

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

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench
Before: - **THE HON'BLE JUSTICE SHRI. P.R. BORA, VICE CHAIRMAN**

And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Date:- 13/12/2023

Suplimentary Board

| Sr. No | Case No. | District | Advocate's & Applicant's Name | Subject | Remarks | |
|---|--------------------|-------------------|---|---------------------------|-------------|--|
| Horizontal Reservation Group Matters | | | | | | |
| 1 | OA590/13 (F.H.) | Nanded Hingoli | Adv.P.G. Gunale (Kaveri V Chavan @ Kaveri S Bagal) <u>Adv.S.K. Mathpati for R.No.6</u> <u>Adv.M.P. Kale for R.No.7</u> <u>Adv.K.G. Salunke for R.No.8</u> | Appointment | | |
| 2 | OA85/17 (Due) | Latur | Adv.J.M. Murkute (Nikita K Bhange) | Selection/ Appointment | | |
| 3 | OA187/17 (F.H.) | Latur | Adv.S.N. Lale/ Adv.R.B. Gaikwad (Shabdashree T Bhange) | Selection/ Appointment | Disposed of | |
| 4 | OA493/17 (Due) | J'gaon | Adv.V.B. Wagh/ Adv.A.J. Patil (Dr. Sanjay K Khachane) <u>Adv.H.A. Joshi for R.Nos. 3 to 6</u> <u>Adv.H.A. Joshi has Filed Leave Note From 05.12.2023 to 14.12.2023</u> | Selection/ Appointment | Disposed of | |

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| 5 | OA34/18 (Due) | Beed | Adv.S.S. Thombre (Kishor B Khedkar) <u>Adv.M.B. Kolpe for</u> <u>R.Nos.4 & 5</u> <u>Adv.B.N.</u> <u>Gadegaonkar for</u> <u>R.No.6</u> | Appointment | 22.12.2023 |
| 6 | OA72/18 (Due) | Beed | Adv.Avinash D Aghav (Anant J Hange) | Appointment | |
| 7 | OA154/18 (Due) | A'nagar | Adv.V.B. Wagh (Priyanka P Shinde) <u>Adv.M.B. Kolpe for</u> <u>R.No.2</u> | Selection/ To Participate in Further Process of Selection/ Appointment | Disposed of |
| 8 | OA224/18 (Due) | A'nagar | Adv.Saisagar A Ambilwade (Snehal R Harade) <u>Adv.M.B. Kolpe for</u> <u>R.No.3</u> <u>Adv.H.A. Joshi For</u> <u>R.Nos.4 to 14</u> Adv.H.A. Joshi has <u>Filed Leave Note From</u> <u>05.12.2023 to</u> <u>14.12.2023</u> <u>Adv.M.P. Bhaskar for</u> <u>R.Nos.15 to 17</u> | Selection/ Appointment | |
| 9 | OA231/18 (Due) With | A'nagar | Adv.Abhay R Rathod/ Adv.Prithvi A Rathod (Aishwarya V Mudholkar) <u>Adv.M.B. Kolpe for</u> <u>R.No.2</u> <u>Adv.H.A. Joshi for</u> | Selection/ Appointment | |

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| | | | <u>R.No.3</u> <u>Adv.H.A. Joshi has</u> <u>Filed Leave Note From</u> <u>05.12.2023 to</u> <u>14.12.2023</u> | | |
| 10 | OA232/18 (Due) With | J'gaon | Adv.Abhay R Rathod (Dipak I Rajput) <u>Adv.M.B. Kolpe for</u> <u>R.No.2</u> <u>Adv.H.A. Joshi for</u> <u>R.No.10, 14, 20, 26, 34,</u> <u>35, 38, 43, 46, 47, 49,</u> <u>51 & 52</u> <u>Adv.H.A. Joshi has</u> <u>Filed Leave Note From</u> <u>05.12.2023 to</u> <u>14.12.2023</u> <u>Adv.V.B. Wagh for</u> <u>R.No.30</u> <u>Adv.Amol S Gandhi</u> <u>for R.No.14</u> | Recruitment Process/ Selection/ Appointment Motor Vehicle Inspector | 22.12.2023 |
| 11 | OA233/18 (Due) | A'bad | Adv.Abhay R Rathod/ Adv.P.A. Rathod (Namrata A Shinde) <u>Adv.Swati B Nakhate</u> <u>For R.Nos. 6 & 65</u> <u>Adv.M.B. Kolpe for</u> <u>R.No.2</u> | Recruitment Process/ Selection/ Appointment Motor Vehicle Inspector | |
| 12 | OA250/18 (Due) | J'gaon | Adv.Surekha Mahajan (Girish M Patil) <u>Adv.M.B. Kolpe for</u> <u>R.No.1</u> <u>Adv. G.V. Mohekar</u> <u>for R.Nos.10 & 21</u> | Selection/ Appointment (AMVI) Motor Vechile Inspector | |

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| 13 | MA299/18 In OA226/18 (Order) | Beed | Adv.K.B. Jadhav (Nitin E Rathod) <u>Adv.M.B. Kolpe for R.No.2</u> | M.A. For I.R./ Direction | M.A. & O.A. Disposed of |
| 14 | OA301/18 (Due) | A'nagar | Adv.S.S. Thombare (Shubhangi V Khedkar) | Appointment | |
| 15 | OA313/18 (Due) | Beed | Adv.B.S. Choure/ Adv.P.K. Wagh (Anusaya B Kute) <u>Adv.M.B. Kolpe for R.No.3 Adv.A.S. Shelke for R.No.4</u> | Selection | |
| 16 | OA350/18 (Due) | Dhule | Adv.Avinash S Deshmukh (Dr. Balwant K Choure) | Appointment | |
| 17 | OA430/18 (Due) | Beed | Adv.S.S. Thombre (Jyoti A Gutte) <u>Adv. G.V. Mohekar for R.Nos. 3 to 5</u> | Selection/ Appointment | |
| 18 | OA480/18 (Due) | O'bad | Adv.S.S. Thombre (Balasdaheb Jalindar Salgar) | Selection/ Appointment | |
| 19 | OA485/18 (Due) With | Beed | Adv.Avinash S Deshmukh (Dr. Mahesh B Phad) | Appointment | |
| 20 | OA486/18 (Due) With | Dhule | Adv.Avinash S Deshmukh (Amarsingh R Hazari) | Appointment | |
| 21 | OA556/18 (Due) | Latur | Adv.Avinash S Deshmukh | Selection/ Appointment | |

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| | | | (Dr. Shweta V Katkar) | | | |
| 22 | OA753/18 (Due) | A'nagar | Adv.V.B. Wagh/ Adv.V.G. PIngle (Sonali B Telore) <u>Adv.Ajay Deshpande</u> for R.No.4 | Seletion/ Appointment | | |
| 23 | OA914/18 (Due) | O'bad | Adv.Ganesh J Kore (Rohan S Jadhav) | Selection | | |
| 24 | OA985/18 (Due) | Beed | Adv.Aashish T Jadhavar (Rahul R Tidke) | Seletion/ Appointment Allow to appeard for Interview | | |
| 25 | OA635/19 (Due) | A'bad | Adv.S.S. Thombre (Ketki A Wadmare) | Appointment | | |

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

BENCH AT AURANGABAD

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench
Before: - THE HON'BLE JUSTICE SHRI. P.R. BORA, VICE CHAIRMAN

And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Date:- 13/12/2023

| Sr. No | Case No. | District | Advocate's & Applicant's Name | Subject | Remarks | |
|---------------------------------|-----------|----------|--|-----------------------------|-------------------|--|
| Urgent Admission Matters | | | | | | |
| 1 | OA1023/23 | P'bhani | Adv.S.S. Jadhavar (Vinayak U Banchod) | Challenging Notification | 18.01.2024 | |
| 2 | OA1071/23 | A'nagar | Adv.Santosh S Jadhavar (Shudhamati K | Selection Process | Dispoed of | |

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| | | | Narwade) | | | |
| 3 | OA461/22 | J'gaon | Adv.Kakasaheb B Jadhav (Sunil P Vispute) | Promotion | Disposed of | |
| 4 | MA555/23 In OA979/23 With Caveat23/23 with | A'bad | Adv.M.S. Shaikh (Vishvjeet V Kulkarni) <u>CPO For Caveator in OA979/23 i.e.</u> (The State of Maharashtra Through Director of Economics and Statistics, Mah. State) | M.A. For I.R. | M.A. rejected 08.01.2024 in O.A. | |
| 5 | MA557/23 In OA999/23 With Caveat38/23 With | A'bad | Adv.Sangharssh V Waghmare In MA557/23 (Milind S Rathod & Ors.) Adv.S.S. Dambe In OA999/23 (Shivaji B Borkar & Ors.) <u>CPO For Caveator in OA999/23 i.e.</u> (The State of Maharashtra Through The Chief Engineer, Public Works Region, Mumbai and President, State Level Co- ordination Committee, Mumbai) | M.A.557/23 For Intervention | M.A. allowed 08.01.2024 in O.A. | |

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| 6 | OA1054/23 With | Mumbai | Adv.Anand D Kawre (The Association of Subordinate Service of Engineers, Mah. State through its President Unmesh B Mudbidrikar) | M.A. For Sue Jointly | 08.01.2024 | |
| 7 | OA1053/23 With Caveat38/23 | A'nagar Beed | Adv.A.D. Gadekar (Babasaheb K Mhaske & Ors.) <u>CPO For R.No.3 i.e.</u> <u>Caveator</u> | Selection Process/ Recruitment Rules | | |
| Order Matters | | | | | | |
| 8 | MA51/21 In OAS184/21 | Hingoli | Adv.Preeti R Wankhade (Sangameshwar M Kadam) | M.A. For Condonation of Delay | 11.01.2024 | |
| 9 | MA38/23 In OA861/22 | A'bad | Adv.K.B. Jadhav (Shobha R Tak) | M.A. For I.R. | 8.1.2024 | |
| 10 | MA213/23 In OA425/20 | A'bad | Adv.Sharad V Natu/ Adv.H.A. Joshi (Sachin U Shinde & Ors.) <u>Adv.M.B.</u> <u>Bharaswadkar for</u> <u>R.Nos.2 to 7 & 11 in</u> <u>OA425/20</u> | M.A. For I.R. | 31.01.2024 | |
| 11 | MA519/23 In OA151/19 | P'bhani | Adv.V.B. Wagh (Sachin A Gade & Ors.) | M.A. For Adding Co Applicants | 10.01.2024 | |

| Due Admission Matters | | | | | | |
|------------------------------|-----------------------------------|--------|---|---|--------------------------|--|
| 12 | OA1149/22 | Latur | Adv.V.R. Kalyankar/ Adv.P.P. Dama (Dileep M Devkate) | Seniority List | <u>14.12.2023</u> | |
| 13 | CP16/20 In OA886/18 With | Nanded | Adv.G.N. Kulkarni (Baliram D Waghmare) | Contempt Petition | 02.02.2024 | |
| 14 | CP17/20 In OA883/18 | Nanded | Adv.G.N. Kulkarni (Sawairam D Rathod) | Contempt Petition | 02.02.2024 | |
| 15 | OA758/17 | A'bad | Adv.V.B. Wagh (Dadarao D Borade) | Minor Punishment | 08.01.2024 | |
| 16 | OA13/19 | A'bad | Adv.Avinash S Deshmukh (Tufansing L Shele) | Removal From Service | 04.01.2024 | |
| 17 | OA93/19 | A'bad | Adv.J.M. Murkute (Priyanka J Janephalkar) | Appointment | 16.01.2024 | |
| 18 | OA179/19 With | A'bad | Adv.J.S. Deshmukh (Dr.Suryakant D Sonkhedkar) | Revision of Pay Scale | 02.01.2024 | |
| 19 | OA180/19 With | A'bad | Adv.J.S. Deshmukh (Dr.Padmaja A Saraf) | Revision of Pay Scale | | |
| 20 | OA279/19 With | A'bad | Adv.J.S. Deshmukh (Dr.Dilip B Dange) <u>Adv.C.D. Biradar for R.Nos.3 & 4</u> | Benefit of Time Bound Promotion/ ACPS/ Revised of Pay Fixation | | |

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| 21 | OA280/19 with | P'bhani | Adv.J.S. Deshmukh (Dr.Balasaheb D Masare) | Benefit of Time Bound Promotion/ ACPS/ Revised of Pay Fixation | 02.01.2024 | |
| 22 | OA346/19 | A'bad | Adv.J.S. Deshmukh (Dr.Sharda W Kharat) | Condonation of Technical Brekas/ Annual Increments | | |
| 23 | OA946/19 | P'bhani | Adv.J.S. Deshmukh (Dr. Subhash P Pawar) <u>Adv.V.R. Sonwalkar for R.Nos.4 & 5</u> | Revision of Pay/ Recovery | 25.01.2024 | |
| 24 | OA257/20 | Beed | Adv.J.V. Patil (Sambhaji S Pawar) <u>Adv.H.P. Jadhav for R.No.2</u> | Selection List/ Selection | 05.01.2024 | |
| 25 | OA124/21 with | Dhule | Adv.Suchita A Dhongde(Upadhyay) (Kiran B Kamble) | Promotion | 15.02.2024 | |
| 26 | OA125/21 with | Dhule | Adv.Suchita A Dhongde(Upadhyay) (Shrikant N Desale) | Promotion | 15.02.2024 | |
| 27 | OA155/21 | Dhule | Adv.Suchita A Dhongde (Chhotu S Choudhari) | Seniority/ Promotion | 15.02.2024 | |
| 28 | OA184/21 | A'bad | Adv.S.B. Solanke (Haridas S Ingle) | Higher Appointment | 16.02.2024 | |
| 29 | OA246/21 | J'gaon | Adv.S.B. Solanke (Pradeep B Bramhane) | Appointment | 16.02.2024 | |

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| 30 | OA390/21 | Latur | Adv.S.S. Thombre (Govind D Mane) <u>Adv.Suhas P</u> <u>Urgunde for R.No.3</u> | Absorption | 16.02.2024 | |
| 31 | OA622/21 | J'gaon | Adv.Ravindra V Gore (Arjun R Deshmukh(Gawali)) | Appointment | 18.12.2023 | |
| 32 | OA747/21 | N'bar | Adv.J.S. Deshmukh (Dr.Deepak V Vasave) | Challenging Clause (H) of Order | 21.12.2023 | |
| 33 | OA167/22 | P'bhani | Adv.Jiwan J Patil (Pravin K Kokande) | Promotion | 31.01.2024 | |
| 34 | OA172/22 | Hingoli | Adv.J.J. Patil (Suresh S Bobade) | Promotion | 31.01.2024 | |
| 35 | OA256/22 | O'bad | Adv.Suchita Dhongde (Ashok S Patil) | Major Punishment | 21.02.2024 | |
| 36 | OA468/22 | A'bad | Adv.Talekar & Associates (Smita S Ingle) | Seniority List | 19.01.2024 | |
| 37 | OA547/22 with | P'bhani | Adv.Amol B Chalak (Ganesh S Chavan) | Examination/ Eligibility/ Select List | 12.01.2024 | |
| 38 | MA161/23 In OA616/22 with | Pune | Adv A S Khedkar (Abhijit T Pore) | M.A For Adding Party as Applicant | | |

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| 39 | OA784/22 | Dhule | Adv.A.S. Khedkar (Jitesh P Wagh) <u>Adv.S.S. Thombre</u> <u>For R.No.9</u> | Selection Process | 12.01.2024 | |
| 40 | OA691/22 | A'nagar | Adv.Avinash S Deshmukh (Dr. Vasant M Garudkar) <u>Adv.J.P. Legal for</u> <u>R.No.3</u> | Appointment | 10.01.2024 | |
| 41 | OA876/22 | N'bar | Adv.A.D. Sugdare (Dr.Pravinkumar Y Thakare) | Advertisement | 19.01.2024 | |
| 42 | OA1114/22 | O'bad | Adv.K.B. Jadhav (Pramod N Kusneniwar) <u>Adv.V.P. Narwade</u> <u>for R.No.3/</u> <u>Adv.Ajinkya S Reddy</u> <u>For R.No.4</u> | Departmental Enquiry | Disposed of | |
| 43 | OA1129/22 | Nanded | Adv. Y.R. Barhate (Madhukar L Rathod) | Dismissal (Major Punishment) | 02.01.2024 | |
| 44 | OA17/23 | Jalna | Adv.Jiwan J Patil (Sandeep S Kshire) | Eligibility/ Appointment | 17.01.2024 | |
| 45 | OA464/23 | A'bad | Adv.Amol B Chalak (Muzaffer Mustafa Shah) | Cancellation of Appointment | 02.01.2024 | |

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| 46 | OA533/23 | Jalna | Adv.K.B. Jadhav (Babasaheb B Karjatkar) | Dismissal | 27.02.2024 | |
| 47 | OA594/23 | Nanded | Adv.Ajinkya Reddy (Sandhya S Shinde) <u>Adv.A.S. Deshmukh</u> <u>For R.No.5</u> | Appointment | 10.01.2024 | |
| 48 | OA750/23 | A'bad | Adv.Avinash S Deshmukh (Dr. Asha S Munjal) | Selection Process (MPSC) | 18.12.2023 | |
| 49 | OA875/23 | A'bad | Adv.K.B. Jadhav (Avadhut A Sisal) | Selection Process | 03.01.2024 | |
| Final Hearing Matters | | | | | | |
| 50 | OA759/22 | O'bad | Adv.O.D. Mane/ Adv.A.O. Mane (Manisha A Rashinkar) | Departmental Enquiry | 11.01.2024 | |
| 51 | OA736/12 | Nanded | Adv.Sudhir Patil (Devidas R Jadhav) | Extention of Age of Retirment | 09.01.2024 | |
| 52 | OA44/13 | A'bad | Adv.Abasaheb D Shinde (Dr. Rashmi P Dhale) | Appointment/ Cancellation of Appointment | 04.01.2024 | |
| 53 | OA588/16 | P'bhani | Adv.R.B. Narwade Patil (Dnyaneshwari M Barse) | Selection/ Appoiatment | 09.01.2024 | |

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| 54 | OA251/17 | Latur | Adv.J.G. Toshniwal (Dr.Sham P Toshniwal) | Selection/ Appointment | 10.01.2024 | |
| 55 | OA408/17 | Latur | Adv.S.P. Urgunde/ Adv.S.S. Dambe (Shivam S Kamble) | Appointment | 11.01.2024 | |
| 56 | OA496/17 | Latur | Adv.Sandip S Chakurkar (Varsharani S Chavhan) | Termination | 11.01.2024 | |
| 57 | OA517/17 | Dhule | Adv.M.V. Bhamre (Anup S Kulkarni) | Direction/ Selection/ Appointment | 12.01.2024 | |
| 58 | OA664/17 | A'bad | Adv.Ajay Deshpande (Shaikh Kalim Sk Mannu) | Dismissal | 12.01.2024 | |
| 59 | OA716/18 With | O'bad | Adv.Sujeet D Joshi (Atul N Shirke) | Appointment | 15.01.2024 | |
| 60 | OA634/18 With | Beed | Adv.Sujeet D Joshi (Pramod S Chormale) | Appointment | 15.01.2024 | |
| 61 | OA635/18 With | Beed | Adv.Sujeet D Joshi (Mahesh A Talekar) | Appointment | 15.01.2024 | |
| 62 | OA636/18 | Beed | Adv.Sujeet D Joshi (Vinay P Sarpate) | Appointment | 15.01.2024 | |
| 63 | OA68/19 | Latur | Adv.V.B. Wagh (Dr.Shripati K Shinde) | Challenging G.R. | 08.01.2024 | |

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| 64 | OA117/19 | A'bad | Adv.Prasad D Jarare (Sainath K Matkar) | Promotion | 02.01.2024 | |
| 65 | OA281/19 | P'bhani | Adv.D.T. Devane (Prasad B Deshmukh) | Revision Pay Scale/ Increment | 16.01.2024 | |
| 66 | OA647/19 | A'bad | Adv.Avinash S Deshmukh (Balasaheb T Deshmukh) | Promotion | 02.01.2024 | |
| 67 | OA187/20 | Dhule | Adv.S.A. Kulkarni (Basanti J Padavi) | Direction/ Declare Result | 18.12.2024 | |
| 68 | OA22/21 | Nanded | Adv.Avinash S Deshmukh (Muktyarsing R Theng) | Departmental Enquiry | 05.01.2024 | |
| 69 | OA380/22 | N'bar | Adv.J.P. Legal Associates (Bhaskar D Patil) | Major Punishment/ Compulsory Retirement | 23.01.2024 | |

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

*List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench
Before: - THE HON'BLE JUSTICE SHRI. P.R. BORA, VICE CHAIRMAN*

And

**THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)
Matters Transfer From Mumbai & Nagpur**

Date:- 13/12/2023

Suplimentary

Board 1

| Sr. No | Case No. | District | Advocate's & Applicant's Name | Subject | |
|---------------|-----------------|-----------------|--|--|------------|
| 1 | OA1055/23 | Mumbai | Adv.M.S. Deshmukh/ Adv.U.L. Momale (Suresh D More) | Seniority List/ Show Cause Notice For Reversion | 08.01.2024 |

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|---|-----------|--------|---|--|------------|
| 2 | OA1056/23 | Satara | Adv.M.S. Deshmukh/ Adv.U.L. Momale (Rajendra S Sawant) | Seniority List/ Show Cause Notice For Reversion | 08.01.2024 |
| 3 | OA1057/23 | R'giri | Adv.M.S. Deshmukh/ Adv.U.L. Momale (Rajendra P Kulkarni) | Seniority List/ Show Cause Notice For Reversion | |
| 4 | OA1058/23 | Pune | Adv.M.S. Deshmukh/ Adv.U.L. Momale (Sachin Y Pagare) | Seniority List/ Show Cause Notice For Reversion | |
| 5 | OA1059/23 | K'pur | Adv.M.S. Deshmukh/ Adv.U.L. Momale (Rajesh B Shinde) | Seniority List/ Show Cause Notice For Reversion | |
| 6 | OA1060/23 | Mumbai | Adv.M.S. Deshmukh/ Adv.U.L. Momale (Prashant A Gaikwad) | Seniority List | |
| 7 | OA1061/23 | Nashik | Adv.M.S. Deshmukh/ Adv.U.L. Momale (Umakant L Desale) | Seniority List | |
| 8 | OA1062/23 | Mumbai | Adv.M.S. Deshmukh/ Adv.U.L. Momale (Vijaykumar R Chougule) | Seniority List | |
| 9 | OA1063/23 | Mumabi | Adv.M.S. Deshmukh/ Adv.U.L. Momale (Dhananjay A Vyawahare) | Seniority List | |

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| 10 | OA1064/23 | Palghar | Adv.M.S. Deshmukh/ Adv.U.L. Momale (Vishal A Ahirrao) | Seniority List | 08.01.2024 |
| 11 | OA1065/23 | K'pur | Adv.M.S. Deshmukh/ Adv.U.L. Momale (Santosh V Rasane) | Seniority List | |
| 12 | OA1066/23 | Thane | Adv.M.S. Deshmukh/ Adv.U.L. Momale (Mahendra H Khamkar) | Seniority List | |
| 13 | OA1067/23 | S'durg | Adv.M.S. Deshmukh/ Adv.U.L. Momale (Sanjay V Dahiphale) | Seniority List | |
| 14 | OA1072/23 | N'pur | Adv.M.S. Deshmukh/ Adv.U.L. Momale (Anand M Rode) | Challenging Seniority List | |
| 15 | OA1073/23 | A'vati | Adv.M.S. Deshmukh/ Adv.U.L. Momale (Toba S Bawane) | Challenging Seniority List | |
| 16 | OA1074/23 | Chand'pur | Adv.M.S. Deshmukh/ Adv.U.L. Momale (Nagnath B Sagar) | Challenging Seniority List | |
| 17 | OA1075/23 | Gondiya | Adv.M.S. Deshmukh/ Adv.U.L. Momale (Pralhad F Khanwaye) | Challenging Seniority List | |

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And
THE HON'BLE SHRI VINAY KARGAONKAR, MEMBER (A)

Date: -13/12/2023

For Reply Board

| Sr. No. | Case No. | District | Advocate's & Applicant's Name | Subject | |
|----------------|---|-----------------|--|------------------------------|------------|
| 1 | CP38/22 In OA573/20 | Latur | Adv.K.M. Nagarkar (Prakash B Ghadgine) <u>Adv Amit Dhongade For R-2</u> | Contempt Petition | 30.01.2024 |
| 2 | CP37/23 In Review No 05/22 In OA 981/19 | P'rbn | Adv Ganesh V Mohekar (Dr. Ravindra K Deshmukh) | Contempt Petition | 02.01.2024 |
| 3 | CP66/23 In OA505/23 | Nanded | Adv Girish Kulkarni (Mohamed Siddique Mohammad Sarwar) | Contempt Petition | 02.02.2024 |
| 4 | OA442/20 | A'bad | Adv Vijay V Deshmukh (Bhagwan S Naik) | Seniority List/ Promotion | 30.01.2024 |
| 5 | OA128/21 | Nanded | Adv.Ganesh V | Probation Period/ | 17.01.2024 |

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| | | | Mohekar (Pradeep M Thakkarwad) | Minor Punishment | |
| 6 | OA551/21 | Beed | Adv.R.P. Bhumkar (Ram D Anerao & Ors.) | Implementation of G.R. | 02.02.2024 |
| 7 | OA577/21 | Jalna | Adv.R.N. Chavan (Ramdas E Misal) <u>Adv.Vinod M Vibhute for R.No.4</u> | Major Punishment | 02.02.2024 |
| 8 | OA700/21 | Latur | Adv.Avinash S Deshmukh (Somnath S Reddy) <u>Adv.Ajay Deshpande for R.No.7</u> | Seniority Lists/ Promotion | 10.01.2024 |
| 9 | OA792/21 | A'bad | Adv.K.B. Jadahv (Rajendra B Pawar) | Pay Fixation/ Revision of Pay | 05.02.2024 |
| 10 | OA831/21 | A'bad | Adv.M.B. Bharaswadkar (Anand B Gayake) <u>Adv.S.D. Joshi For R.No.8</u> | Challenging Recruitment Rules | 15.02.2024 |
| 11 | TA13/22 WP8626/22 | Dhule | Adv Vaishali Suryawanshi- Birajdar (Sudam S Mahajan) <u>Adv A S Deshmukh For R- 6</u> | Departmental Enquiry | 17.01.2024 |
| 12 | OA629/22 | Jalgaon | Adv.Ujjwal Patil | Deemed Date of | 31.01.2024 |

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| | | | (Santosh V Deshmukh & Ors) | Appointment | |
| 13 | OA1019/22 | Beed | Adv.Swaraj S Tandale (Indrakant H Shendurkar) | Promotion/ Deemed Date | 09.01.2024 |
| 14 | OA102/23 | A'bad | Adv Suchita Dhongade (Baliram D Rathod) | Challenging Clause of G.R | 17.01.2024 |
| 15 | OA270/23 | N'bar | Adv.Swaraj S Tandale (Mohanrao K Suryawanshi) | Departmental Enquiry | 07.02.2024 |
| 16 | OA338/23 | A'bad | Adv R A Joshi <u>Adv R A Joshi has Filed Leave not From 05/12/2023 to 14/12/2023</u> (Sachin U Shinde & Ors.) <u>Adv M B Bharswadkar For R-1</u> | Seniority | 17.01.2024 |
| 17 | OA116/23 | A'nagar | Adv.S.V. Natu/ Adv.R.A. Joshi <u>Adv R A Joshi has Filed Leave not From 05/12/2023 to 14/12/2023</u> (Dnyaneshwar S Andhale) | Challenging G.R. | 17.01.2024 |
| 18 | OA500/23 | Beed | Adv V P Savant (Amol D Narmale) | Appointment | 25.01.2024 |
| 19 | OA786/23 | Nanded | Adv D G Kamble Adv O R Chavan (Dattatraya P Shahane) | Promotion | 12.02.2024 |
| 20 | OA906/23 | O'bad | Adv P B Gapat (Jamuna J Kukade) | Major Punishment | 13.02.2024 |

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| 21 | MA27/21 In OAS47/21 | Jalna | Adv.Sajitkhan M Pathan (Ramesh L Kamble) | M.A. For Condonation of Delay | 12.02.2024 |
| 22 | MA95/22 In OAS109/22 | A'bad | Adv.Amruta Paranjape- Menezes (Sanjay V Mhaske) | M.A. For Condonation of Delay | 12.02.2024 |

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

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

Before: - THE HON'BLE JUSTICE SHRI V. K. JADHAV,

MEMBER (J)

Date: -13/12/2023

For Reply Board

| Sr. No. | Case No. | District | Advocate's & Applicant's Name | Subject | Remarks | |
|------------------------------|---------------|----------|--|---|---|------------|
| Due Admission Matters | | | | | | |
| 1 | OA672/19 | Jalna | Adv Vithalrao G Salgare (Mahesh D Tipale) | Annual Increment | For Filing Affidavit in Rejoinder | 19.01.2024 |
| 2 | OA977/22 | A'bad | Adv V B Wagh (Sheshrao K Chabukswar) | Extend the Benefitis/ Equal Pay For Equal Works | For Filing Affidavit in Rejoinder | 19.01.2024 |
| 3 | OA978/22 | A'bad | Adv V B Wagh (Ganesh J Khardkar) <u>Adv Ajinkya S Reddy For R-2</u> | Equal Pay For Equal Work Benefit | Reply Filed By R-2 & For Filing Affidavit in Reply R-1 | 19.01.2024 |
| 4 | OA1055/2 2 | A'nagar | Adv.Vishwas B Wagh (Hemantkumar M Sonawani & Ors.) | Absorption | For Filing Affidavit in Reply R-1 & R- | 19.01.2024 |

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| | | | <u>Adv A S Dhongde</u> <u>For</u> <u>R- 4 & R-6</u> | | 2 | |
| 5 | OA1093/2 2 | Dhule | Adv Sanket N Suryawanshi (Ashok M Shinde & Ors.) <u>Adv Ujwal S Patil</u> <u>For</u> <u>R-5</u> | Counting of Service for Pensionery Benefits | For Filing Affidavit in Reply | 19.01.2024 |
| 6 | OA1162/2 2 | Nanded | Adv S B Patil (Bhimrao N Kokate) | Re-fixation of Pay & Recovery | For Filing Affidavit in Rejoinder | 19.01.2024 |

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|-----------|----------|-------|--|---|--|------------|
| 7 | OA47/23 | Beed | Adv K B Jadhav (Anil R Waghmare) | Minor Punishment/ Pay & Allowances | By way of Last Chance For Filing Affidavit in Reply | 30.01.2024 |
| 8 | OA141/23 | Latur | Adv V G Pingle (Rukhmin S Mendhake) | Time Bound Promotion | For Filing Affidavit in Reply | 23.01.2024 |
| 9 | OA161/23 | O'bad | Adv H P Jadhav (Balu S Bharnale & Ors.) | Old Pension Scheme | For Filing Affidavit in Reply Remaining Responden ts <u>Ref Order</u> <u>Dtd.</u> <u>18.07.2023</u> | 10.01.2024 |
| 10 | OA188/23 | A'bad | Adv V B Wagh (Shaikh Rashid Shaikh Mohammad Hanif & Ors.) | Equal Pay for Equal Work | For Filing Affidavit in Reply | 22.01.2024 |
| 11 | OA258/23 | A'bad | Adv Preeti R Wankhade (Subhash N Raut) | Recovery/ Refund of Recovered | Reply Filed By R-4 | 18.01.2024 |

| | | | <u>Adv A S Dhongde</u> <u>For R-2</u> | Amount | & For Filing Affidavit in Reply | |
|-----------|----------|--------|--|--|---|------------|
| 12 | OA369/23 | A'bad | Adv K B Jadhav (Lala B Chabukswar) | Pension & Pensionery Benefits/Inte rest on Delayed Payments | For Filing Affidavit in Reply R Nos.-1 & R-2 | 30.01.2024 |
| 13 | OA392/23 | Latur | Adv R K Ashtekar (Vishnu K Kore) | Transfer | For Filing Affidavit in Reply | 03.01.2024 |
| 14 | OA737/23 | Nanded | Adv S B Ghatol- Patil (Devidas S Waghmare) | Compassoina te Appointment | For Filing Affidavit in Rejoinder | 30.01.2024 |
| 15 | OA821/23 | A'bad | Adv Avinash N Barhate Patil (Rajendra V Marale) | Suspension | Await Service | 22.01.2024 |
| 16 | OA896/23 | A'bad | Adv V G Pingle (Gopinath N Gunjal) | D.C.R.G Amount | For Filing Affidavit in Reply | 23.01.2024 |
| 17 | OA963/23 | A'bad | Adv Anant D Gadekar (Shivkumar M Mungilwar) | Pension & Pension Benefits | For Filing Affidavit in Reply | 30.01.2024 |
| 18 | OA987/23 | Latur | Adv A S Deshmukh (Dr. Shaikh Salim Gulab) | Posting | For Filing Affidavit in Reply | 15.01.2024 |
| 19 | OA990/23 | N'bar | Adv A S Deshmukh (Rakesh M Shirsath) | Transfer | For Filing Affidavit in Reply | 15.01.2024 |
| 20 | OA991/23 | N'bar | Adv A S Deshmukh (Atul R Chavan) | Transfer | For Filing Affidavit | 15.01.2024 |

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| | | | | | in Reply | |
| 21 | OA992/23 | N'bar | Adv A S Deshmukh (Ashish A Gogawale) | Transfer | For Filing Affidavit in Reply | 15.01.2024 |
| 22 | OA993/23 | N'bar | Adv A S Deshmukh (Hareshwar A Potdar) | Transfer | For Filing Affidavit in Reply | 15.01.2024 |
| Order Matters | | | | | | |
| 23 | MA164/23 In OAS467/2 3 | A'bad | Adv Umesh S Gadsing (Ganesh M Bade) <u>Adv S B Mene For R-2 & R-3</u> <u>Adv V P Sawant For R-4</u> | M.A For Condonation of Delay | Await Service & For Filing Affidavit in Reply R-2 & R-3 | 19.01.2024 |
| 24 | MA247/23 In OAS4993/2 3 | Beed | Adv H P Jadhav (Aditya Y Suryawanshi & Ors.) | M.A For Condonation of Delay | For Filing Affidavit in Reply | 10.01.2024 |
| 25 | MA318/23 In OAS4243/2 3 | A'bad | Adv M M Kattu (Annasaheb D Pagare) | M.A For Condonation of Delay | For Filing Affidavit in Reply | 30.01.2024 |
| 26 | MA348/23 In OAS41387/ 23 | Jalna | Adv A N Surywanshi (Sana Parvin Aslam Shaikh) | M.A For Condonation of Delay | Reply Filed By R-2 | 24.01.2024 |
| 27 | MA360/23 In OA414/23 | P'rbn | Adv R A Joshi <u>Adv R A Joshi has Filed Leave not From 05/12/2023 to 14/12/2023</u> (Sachinsingh B Chauhan) | M.A For Amendment in O.A | Await Service R- 4 | 15.01.2024 |
| 28 | MA463/23 In | A'bad | Adv Dhananjay Mane | M.A For Condonation | Await Service | 30.01.2024 |

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| | OAS1876/ 23 | | (Sangita P Sonhivre @ Mundhe) | of Delay | | |
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**M.A. NO. 557/2023 IN O.A. 999/2023 WITH
CAVEAT 38/2023
(Milind Rathod & Ors. Vs. State of Maharashtra &
Ors.)**

WITH

**M.A. NO. 555/2023 IN O.A. 979/2023 WITH
CAVEAT NO. 38/2023
(Vishvjeet V. Kulkarni Vs. State of Maharashtra &
Ors.)**

WITH

**O.A. NO. 1054/2023
(The Association of Subordiante Service of
Engineers, M.S. through its president Umesh B.
Mudbidrikar Vs. State of Maharashtra & Ors.)**

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

DATE : 13.12.2023

ORAL ORDER :-

S/shri S.S. Dambe, learned counsel, Sachin Deshmukh, learned counsel holding for M.S. Shaikh and Anand D. Kaware, learned counsel for the applicants in respective O.As., Shri M.S. Mahajan, learned Chief Presenting Officer for respondent authorities in all these matters and Shri S.V. Waghmare, learned counsel for intervenors.

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M.A. NO. 557/2023 IN
O.A. 999/2023 & Ors.

2. All these matters are pertaining to the recruitment to the post of Jr. Engineer (Civil) Group-B (Non-gazetted), process of which has been commenced by issuance of advertisement by respondent no. 02 on 10.10.2023. In the advertisement so published, the educational qualification for the said post is prescribed as three years diploma in Civil Engineering recognized by the Government or any other qualification recognized as equivalent thereto. The last date for filing the applications as per the said advertisement was 6.11.2023.

3. After issuance of the aforesaid advertisement the respondents notified the new Recruitment Rules for the said post on 26.10.2023. In the new Recruitment Rules, the educational qualification for the said post is prescribed as 'minimum diploma or degree or higher educational qualification in Civil Engineering'. In the new Recruitment Rules appointments by promotion and nomination are provided in the ratio of 60:40. In the existing rules the said ratio is 25:75.

4. The grievance of the applicants is in respect of aforesaid two clauses in new Recruitment Rules. According to the applicants, if degree holders are permitted to compete for the post of Jr. Engineers along with the diploma holders, there may be little chances of their selection for the diploma holders. It is the further contention of the applicants that the post of Jr. Engineer is the only post exclusively meant for diploma holders, whereas there are plenty of avenues for the candidates holding degree in Civil Engineering. It is the apprehension in the minds of the applicants that if new Recruitment Rules are enforced very few of the diploma holders will have chance of their selection.

5. In the circumstances, the applicants have prayed for staying the effect and operation of the new Recruitment Rules notified on 26.10.2023 to the extent of aforesaid two clauses. It has been submitted on behalf of the applicants that the written examination for the aforesaid post is scheduled on 15.12.2023. The applicants have therefore, prayed for staying the effect and operation

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O.A. 999/2023 & Ors.

of the new Recruitment Rules, 2023 on the aforesaid grounds by way of interim relief.

6. The respondents have filed their affidavit in reply in only one matter i.e. O.A. No. 979/2023. According to the respondents, the allegations made by the applicants are without any substance and frivolous. It is contended by the respondents that it is well within the competence of the State Government to enhance and upgrade the educational qualifications for the particular post. It is further contended by them that vide the new Recruitment Rules the respondents have widen the scope of qualification for the subject post by nomination vide notification issued on 26.10.2023. The respondent i.e. State Authorities have supported the notification, whereby the new Recruitment Rules are notified.

7. The learned counsel appearing for the intervenors while opposing the contentions raised in the OAs and the prayers made therein supported the provisions under new Recruitment Rules. Learned counsel appearing for the applicant-Association in

O.A. No. 1054/2023 has criticized the manner in which the new Recruitment Rules are notified. According to him, without following the prescribed procedure by making undue haste and by denying due opportunity of hearing to the applicants the new Recruitment Rules are brought in force. The applicant-Association therefore, also prayed for an interim relief thereby staying the effect and operation of the new Recruitment Rules, as well as, the addendum issued on 27.10.2023 to the advertisement published on 10.10.2023.

8. It is the matter of record that in O.A. Nos. 999 & 979 both of 2023 the common interim order has been passed by the Tribunal on 7.11.2023, thereby making the selection process subject to outcome of the present applications. In light of the submissions made on behalf of the parties, it has to be examined whether the applicants have made out any case for passing further interim order in the matters, thereby restraining the degree holders from appearing in the written examination to be held on 15.12.2023 and to

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M.A. NO. 557/2023 IN
O.A. 999/2023 & Ors.

stay the effect and operation of the new Recruitment Rules notified on 26.10.2023.

9. Principal issue raised in the present matters is 'whether degree holders can be permitted to compete for the post of Jr. Engineer (Civil) along with diploma holders?' There may not be a quarrel about the fact that under the Rules of 1988, only diploma holders were eligible to apply for the post of Jr. Engineer. When the advertisement No. 01/2023 was published on 10.10.2023, the Rules of 1988 were in force. It is thus evident that for 532 posts, which are to be filled in as notified in the advertisement no. 01/2023, the diploma holders in Civil Engineering alone were eligible. As noted by us hereinabove, 6.11.2023 was the last date for filling in online applications for the said post as stipulated in the advertisement issued on 10.10.2023. Before the said period expires, the Government framed the new Rules called as 'Jr. Engineer (Civil) Group-B (Non-gazetted)' (Recruitment) Rules, 2023' and notified the said rules in the Government gazette on 26.10.2023. As provided in sub-rule 2 of rule 1 of the said Rules of 2023, the said rules were to come

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M.A. NO. 557/2023 IN
O.A. 999/2023 & Ors.

in force on the date of their publication in the Government gazette. Thus, the said Rules came into force w.e.f. 26.10.2023.

10. Respondent no. 2 on the very next day i.e. on 27.10.2023 on the strength of the Rules of 2023 issued addendum to the advertisement published on 10.10.2023 and thereby modified clause 1.3 pertaining to the eligibility and qualification as provided in the advertisement published on 10.10.2023. As per the modified clause the educational qualification was prescribed as, 'minimum diploma, degree or higher qualification in engineering'. The change brought in the educational qualification prescribed for the post of Jr. Engineer paved the way for degree holders in Civil Engineering to apply for the post of Jr. Engineer. As has been contended on behalf of the applicants, all these degree holders in Civil Engineering would appear for examination scheduled on 15.12.2023 along with diploma holders. In the aforesaid circumstances the applicants have pressed for the interim relief, thereby restraining the degree holders from appearing in the examination.

11. It has been argued on behalf of the applicants that there is a strong prima facie case in favour of the applicants since the respondents have brought the change in the educational qualification in the midst of the selection process. It has been argued on their behalf that the norms of selection cannot be altered after the commencement of the selection process. Shri Sachin Deshmukh, learned counsel appearing for the applicants has cited the judgment of the Hon'ble Supreme Court in the case of **Prakash Chand Meena & Ors. Vs. State of Rajasthan and Ors. (2015) 8 SCC 484**. Learned counsel also cited the judgment in the case of **Sangram Bhanudas Gholve Vs. State of Maharashtra & Ors., (W.P. No. 2908/2016)** to canvass that with some specific object the degree holders were excluded from applying to the post of Jr. Engineer (Civil) Group-B (Non-gazetted) and the said post was exclusively reserved for the diploma holders in Civil Engineering.

12. Learned counsel relied upon one another judgment of the Hon'ble Supreme Court in the case

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M.A. NO. 557/2023 IN
O.A. 999/2023 & Ors.

of **Secretary A.P. Public Service Commission Vs. B. Swapna and Ors. (2005) 4 SCC 154** to submit that, the rules prescribing the qualification if amended during the continuation of selection process, would have prospective operation. According to learned counsel, having regard to the settled legal position, change brought by the respondents in the educational qualification prescribed in the advertisement published on 10.10.2023 cannot be retrospectively made applicable and, therefore, the degree holders cannot be permitted to apply for the subject post on the strength of amended Recruitment Rules i.e. Rules of 2023.

13. Shri Waghmare, learned counsel appearing for the intervenor has relied upon two Hon'ble Supreme Court judgments; one in the case of **Zonal Manager, Bank of India, Zonal Office Kochi and Ors. vs. Aarya K. Babu and Anr.**, (cited supra), and another in the case of **(Ankita Thakur & Ors. Vs. The H.P. Staff Selection Commission and Ors.** (cited supra).

14. We have carefully considered the submissions made on behalf of the applicants, as well as, the

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O.A. 999/2023 & Ors.

State Authorities and the intervenors. In the case of **Prakash Chand Meena** (cited supra) the Rajsthan Public Service Commission had issued an advertisement inviting applications for recruitment to the post of PTI Grade-II and PTI Grade-III from the candidates having qualification C.P.Ed. The competitive examination was conducted on 4.10.2009. Thereafter the State Government directed the Commission to treat the candidates who possess C.P.Ed. and B.P.Ed also eligible for P.T.I. Grade-II on the premise that these qualifications should be treated higher than or equivalent to C.P.Ed. The candidates having qualification of C.P.Ed. were aggrieved by the said decision and directions given by the Government and hence, preferred the writ petition before the Hon'ble Rajsthan High Court. Learned Single Judge allowed the writ petition but the said judgment was set aside by the Division Bench and, therefore, the matter was taken up to the Hon'ble Supreme Court. The Hon'ble Supreme Court set aside the judgment of the Division Bench and restored the judgment of Single Judge holding that "the recruitment process

must be completed as per the terms and conditions in the advertisement and as per the rules existing at the time of commencement of the recruitment process”.

15. In the case of **Secretary, A.P. Public Service Commission Vs. B. Swapna and Ors.** (cited supra) also the Hon’ble Supreme Court has held that “once a process of selection starts the prescribed selection criteria cannot be changed”. Logic behind the same is based on the fair play. In the case of **P.N. Dubey, 1997 (3) SCC 497**, the Honble Supreme Court has ruled that ‘rules as on the date of advertisement cannot be amended or substituted during the pendency of the selection process’.

16. However, in the case of **Aarya K. Babu** (cited supra) the Hon’ble Supreme Court seems to have taken a bit different view. In the said matter one of the issues for consideration of the Hon’ble Supreme Court was whether a particular educational qualification made eligible after issuance of recruitment notification could have been considered for the purposes of recruitment. Answering the said

::-12-:: **M.A. NO. 557/2023 IN**
O.A. 999/2023 & Ors.

question the Hon'ble Supreme Court held that, "if there is any change in the qualification criteria after the notification is issued, but before completion of the selection process, and the employer/recruiting agency seeks to adopt the change, it will be incumbent on the employer to issue a corrigendum incorporating the changes to the notification and to invite applications from those qualified as per the changed criteria and consider the same along with the applications received in response to the initial notification".

17. In the most recent judgment delivered by the Hon'ble Supreme Court in the case of **Ankita Thakur and Ors. Vs. The H.P. Staff Selection Commission and Others** (cited supra) the Hon'ble Supreme Court has concurred with the view taken by the Hon'ble Supreme Court in the case of **Zonal Manager, Bank of India, Zonal Office Kochi and Ors. vs. Aarya K. Babu and Anr.** (cited supra).

18. As has been discussed by us hereinabove, the emphasis of the applicants is on the point that the respondents have brought the change in the

::-13-:: **M.A. NO. 557/2023 IN**
O.A. 999/2023 & Ors.

educational qualification after the commencement of the recruitment process. There cannot be a dispute about the law laid down in the judgments referred to and relied upon by the learned counsel appearing for the applicants which we have discussed hereinabove. It is true that, ordinarily once the recruitment process is commenced norms of selection process cannot be altered. As has been held by the Hon'ble Apex Court in the case of **Prakash Chand Meena & Ors.** (cited supra) in the matter of eligibility qualification even the equivalent qualification must be recognized as such in the existing Recruitment Rules and it should be mentioned in the advertisement also. However, considered the view taken by Hon'ble Apex Court in the case of **Aarya K. Babu** (cited supra) there cannot be absolute bar for bringing change in the qualification criteria even after the notification or the advertisement is issued. Of course, it shall be before the completion of the selection process and as further observed by the Hon'ble Apex Court, if the recruiting agency seeks to adopt the change, it would be incumbent on it to issue corrigendum

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O.A. 999/2023 & Ors.

incorporating the changes to the notification and the recruitment agency also must invite applications from those qualified as per the changed criteria and shall consider the same along with the applications received in response to the initial notification.

19. In the instant matter the Recruitment Rules have been admittedly changed after issuance of advertisement, however, before the completion of the selection process. The change so made has been adopted by the respondents and accordingly the addendum has been issued to the advertisement, earlier issued. The apprehension expressed by the applicants that now the diploma holders will have to compete with the degree holders impliedly suggests that on the strength of the addendum so published the degree holders have also applied for the subject posts. In the circumstances it appears to us that it would be unjust and improper to restrain degree holders from appearing for the written examination which is scheduled on 15.12.2023.

20. Learned counsel appearing for the Association (O.A. No. 1054/2023) though has argued about the

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O.A. 999/2023 & Ors.

procedural lapses on part of the respondents in bringing new Recruitment Rules of 2023, it does not appear to us that on that count, at this stage, the degree holders can be deprived of the benefit which has accrued in their favour because of the Recruitment Rules of 2023. It has to be further stated that since the recruitment process is already made by us subject to outcome of the present O.A., if the applicants ultimately succeed in establishing their case, all necessary orders can be passed. Thus, it is not the case that there will be an irreversible position if the degree holders are not restrained from appearing in the examination. However, such situation may arise if the degree holders are at this stage restrained from appearing in examination and ultimately, the applicants failed in establishing their case.

21. It further appears to us that the selection process may take a period of about three months for its completion and if parties duly cooperate the present applications can be finally disposed of even before that period. We reiterate that even otherwise rights of the applicants are duly protected by

::-16-:: **M.A. NO. 557/2023 IN**
O.A. 999/2023 & Ors.

making the selection process subject to outcome of the present OAs. In the result, following order is passed: -

ORDER

(i) M.A. No. 557/2023 seeking intervention in O.A. No. 999/2023 is allowed. Applicants in M.A. No. 557/2023 be added as respondents in O.A. No. 999/2023. The necessary amendment be carried out within a week.

(ii) Intervenors shall file their affidavit in reply by the next date.

(iii) M.A. No. 555/2023 filed in O.A. No. 979/2023 stands rejected.

(iv) List the matters for filing affidavit in reply by the respondents on 08.01.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 547/2022
(Ganesh Chavan Vs. State of Maharashtra & Ors.)
WITH
M.A. NO. 161/2023 IN O.A. NO. 616/2022
(Abhijit T. Pore Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 784/2022
(Jitesh Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

S/shri Amol Chalak & A.S. Khedkar, learned counsel for the applicants in respective matters, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters and Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for respondent no. 9 in O.A. No. 784/2022, are present.

2. Shri Khedkar, learned counsel has tendered rejoinder affidavit on behalf of the applicant in O.A. No. 784/2022. Same is taken on record and copy thereof has been supplied to other side.

3. S.O. to 12.1.2024. The interim relief, if any, granted earlier to continue.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 468/2022
(S.S. Ingle Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

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. S.O. to 19.1.2024 for hearing. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATIONNO. 17/2023
(Sandeep S. Kshire Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri Dhananjay Chinchole, learned counsel holding for Shri J.J. Patil, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 17.1.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.12.2023

ORIGINAL APPLICATION NO. 102/2023
(Baliram D. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer undertook to file affidavit in reply on behalf of the respondents during the course of the day. It be taken on record and copy thereof be supplied to other side.

3. S.O. to 17.1.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.12.2023

ORIGINAL APPLICATIONNO. 831/2021
(Anand B. Gayake Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri M.B. Bharaswadkar, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present. Shri S.D. Joshi, learned counsel for respondent no. 8 (**absent**).

2. Learned counsel for the applicant submits that the service report in respect of service of notice on respondent no. 7 is received. Applicant shall file the said report in the Registry.

3. S.O. to 15.2.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATIONNO. 128/2021
(Dr. Pradeep M . Thakkarwad Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

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

2. Learned counsel for the applicant has tendered the rejoinder affidavit on behalf of the applicant. Same is taken on record and copy thereof has been supplied to other side.

3. List the matter for further consideration on 17.1.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATIONNO. 876/2022
(Dr. Pravinkumar Y. Thakre Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

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

2. There are rival contentions so far as interview taken of the applicant. It is the contention of the applicant that no interview was taken, whereas respondents have come with the contention that interview is taken. In the circumstances, the respondents are directed to produce on record the relevant documents as about the interview taken of the applicant.

3. S.O. to 19.1.2024.

MEMBER (A)

VICE CHAIRMAN

**T.A. NO. 13/2022 (W.P. NO. 8626/2022
(Sudam S. Mahajan Vs. State of Maharashtra & Ors.)**

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

DATE : 13.12.2023

ORAL ORDER :

Smt. Vaishali Suryawanshi - Birajdar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer undertook to file affidavit in reply on behalf of the respondents during the course of the day. It be taken on record and copy thereof be supplied to other side.

3. S.O. to 17.1.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.12.2023

ORIGINAL APPLICATIONNO. 1071/2023
(Shudhamati K. Narwade Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Respondent no. 2 published an advertisement for various posts including the post of Daptar Karkun, Measurer and Canal Inspector on 1.11.2023. On 24.11.2023, the applicant submitted online application in response to the aforesaid advertisement. The application of the applicant though was successfully uploaded the amount of fees could not be paid because of some technical glitch. Only prayer of the applicant in the present Original Application is to direct the respondents to accept the fees so that the applicant can appear in the examination.

3. Learned Chief Presenting Officer submits that there may not be any difficulty to dispose of the

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O.A. NO. 1071/2023

present O.A. by issuing appropriate directions to the respondents. We therefore pass the following order:-

ORDER

- (i) Respondent no. 2 is directed to accept the examination fees from the applicant and permit her to participate in the further selection process, if otherwise there is no other impediment.
- (ii) The Original Application stands disposed of in the above terms. No order as to costs.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.12.2023

ORIGINAL APPLICATIONNO. 22/2021
(Muktyarsing R. Theng Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Due to paucity of time it could not be heard.

3. List the matter for hearing on 5.1.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.12.2023

ORIGINAL APPLICATIONNO. 590/2013
(Kaveri d/o Vithalrao Chavan @ Smt. Kaveri Wd/o Santoshrao
Bagal Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri P.G. Gunale, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri S.K. Mathpati, learned counsel for respondent no. 6, are present. None appear for respondent nos. 7 & 8.

2. S.O. to 22.12.2023.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.12.2023

ORIGINAL APPLICATIONNO. 187/2017
(Shabdashree T. Bhange Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 13.12.2023

ORAL ORDER :

When the present matter is called out for hearing, no one has caused appearance. Learned Presenting Officer is present before the Court.

2. The present Original Application seems to have been filed in relation to the recruitment process carried out in the year 2013. Learned Presenting Officer submits that, according to the instructions received to him, the entire recruitment process has been concluded. In the O.A. the prayer of the applicant is that the directions may be given to the respondents for allowing the applicant to be selected in DT-A category though he belongs to NT-C category with all benefits. It does appear to us that in the passage of time, the matter must have become infructuous and that is the reason, no one is appearing in the matter. Hence, we pass the following order :-

ORDER

The Original Application is dismissed for want of prosecution. No order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 594/2023
(Sandhya S. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Heard Shri Ajinkya Reddy, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Avinash S. Deshmukh, learned counsel for respondent no. 5.

2. Today also learned C.P.O. sought time to file the affidavit in reply. In view of the fact that due opportunities are already availed, the request is rejected.

3. S.O. to 10.1.2024 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATIONNO. 1114/2022
(Pramod N. Kusneniwar Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Ajinkya Reddy, learned counsel for respondent no. 4. None appears for respondent no. 3.

2. When the present matter is taken up for consideration, the learned counsel for the applicant tendered across the bar the show cause notice issued to the applicant on 20.12.2022 requiring the applicant to file his say on the proposed punishment. The applicant has given his reply to the show cause notice on 30.12.2022. Both the documents are taken on record. Learned counsel further submitted that in view of the fact that the enquiry is now at the final stage, the applicant is not intending to challenge other issues, which he has challenged in the present Original Application. The only request of the applicant is that the respondents

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O.A. NO. 1114/2022

shall take final decision on the show-cause notice dated 20.12.2022 and thereafter process the pension papers of the applicant so that he can be benefited with the pensionary benefits.

3. It appears to us that the prayer made by the applicant is reasonable. However, we regret to note that in spite of the say submitted by the applicant on 30.12.2022, accepting the punishment, no final decision has been taken by the respondents till date. In the circumstances, we deem it appropriate to dispose of the application with the following order :-

O R D E R

(i) Respondents shall take a decision on the show cause notice dated 20.12.2022 in light of the say submitted by the applicant to the said notice within 02 weeks from the date of this order and process the pension case of the applicant within next 06 weeks thereafter.

(ii) The Original Application stands disposed of in the above terms without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATIONNO. 533/2023
(Babasaheb B. Karjatkar Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant has sought leave to file the rejoinder affidavit. Leave as sought for is granted. The rejoinder affidavit is taken on record and copy thereof is supplied to other side.

3. List the matter for further consideration on 27.2.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATIONNO. 759/2022
(Manisha Rashinkar Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer has submitted affidavit in reply on behalf of respondent nos.2 & 3. Same is taken on record and copy given to the learned counsel for the applicant.

3. List the matter for further consideration on 11.1.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATIONNO. 500/2023
(Amol D. Narmale Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer submits that in view of the affidavit in reply filed on behalf of respondent no. 3, other respondents may not be required to file separate reply. In the circumstances, list the matter for hearing on 25.1.2024. In the meantime it will be open for the applicant to file rejoinder affidavit.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATIONNO. 44/2013
(Dr. Rashmi P. Dhale Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

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

2. Applicant is permitted to file service affidavit in the Registry.
3. S.O. to 4.1.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.12.2023

ORIGINAL APPLICATION NO. 464/2023
(Muzaffar Mustafa Shah Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri A.B. Chalak, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Today though the matter is for hearing, due to paucity of time, it could not be heard.

3. S.O. to 2.1.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.12.2023

ORIGINAL APPLICATIONNO. 1019/2022
(Indrakant H. Shendurkar Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri Swaraj S. Tandale, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Due to paucity of time the present matter could not be heard.

3. S.O. to 2.1.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.12.2023

ORIGINAL APPLICATIONNO. 493/2017
(Dr. Sanjay K. Khachane Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Heard Smt. Vijaya Adakine, learned counsel holding for Shri V.B. Wash, learned counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities. Shri H.A. Joshi, learned counsel for respondent nos. 3 to 6
(leave note)

2. Learned counsel for the applicant submits that the applicant has already received the appointment and the very purpose of filing the Original Application is served. She has tendered the copy of appointment order of the applicant dated 30.4.2021. Same is taken on record. In view of the submissions so made by the learned counsel, we pass the following order :-

ORDER

The Original Application stands disposed of being infructuous. No order as to costs.

MEMBER (A)

VICE CHAIRMAN

**O.A. NOS. 1055, 1056, 1057, 1058, 1059, 1060,
1061, 1062, 1063, 1064, 1065, 1066, 1067, 1072,
1073, 1074 AND 1075 ALL OF 2023**
(Suresh D. More & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Heard Shri M.S. Deshmukh, learned counsel for the applicants in all these matters and S/shri M.S. Mahajan, V.R. Bhumkar, I.S. Thorat, D.R. Patil, B.S. Deokar, M.P. Gude, Smt. Sanjivani Deshmukh Ghate & Smt. Deepali Deshpande, learned Chief Presenting Officer & Presenting Officers for the respondent authorities in all these matters.

2. Since in all these applications the grievance raised and the reliefs claimed by these applicants are identical, we have heard all these applications together and deem it appropriate to pass this common order.

3. Learned counsel for the applicants at the outset brought to our notice that in the identical matters this Tribunal has passed interim order on

1.12.2023. Learned counsel has tendered the copy of order passed by this Tribunal in O.A. Nos. 2264, 2271 & 2277/2023 on 1.12.2023. Learned counsel submits that in the seniority list published on 15.6.2023 the seniority of the applicants has been adversely disturbed and the persons junior to them have been erroneously shown above them in the seniority list. Learned counsel submits that in view of the fact that in identical matters this Tribunal has passed interim order, same course be adopted in the present matters also.

5. Learned Chief Presenting Officer has fairly submitted for passing appropriate orders.

6. After having gone through the contents of the present Original Applications, it appears to us that the grievance raised and the reliefs sought in the present matters are identical with the challenge raised and the prayers made in O.A. Nos. 2264, 2271 and 2277 of 2022 in which this Tribunal has granted interim orders in favour of the applicants therein on 1.12.2023. Hence, the following order: -

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O.A. NOS. 1055/2023 & Ors.

O R D E R

(i) Issue notice to respondents, returnable on 08.01.2024. **Respondents are directed to maintain status quo in respect of the present position of the applicants till filing of the affidavit in reply by them.**

(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 08.01.2024.

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

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 213/2023 IN O.A. NO. 425/2020
(Sachin U. Shinde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri Omkar Joshi, learned counsel holding for Shri S.V. Natu, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel has not pressed M.A. No. 213/2023. Therefore, Misc. Application stands disposed of.

3. List the O.A. for hearing on 31.1.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.12.2023

ORIGINAL APPLICATIONNO. 338/2023
(Sachin U. Shinde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri Omkar Joshi, learned counsel holding for
Shri R.A. Joshi, learned counsel for the applicant
and Smt. Deepali S. Deshpande, learned Presenting
Officer for the respondent authorities, are present.

2. List the matter for hearing on 17.1.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.12.2023

**M.A.NO. 428 OF 2023 IN O.A.ST.NO. 1403 OF 2023
(Gautam L. Paikade Vs. State of Maharashtra & Ors.)**

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

DATE : 13.12.2023

ORAL ORDER :

Shri G.D. Maske, learned counsel holding for Shri P.D. Jarage, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 23.01.2024.

MEMBER (J)

ORAL ORDER 13.12.2023 sas

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

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

DATE : 13.12.2023

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent No.2, are present.

2. S.O. to 05.02.2024 for hearing.

MEMBER (J)

ORAL ORDER 13.12.2023 sas

ORIGINAL APPLICATION NO. 756 OF 2022
(Jitendra V. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri Vinod D. Godbharle, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 19.01.2024 for hearing.

MEMBER (J)

ORAL ORDER 13.12.2023 sas

**ORIGINAL APPLICATION NO. 330 OF 2023
(Sanjay P. Satale Vs. State of Maharashtra & Ors.)**

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

DATE : 13.12.2023

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks time to file affidavit in rejoinder. Time granted.

3. S.O. to 17.01.2024 for filing rejoinder/for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 527 OF 2023
(Vidya A. Mohite Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri A.B. Rajkar, learned counsel holding for Shri K.G. Salunke, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

Shri U.A. Khekale, learned counsel for respondent Nos. 3 & 4, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 10.01.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 722 OF 2023
(Aparna A. Surywanshi Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 19.01.2024 for hearing.

MEMBER (J)

ORAL ORDER 13.12.2023 sas

**ORIGINAL APPLICATION NO. 56 OF 2022
(Sidram M. Koli Vs. State of Maharashtra & Ors.)**

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

DATE : 13.12.2023

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 08.01.2024 for final hearing.

MEMBER (J)

ORAL ORDER 13.12.2023 sas

**ORIGINAL APPLICATION NO. 165 OF 2020
(Babu D. Ghute Vs. State of Maharashtra & Ors.)**

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

DATE : 13.12.2023

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri A.D. Gadekar, learned counsel for respondent No.2, are present.

2. Learned counsel for the applicant submits that the applicant would file the Misc. Application for amendment in the Original Application to challenge the order dated 06.01.2020 (Annexure 'R-7').

3. It appears that in the said order dated 06.01.2020, the respondent No.2 has specifically contended that there is no delay on the part of the respondent authorities to make payment of gratuity to the applicant and therefore, he is not entitled for interest on the so called delayed payment.

4. Learned counsel appearing for respondent No.2 submits that this order dated 06.01.2020 came to be passed prior to filing of this Original Application and

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O.A.165/2020

it is for the applicant to explain as to why the said order is not challenged in this Original Application.

5. In view of above, the matter will be heard afresh and it cannot be treated as part heard matter.

6. The original record submitted on the last date shall be retained till the final disposal of the present Original Application.

7. S.O. to 04.01.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 141 OF 2023
(Rukhmin S. Mendhake Vs. State of Maharashtra & Ors.)**

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

DATE : 13.12.2023

ORAL ORDER :

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

2. At the request of learned P.O. for the respondents, S.O. to 23.01.2024 for filing affidavit in reply as a last chance.

MEMBER (J)

**ORIGINAL APPLICATION NO. 896 OF 2023
(Gopinath N. Gunjal Vs. State of Maharashtra & Ors.)**

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

DATE : 13.12.2023

ORAL ORDER :

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

2. At the request of learned P.O. for the respondents, S.O. to 23.01.2024 for filing affidavit in reply as a last chance.

MEMBER (J)

ORAL ORDER 13.12.2023 sas

ORIGINAL APPLICATION NO. 161 OF 2023
(Balu S. Bharnale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O. for the respondents, S.O. to 10.01.2024 for filing affidavit in reply on behalf of remaining respondents as a last chance.

MEMBER (J)

ORIGINAL APPLICATION NO. 258 OF 2023
(Subhash N. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Smt. Suchita Dhongde, learned counsel holding for Shri A.S. Dhongde, learned counsel for respondent No.2, are present.

2. Learned P.O. submits across the bar the affidavit in reply on behalf of respondent No.3. The same is taken on record and copy thereof is given to learned counsel appearing for the applicant.

3. Learned counsel appearing for respondent No.2 seeks time to file affidavit in reply. Time granted.

4. S.O. to 18.01.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 987 OF 2023
(Dr. Shaikh Salim Gulab Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 15.01.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 990 OF 2023
(Rakesh M. Shirsath Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 15.01.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 991 OF 2023
(Atul R. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 15.01.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 992 OF 2023
(Ashish A. Gogawale Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

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

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

3. S.O. to 15.01.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 993 OF 2023
(Hareshwar A. Potdar Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 15.01.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

**M.A.NO. 164 OF 2023 IN O.A.ST.NO. 467 OF 2023
(Ganesh M. Bade Vs. State of Maharashtra & Ors.)**

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

DATE : 13.12.2023

ORAL ORDER :

Shri Umesh S. Gadsing, learned counsel for the applicant, is **absent**. Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3 and Shri V.P. Sawant, learned counsel for respondent No.4, are present.

2. Learned counsel appearing for respondent Nos. 2 & 3 and learned counsel appearing for respondent No. 4 seek time to file affidavit in reply on the of said respondents. Time granted.

3. S.O. to 19.01.2024.

MEMBER (J)

ORAL ORDER 13.12.2023 sas

**M.A.NO. 247 OF 2023 IN O.A.ST.NO. 993 OF 2023
(Aditya Y. Suryawanshi & Anr. Vs. State of Maharashtra &
Ors.)**

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

DATE : 13.12.2023

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Despite availing due opportunities, the respondents have failed in filing the affidavit in reply.

3. In view of same, list the M.A. for hearing on 10.01.2024.

MEMBER (J)

ORAL ORDER 13.12.2023 sas

M.A.NO. 360 OF 2023 IN O.A.NO. 414 OF 2023
(Sachinsingh B. Chauhan Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri A.B. Rajkar, learned counsel holding for Shri R.A. Joshi, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Await service of notice upon respondent No.4.
3. At the request of learned counsel for the applicant, S.O. to 15.01.2024.
4. Interim relief granted earlier in O.A. to continue till then.

MEMBER (J)

ORAL ORDER 13.12.2023 sas

**M.A.NO. 348 OF 2023 IN O.A.ST.NO. 1387 OF 2023
(Sana Parvin Aslam Shaikh & Anr. Vs. State of
Maharashtra & Ors.)**

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

DATE : 13.12.2023

ORAL ORDER :

Shri A.N. Surywanshi, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. on instructions submits that the respondent No.1 adopts the affidavit in reply filed by respondent No.2.

3. In view of same, pleadings are complete. List the M.A. for hearing on 24.01.2024.

MEMBER (J)

ORAL ORDER 13.12.2023 sas

ORIGINAL APPLICATION NO. 392 OF 2023
(Vishnu K. Kore Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri R.K. Ashtekar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits across the bar the affidavit in reply on behalf of respondent Nos. 1 to 3. The same is taken on record and copy thereof is given to learned counsel appearing for the applicant today itself.

3. Learned P.O. submits that inadvertently the copy of meeting of Civil Services Board is not annexed to the reply and the respondents may be granted liberty to place it before the Tribunal at the time of hearing for which learned counsel for the applicant has no objection. Liberty as prayed for is granted.

4. S.O. to 03.01.2024 for filing affidavit in rejoinder, if any.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1018 OF 2022
(Mangilal N. Shirsath Vs. State of Maharashtra & Ors.)**

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

DATE : 13.12.2023

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits that instructions are yet to be received as orally directed by this Tribunal.

3. Learned P.O. thus seeks time for which learned counsel for the applicant has no objection. Time granted.

4. S.O. to 03.01.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 978 OF 2022
(Ganesh J. Khardkar Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri Ajinkya S. Reddy, learned counsel for respondent No.2, are present.

2. It appears that some of the respondents have filed the affidavit in reply. However, other respondents are not bothered to file the reply though the matter is of the year 2022.

3. In view of same, list the matter for admission hearing on 19.01.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1055 OF 2022
(Hemantkumar M. Sonawani & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 13.12.2023

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Smt. Suchita Dhongde, learned counsel holding for Shri A.S. Dhongde, learned counsel for respondent Nos. 4 & 6, are present.

2. It appears that some of the respondents have filed the affidavit in reply. However, other respondents are not bothered to file the reply though the matter is of the year 2022.

3. In view of same, list the matter for admission hearing on 19.01.2024.

MEMBER (J)

Date : 13.12.2024
ORIGINAL APPLICATION NO. 1079 OF 2023
(Rajesh S/o. Dhanaji Mane V/s State of
Maharashtra & Ors.)

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

1. Shri Amol B. Chalak, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 08.01.2024. The case be listed for admission hearing on **08.01.2024**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

**M.A. No. 362/2019 in O.A. St. No. 1539/2019
(Prakash W. Bhambre Vs. State of Maharashtra & Ors.)**

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

DATE : 13.12.2023

ORAL ORDER :

Heard Shri Mayur Subhedar, learned counsel holding for Shri Harish Bali, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that there is delay of only 123 days caused in filing the accompanying O.A. and the delay has been well explained by the applicant. Learned counsel submits that the applicant has preferred representation meanwhile and it was rejected on 31.03.2018 and as such, the delay occurred. Learned counsel submits that the delay is not intentional or deliberate and it is also not the result of inaction on part of the applicant.

3. Learned Presenting Officer submits that the appropriate order may be passed.

//2//

M.A. No. 362/2019 in
O.A. St. No. 1539/2019

4. It appears that there is a delay of only 123 days caused in filing the accompanying O.A., which has been explained by the applicant in the application. There is no inaction and negligence on part of the applicant to approach this Tribunal within stipulated time. In view of the same and for the reasons stated in the application, the present Misc. Application deserves to be allowed. Hence, the following order :-

ORDER

- (i) The M.A. No. 362/2019 is allowed in terms of prayer clause 10(B).
- (ii) The delay of 123 caused in filing the accompanying O.A. is hereby condoned.
- (iii) The accompanying O.A. be registered and numbered in accordance with law.
- (iv) M.A. accordingly stands disposed of. No order as to costs.

MEMBER (J)

O.A. St. No. 1539/2019
(Prakash W. Bhambre Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Heard Shri Mayur Subhedar, learned counsel holding for Shri Harish Bali, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. It appears that though the present O.A. is yet not registered, the affidavit in reply is already filed on behalf of respondent Nos. 1 to 3 by the learned P.O.

3. In view of the same, pleadings are complete and the matter is ready for hearing.

4. S.O. to 01.02.2024 for admission hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1070 OF 2023
(Kunal H. Rajput Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicant, S.O. to 20.12.2023.

MEMBER (J)

ORIGINAL APPLICATION NO. 538 OF 2022
(Narendra L. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Heard Shri H.P. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. The present matter is already part heard.

3. At the request of learned counsel for the applicant, S.O. to 20.12.2023 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 396 OF 2023
(Madhavi S. Harne (Kale) Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Heard Shri S.S. Shinde, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer submits that the record is not yet received. Learned P.O. has assured this Tribunal that the record will be produced on the next date of hearing. In case, if record is not produced, learned P.O. is directed to keep the responsible officer of respondent No. 1 remain present before this Tribunal on the next date of hearing.

3. The present matter is already part heard.

4. S.O. to 10.01.2024 for further hearing.

MEMBER (J)

M.A. No. 400/2021 in O.A. No. 701/2021
(Vijay E. Sonune Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri N.D. Sonavane, learned counsel for the applicant in M.A. and Shri Dinesh Kakde/ R.V. Gore, learned counsel for the applicant in O.A., are **absent**. Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant and proposed intervenor. The M.A. for intervention for adding party respondent is pending since 2021.

3. Learned P.O. on instructions submits that the applicant is retired long back and the Original Application pertains to transfer. Learned P.O. submits that in any case the present matter has become infructuous and the same is liable to be disposed of.

4. In view of same, S.O. to 22.12.2023 for passing necessary order.

MEMBER (J)

M.A. No. 303/2022 in O.A. St. No. 708/2022
(Nagnath M. Adamankar Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri S.M. Kamble, learned counsel for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. The present M.A. is of the year 2022 for condonation of delay. The respondent authorities have filed affidavit in reply in M.A. and the matter is ready for hearing.

3. As none present for the applicant, S.O. to 22.12.2023 for passing necessary order.

MEMBER (J)

M.A. No. 440/2022 in O.A. No. 314/2021
(Govind A. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to take specific instructions about the allegations made in the Misc. Application. Learned P.O. submits that the short affidavit may also be filed on behalf of respondent No. 4, if it is so required.

3. S.O. to 17.01.2024 for hearing.

MEMBER (J)

M.A. No. 478/2022 in O.A. No. 650/2021
(Prakash T. Vaichal Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri A.D. Kawre, learned counsel for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 22.12.2023 for passing necessary order.

MEMBER (J)

KPB ORAL ORDER 13.12.2023

ORIGINAL APPLICATION NO. 593 OF 2020
(Yuvraj R. Giri Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri U.P. Giri, learned counsel for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present. Shri Y.P. Jadhav, learned counsel for respondent No. 3, is **absent**.

2. The present matter is of the year 2020.

3. As none present for the applicant, S.O. to 02.01.2024 for passing necessary order.

MEMBER (J)

ORIGINAL APPLICATION NO. 82 OF 2021
(Deepak S. Zinjurde Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Smt. Amruta Paranjape-Menezes, learned counsel for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. The present matter is of the year 2021.
3. As none present for the applicant, S.O. to 02.01.2024 for passing necessary order.

MEMBER (J)

ORIGINAL APPLICATION NO. 516 OF 2021
(Vishwasrao V. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

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

2. S.O. to 30.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 13.12.2023

ORIGINAL APPLICATION NO. 560 OF 2021
(Motiram D. Dakhore Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 02.01.2024 for passing necessary order.

MEMBER (J)

ORIGINAL APPLICATION NO. 219 OF 2022
(Datta G. Tarate Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri S.N. Lute, learned counsel for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 02.01.2024 for passing necessary order.

MEMBER (J)

ORIGINAL APPLICATION NO. 117 OF 2023
(Bhagyashri A. Taru Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri G.K. Mane, learned counsel for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 22.12.2023 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 348 OF 2023
(Akshay S. Tekur Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri V.B. Kulkarni, learned counsel for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 02.02.2024 for hearing.

MEMBER (J)

Later on

3. Learned counsel for the applicant is present.

4. S.O. to 02.02.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 480 OF 2023
(Gyanraj P. Kakde Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri Gyanraj P. Kakde, party in person
(Absent). Shri N.U. Yadav, learned Presenting
Officer for the respondent authorities, is present.

2. As party in person absent, S.O. to 02.02.2024
for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 481 OF 2023
(Gyanraj P. Kakde Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri Gyanraj P. Kakde, party in person
(Absent). Shri D.R. Patil, learned Presenting Officer
for the respondent authorities, is present.

2. As party in person absent, S.O. to 02.02.2024
for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 712 OF 2018
(Sandipan A. Gavali Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Heard Shri D.K. Rajput, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. The present matter is reserved for orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 567 OF 2020
(Rajendra V. Marale Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri P.M. Nagargoje, learned counsel for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 02.02.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 13.12.2023

ORIGINAL APPLICATION NO. 575 OF 2020
(Kondabai R. Ghadge & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri K.M. Nagarkar, learned counsel for the applicants (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicants, S.O. to 02.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 425 OF 2021
(Kirtimala M. Sonwale Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Heard Shri A.B. Rajkar, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions submits that by this Original Application, the applicant is challenging her transfer order dated 06.08.2021 and due to long passage of time, the O.A. has become infructuous.

3. Learned Presenting Officer has no objection to dispose of the matter as infructuous.

4. In view of above submissions, the Original Application is disposed of as infructuous. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 963 OF 2023
(Shivkumar M. Mungilwar Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 2 and 3. Same is taken on record and copy thereof is already given to learned counsel for the applicant.

3. Learned counsel for the applicant seeks time to go through the same and file affidavit in rejoinder, if any.

4. S.O. to 30.01.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 369 OF 2023
(Lala B. Chabukswar Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 1 and 2. Same is taken on record and copy thereof is already given to learned counsel for the applicant.

3. List the matter for admission hearing on 30.01.2024 and for filing rejoinder affidavit, if any.

MEMBER (J)

M.A. No. 318/2023 in O.A. St. No. 243/2023
(Annasaheb D. Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer submits that the affidavit in reply on behalf of respondent Nos. 2 & 3 is already filed in M.A. and the same reply is also adopted by respondent No. 1.

3. In view of above, pleading are complete. List the matter for hearing on 30.01.2024.

MEMBER (J)

KPB ORAL ORDER 13.12.2023

M.A. No. 463/2023 in O.A. St. No. 1876/2023
(Sangita P. Sonhivre @ Munde Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri Dhananjay Mane, learned counsel for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 2. Same is taken on record along with spare copy for the applicant.

3. At the request of learned P.O., S.O. to 30.01.2024 for filing affidavit in reply on behalf of respondent Nos. 1 & 3.

MEMBER (J)

KPB ORAL ORDER 13.12.2023

ORIGINAL APPLICATION NO. 737 OF 2023
(Devidas S. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri Gajanan K. Ulle, learned counsel holding for Shri S.B. Ghatol-Patil, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits rejoinder affidavit. Same is taken on record and copy thereof is already given to learned Presenting Officer.

3. List the matter for admission hearing on 30.01.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 47 OF 2023
(Anil R. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer submits that though it is stated in the board that by way of last chance for filing affidavit in reply, the affidavit in reply on behalf of respondent Nos. 1 to 4 is already filed and as such, the present matter is ready for hearing.

3. In view of the same, list the matter for admission hearing on 30.01.2024.

MEMBER (J)

ORIGINAL APPLICATION NOS.85/2017, 493/2017, 72/2018, 224/2018, 231/2018, 232/2018, 233/2018, 250/2018, 301/2018, 313/2018, 350/2018, 430/2018, 480/2018, 485/2018, 486/2018, 556/2018, 753/2018, 914/2018, 985/2018 & 635/2019
(Nikita K. Bhage & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

S/Shri J.M. Murkute, V.B. Wagh, A.V.Thombre, holding for S.S. Thombre, Abhay Rathod, S.A. Ambilwade, Smt. Surekha Mahajan, K.B. Jadhav, B.S. Choure, A.S. Deshmukh, Rahul Joshi, Ganesh Kore, Ashish T. Jadhavar and A.D. Aghav, learned Advocates for the Applicants in respective cases.

Shri M.S.Mahajan learned Chief Presenting Officer, Shri M.P.Gude, Shri V.R.Bhumkar, Smt. Deepali Deshpande, Smt. M.S.Patni, Shri I.S.Thorat, Shri D.R.Patil, Shri N.U.Yadav, Shri B.S.Deokar, Smt. Sanjivani Ghate, learned Presenting Officers for the respective respondents in respective cases, Shri H.A. Joshi, learned Advocate for respondent Nos. 3 to 6 in O.A. No. 493/2017, Shri M.B. Kolpe, learned Advocate for respondent Nos. 4 & 5 and Shri N.B. Gadegaonkar, learned Advocate for respondent No. 6 in O.A. No. 34/2018, Shri M.B. Kolpe, learned Advocate for respondent No. 2 in O.A. No. 154/2018, Shri M.B. Kolpe, learned Advocate for respondent No. 2 in OA. No. 231, 232 & 233 all of 2018, Shri H.A. Joshi, learned Advocate for respondent No.3 in O.A.No.231/2018 and for respondent Nos. 10, 14, 20, 26, 34,

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35, 38, 43, 46, 47, 49, 51 & 52 in O.A. No. 232/2018, Smt. Swati Nakhate, learned Advocate for respondent Nos. 6 & 65 in O.A. No. 233/2018, Shri M.B. Kolpe, learned Advocate for respondent No. 3, Shri H.A. Joshi, learned Advocate for respondent Nos. 4 to 14 and Shri M.P. Bhaskar, learned Advocate for respondent Nos. 15 to 17 in O.A. No. 224/2018, Shri G.V. Mohekar, learned Advocate for respondent Nos.10 & 21, Shri M.B. Kolpe, learned Advocate for respondent No. 1 in O.A. No. 250/2018, Shri M.B. Kolpe, learned Advocate for respondent No. 3 in O.A. No. 313/2018. Shri A.S. Shelke, learned Advocate for respondent No. 4 in O.A. No. 313/2018. Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for respondent No.4 in O.A. No. 753/2018. Shri M.B. Kolpe, learned Advocate for respondent No. 2 in O.A. No.266/2018,

2. These are pretty old matters and have to be worked out finally.

3. S.O. to 22-12-2023.

MEMBER (A)

YUK ORAL ORDER 13.12.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO.34/2018
(Kishor B. Khedkar Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Shri A.V.Thombre, learned Counsel holding for Shri S.S.Thombre, learned counsel for the applicant, Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, Shri M.B.Kolpe, learned Counsel for respondent no.4 and Shri B.N.Gadegaonkar, learned Counsel for respondent no.6, are present.

2. It is a pretty old matter and has to be worked out finally. Learned Counsel as well as learned P.O. have prayed for adjournment. In the interest of justice adjournment is granted by way of last chance.

3. It is clarified that if the matter is not worked out on the given date, it shall be dismissed for want of prosecution.

4. S.O. to 22-12-2023.

MEMBER (A)
YUK ORAL ORDER 13.12.2023

VICE CHAIRMAN

**M.A.NO.299/2018 IN O.A.NO.226/2018 WITH
M.A.NO.252/2018
(Nitin E Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 13.12.2023

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities. Shri R.A.Joshi, learned Counsel for the applicant in M.A.No.252/2018 has filed **leave note** on record.

2. Learned Counsel for the applicant submits that the applicant has received the order of appointment and the purpose of filing the O.A. is served. In view of the submission made, following order is passed:

ORDER

O.A. as well as both the M.As. are disposed of being infructuous without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 13.12.2023

ORIGINAL APPLICATION NO.154/2018
(Priyanka P. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Heard Shri V.B.Wagh, learned counsel for the applicant, Shri D.R.Patil, learned Presenting Officer for the respondent authorities and Shri M.B.Kolpe, learned Counsel for respondent no.2.

2. Learned Counsel for the applicant submits that the applicant has received the order of appointment and the purpose of filing the O.A. is served. In view of the submission made, following order is passed:

ORDER

O.A. stands disposed of being infructuous without any order as to costs.

MEMBER (A)
YUK ORAL ORDER 13.12.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO.461/2022
(Sunil P. Vispute Vs. State of Maharashtra & Ors.)

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

DATE : 13.12.2023

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. It is the case of the applicant that, though he was eligible to be promoted to the post of Joint District Registrar Class-II and though his case was considered by the DPC, he could not be given promotion and the decision in that regard was kept in sealed cover for the reason that, period of punishment imposed upon him in departmental enquiry was not expired. In the departmental enquiry conducted against the applicant punishment was imposed of stoppage of 1 increment for 2 years. Said punishment was imposed upon him on 23-04-2021. As per the said punishment, the increments due on 01-07-2021 and 01-07-2022 were withheld. In the circumstances, now the

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O.A.NO.461/2022

applicant has come out with a request for direction against the respondents to consider the case of the applicant for his promotion by breaking open the sealed cover.

3. The present O.A. was filed in May, 2022. Respondents have filed their reply on 20-06-2022. It is evident that when the O.A. was filed by the applicant and when the affidavit in reply was filed by the respondents, punishment period was subsisting. Said period has now expired on 02-07-2023. In the circumstances, present O.A. can be disposed of with the following order:

ORDER

Respondents are directed to break open the sealed cover and if it is noticed that the applicant is recommended for his promotion, respondents shall issue promotion order in favour of the applicant within 4 weeks from the date of this order, if otherwise there is no impediment therefor.

MEMBER (A)

YUK ORAL ORDER 13.12.2023

VICE CHAIRMAN