purpose of pensionary benefits and not for any other purpose. This notional inclusion of the annual increment shall be considered for recalculating the pension, gratuity, earned leave, commutation of pension etc.

(iii) It is clarified that the monetary benefits which would become payable to the applicant are restricted to the period of three years preceding the date of filing of the present Original Application by the applicant. The monetary benefits shall be paid to the applicant as stated above within twelve weeks from the date of this order.

(iv) The Original Application is allowed in the aforesaid terms.

(v) There shall be no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 331/2022
(Mandabai Chandrabhan Kambat Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2023

ORAL ORDER :

Heard Shri A.D. Gadekar, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. Widow of deceased Government servant filed the present Original Application praying for release of amount of family pension and other retiral benefits. It is the case of the applicant that Chandrabhan Sandu Khambat, husband of the present applicant, retired on attaining the age of superannuation from the Government service in the year 2017. After retirement, deceased Government servant received the retiral benefits, as well as, pension was also commenced and was being received by the Government servant. It is the further case of the applicant that in year 2018 and more particularly in August, 2018 the Government servant was found missing and could not be traced in spite of all efforts made by the applicant and other family members of the said Government

servant. The present applicant had also filed FIR/missing report in respect of missing of her husband. It is the grievance of the applicant that from year 2018 onwards the respondents have not paid her family pension despite repeated request made by the applicant and representation made. Applicant has prayed for release of the amount of family pension payable to her along with interest thereon.

3. Respondent nos. 1 to 4 have filed affidavit in reply and justified the action on part of the Government in not paying the family pension to the applicant. In para 13 the respondents have taken following averments :-

“13. I say and submit that, considering the position of Law given under Registration of Births and Deaths Act, 1969, Evidence Act, 1872 and Law settled by the Apex Court, it is very clear that applicant is entitled to get the family pension of her husband only after receiving the death certificate of her husband. I humbly say that, to obtain the death certificate of her husband, applicant needs to comply the due process of Law as given under Registration of Births and Deaths Act, 1969 and Evidence

Act, 1872. I further say and submit that, after receipt of the death certificate, respondent will complete the due process of Law and will issue her the family pension to her for which she is legally entitled for.”

4. The reason for non-remittance of family pension is stated in the aforesaid para by the respondents. Applicant has filed rejoinder affidavit to affidavit in reply so submitted on behalf of respondent nos. 1 to 4 making grievance about the ignorance on part of the Government authorities so far as G.R. dated 5.7.1`991 is concerned. Learned counsel appearing for the applicant submitted that along with the application he has placed on record said G.R. and has also taken relevant averments in the Original Application. Learned counsel submitted that G.R. dated 5.7.1991 provides that the date of disappearance of the Government servant will be reckoned from the date the First Information Report (FIR) is lodged with the police authorities and after lapse of one year thereafter family pension would become payable. When a Government servant disappears leaving his family, the family can be paid (i) in the first instance, the amount of salary due,

leave encashment due and the amount of General Provident Fund having regard to the nomination made by the Government servant, (ii) after the lapse of a period of 01 year (a) family pension at normal/enhanced rates as may be admissible and (b) death gratuity not exceeding the amount, which would have been payable as retirement gratuity if the person had retired.

5. Clause 09 of the said G.R. stated that these orders will also be applicable, mutatis mutandis in the case of pensioners who suddenly disappeared and whose whereabouts are not known. The case of the present applicant falls in this category. In the circumstances, the respondents were bound to start the family pension to the applicant after lapse of 01 year from the date of filing the FIR by the applicant.

6. After filing of the affidavit in reply by respondent nos. 1 to 4, the applicant filed a rejoinder affidavit and again highlighted the provisions under the G.R. dated 5.7.1991. As noted hereinabove, the applicant at the time of filing the Original Application has annexed G.R. dated 5.7.1991

(annexure 'A-8') and had taken all averments in that regard. It is however, evident that the respondent Nos. 1 to 4 while filing their affidavit in reply did not even bother to peruse the averments in the O.A., as well as, documents annexed with the O.A. and took a totally contrary stand in their affidavit in reply. I have no hesitation in observing that without going through the contents of the O.A. and without considering the document on record respondent Nos. 1 to 4 have filed their affidavit in reply. Second opportunity was available to the respondents after the applicant filed her rejoinder affidavit again highlighting the provisions under G.R. dated 5.7.1991. However, even thereafter the respondents did not modify their stand and continued to oppose the request of the applicant. It is more painful to note that the learned Presenting Officer in her arguments reiterated the contentions raised in the affidavit in reply filed on behalf of respondent Nos. 1 to 4 and opposed the present application.

7. I have carefully gone through the documents filed on record. It is revealed that son of the Government servant viz. Ravi Chandrabhan

Khambat has filed missing report with the Police Station Pishor on 21.8.2018 informing therein that his father Chandrabhan Sandu Khambat has left the house on 14.8.2018 without informing any of the family members and that he has not been traced out thereafter. The applicant thereafter on 24.6.2019 submitted an application and prayed for release of pension in her favour. In view of the provisions under Government Resolution dated 5.7.1991 the respondents must have considered the request of the applicant after a lapse of one year from the date of filing the missing report in respect of the Government servant by his son at Police Station, Pishor. However, the request was not considered and the applicant was required to approach this Tribunal. The respondents have not disputed the fact of missing of the Government servant and the missing report filed in that regard by the son of Government servant at Police Station, Pishor.

8. Having considered the facts as aforesaid, the applicant is entitled for the relief claimed by her in the present O.A. Before concluding the order I deem

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O.A. NO. 331/2022

it necessary to take cognizance of the casual and callous approach and attitude revealed of the concerned respondents through joint affidavit in reply filed on their behalf. I, therefore, deem it appropriate to impose the cost of Rs. 10,000/- on the respondents and also find it necessary to direct the respondents to pay interest on the amount, the payment of which stand delayed because of the gross negligence on part of the respondents.

9. For the reasons stated above following order is passed: -

ORDER

(i) Applicant is entitled to receive family pension from 22.8.2019 onwards.

(ii) The respondents are directed to remit all arrears till date, of amount of family pension payable to the applicant within 90 days from the date of this order with interest thereon @ 8% per annum from 22.8.2019 till its actual payment by obtaining indemnity bond from the applicant in the format applicable in the case of missing pensioner enclosed with G.R. dated 5.7.1991.

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O.A. NO. 331/2022

(iii) Respondents shall pay the cost of Rs. 10,000/- (Rs. Ten thousand only) within 90 days from the date of this order.

(iv) The Original Application stands allowed in the aforesaid terms.

VICE CHAIRMAN

ARJ ORAL ORDERS 12.09.2023

**M.A. No. 592/2019 in O.A. St. No. 2196/2019
(Arvind Anantrao Joshi Vs. State of Maharashtra & Ors.)**

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

DATE : 12.09.2023

ORAL ORDER :

Heard Shri V.S. Kadam, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri G.N. Patil, learned counsel for respondent Nos. 2 & 3.

2. By this Misc. Application the applicant is seeking condonation of delay, which has occasioned in filing the accompanying O.A. annexed with this Misc. Application by the applicant.

3. Original Application is filed by the applicant seeking benefit of Government Resolution dated 29.09.2003. Since the delay has occasioned in preferring the said O.A., the present M.A. has been filed by the applicant.

4. Learned counsel appearing for the applicant submitted that on the basis of the said G.R., the applicant has been given appropriate designation, as well as, wages of the said post from the year 2005 onwards and he has not in receipt of difference of

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M.A. 592/2019 in
O.A. St.2196/2019

wages of intervening two periods. It is contended that principally the department was in agreement that all such employees like the present applicant would be given designation, as well as, wages according to their designation and in such circumstances, the applicant did not find it necessary to approach this Tribunal. However, after it is noticed that inordinate delay is being committed that he has approached this Tribunal by filing the O.A. Learned counsel submitted that the delay which has occasioned in filing accompanying O.A. is not intentional and deliberate. Further there is continuous cause of action for the prayers made in the application. Learned counsel further prayed for condonation of delay.

5. The present M.A. is opposed by the learned counsel appearing for respondent Nos. 1 to 3. According to these respondents, the application itself is untenable, since nothing is entitled for the present applicant and he has been already paid according to his entitlement. It is further contended that the reasons which are assigned are not sufficient for condoning huge delay, which has

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M.A. 592/2019 in
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occasioned in filing the accompanying O.A. These respondents have therefore, prayed for rejection of Misc. Application.

6. After having considered the submissions made on behalf of the parties and on perusal of the pleadings in the application, as well as, in the affidavit in reply, it appears to me that the applicant has made out a case for considering his grievance on merit. If the delay is not condoned, the opportunity may be lost by the present applicant. From the facts and circumstances of the matter, there is reason to believe that the matter was under consideration at higher office and as such, it appears that the applicant did not approach this Tribunal at the early stage. In the circumstances, I am inclined to allow the present Misc. Application. Hence, the following order :-

ORDER

- (i) The M.A. No. 592/2019 is allowed.
- (ii) The delay caused in filing the accompanying O.A. is condoned.

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M.A. 592/2019 in
O.A. St.2196/2019

- (iii) Accompanying O.A. be registered and numbered in accordance with law.
- (iv) The M.A. stands disposed of. No order as to costs.

VICE CHAIRMAN

O.A. St. No. 2196/2019
(Arvind Anantrao Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2023

ORAL ORDER :

Heard Shri V.S. Kadam, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri G.N. Patil, learned counsel for respondent Nos. 2 & 3.

2. Learned counsel for the applicant seeks leave to add Superintending Engineer, Vigilance Cell, Irrigation Department, Regional Office, Aurangabad as party respondent to the present O.A.

3. Leave granted as prayed for. The necessary amendment be carried out forthwith.

4. After registration of O.A., issue notices to the respondents, returnable on 30.10.2023.

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

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O.A. St. 2196/2019

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 30.10.2023.

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

VICE CHAIRMAN

O.A.NOS. 238 TO 245 & 254 ALL OF 2021
(Pandurang H. Bhalerao & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2023

ORAL ORDER :

Shri V.S. Kadam, learned counsel for the applicants, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities in all these matters, Shri G.N. Patil, learned counsel for respondent Nos. 2 & 3 in O.A. No. 238/2021, Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3 in O.A. Nos. 239 & 240 both of 2021, Shri A.D. Gadekar, learned counsel for respondent Nos. 2 & 3 in O.A. No. 241/2021 and Shri N.U. Yadav, learned counsel for respondent Nos. 2 & 3 in O.A. Nos. 243, 244 & 254 all of 2021, are present.

2. Learned counsel for the applicants seeks leave to add Superintending Engineer, Vigilance Cell, Irrigation Department, Regional Office, Aurangabad as party respondent to the present O.As.

3. Leave granted as prayed for. The necessary amendment be carried out forthwith.

4. Learned P.O. waives notice for newly added respondent in all these O.As.

VICE CHAIRMAN