

ORIGINAL APPLICATION NO.336/2021
(Raosaheb Bhosale Vs. State of Maharashtra & Ors.)

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

DATE : 13.07.2021

ORAL ORDER :

Heard Shri A.S.Khedkar, learned Advocate for the Applicant and Shri B.S.Deokar, learned Presenting Officer for the Respondents.

2. This application is filed against recovery of the excess amount alleged to have been paid to the applicant due to wrong pay fixation. The applicant seeks interim stay to the impugned order dated 26-10-2020 issued by the respondent no.3 (Annexure A-5).

3. The applicant is serving under Upper Prawara Dam Division, Sangamner, Dist. Ahmednagar. In the year 1985 he was initially appointed as Majoor. After completion of 12 and 24 years in service applicant was granted benefits of first and second time bound promotion scheme in view of G.R. dated 08-06-1995 vide order dated 22-10-2009. The respondent no.3 vide its order No.206/2018 dated 27-11-2018 re-fixed the pay scale of the applicant and increased Rs.200/- in Grade Pay with effect from 22-10-2009. In the service tenure applicant's pay fixation was done from time to time. The applicant surprisingly received impugned order No.262/2020 dated 26-10-2020 issued by the respondent no.3 stating that the applicant was paid

overpayment to the tune of Rs.1,10,615/- during the period of 01-07-2008 to 30-09-2020. The applicant seeks stay to the said impugned order in view of the decision of the Hon'ble Apex Court in the case of **State of Punjab V/s. Rafiq Masih** decided on 18-12-2014 reported in [**AIR 2015 SC 696**]. In paragraph 12 of the said judgment, it has been observed by the Hon'ble Apex Court as under:

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

(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from the employees when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employees, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."

4. Considering the facts and circumstances of this case, it is evident that *prima facie* case of the applicant falls under Clause-(i) of paragraph 12 of the said case law. In view of the same, ad-interim stay is granted to the impugned order dated 26-10-2020 for further recovery till filing of reply by the respondents.

5. Issue notices to the respondents, returnable on 20.08.2021.

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

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

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of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

8. 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.

9. 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.

10. S.O. to 20.08.2021.

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

MEMBER (J)

ORIGINAL APPLICATION NO.252/2020
(Harikishan Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 13.07.2021

ORAL ORDER :

Heard Ku. Preeti Wankhade, learned Advocate for the Applicant, Smt. Sanjivani Ghate, learned Presenting Officer for the Respondent no.4 and Shri Shamsundar B. Patil learned Advocate for respondent nos.1 to 3.

2. Learned Advocate for the respondent nos.1 to 3 on instructions received from Senior Clerk from the office of respondent no.3 states that the respondent no.3 is unwell, and therefore, he is unable to remain present before the Tribunal.

3. In view of order dated 25-06-2021 respondent no.3 was directed to remain present before the Tribunal to explain the things personally, failing which appropriate action will be taken against the respondent no.3. Still the respondent no.3 is absent.

4. Hence, last chance is granted to the respondent no.3 to remain present personally before the Tribunal on **06-08-2021**, failing which appropriate action will be taken against the respondent no.3.

MEMBER (J)

ORIGINAL APPLICATION NO.263/2020
(Ravindra M. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 13.07.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 09-08-2021.

MEMBER (J)

YUK ORAL ORDERS 13.07.2021

ORIGINAL APPLICATION NO.493/2020
(Prabha G. Thakre Vs. State of Maharashtra & Ors.)

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

DATE : 13.07.2021

ORAL ORDER :

Shri S.K.Chavan, learned Advocate for the Applicant has filed **leave note** on record. Shri S.K.Shirse, learned Presenting Officer for the Respondents is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 12-08-2021.

MEMBER (J)

YUK ORAL ORDERS 13.07.2021

ORIGINAL APPLICATION NO.20/2021
(Ramraj Chandane Vs. State of Maharashtra & Ors.)

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

DATE : 13.07.2021

ORAL ORDER :

Heard Ku. Preeti Wankhade, learned Advocate for the Applicant and Shri D.R.Patil, learned Presenting Officer for the Respondents.

2. Affidavit in reply filed by the learned P.O. on behalf of respondent nos.1 to 3 is taken on record. Copy thereof has been served on the other side.

3. S.O. 03-08-2021.

MEMBER (J)

ORIGINAL APPLICATION NO.151/2021
(Dattatray Ubale Vs. State of Maharashtra & Ors.)

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

DATE : 13.07.2021

ORAL ORDER :

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

2. Affidavit in reply filed by the learned P.O. on behalf of respondent nos.1 and 2 is taken on record. Copy thereof has been served on the other side.

3. S.O. to 17-08-2021.

MEMBER (J)

ORIGINAL APPLICATION NO.118/2021
(Sunanda Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 13.07.2021

ORAL ORDER :

Heard Ku. Preeti Wankhade, learned Advocate for the Applicant and Smt. Deepali Deshpande, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant files affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side.
3. S.O. to 06-08-2021.

MEMBER (J)

M.A.NO.249/2019 IN O.A.ST.NO.1026/2019
(Madhukar Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 13.07.2021

ORAL ORDER :

Heard Shri V.G.Pingle, learned Advocate for the Applicant and Shri V.R.Bhumkar, learned Presenting Officer for the Respondents.

2. At the request of both sides, S.O. to 10-08-2021.

MEMBER (J)

YUK ORAL ORDERS 13.07.2021

M.A.NO.496/2019 IN O.A.ST.NO.1857/2019
(Mamta Chavariya Vs. State of Maharashtra & Ors.)

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

DATE : 13.07.2021

ORAL ORDER :

Heard Shri V.G.Pingle, learned Advocate for the Applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant files affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 10-08-2021.

MEMBER (J)

YUK ORAL ORDERS 13.07.2021

M.A.NO.515/2019 IN O.A.NO.834/2019
(Ravikant Hadoltikar Vs. State of Maharashtra & Ors.)

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

DATE : 13.07.2021

ORAL ORDER :

Heard Shri V.G.Pingle, learned Advocate for the Applicant, Smt. M.S.Patni, learned Presenting Officer for the Respondents and Shri G.N.Patil learned Advocate for the respondent no.2.

2. At the request of both sides, S.O. to 12-08-2021.

MEMBER (J)

YUK ORAL ORDERS 13.07.2021

M.A. No. 333/2020 in O.A. No. 797/2016
(Gaurav A. ChavanVs. State of Maharashtra & Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

Heard Shri C.V. Thombre, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. The present Misc. Application is made by the applicant for restoration of O.A. No. 797/2016 and also for condonation of delay. This application is to be treated for condonation of delay.

3. Issue notice to the respondents in M.A., returnable on 28.08.2021.

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

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

//2// M.A. 333/2020 in
O.A. 797 of 2016

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 28.08.2021.
9. Steno copy and Hamdast is allowed to both parties.
10. The present matter be placed on separate board.

MEMBER (J)

ORIGINAL APPLICATION NO.108 OF 2019
(Krushna R. RathodVs. State of Maharashtra & Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

Heard Shri Vinod N. Rathod, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 09.08.2021.

MEMBER (J)

M.A. No. 145/2021 in O.A. St. No. 494/2021
(Sitaram K. ZodageVs. State of Maharashtra & Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

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

2. Issue notice to the respondents in M.A., returnable on 24.08.2021.

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

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

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

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M.A. 145/2021 in
O.A. St.494/2021

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 24.08.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter be placed on separate board.

MEMBER (J)

KPB ORAL ORDERS 13.07.2021

M.A. No. 146/2021 in O.A. St. No. 506/2021
(Sunil D. KulkarniVs. State of Maharashtra & Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

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

2. Issue notice to the respondents in M.A., returnable on 24.08.2021.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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M.A. 146/2021 in
O.A. St.506/2021

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 24.08.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter be placed on separate board.

MEMBER (J)

KPB ORAL ORDERS 13.07.2021

M.A. No. 186/2021 in O.A. St. No. 783/2021
(Kalpana T. Shelke&Ors.Vs. State of Maharashtra & Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

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

2.

MEMBER (J)

KPB ORAL ORDERS 13.07.2021

ORIGINAL APPLICATION NO. 385 OF 2019
(Suresh U. NandeVs. State of Maharashtra &Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 25.08.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 1071 OF 2019
(Virbhadra G. IdageVs. State of Maharashtra &Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent 1. Shri N.U. Yadav, learned Advocate for respondent Nos. 2 & 3, **absent**.

2. As none present for respondent Nos. 2 & 3, S.O. to 10.08.2021.

MEMBER (J)

C.P. No. 27/2018 in O.A. No. 515/2013
(Dr. Balaji G. PhalkeVs. State of Maharashtra &Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks permission to amend the names in the title of the respondents in C.P. because of subsequent development, as they are not on those posts as on today.

3. Permission is granted. The applicant shall amend the C.P. within a period of two weeks.

4. S.O. to 10.08.2021.

MEMBER (J)

KPB ORAL ORDERS 13.07.2021

C.P. No. 28/2018 in O.A. No. 516/2013
(Dr. Appasaheb S. DhusVs. State of Maharashtra &Ors.)

WITH

C.P. No. 29/2018 in O.A. No. 511/2013
(Dr. Ramesh J. DhapteVs. State of Maharashtra &Ors.)

WITH

C.P. No. 30/2018 in O.A. No. 510/2013
(Dr. Satish D. LondheVs. State of Maharashtra &Ors.)

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

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

DATE : 13.07.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicants in all these cases andS/shriV.R. Bhumkar, S.K. Shirse and Smt. Deepali S. Deshpande, learned Presenting Officer for the respective respondents in respective cases.

2. At the request and by consent of both the sides, S.O. to 03.08.2021.

MEMBER (J)

C.P. No. 13/2018 in O.A. No. 633/2014
(Dr. Ashok R. JadhavVs. State of Maharashtra &Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant andShri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant concedes that interim stay is granted by the Hon'ble High Court in W.P. No. 8490/2018 challenging the order of this Tribunal dated 27.01.2017 in O.A. No. 633/2014. The said matter is not listed further.

3. In view of the same, at this stage the present matter is removed from the board.

MEMBER (J)

KPB ORAL ORDERS 13.07.2021

C.P. No. 53/2019 in O.A. No. 207/2018
(Dr. Vinay P. SonavneVs. State of Maharashtra &Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Record shows that affidavit in reply is filed on record by the respondent No. 3.
3. S.O. to 18.08.2021.

MEMBER (J)

KPB ORAL ORDERS 13.07.2021

C.P. No. 54/2019 in O.A. No. 338/2017
(Dr. Govind K. Reddy Vs. State of Maharashtra &Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri P.R. Tandale, learned Advocate for respondent No. 5.

2. Record shows that affidavit in reply is filed on record by the respondent No. 3.

3. Learned Advocate for respondent No. 5 seeks time for filing affidavit in reply. Time granted.

4. S.O. to 18.08.2021.

MEMBER (J)

KPB ORAL ORDERS 13.07.2021

C.P. No. 56/2019 in O.A. No. 421/2017
(Dr. Shyamrao L. SawantVs. State of Maharashtra &Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents in C.P. Time granted.

3. S.O. to 18.08.2021.

4. The present matter be placed on separate board.

MEMBER (J)

KPB ORAL ORDERS 13.07.2021

C.P. No. 57/2019 in O.A. No. 335/2017
(Dr. Ganpat H. WadekarVs. State of Maharashtra &Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant andSmt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents in C.P. Time granted.

3. S.O. to 18.08.2021.

4. The present matter be placed on separate board.

MEMBER (J)

KPB ORAL ORDERS 13.07.2021

C.P. No. 58/2019 in O.A. No. 23/2018
(Dr. Archana C. PergulwarVs. State of Maharashtra &Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents in C.P. Time granted.

3. S.O. to 18.08.2021.

4. The present matter be placed on separate board.

MEMBER (J)

KPB ORAL ORDERS 13.07.2021

C.P. No. 59/2019 in O.A. No. 423/2017
(Dr. Pandurang G. PawdeVs. State of Maharashtra &Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents in C.P. Time granted.

3. S.O. to 18.08.2021.

4. The present matter be placed on separate board.

MEMBER (J)

KPB ORAL ORDERS 13.07.2021

C.P. No. 60/2019 in O.A. No. 422/2017
(Dr. Sheshrao M. NarwadeVs. State of Maharashtra &Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents in C.P. Time granted.

3. S.O. to 18.08.2021.

4. The present matter be placed on separate board.

MEMBER (J)

KPB ORAL ORDERS 13.07.2021

M.A. No. 69/2019 in O.A. St. No. 323/2019
(Sarika B. PatoleVs. State of Maharashtra &Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

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

2. At the request and by consent of both the sides, S.O. to 09.08.2021.

MEMBER (J)

KPB ORAL ORDERS 13.07.2021

**M.A. No. 280/2019 in O.A. St. No. 1110/2019
(Sunil H. PachawaneVs. State of Maharashtra &Ors.)**

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

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

2. At the request and by consent of both the sides, S.O. to 10.08.2021.

MEMBER (J)

M.A. No. 186/2021 in O.A. St. No. 783/2021
(Kalpana T. Shelke&Anr.Vs. State of Maharashtra &Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

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

2. By the present Misc. Application the applicants are seeking permission to sue the respondents jointly.

3. The applicants are challenging the order dated 29.06.2021 issued by the respondent No. 3 i.e. the Collector, Aurangabad cancelling the promotions given to them from the cadre of Talathi to the cadre of Circle Officer and reverting them back to the post of Talathi. The applicants have prayed for quashment of the order dated 29.06.2021 with further directions to the respondent No. 3 to repost them as Circle Officers.

4. In view of above facts and circumstances and grounds both the applicants are agitating their cause,which are not only identical but one and the

same. In view of same, in my opinion, this is a fit case to grant

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M.A. 186/2021 in
O.A. St. 783/2021

permission to the applicants to sue the respondents jointly in order to avoid multiplicity of litigations and to avoid conflicting order in the same situation.

5. Hence, the M.A. is allowed. The applicants are permitted to sue the respondents jointly, subject to payment of court fee stamps.

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

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 783 OF 2021
(Kalpana T. Shelke&Anr.Vs. State of Maharashtra &Ors.)

CORAM :Hon'ble Shri V.D. Dongre, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 13.07.2021

ORAL ORDER :

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

2. It is the case of the applicants that they were promoted on ad-hoc basis for a period of 11 months from the post of Talathi to the post of Circle Officer along with two others as per the order dated 15.04.2017 (Annexure A-2). Thereafter, the respondent No. 3 by the order dated 27.03.2018 (Annexure A-3) reverted the applicants and two others to the post of Talathi. The respondent No. 3 thereafter sought guidelines from the respondent No. 1 in that regard by addressing communication/ letter dated 16.04.2018 (Annexure A-4) and on the same day, by another letter dated 16.04.2018 (Annexure A-5) stayed the earlier order dated 27.03.2018 (Annexure A-3) thereby continuing the applicants and two others on the same promotional post on ad-hoc basis.

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O.A. St. 783/2021

3. It is further contentions of the applicants that by the G.R. dated 07.05.2021 (Annexure A-7) and more particularly para No. 4 thereof, the promotional posts of the applicants on reservation basis are protected. In spite of that, by the impugned order dated 29.06.2021 (Annexure A-9), the applicants have been reverted to the post of Talathi. In view of same, learned Advocate for the applicants seeks interim relief in terms of prayer clause 13 (E).

4. Learned Presenting Officer opposed the said submissions and submitted that the action taken by the respondent No. 3 reverting the applicants to the post of Talathi in accordance with law and he has to seek further instructions as regards applicability of the G.R. dated 07.05.2021. He sought time for filing affidavit in reply.

5. Upon hearing the submissions of both the parties, it appears that the present matter relates to clause No. 4 of the G.R. dated 07.05.2021, which is as follows:-

“४. उक्तपदोन्नत्यानिव्वक्ततात्पुरत्यास्वरूपातमा.
सर्वोच्चन्यायालयाच्याविशेषअनुमती याचिकाक. २८३०६/२०१७
वरीलअंतिमनिर्णयाच्याअधिनासतील.
अशीकार्यवाहीकरतांनापदोन्नतीमधीलआरक्षणाचालाभ घेऊन
सध्याच्यासेवाज्येष्ठता यादीतवरच्यास्थानावरआलेल्याकोणत्याहीमागासवर्गीय
अधिकारी / कर्मचा-यांनापदावनतकरण्यात येऊनये.”

6. In the background,if the impugned order dated 29.06.2021 is considered,it appears that though the said G.R. is referred at Sr. No. 7, it is not specifically observed in the impugned order that whether para No. 4 of the G.R. dated 07.05.2021 is applicable or not. In view of the same, in my opinion, in view of para No. 4 of the said G.R. dated 07.05.2021 this is a fit case to grant ad-interim stay to the impugned order dated 29.06.2021 till filing of the affidavit in reply by the respondents. Hence, ordered accordingly.

7. Issue notice to the respondents, returnable on 25.08.2021.

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

9. 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.

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10. 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.

11. 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.

12. S.O. to 25.08.2021.

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

14. The present matter be placed on separate board.

MEMBER (J)

KPB ORAL ORDERS 13.07.2021

M.A.NO.61 OF 2021 IN O.A.NO.127/2020
(Smt. Resha P. Karhale Vs. State of Maharashtra & Ors.)

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

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

DATE : 13.07.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondents.

2. Issue notice to the respondents in M.A.No.61/2021, returnable on 13.08.2021.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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M.A.61/2021 IN O.A.NO. 127/2020

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 13.08.2021.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORAL ORDERS 13.07.2021-SAS

M.A.NO.185 OF 2021 IN O.A.NO.257/2021
(Shri Nanasaheb L. Gaikwad Vs. State of Maharashtra & Ors.)

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

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

DATE : 13.07.2021

ORAL ORDER :

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

2. The Original Application is filed for seeking directions to include the name of the Applicant in the list attached to the communication dated 03.06.2021 i.e. (Annexure 'A-8' of O.A.) issued by the Respondent Nos.2 & 5 for promotion on the post of Reserve Police Sub-Inspector (R.S.I.) and to consider him for promotion on the said post of Reserve Police Sub-Inspector (R.S.I.) in view of direction given in the common judgment passed in O.A.No.39/2016 dated 24.03.2017.

3. The said common judgment of this Tribunal dated 24.03.2017 is in O.A.No.39/2016 filed by the Applicant and three other Original Applications and is at Annexure 'A-5' of the O.A. The learned Advocate for the Applicant submits that the said order is not challenged by the

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M.A.185/2021 IN O.A.257/2021

Respondents and he is seeking benefit of outcome of the said order only.

4. In view of the same, at this stage, interim relief in terms of prayer clause 15(C) of the Misc. Application is granted till filing of reply by the Respondents to the effect of keeping one post of Reserve Police Sub-Inspector (R.S.I.) vacant.

5. Issue notice to the respondents, returnable on 25.08.2021.

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

7. 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.

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

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M.A.185/2021 IN O.A.257/2021

9. 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.
10. S.O. to 25.08.2021.
11. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO.150 OF 2021
(Shri Mayur P. Chavan Vs. State of Maharashtra & Ors.)

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

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

DATE : 13.07.2021

ORAL ORDER :

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

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply.
3. S.O. to 06.08.2021

MEMBER (J)

**ORIGINAL APPLICATION NO.165 OF 2021
(Shri Anil Y. Rokade Vs. State of Maharashtra & Ors.)**

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

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

DATE : 13.07.2021

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the Applicant, Shri V.R. Bhumkar, learned Presenting Officer for the Respondent No.1 and Shri S.B. Patil, learned Advocate for the Respondent Nos.2 & 3.

2. At the request of learned P.O. for the Respondent No.1 and learned Advocate for Respondent Nos.2 & 3, time is granted for filing affidavit-in-reply.

3. S.O. to 12.08.2021

MEMBER (J)

ORIGINAL APPLICATION NO.278 OF 2021
(Dr. Udaykumar D. Padhye Vs. State of Maharashtra & Ors.)

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

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

DATE : 13.07.2021

ORAL ORDER :

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

2. The matter is today's on board for filing affidavit-in-reply on behalf of the Respondents.

3. Learned P.O. for the Respondents places on record communication dated 12.07.2021 received from Respondent No.1 and requests for grant of time of four weeks for filing affidavit-in-reply. The same is taken on record and marked as 'X' for the purpose of identification.

4. Learned Advocate for the Applicant opposes the said submission and placed on record G.R. dated 30.08.2018. The same is taken on record and marked as 'X-1' for the purpose of identification.

5. Learned Advocate for the Applicant submits that this G.R. provides for keeping result in sealed cover in respect

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O.A.278/2021

of specific three categories where the employee is under suspension and/or Departmental Enquiry is proceeded with and/or the criminal case is pending.

6. Learned Advocate for the Applicant submits that the case of the Applicant does not fall in any of this category and therefore, the action of the Respondents keeping the matter pertaining to the Applicant is not justified.

7. In view of the same, he simply prays for keeping the matter before the regular Division Bench as soon as possible.

8. In view of above, S.O. to 26.07.2021.

MEMBER (J)

M.A.NO.111 OF 2021 IN O.A.ST.NO.439/2021
(Shri Shivaji T. Kote & Ors. Vs. State of Maharashtra & Ors.)

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

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

DATE : 13.07.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for
the Applicants and Smt. M.S. Patni, learned Presenting
Officer for the Respondents.

2. At the request of the learned Advocate for the
Applicants, S.O. to 18.08.2021.

MEMBER (J)

C.P.NO.12 OF 2021 IN O.A.NO.2 OF 2019
(Shri Tukaram R. Bhojane Vs. State of Maharashtra & Ors.)

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

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

DATE : 13.07.2021

ORAL ORDER :

Heard Shri V.M. Maney, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. By order dated 25.06.2021, the learned P.O. for the Respondents was to seek instructions as regards the stage of pending representation of the Applicant dated 06.01.2021 and with that regard learned P.O. places on record letter dated 16.06.2021 addressed to the office of Respondent No.2 by the office of Respondent No.1 whereby stated that the representation of the Applicant cannot be considered. The same is taken on record and marked as document 'X' for the purpose of identification

3. Learned P.O. for the Respondents seeks time for filing affidavit-in-reply. Time is granted.

4. S.O. to 17.08.2021.

MEMBER (J)

**M.A. 144/21 WITH M.A. 218/19 IN OA ST 770/19
(Punjaji S. Yelne & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 13.7.2021

ORAL ORDER :

Heard Shri Vivek Pingle, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicants, S.O. to 12.8.2021.

MEMBER (J)

ORAL ORDERS 13.7.2021-HDD

M.A. 38/2021 IN OA ST 1369/2020
(Ashok B. Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 13.7.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 13.8.2021 for enabling him to file affidavit in reply.

MEMBER (J)

ORAL ORDERS 13.7.2021-HDD

M.A.NO. 71/2021 IN O.A. NO. 80/2021
(State of Maharashtra & Ors. Vs. Bhimrao N. Kokate)

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

DATE : 13.7.2021

ORAL ORDER :

Heard Shri V.R. Bhumkar, learned Presenting Officer for the applicants in M.A./respondents in O.A. and Shri Shamsundar B. Patil, learned Advocate for the respondent in M.A. / applicant in O.A.

2. Part heard.
3. S.O. to 22.7.2021 for hearing.

MEMBER (J)

ORAL ORDERS 13.7.2021-HDD

M.A. NO. 184/2021 IN O.A. NO. 88/2020
(Sanjay S. Kute Vs. State of Maharashtra & Ors.)

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

DATE : 13.7.2021

ORAL ORDER :

Heard Shri I.S. Godse, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Issue notice to the respondents in M.A. No. 184/2021, returnable on 20.8.2021.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

**:: - 2 - :: M.A. NO. 184/2021 IN
O.A. NO. 88/2020**

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 20.08.2021.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORAL ORDERS 13.7.2021-HDD

O.A.NO. 747/2019 WITH O.A.NO. 948/2019
(Prashant M. Wayukar & Anr. Vs. State of Maha. & Ors.)

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

DATE : 13.7.2021

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Advocate for the applicants in both these cases and Shri M.P. Gude, learned Presenting Officer for the respondents in both these cases.

2. Record shows that the present cases have been fixed for final hearing. At this stage, learned Advocate for the applicant seeks permission to file additional affidavit on record in O.A. No. 747/2019 in order to place the fact that the applicant was the only person who has reported at the place of transfer and others have not reported at the place of transfer and their transfers are cancelled.

3. Permission granted to the learned advocate for the applicant to file additional affidavit.

4. By consent of both the parties, S.O. to 26.7.2021.

MEMBER (J)

ORAL ORDERS 13.7.2021-HDD

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

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

DATE : 13.7.2021

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 27.7.2021 for hearing at the stage of admission.

MEMBER (J)

ORAL ORDERS 13.7.2021-HDD