

**O.A. NOS. 935, 936 AND 937 ALL OF 2019  
(Toliram P. Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri S.D. Joshi, learned Counsel for the applicant in these three matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in these three matters, are present.

2. Reserved for orders.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO 436/2017  
AND T.A. 3/2021 (W.P. 3742/2021)  
(Shreya B. Mamode Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. In the present matter the learned Chief Presenting Officer has tendered across the bar the communication dated 13.4.2022 received from M.P.S.C. It is taken on record. The communication reveals that the M.P.S.C. has declared the result of main examination pertaining to the present applicant and has further mentioned in the said communication that the applicant appears to be eligible for her recommendation from the quota meant for Open Female category.

3. In view of the communication from the M.P.S.C. referred to hereinabove the present matter could have been disposed of today itself, however, the issue in regard to final orders to be passed in the matters alike the present application, is pending. The same has been referred to a 3<sup>rd</sup>

::-2-::

**O.A. 436/2017 AND  
T.A. 3/2021 (W.P. 3742/2021)**

Judge. As such, the present matter has to be kept pending till decision in the referred matter by the 3<sup>rd</sup> Judge.

4. The present matter be kept before us after the decision rendered by the 3<sup>rd</sup> Judge in the referred matter.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 575/2016  
(Aniket N. Mundhe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri V.B. Wagh, learned Counsel for the applicant, Shri N.U. Yadav, learned Chief Presenting Officer for the respondent authorities and Shri Amit S. Savale, learned counsel for respondent no. 4, are present.

2. With the consent of both the sides, S.O. to 2.5.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION ST. NO. 675/2022  
(Janardhan S. Dhayதாக Vs. State of Maharashtra &  
Ors.)**

**CORAM :** Hon'ble Justice Shri P.R. Bora, Member (J)  
**AND**  
Hon'ble Shri Bijay Kumar, Member (A)

**DATE :** 13.4.2022

**ORAL ORDER :**

Shri S.D. Munde, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.4.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 942/2018  
(Dr. Meera R. Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Smt. A.N. Ansari, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. The learned counsel has tendered across the bar her affidavit. It is taken on record and copy thereof has been supplied to other side. The learned counsel seeks short accommodation for filing affidavit of the applicant stating that the applicant is suffering fracture and is presently not able to attend the proceeding and prayed for time. Time granted.

3. S.O. to 15.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 143/2021  
(Rahul D. Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri V.G. Pingle, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 20.4.2022. **Part Heard.**

**MEMBER (A)**

**MEMBER (J)**

**M.A. 230/2020 IN O.A. 325/2020  
(Sandip B. Thakur Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

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

2. With the consent of both the sides, S.O. to 13.6.2022 for hearing.

**MEMBER (A)**

**MEMBER (J)**



**M.A. 70/2021 IN M.A. 112/2020 IN O.A. 1086/2019  
(Chintaman H. Vasave Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned Counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri K.B. Jadhav, learned counsel for respondent no. 3 in M.A. No. 112/2020 in O.A. No. 1086/2019, are present.

2. With the consent of both the sides, S.O. to 14.6.2022 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**M.A. 140/2021 IN O.A. ST. 415/2021  
(Nashaboina S. Yadgiri Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri Yogesh P. Deshmukh, learned Counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent nos. 2 & 3, are present.

2. With the consent of both the sides, S.O. to 15.6.2022 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 312/2015  
(Dr. Shiwani V. Sachdeva Vs. State of Maharashtra &  
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned Counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, Shri A.S. Deshmukh, learned counsel for respondent no. 4 and Shri V.B. Wagh, learned counsel for respondent no. 5, are present. Shri R.P. Adgaonkar, learned counsel for respondent no. 6 (**absent**).

2. With the consent of both the sides, S.O. to 20.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 355/2016  
(Shaikh Jamil Fakir Saheb Vs. State of Maharashtra &  
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri D.T. Devane, learned counsel holding for Shri V.D. Gunale, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present. Shri N.S. Kadam, learned counsel for respondent nos. 3 & 4 (**absent**).

2. With the consent of learned counsel for the applicant and learned P.O., S.O. to 20.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 362/2016  
(Pratap V. Rathod & Ors. Vs. State of Maharashtra &  
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri Y.P. Deshmukh, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. S.O. to 9.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

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

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

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

2. With the consent of both the sides, S.O. to 21.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 406/2016  
(Vasant B. Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri Hemant Surve, learned Counsel for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 21.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 447/2016  
(Yashri P. Kadam Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri Gajanan Kadam, learned Counsel for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 21.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 661/2017  
(Shailendra S. Kapse Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri A.G. Ambetkar, learned Counsel for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 22.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 804/2017  
(Prakash D. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri S.D. Joshi, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present. Shri N.S. Kadam, learned Counsel for respondent nos. 3 & 4 (**absent**).

2. With the consent of learned counsel for the applicant and the learned P.O., S.O. to 22.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 213/2018**  
**(Balaji N. Sontakke Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **13.4.2022**

**ORAL ORDER :**

Ms. Preeti Wankhade, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 23.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 259/2018  
(Naseem Banu Nazir Patel Vs. State of Maharashtra &  
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri A.S. Deshmukh, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 23.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 297/2018  
(Ajay R. Umale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri Vijay V. Deshmukh, learned Counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 23.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 790/2018  
(Vaishali M. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri D.B. Thoke, learned Counsel for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 23.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 12/2019**  
**(Dr. Deepak K. Shejwal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri Shamsunder B. Patil, learned Counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for respondent no. 4, are present.

2. With the consent of both the sides, S.O. to 23.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 264/2019  
(Supadu V. Bhalerao Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

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

2. With the consent of both the sides, S.O. to 24.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 374/2019  
(Dr. Mohd. Sharaf Bismilla Khan Pathan Vs. State of  
Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**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. With the consent of both the sides, S.O. to 24.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 398/2019  
(Dr. Anilkumar B. Momale Vs. State of Maharashtra &  
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

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

2. With the consent of both the sides, S.O. to 24.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 535/2019  
(Nitin D. Ingale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri D.R. Irale Patil, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 6.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

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

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

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

2. With the consent of both the sides, S.O. to 9.6.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 818/2019  
(Sonali P. Pansare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Heard Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. It is the grievance of the applicant that while preparing the select list the respondents would have adhered to the settled law that the Open category candidates are to be selected purely on merit irrespective of the caste of the candidates. The learned counsel for the applicant submitted that out of 45 posts to be filled in of the District Women and Child Development Officer vide advertisement no. 22/2018, 23 posts were Open. The learned counsel further submitted that 07 out of said 23 posts were reserved for Open (Female). The learned counsel submitted that some of the Open (Female) candidates have received more marks than the Open (General) candidates and as such said Open (Female) candidates must have been shown to be selected in Open (General) category and not from the Open (Female). It is the contention of the learned counsel that had the said

practice been followed, the present applicant would have been selected from the Open (Female) category. The learned counsel submitted that the applicant though belongs to Reserved Class, more particularly N.T.-B category, she has not claimed the benefit of her caste and had given a option to be selected from the General category. The learned counsel submitted that the applicant has secured 165 marks and was liable to be selected from the Open (Female) category.

3. The learned counsel further submitted that the Female candidates at Sr. nos. 4, 6, 8, 11, 25 and 26 in the merit list are the candidates, who belong to Reserved Category and have secured marks as under :-

<b>Candidate Sr. No. in the merit list</b>	<b>Marks secured</b>
Candidate at Sr. No. 04	173 Marks
Candidate at Sr. No. 06	173 Marks
Candidate at Sr. No. 08	172 Marks
Candidate at Sr. No. 11	170 Marks
Candidate at Sr. No. 25	166 Marks
Candidate at Sr. No. 26	166 Marks

The learned counsel submitted that all above candidates are shown to have been selected in the Open (Female) category. The learned counsel submitted that in fact the selection of the said candidates must have been in the

Open (General) category and had it been so done more 05 Female candidates on the basis of their position in merit would have been selected from the Open (Female) category. The learned counsel submitted that the applicant was one of such candidate, who would have been selected since she has secured 165 marks. The learned counsel, in the circumstances, prayed for directions against the respondent no. 2 to publish revised merit list as per the merit without restraining the Female candidates to compete for the Open (General) seats (Total 14), which are to be filled through Open competition.

4. The learned Chief Presenting Officer has resisted the submissions made on behalf of the applicant. He submitted that the respondents have correctly selected 07 candidates against the seats reserved for Open (Female) candidates. The learned C.P.O. submitted that the respondents firstly prepared a list of 23 Open category candidates in order of merit. He further submitted that in the said 23 candidates, 05 were Female candidates. The learned C.P.O. further submitted that in the Open (Female) category, 07 seats were reserved for the said category out of which names of 05 candidates had figured in the merit list in order of merit. However, since 07 seats were reserved for Female candidates, the candidate at Sr. Nos. 25 and 26 in the merit list were selected to make out deficit of 02 seats.

5. We have carefully considered the submissions made by the learned counsel appearing for the applicant and the learned Chief Presenting Officer appearing for the respondents.

6. The law now stands settled that there is no reservation for posts in the General category and the seats in the General category can be claimed by anybody and everybody irrespective of his caste, purely on the basis of merit. Even in case of compartmentalized horizontal reservations, the same principle would apply. In the judgment of the Hon'ble Supreme Court in the case of **Saurav Yadav & Ors. Vs. State of Uttar Pradesh & Ors., (2021) 4 SCC 542** the Hon'ble Supreme Court has referred to the judgment of the Division Bench of Gujarat High Court in the case of **Tamannaben Ashokbhai Desai Vs. Shital Amrutlal Nishar, 2020 SCC Online Gujarat 2590**. In the said matter Hon'ble Division Bench of Gujarat High Court has laid down a method for proper and correct implementation of horizontal reservation for women. In the instant matter the said method has been correctly followed.

7. As is revealing from the material on record the respondents first drew up the list of first 23 candidates to fill up the Open category quota in order of merit. The said list contains the names of Male & Female candidates belonging to Open class, as well as, the Backward class. It



is not in dispute that 07 posts were reserved for Open female in horizontal reservation. In the first 23 candidates there were 05 Female candidates. Thus, there was shortfall of 02 Female candidates. The respondents have selected the candidates at Sr. Nos. 25 & 26 in the common merit list to make out deficit of 02 seats for Open female candidates. Obviously therefore the applicant could not be selected from the said category, having received less marks than the candidates at Sr. Nos. 25 & 26. In the circumstances, it does not appear to us that the respondents have committed any illegality as alleged by the applicant. The Original Application, therefore, cannot be sustained and deserves to be dismissed and is accordingly dismissed without any order as to costs.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 738/2016  
(Shri Amol D. Bedse Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri V.B. Wagh, learned Counsel for the applicant, Shri V.R. Bhumkar, learned Chief Presenting Officer for the respondent authorities and Shri N.L. Choudhary, learned counsel for respondent no. 4, are present.

2. For the post of Police Constable an advertisement was issued and the recruitment process was commenced. It is the grievance of the applicant that while revising the list of the selected candidates, the respondents have erroneously removed his name from the said list and has included name of respondent no. 4.

3. Shri V.B. Wagh, learned counsel for the applicant contended that the applicant had received total 155 marks as was displayed in the list published by the authorities on 10.6.2016. The learned counsel submitted that the respondent nos. 4 & 5 were also shown to have received the same marks i.e. 155. The learned counsel further contended that on 5.7.2016 a revised mark list was published by the respondent no. 3, wherein the marks of the applicant were shown to have been increased to 157, whereas the marks of respondent no. 4 were increased to

159 and marks of respondent no. 5 were increased to 158. The learned counsel submitted that the marks were required to be revised as it was revealed that in the answer key the answers to question Nos. 2, 45, 71 and 97 in Question Set 'A' were wrongly recorded and therefore the marks of the candidates were accordingly increased. The learned counsel submitted that for question No. 71 no grace marks were allotted to the applicant, whereas respondent No. 4 was allotted the mark for the said question and that is the reason the respondent no. 4 has pushed to higher position than the present applicant. The learned counsel submitted that if that one mark is added in the marks of the applicant, the marks obtained by the respondent no. 4 and the present applicant will become equal and the applicant being senior in age than respondent no. 4, the applicant will be entitled for the appointment on the subject post. The learned counsel, in the circumstances, prayed for direction to respondent no. 3 to correct the marks of the applicant and consequently consider the name of the applicant for appointment on the subject post.

4. The respondents have filed the affidavit in reply and denied the contentions raised in the Original Application. It is the contention of the respondents that since the

applicant has correctly answered question No. 71, one mark for the said question was already given to the applicant, and as such, there was no reason for again increasing the marks of the applicant insofar as said question is concerned.

5. Since in the present matter entire controversy was about the marks given to question No. 71, we had directed the respondents to produce on record the answer sheets of the present applicant, as well as, respondent no. 4 along with question set provided to them. The answer keys of both the sets were also directed to be placed on record. Accordingly, these documents were placed on record by the respondents. After having scrutinized the said documents there has remained no doubt that respondents had not committed any error in revising marks of the applicant, as well as, respondent no. 4. It is not in dispute that question set 'A' was provided to the applicant at the time of examination. In question set 'A' the relevant question is at sr. no. 71. In the answer key of said question set the answer of the said question was stated to be 'D'. The applicant had recorded the correct answer to the said question. Consequently one mark for the said question was allotted to the applicant at the time of very first assessment.

6. In the circumstances, as submitted by the respondents in the revision there was no reason for increasing marks of the applicant insofar as question no. 71 is concerned. As against it question set 'C' was provided to respondent no. 4 where relevant question is at sr. no. 36. As per the answer key to the said question set 'C', the answer which was provided was not recorded by the respondent no. 4. No mark therefore was given to the respondent no. 4 for the said answer. Subsequently it revealed that in all the question sets the concerned question was incompletely transcribed or printed, and as such, decision was taken to give one mark for the said question to all the participants even if some of participants had recorded wrong answer for said question or had not attempted said question. Obviously, respondent no. 4 got one more mark for the said question and the applicant, who has given correct answer and who had already been granted one more mark for the said question, was not given one more mark again for the said question. In the circumstances, respondent no. 4 finally obtained 158 marks, whereas applicant reached to the score of 157 marks. Respondent no. 3, therefore, rightly removed the name of the present applicant from the select list.

7. After having considered the material on record it does not appear to us that any error has been committed by the

::-5-::

**O.A. NO. 738/2016**

respondents. The Original Application being devoid of any substance deserves to be dismissed and is accordingly dismissed, however, without any order as to costs.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 13.4.2022

**ORIGINAL APPLICATION NO.412/2019**  
**(Modh. Fiaz Mohd Ibrahim Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **13.04.2022**

**ORAL ORDER :**

Heard Shri D.R.Irale Patil, learned Advocate for the applicant, Shri B.S.Deokar, learned Presenting Officer for the respondent nos.1 to 3 and Shri K.S.Solanke, learned Advocate for respondent no.4.

2. The applicant has filed the present O.A. seeking quashment of the departmental enquiry initiated against him. While filing the O.A., the applicant had also prayed for interim relief to stay the departmental enquiry, however, the stay was not granted. In the meanwhile, enquiry was conducted against the applicant.

3. Today, when the present O.A. is taken up for consideration, the learned P.O. tendered across the bar communication dated 02-12-2021 received to the office of

=2=

O.A.NO.412/2019

the Chief Presenting Officer, M.A.T., Aurangabad. The communication reveals that enquiry against the present applicant has been completed and the Regional Enquiry Officer has submitted report thereof to the disciplinary authority. In the letter which is tendered today on record, it is stated that since the joint enquiry was conducted against several delinquents and since some of the delinquents have retired in the meanwhile, the appropriate authority to take decision on the enquiry report will be the State government. As such, the proposal has been forwarded to the State Government.

4. Learned Counsel for the applicant submits that the applicant has retired in the year 2018. Since then except granting provisional pension to him, all other retiral benefits are withheld. Learned Counsel submits that unless some orders are passed, the applicant apprehends that final decision may not be taken for years together. Learned Counsel in the circumstances, has prayed for



=3=

O.A.NO.412/2019

direction against the State government to take the final decision on the enquiry report within a stipulated period and to dispose of the present O.A.

5. Learned P.O. has not opposed for passing any such order.

6. In view of the above, following order is passed:

O R D E R

(i) Respondent no.1 shall take a decision on the enquiry report submitted in respect of departmental enquiry against the applicant alongwith some other delinquents and communicate the said decision to the applicant within 8 weeks from the date of this order. Needless to state that the period so provided includes the period required for getting concurrence from the MPSC.

(ii) Accordingly, the present O.A. stands disposed of with no order as to costs.

**MEMBER (A)**

**MEMBER (J)**

**O.A.NO.335/2019 WITH M.A.NO.443/2019  
(A.D.Nikam (O.A.) & H.V.Patil (M.A.)  
Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri S.V.Bhopi, learned Advocate holding for Shri V.R.Dhorde, learned Advocate for the applicant in O.A., Shri R.N.Bharaswadkar, learned Advocate for the applicants in M.A.(respondent nos.4 & 5 in O.A.), and Shri M.P.Gude, learned Presenting Officer for the respondent nos.3 to 5 in M.A. (for respondent no.1 to 3 in O.A.), are present.

2. Learned Counsel appearing for the applicant in O.A. tendered across the bar written purshis under the signature of the applicant. It is contended that the purpose for which the O.A. was filed is fulfilled and in the circumstances, the applicant is not desiring to prosecute the present O.A. further. In view of the above, following order is passed:

**ORDER**

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.941/2019**  
**(Dr. Shukracharya G. Dudhal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**

**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri A.U.Aute, learned Advocate holding for Shri S.B.Talekar, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents.

2. The arguments are heard. Learned Counsel for the applicant submits that in the present matter, before the Principal Seat, a short affidavit of the present applicant was filed. However, same is not found in the record of the case. Learned Counsel has sought permission to place the said affidavit on record along with Annexures of the said affidavit. Permission granted. Same is taken on record. Copy served on the other side.

3. Learned CPO states that he will also file written notes of arguments, if necessary.

4. S.O. to 20-04-2022.

**MEMBER (A)**

**MEMBER (J)**

**C.P.NO.29/2020 IN O.A.NO.1014/2019**  
**(Bade R. Shridhar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri C.V.Dharurkar, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents.

2. When the present contempt petition is taken up for consideration, Shri Dilip Mhaisekar, Director of Medical Education and Research is present before the Tribunal. Learned CPO submitted that he has instructions to state that the order passed by the Tribunal will be complied with in all respects within 4 weeks and the compliance report will be submitted.

3. In view of the statement made, we have not proceeded further to hear the contempt petition.

4. S.O. to 15-06-2022 for compliance.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.563/2014  
(Tushar Rajput Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri A.V.Tungar, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents, are present.

2. S.O. to 09-06-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.566/2017  
(Rajendra Mane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri S.D.Joshi, learned Advocate for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 13-06-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.91/2019**  
**(Vijaykumar Dhainje Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **13.04.2022**

**ORAL ORDER :**

Shri S.S.Ware, learned Advocate for the applicant and  
Shri D.R.Patil, learned Presenting Officer for the  
respondents, are present.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.696/2019  
(Supadu Surwade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. Learned P.O. files affidavit in reply on behalf of respondent no.4. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 07-06-2022.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO.152/2020  
(Avinash Londhe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.04.2022**

**ORAL ORDER :**

Ms. Poonam V. Bodke Patil, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents, are present.

2. S.O. to 26-04-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.100/2021  
(Manisha Gite Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri Dhananjay A. Mane, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 09-06-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.305/2021**  
**(Devidas Nandgaonkar Vs. State of Maharashtra & Ors.)**

**CORAM :** Hon'ble Justice Shri P.R. Bora, Member (J)  
**AND**  
Hon'ble Shri Bijay Kumar, Member (A)

**DATE :** 13.04.2022

**ORAL ORDER :**

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

2. S.O. to 09-06-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.392/2021**  
**(Pravin Hivrale & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **13.04.2022**

**ORAL ORDER :**

Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 28-04-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.397/2021  
(Abhijeet Bhise & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri A.S.Deshmukh, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 10-06-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.445/2021**  
**(Gautam Deolalikar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **13.04.2022**

**ORAL ORDER :**

Shri V.B.Wagh, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents, are present.

2. S.O. to 10-06-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.596/2021  
(Uday Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri Y.P.Deshmukh, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents, are present.

2. S.O. to 13-06-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.600/2021  
(Subhash Dhutire Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 6. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 14-06-2022.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO.735/2021  
(Prashant Pol Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri A.S.Deshmukh, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondents, are present.

2. S.O. to 14-06-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.786/2021  
(Yogesh Misal & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri Manoj Dond, learned Advocate for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondents, are present.

2. S.O. to 14-06-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.344/2022  
(Mahadev Shelke Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri Shrikant S. Kulkarni, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 19-04-2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.356/2022**  
**(Vijay Khade Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **13.04.2022**

**ORAL ORDER :**

Shri Shrikant S. Kulkarni, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 19-04-2022.

**MEMBER (A)**

**MEMBER (J)**

**M.A.ST.NO.664/2022 IN O.A.ST.NO.665/2022  
(Reshma Kamble & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri S.S.Jadhavar, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Advocate for the applicant undertakes to remove office objections expeditiously.

3. S.O. to 21-04-2022.

**MEMBER (A)**

**MEMBER (J)**

**M.A. No. 247/2020 in O.A. St. No. 339/2020  
(Pandit R. Pawar & Ramnath P. Shelke Vs. State of  
Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**O R D E R**

1. The present Misc. Application is made seeking condonation of delay of about 778 days caused for filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985, challenging the impugned communication dated 28.11.2019 issued by the respondent No. 2 i.e. the Controller of Legal Metrology, Maharashtra State, whereby the applications made by the applicants seeking deemed date of promotion was filed about which refusal of deemed date of promotion was communicated by letter dated 03.01.2017 from 29.04.1995 to the applicant No. 2.

2. Both the applicants were appointed as Peon with the respondents by regular recruitment process on 28.09.1989 and 19.10.1992 respectively. Government issued G.R. dated 15.04.1991 for giving 25% reservation out of vacant posts in promotion to Class-III cadre from Class-IV cadre after completion of three years' service having SSC qualification and on

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M.A. 247/2020 in  
O.A. St. 339/2020

condition of submitting typing certificate of 40 and 30 English and Marathi wpm. The applicants being eligible for the same and the posts being vacant, they made application dated 29.04.1995. In spite of recommendation by selection committee in the year 1996, no promotion was given to the applicants till 14.10.2003 and 29.03.2006 respectively. The applicants time and again made several representations to the respondents for considering their claim of deemed date of promotion but in vain. Ultimately, the respondents by the impugned communication dated 28.11.2019 informed the applicants that their applications are filed and it was already communicated to the applicant No. 2 on 03.01.2017 itself.

3. The applicants have denied that the applicant No. 2 received communication dated 03.01.2017 in that regard.

4. The applicants have filed Original Application along with the present application for condonation of delay on or about 24.02.2020. In view of the same,

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M.A. 247/2020 in  
O.A. St. 339/2020

there is delay of about 778 days caused in filing the accompanying O.A., which is sought to be condoned.

5. It is stated that various representations were made by the applicants during the period. However, the same were not considered by the respondents. According to the applicants this being the case of deemed date of promotion, there is a recurring cause of action. If at all there is delay, it is not deliberate or intentional. In view of the same, they are seeking condonation of delay caused in filing the accompanying O.A.

6. The affidavit in reply is filed on behalf of respondent Nos. 1 to 3 by one Shri Suresh S/o Haribhau Chate, working as Joint Controller of Legal Matrology, Aurangabad Region, Aurangabad. He denied all the adverse contentions raised in the present Misc. Application. It is stated that no sufficient cause has been shown by the applicants for condonation of inordinate delay caused in filing the accompanying O.A. Hence, the present M.A. is liable to be dismissed.



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M.A. 247/2020 in  
O.A. St. 339/2020

7. I have heard the arguments advanced by Shri S.S. Tandale, learned Advocate holding for Shri B.R. Kedar, learned Advocate for the applicants on one hand and Smt. Deepali S. Deshpande, learned Presenting Officer on the other hand.

8. During the course of arguments, learned Presenting Officer placed on record a copy of letter dated 03.01.2017, of which there is reference in the impugned communication dated 28.11.2019. The applicant No. 2, however, categorically denied of having received the said communication dated 03.01.2017 from the respondent No. 2. In this regard, prima-facie, no proof is produced to show that the said communication is served upon the applicant No. 2. In view of the same, rejection of claim of applicants about deemed date of promotion can be by way communication dated 28.11.2019, which is sought to be impugned in the Original Application.

9. Learned Advocate for the applicants submitted that their case is a case of recurring cause of action. In this regard, he placed reliance on the citation reported in **1995 AIR (SCW) 4675** in the matter of **M.R. Gupta**

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M.A. 247/2020 in  
O.A. St. 339/2020

**Vs. Union of India and Ors. in Civil Appeal No. 7510 of 1995 (arising out of SLP (Civil) No. 9969 of 1993)** dated 21.08.1995. In the said citation case, issue was regarding proper fixation of pay. In such situation, it is observed that claim to be paid the correct salary computed on the basis of proper pay fixation, is a right which subsists during entire tenure of service. It is continuing wrong against him which gives rise to a recurring cause of action each time he was paid a salary which was not computed in accordance with the rules.

10. In the case in hand, the applicants are seeking deemed date of promotion, which is dependent upon the factors such as vacancies and criteria of selection. It is the grievance of the applicants that the persons junior to them were given promotion in the year 1995. In that regard the applicants made various representations. The respondents have placed on record communications dated 03.01.2017 and 10.11.2016 at page Nos. 42 & 43 of the paper book. As per communication dated 10.11.2016, the respondent No. 1 communicated to the respondent No. 2 that one Shri Shelke was posted to the post of Clerk-Typist

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M.A. 247/2020 in  
O.A. St. 339/2020

from nomination quota. However, at that time, no vacancy from promotional quota was available and therefore, the applicant No. 2 was given promotion belatedly on 29.03.2006. In these circumstances, various criteria are required to be taken into consideration. Hence, it is doubtful that this is a case of continues cause of action.

11. It is true that there is delay of about 778 days caused in filing the accompanying O.A., however considering the claim made by the applicants, in my considered opinion, the liberal approach can be adopted while construing the expression 'sufficient cause'. Refusing to give indulgence in the matter is likely to defeat the cause of justice at the threshold. By condoning the delay what highest can happen is that the matter will be decided on merits. In these circumstances, in my considered opinion, this is a fit case to condone the delay by imposing the moderate costs of Rs. 1,500/- on the applicants. Hence, I proceed to pass following order :-

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M.A. 247/2020 in  
O.A. St. 339/2020

**ORDER**

The Misc. Application No. 247/2020 is allowed in following terms:-

- (i) The delay of 778 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1,500/- by the applicants. The amount of costs shall be deposited in the Registry of this Tribunal by the applicants within a period of one month from the date of this order.
- (ii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

**MEMBER (J)**

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

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri H.A. Joshi, learned Advocate for the applicant (**Absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondent No. 1 and Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 2 to 4.

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 2 to 4.

3. Learned Presenting Officer submits that the respondent No. 1 adopts the affidavit in reply filed on behalf of respondent Nos. 2 to 4.

4. S.O. to 09.06.2022 for filing rejoinder affidavit, if any.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 301 OF 2019**  
**(Sakharam B. Rakh Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent No. 1 and Shri S.B. Mene, learned Advocate for respondent Nos. 2 to 4.

2. Record shows that pleadings are complete. The present matter is pertaining to reimbursement of Xeroxing work. Hence, the O.A. is admitted and it be fixed for final hearing on 13.06.2022.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO. 796 OF 2019**  
**(Laxmibai U. Bahirwad Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri G.N. Kulkarni, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 2 and 3.
3. S.O. to 09.06.2022.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO. 111 OF 2020**  
**(Rajendra S. Buwa Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri Anand Deshpande, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 09.06.2022 for rejoinder affidavit, if any.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022



**ORIGINAL APPLICATION NO. 411 OF 2020**  
**(Ashfaq Shahnour Quraishi Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondent No. 4.
3. S.O. to 08.06.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 476 OF 2020**  
**(Laxmikant V. Deshpande Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri R.N. Bharaswadkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 18.04.2022.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO. 486 OF 2020**  
**(Jitendra S. Raut Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Mrs. M.A. Kulkarni, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 13.06.2022 for filing rejoinder affidavit, if any.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO. 113 OF 2021**  
**(Vaijinath B. Navande Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri V.B. Dhage, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 13.06.2022 for filing rejoinder affidavit, if any.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO. 167 OF 2021**  
**(Rupesh S. Nagrale Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

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

3. S.O. to 08.06.2022.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO. 235 OF 2021**  
**(Hirasingh K. Chandelthakur Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri K.A. Ingle, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.
3. S.O. to 07.06.2022.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO. 269 OF 2021  
(Rekhabai C. Bahiram Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Smt. Anuradha S. Mantri, learned Advocate holding for Shri B.K. Patil, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 07.06.2022.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO. 355 OF 2021**  
**(Laxman H. Talekar Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 4. Same it taken on record and copy thereof has been served on the other side.

3. S.O. to 07.06.2022 for filing rejoinder affidavit, if any.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022



**ORIGINAL APPLICATION NO. 357 OF 2021**

**(Mirza Jamil Baig Mirza Hayat Baig Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent No. 4.
3. S.O. to 07.06.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 361 OF 2021**  
**(Madhukar G. Misal Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri Mayur Subhedar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.
3. S.O. to 08.06.2022 for admission.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO. 373 OF 2021**  
**(Ramesh N. Wagh Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri Masood C. Syed, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 08.06.2022.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO. 432 OF 2021**  
**(Mayadevi S. Khadiwale Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri Asif Ali, learned Advocate holding for Smt. A.N. Ansair, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent No. 1 and Shri S.B. Mene, learned Advocate holding for Shri P.R. Tandale, learned Advocate for respondent No. 2.

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

3. S.O. to 13.06.2022.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO. 461 OF 2021**  
**(Dr. Madhav B. Shinde Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 5. None present on behalf of respondent No. 6.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 5.

3. S.O. to 02.05.2022.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO. 487 OF 2021**  
(Chatrabhuj G. Jagtap Vs. State of Maharashtra & Ors.)

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 3 & 5. Shri D.T. Devane, learned Advocate for respondent No. 4, **absent.**

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 3 & 5.

3. S.O. to 06.06.2022.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO. 515 OF 2021**  
**(Mansab Gaus Khan Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 06.06.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 589 OF 2021**  
**(Praful A. Suryawanshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Ms. Rakhi V. Sundale, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit.
3. S.O. to 10.06.2022.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022



**ORIGINAL APPLICATION NO. 620 OF 2021**  
**(Dilip N. Dhonde Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri S.D. Munde, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 and 2. None present on behalf of respondent No. 3, though duly served.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 and 2. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 10.06.2022 for filing rejoinder affidavit, if any.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 662 OF 2021**  
**(Yashwant P. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.
3. S.O. to 10.06.2022 for admission.

**MEMBER (J)**

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

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri U.L. Momale, learned Advocate for the applicant (**Absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 13.06.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 746 OF 2021**  
**(Tilottama U. Bhatkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. 13.06.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 820 OF 2021**  
**(Akash G. Lavate Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri Masood C. Syed, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 14.06.2022.

**MEMBER (J)**

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

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Smt. Amruta Pansare, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 13.06.2022 for filing rejoinder affidavit, if any.

**MEMBER (J)**

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

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Smt. Amruta Pansare, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 13.06.2022 for filing rejoinder affidavit, if any.

**MEMBER (J)**

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

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Smt. Amruta Pansare, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 13.06.2022 for filing rejoinder affidavit, if any.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 85 OF 2022**  
**(Madhav B. Nilawad Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant submits that during the course of the day he will file service affidavit.

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

4. S.O. to 14.06.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 87 OF 2022**  
**(Pandurang A. Joshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 14.06.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 148 OF 2022**  
(Dr. Rajendra R. Dharmadhikari Vs. State of Maharashtra & Ors.)

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant submits that the provisional pension is not being paid to the applicant since 01.08.2021.

3. In view of the same, the respondents are directed to consider the payment of provisional pension to the applicant in accordance with law immediately.

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

5. S.O. to 07.06.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 157 OF 2022**  
**(Ravindra P. Bhadare Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. At the request of learned Chief Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 08.06.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 170 OF 2022**  
**(Rajaram R. Zande Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri R.A. Joshi, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. As none present for the applicant, S.O. to 14.06.2022 for taking necessary steps.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 220 OF 2022**  
**(Prakash M. Kothule Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 08.06.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 229 OF 2022**  
**(Suresh K. Bharati Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Smt. R.L. Jakhade / Shri S.A. Kulkarni, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. As none present for the applicant, S.O. to 14.06.2022 for taking necessary steps.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 248 OF 2022**  
**(Mogra G. Thakre Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri Mayur Subhedar, learned Advocate holding for Shri A.S. Mirajgaonkar, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent No. 1 and Shri Amit Savale, learned Advocate for respondent No. 2.

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

3. S.O. to 14.06.2022.

**MEMBER (J)**



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

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. Record shows that affidavit in reply is filed only on behalf of respondent No. 3 in M.A.
3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of other respondent. Record shows that in spite of grant of sufficient opportunities the affidavit in reply on behalf of respondent Nos. 1, 2 & 4 is not filed.
4. Hence, the present matter be kept for hearing on 09.06.2022.

**MEMBER (J)**

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

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. Record shows that affidavit in reply is filed only on behalf of respondent No. 2 in M.A.
3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of other respondent. Record shows that in spite of grant of sufficient opportunities the affidavit in reply on behalf of respondent Nos. 1, 3 & 4 is not filed.
4. Hence, the present matter be kept for hearing on 09.06.2022.

**MEMBER (J)**

**M.A. No. 41/2020 in O.A. No. 928/2019**  
**(Chandmiyan Babar Munde Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.
3. S.O. to 10.06.2022.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022

**M.A. No. 346/2021 in O.A. St. No. 904/2021**  
**(Kantabai C. Narwade and Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri U.P. Giri, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Await service of notice on respondent Nos. 4 & 5.
3. At the request of learned Advocate for the applicant, S.O. to 10.06.2022 for taking necessary steps.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022

**M.A. No. 351/2021 in O.A. St. No. 1391/2021**  
**(Dr. Surekha S. Totala Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. Await service of notice on respondents.
3. At the request of learned Advocate for the applicant, S.O. to 10.06.2022 for filing service affidavit.

**MEMBER (J)**

**M.A. No. 35/2022 in O.A. St. No. 105/2022**  
**(Om D. Shinde and Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri Shamsunder B. Patil, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.
3. S.O. to 09.06.2022.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022

**M.A. No. 84/2022 in O.A. St. No. 124/2022**  
**(Govind B. Rathod Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.
3. S.O. to 09.06.2022.

**MEMBER (J)**

KPB ORAL ORDERS 13.04.2022

**M.A. No. 163/2022 in O.A. St. No. 1492/2021  
(Goroba S. Barde Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Ms. Archana Bhange, learned Advocate holding for Shri A.S. Bayas, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. As per the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The present matter is pertaining to benefits of time bound promotion.

3. In view of the same, the present matter be placed before the Division Bench for further hearing.

4. S.O. to 10.06.2022.

**MEMBER (J)**



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

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri G.L. Awale, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 13.06.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 13.06.2022.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 34 OF 2021**  
**(Arvind Bhimrao Salve Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant on instruction from the applicant seeks permission to withdraw the present Original Application.

3. I have no reason to refuse the permission. Hence, permission for withdraw the present Original Application is granted. The O.A. stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

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

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Ms. Archana Bhange, learned Advocate holding for Shri A.S. Bayas, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 29.04.2022.

**MEMBER (J)**

SAS ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO.269 OF 2022**  
**(Sharda V. Andure & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri A.S. Shelke, learned Advocate for the applicants and Shri M.P. Gude, learned Advocate for the respondent Nos.1 to 3.

2. Issue notice to the respondents, returnable on 13.06.2022
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2//

O.A.No.269/22

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

7. S.O. to 13.06.2022.

8. Steno copy and Hamdast is allowed to both parties

**MEMBER (J)**

SAS ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION ST.NO.97 OF 2022  
(Vidya S. Ghorpade Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri S.R. Barlinge, learned Advocate for the applicant, is **absent**. Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 14.06.2022 for passing necessary order.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.517 OF 2020  
(Nandkishor K. Gupta Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Smt. Vidya Taksal, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent Nos.1,2, 4 & 6 and Shri H.P. Jadhav, learned Advocate holding for Shri R.V. Naiknaware, learned Advocate for the respondent No.5. Shri U.B. Bondar, learned Advocate for the respondent No.3, is **absent**.

2. Record shows that the pleadings are complete. The matter is pertaining to pension and pensionary benefits. It is admitted and fixed for final hearing.

3. S.O. to 08.06.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.581 OF 2020  
(Ganesh S. Khetre Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri V.P. Kadam, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Record shows that the pleadings are complete. The matter is pertaining to compassionate appointment. It is admitted and fixed for final hearing.
3. S.O. to 15.06.2022.

**MEMBER (J)**



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

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri P.B. Rakhunde, learned Advocate for the applicant, is **absent**. Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 15.06.2022.

**MEMBER (J)**

SAS ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO.436 OF 2021  
(Adinath V. Mundhe Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. Pleadings are complete. The matter is pertaining to transfer. It is admitted and fixed for final hearing.
3. S.O. to 13.06.2022.

**MEMBER (J)**

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

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shir D.R. Patil, learned Presenting Officer for the respondent No.1 and Shri S.B. Mene, learned Advocate for the respondent Nos.2 and 3.

2. The present Misc. Application is closed for order.

**MEMBER (J)**

SAS ORAL ORDERS 13.04.2022

**M.A.NO.524 OF 2019 IN O.A.ST.NO.1944 OF 2019  
(Jayprakash A. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri A.M. Hajare, learned Advocate for the applicant, is **absent**. Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 13.06.2022.

**MEMBER (J)**

SAS ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO.799 OF 2016  
(Bhura R. Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri H.A. Joshi, learned Advocate for the applicant, is **absent**. Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 25.04.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.29 OF 2017  
(Shankar D. Chaduhari Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri M.S. Gude, learned Presenting Officer for the respondent Nos.1, 2 & 4. Shri S.D. Dhongde, learned Advocate for the respondent No.3, is **absent.**

2. At the request of the learned Advocate for the applicant, S.O. to 14.06.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.177 OF 2018**  
**(Gangadhar M. Kulkarni Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri R.K. Ashtekar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 26.04.2022.

**MEMBER (J)**

SAS ORAL ORDERS 13.04.2022

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

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. At the request of the learned Advocate for the applicant, S.O. to 15.06.2022.

**MEMBER (J)**

SAS ORAL ORDERS 13.04.2022



**ORIGINAL APPLICATION NO.129 OF 2019**  
**(Tejrao B. Gadekar Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri Shritej Surve, learned Advocate holding for Shri J.N. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos.1 & 2. Ms. Vaishali S. Chaudhari, learned Advocate for the respondent Nos.3 & 4, is **absent**.

2. At the request of the learned Advocate for the applicant, S.O. to 16.06.2022.

**MEMBER (J)**

SAS ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO.122 OF 2020  
With Caveat No.06/2020**

**(Sandip P. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri Mayur Subhedar, learned Advocate holding for Shri A.B. Girase, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos.1 to 3. Shri S.D. Dhongde, learned Advocate for the respondent No.4 and Shri Nilesh N. Desale, learned Advocate for the respondent No.5, are **absent**.

2. At the request of the learned Advocate for the applicant, S.O. to 16.06.2022.

**MEMBER (J)**

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

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri Shrirang P. Jarhad, party in person, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos.1 to 3 and Shri S.B. Mene, learned Advocate for the respondent No.4.

2. At the request of applicant in person, S.O. to 16.06.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.322 OF 2020**  
**(Lilachand H. Patel Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The present matter be treated as part heard.
3. By consent of both the sides, S.O. to 27.04.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.134 OF 2021  
(Rupali R. Chougule Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

None present on behalf of the applicant.

Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. As none present on behalf of the applicant, S.O. to 16.06.2022 for passing necessary order.

**MEMBER (J)**

SAS ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO.319 OF 2021  
(Netaji G. Shinde Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

None present on behalf of the applicant.

Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 16.06.2022.

**MEMBER (J)**

SAS ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO.629 OF 2021  
(Dr. Archana V. Bhosle Vs. State of Maharashtra & Ors.)**

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

**DATE : 13.04.2022**

**ORAL ORDER :**

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

2. The present matter is closed for order.

**MEMBER (J)**

SAS ORAL ORDERS 13.04.2022

**ORIGINAL APPLICATION NO. 334 OF 2022**  
**(Gajendra Tanaji Patil Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **13.4.2022**

**ORAL ORDER :**

Heard Shri S.R. Patil, learned counsel for the applicant and Shri M.S. Mahjan, learned Chief Presenting Officer for the respondents.

2. The applicant has preferred the present Original Application seeking stay to the departmental proceedings initiated against him. It is his contention that the charges framed in the departmental enquiry against the applicant are as similar to the charges which the applicant is facing in the criminal case filed against him. Learned counsel relying on the judgment of the Hon'ble Apex Court in the case of **Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. and Another [(1993) 3 SCC 679]** submitted that since the charges in the departmental enquiry are quite similar to the charges which are there against the applicant in criminal case, his right to defend himself is likely to be adversely affected. Learned counsel submitted that even the witnesses cited are also the same. In the circumstances, learned counsel has prayed for stay to the departmental proceedings initiated against him till decision of the criminal case pending against him.



3. Learned Chief Presenting Officer submitted that after having gone through the charges leveled against the applicant in the departmental enquiry, charge No. 2 cannot be said to have any nexus with the criminal case filed against the present applicant. Learned Chief Presenting Officer was fair in submitting that insofar as first charge is concerned, it is, as same as, the charge leveled against the applicant in the criminal case filed against him. In the circumstances, learned Chief Presenting Officer has submitted for passing appropriate orders in the matter.

4. Apparently it is revealing that first charge framed against the applicant is arising out of the same incident out of which the criminal case is registered against the applicant and the contents of the charge are as similar to the charge which the applicant is facing in the criminal case, moreover, witnesses cited are also the same. In the circumstances, insofar as first charge is concerned, the applicant has certainly made out a case to restrain the respondents not to proceed with the said charge. However, second charge is altogether different and that pertains to the dereliction of official duties and responsibilities by the applicant and has no direct impact on the criminal case, even if some witnesses cited in the criminal case also are examined in the D.E..

5. In view of the above, it appears to us that instead of keeping the present matter pending, it would be in the fitness of things to dispose of the O.A. with the following order: -

**ORDER**

- (i) The departmental enquiry initiated against the applicant, insofar as charge No. 1 is concerned, shall stand stayed till decision of the criminal case pending against the applicant.
- (ii) It would be open for the respondents to proceed with the enquiry initiated against the applicant in so far as charge No. 2 is concerned.
- (iii) The O.A. thus is partly allowed in the aforesaid terms.
- (iv) No order as to costs.

**MEMBER (A)**

**MEMBER (J)**

**O.A.NOS. 98, 141, 142, 200, 205, 206, 207. 208 & 101  
ALL OF 2022  
(Sunil B. Rajemod & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

S/Shri Sham Patil, Shrikant S. Kulkarni & M.S. Karad, learned counsel for the respective applicants in respective cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases, are present.

2. At the request of learned counsel for the applicants, S.O. to 19.4.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.4.2022-HDD

**C.P.NO. 16/20 IN O.A.NO. 886/2018**  
**(Baliram D. Waghmare Vs. State of Maharashtra & Ors.)**

**WITH**

**C.P.NO. 17/20 IN O.A.NO. 883/2018**  
**(Sawairam D. Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri S.P. Dhoble, learned counsel holding for Shri G.N. Kulkarni, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in both these cases, are present.

2. At the request of learned counsel for the applicant, S.O. to 20.6.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.4.2022-HDD

**ORIGINAL APPLICATION NO. 167 OF 2022  
(Pravin K. Kokande Vs. State of Maharashtra & Ors.)**

**CORAM :** Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)

**DATE :** 13.4.2022

**ORAL ORDER :**

Heard Shri Jiwan J. Patil, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 17.06.2022.

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 17.06.2022.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 384 OF 2020**  
**(Jitendra V. Kadam Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

None appears for the applicant. Shri D.R. Patil, learned Presenting Officer for the respondents in both these cases, is present.

2. Since none appears for the applicant, S.O. to 4.5.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.4.2022-HDD

**ORIGINAL APPLICATION NO. 473 OF 2021**  
**(Manisha D/o. Shantaram Patil Vs. State of Maha. & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **13.4.2022**

**ORAL ORDER :**

Heard Shri P.S. Patil, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned counsel for the applicant has tendered across the bar written pursis signed by the applicant, wherein it is contended that the applicant is not intending to prosecute the present matter further. The pursis is taken on record.

3. In view of the above, the Original Application stands disposed of since withdrawn however, without any order as to costs.

**MEMBER (A)**

**MEMBER (J)**

**C.P.NO. 19/2021 IN O.A.NO. 890/2018**  
**(Shaikh Harjabee Shaikh Dadamiya & Ors. Vs. State of**  
**Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **13.4.2022**

**ORAL ORDER :**

Shri K.B. Jadhav, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 9.6.2022 for hearing.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.4.2022-HDD



**O.A.NOS. 47, 48, 49 & 59 ALL OF 2020**  
**(Damodhar B. Jadhav & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **13.4.2022**

**ORAL ORDER :**

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicants, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri G.N. Patil, learned counsel for respondent No. 4 in O.A. Nos. 49 & 59 both of 2020, are present.

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

3. S.O. to 14.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 145 OF 2021  
(Jagdish N. Siandane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Ms. Archana Bhange, learned counsel holding for Shri A.S. Bayas, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 15.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 221 OF 2021  
(Subhash S. Jawadekar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

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

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

3. S.O. to 15.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 228 OF 2021  
(Mukesh K. Ghuge Vs. State of Maharashtra & Ors.)**

**CORAM :** Hon'ble Justice Shri P.R. Bora, Member (J)  
**AND**  
Hon'ble Shri Bijay Kumar, Member (A)

**DATE :** 13.4.2022

**ORAL ORDER :**

Shri Sandeep G. Kulkarni, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 15.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 587 OF 2021  
(Pramod G. Narsude Vs. State of Maharashtra & Ors.)**

**CORAM :** Hon'ble Justice Shri P.R. Bora, Member (J)  
**AND**  
Hon'ble Shri Bijay Kumar, Member (A)

**DATE :** 13.4.2022

**ORAL ORDER :**

Shri A.B. Rajkar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 16.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 685 OF 2021  
(Amol V. Chate & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri S.D. Munde, learned counsel for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 16.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 694 OF 2018  
(Somnath S. Reddy Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3, Shri M.S. Sonawane, learned counsel for the respondent No. 4 and Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for respondent Nos. 5 & 6, are present.

2. At the request of learned counsel for the applicant, S.O. to 16.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 700 OF 2021  
(Somnath S. Reddy Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 4 and the same is taken on record and the copy thereof has been served on the other side.

3. S.O. to 16.6.2022.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 734 OF 2021  
(Ganesh S. Panchal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri M.L. Dharashive, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 17.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 742 OF 2021  
(Dr. Pratap H. Salve & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri A.V. Sakolkar, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 17.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 768 OF 2021  
(Arvind R. Bhingardive & Ors. Vs. State of Maharashtra &  
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri V.B. Wagh, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 17.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 770 OF 2021  
(Gangaram S. Bele Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri A.B. Rajkar, learned counsel holding for Shri S.S. Londhe, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. Learned counsel for the applicant submits that during the course of the day he will file proof of service in the office.

3. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

4. S.O. to 20.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 797 OF 2021  
(Ranjana D. Jaybhaye Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri Sandeep D. Munde, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 20.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 807 OF 2021  
(Sahebrao J. Ghadge Vs. State of Maharashtra & Ors.)**

**CORAM :** Hon'ble Justice Shri P.R. Bora, Member (J)  
**AND**  
Hon'ble Shri Bijay Kumar, Member (A)

**DATE :** 13.4.2022

**ORAL ORDER :**

Shri M.B. Kolpe, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of respondent Nos. 1 to 3. Time granted.

3. S.O. to 20.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 828 OF 2021  
(Sambhaji D. Karle Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri H.P. Jadhav, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. The request is opposed by the learned counsel appearing for the applicant. The record shows that due opportunities are already availed. In the circumstances, the present case be listed for hearing on 20.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 67 OF 2022**  
**(Gopinath J. Dhanwade Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **13.4.2022**

**ORAL ORDER :**

Shri Amol S. Gandhi, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 21.6.2022.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 84 OF 2022  
(Bapu V. Vetal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri A.P. Avhad, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 21.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 91 OF 2022**  
**(Narendrasingh I Kachhwaha Vs. State of Maha. & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **13.4.2022**

**ORAL ORDER :**

Shri Sandeep G. Kulkarni, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 21.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 104 OF 2022**  
**(Bhagwan N. Ugalmugale Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **13.4.2022**

**ORAL ORDER :**

Mrs. Priya R. Bharaswadkar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and the copy thereof has been served on the other side.

3. S.O. to 21.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 162 OF 2022  
(Gopal P. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri M.S. Sonawane, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

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

3. S.O. to 4.5.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 168 OF 2022  
(Shirish R. Yadav Vs. State of Maharashtra & Ors.)**

**CORAM :** Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)

**DATE :** 13.4.2022

**ORAL ORDER :**

Shri J.J. Patil, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 17.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 171 OF 2022**  
**(Madhasing S. Gusinge Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **13.4.2022**

**ORAL ORDER :**

Shri J.J. Patil, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 4 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 17.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 172 OF 2022  
(Suresh S. Bobade Vs. State of Maharashtra & Ors.)**

**CORAM :** Hon'ble Justice Shri P.R. Bora, Member (J)  
**AND**  
Hon'ble Shri Bijay Kumar, Member (A)

**DATE :** 13.4.2022

**ORAL ORDER :**

Shri J.J. Patil, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 17.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 178 OF 2022  
(Shrikrishna N. Nakate Vs. State of Maharashtra & Ors.)**

**CORAM :** Hon'ble Justice Shri P.R. Bora, Member (J)  
**AND**  
Hon'ble Shri Bijay Kumar, Member (A)

**DATE :** 13.4.2022

**ORAL ORDER :**

Shri V.B. Wagh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 29.4.2022.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 181 OF 2022  
(Sahebrao B. Chavan Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

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

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

3. S.O. to 23.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 230 OF 2022**  
**(Dr. Seema M. Digraskar Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **13.4.2022**

**ORAL ORDER :**

Shri M.C. Swami, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 23.6.2022.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 353/21 IN M.A.ST.1144/21 IN O.A.ST.1145/21  
(Ramkrushan D. Gore & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri K.C. Sonone, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri D.T. Devane, learned counsel for respondent No. 4, are present.

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

3. S.O. to 24.6.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.4.2022-HDD

**M.A.ST.355/2022 IN O.A.ST.NO. 356/2022**  
**(Mayur G. Kalyankar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **13.4.2022**

**ORAL ORDER :**

Shri Sanjay Kolhare, learned counsel for the applicants has filed leave note. Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.

2. In view of leave note filed by the learned counsel for the applicants, S.O. to 2.5.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.4.2022-HDD

**M.A. 499/19 WITH M.A.500/19 IN O.A. 667/19  
(Sanjay R. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.4.2022**

**ORAL ORDER :**

Shri Sudhir Patil, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 23.6.2022.

**MEMBER (A)**

**MEMBER (J)**

ORAL ORDERS 13.4.2022-HDD

**M.A.NO.41/2021 WITH M.A.ST.NO.89/2021 WITH  
M.A.ST.NO.90/2021 IN O.A.ST.NO.91/2021  
M.A.NO.42/2021 WITH M.A.ST.NO.66/2021 WITH  
M.A.ST.NO.67/2021 IN O.A.ST.NO.68/2021  
M.A.NO.65/2021 WITH M.A.ST.NO.271/2021 WITH  
M.A.ST.NO.272/2021 IN O.A.ST.NO.274/2021  
M.A.NO.92/2021 WITH M.A.ST.NO.244/2021 WITH  
M.A.ST.NO.245/2021 IN O.A.ST.NO.241/2021  
M.A.NO.93/2021 WITH M.A.ST.NO.248/2021 WITH  
M.A.ST.NO.249/2021 IN O.A.ST.NO.246/2021  
(Marathwada Van Va Samaji Vanikaran Rojandari Va Kayam  
Kamgar Karmachari Va Sarva Shramik Sanghatana through  
its General Secretary Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 13.04.2022**

**ORAL ORDER :**

Shri A.S.Shelke, learned Advocate for the applicant Sanghatana, S/Shri M.S.Mahajan, N.U. Yadav, V.R.Bhumkar, B.S. Deokar & Smt. M.S. Patni, learned Chief Presenting Officer and learned Presenting Officers for the respondents in respective cases, are present.

2. Learned Chief Presenting Officer & learned Presenting Officers have sought time for filing affidavit in reply in all these cases. Time granted.

3. S.O. to 27.04.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 352 OF 2022**  
**(Rajaram C. Sevalikar Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **13.4.2022**

**ORAL ORDER :**

Heard Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. It is the case of the applicant that, on the ground that the applicant has been punished as a result of departmental enquiry conducted against him, his case has not been considered by the authorities for promotion to the next promotional post. 'Withholding of two annual increments without future effect' is the punishment imposed upon the applicant.

3. Relying on the order passed by this Tribunal in O.A. No. 886/2017 and thereafter interim order passed in O.A. No. 293/2022 it is the contention of the learned counsel that the applicant is also entitled for interim relief on the similar lines and has, therefore, prayed for granting such interim relief in favour of the applicant.

4. We have carefully considered the submissions advanced by the learned counsel for the parties and we have also gone through the judgment and order relied upon by the learned counsel.

4. While considering the case of the present applicant the provisions as are made in the Government Resolution dated 15.12.2017 cannot be overlooked. The facts in the judgment and order relied upon by the applicant are bit different than facts of the instant case. In the present matter DPC has not considered the case of the applicant for promotion since the period of punishment, which has been imposed upon the applicant will expire at the end of June, 2023. The Government Resolution dated 15.12.2017 and more particularly clause 14 (b) thereof provides that if the period of punishment imposed upon a Government servant is to be expired within the year of the Select List, on the basis of which the promotions are to be effected and if the DPC meeting is scheduled before expiry of the said period but in the same year, the DPC shall consider the case of the said Government servant in the same meeting, if he is otherwise entitled for promotion. In the present matter, admittedly the select list on the basis of which the promotions seem to have been made is of the year 2021-22. The period of punishment imposed upon the applicant is not expiring in the said period. In the circumstances, the facts in the present matter cannot be equated with the facts which are there in the cited matters. We are, therefore, not inclined to grant any interim relief at this stage.



5. For the reasons as stated above, the following order is passed :-

**ORDER**

(i) Issue notice to the respondents, returnable on 20.6.2022

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

(iii) 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.

(iv) 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.

(v) 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.

(vi) S.O. to 20.06.2022.

(vii) Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

**MEMBER (J)**