

**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:- 13/02/2024

| Sr. No | Case No. | District | Advocate's & Applicant's Name | Subject | Remarks | Next date |
|---------------------------------|----------------------------------|----------|--|-------------------------------------|--|-----------------------|
| Urgent Admission Matters | | | | | | |
| 1 | CP04/24 In OA49/15 | Latur | Adv.A D Gadekar (Dattatraya G Zade) | Contempt Petition | | 02.04.24 |
| 2 | CP05/24 In OA739/23 | J'gaon | Adv.S P Dhobale (Prashant N Kedar) | Contempt Petition | | 06.03.24 |
| 3 | OAS1138/20 | Beed | Adv.A.N. Sabnis (Vishnu S Sanap) | Termination | | |
| 4 | MA35/24 In OAS153/24 | A'nagar | Adv S V Salunke (Aniket D Shinde) | M.A For Condonation of delay | | 02.04.24 |
| 5 | OA108/24 | N'bar | Adv A K Tiwari (Anand S Thakur) | Promotion | | 04.04.24 |
| 6 | OA857/19 | Beed | Adv.S S Thombre (Bibhishan R Chole) | Selection/ Appointment | For Hearing Reply Filed by R-1 to R-3 Ref.Order dtd.23.01.2024 | 14.02.24 |
| 7 | MASt2332/23 In MASt2255/23 | J'gaon | Adv.S S Kulkarni (Vandev R Meshram & Ors.) | M.A. For Sue Jointly | With Office Objection | Removed from board |
| Order Matters | | | | | | |
| 8 | MA222/19 In OAS1851/19 | A'bad | Adv.B.G. Lathe (Namdeo M Bawiskar) | M.A. For Condonation of Delay | For Hearing Reply Filed by R-1 to R-3 | 01.03.24 |

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| 9 | MA115/22 In OAS138/22 | A'bad | Adv.V.R. Jain (Mangesh S Vishwasu) | M.A. For Condonation of Delay | For Hearing Reply Filed By R-1 to R-3 | 16.02.24 |
| 10 | MA38/23 In OA861/22 | A'bad | Adv.K B Jadhav (Shobha R Tak) | M.A. For I.R. | For Hearing | 12.03.24 |
| 11 | MA519/23 In OA151/19 | P'rbn | Adv V B Wagh (Sachin A Gade & Ors.) | M.A For Adding Co- Applicants | | 06.03.24 |
| 12 | MA584/23 In OA1042/23 | Jalna | Adv.R.J. Nirmal (Yogesh S Dawle) | M.A. For I.R. | For Hearing | 16.02.24 |
| Due Admission Matters | | | | | | |
| 13 | CP30/19 In OA526/11 | A'bad | Adv.Avinash S Deshmukh (Mohd. Azizullah Khan since died through his widow Smt. Qusiya Shameen M.A. Khan) | Contmpt Petition | For Hearing Reply Filed by R-1 to R-3 Reply Filed by R-1 | 27.02.24 |
| 14 | CP42/22 In OA801/12 | Hingoli | Adv.S.D. Dhongde <u>Adv S D Dhongde has Filed Leave note From 05.02.2024 to 15.03.2024</u> (Baliram B Rathod) | Contempt Petition | For Hearing Reply Filed by R-2 & R-3 | 20.03.24 |
| 15 | OA650/18 | Hingoli | Adv.S.D. Dhongde <u>Adv S D Dhongde has Filed Leave note From 05.02.2024 to 15.03.2024</u> (Shivaji R Phalegaonkar) | Promotion/ Seniority | For Hearing Reply Filed by R-3 | 20.03.24 |
| 16 | OA790/19 | Jalna | Adv.V.G. Mete (Gajanan K Kakade) | Appointment | For Admission Reply Filed by R-1 to R-3 | 01.04.24 |
| 17 | OA1036/19 | N'bar | Adv.Talekar & Associates (Dr.Naresh S Shinde) <u>Adv.Rakesh Jain for R.No.4</u> | Reinstate in Service/ Regularisation | For Hearing Reply Filed by R-1 to R-3 | 01.04.24 |

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| 18 | OA37/20 | Hingoli | Adv.S.S. Dambe (Pandurang N Mendake) | Advertisement | For Hearing Reply Filed by R-4 & R-5 | 01.04.24 |
| 19 | OA532/20 | N'bar | Adv.Avinash S Deshmukh (Hemant J Kinhikar) | Promotion | For Hearing Reply Filed by R-1 to R-3 | 18.03.24 |
| 20 | OA520/21 | Beed | Adv.Santosh S Jadhavar (Varsha V Kulkarni & Ors) | Seniority list / Promotion | For Hearing Reply Filed by R-1 to R-3 | 11.03.24 |
| 21 | OA768/21 | A'nagar | Adv.V.B. Wagh (Arvind R Bhingardive & Ors.) | Departmental Enquiry | For Hearing Reply Filed by R-2 | 03.04.24 |
| 22 | OA809/21 | J'gaon | Adv.V B Wagh (Dr.Imran Nizam Pathan) | Continuation of Service | For Hearing Reply Filed by R-1 to R-4 | 22.02.24 |
| 23 | OA90/22 | Nanded | Adv.Sudhir K Chavan (Dr. Pravin K Munde) | Qualification/ Eligibility | For Hearing Reply Filed by R-2 | 02.04.24 |
| 24 | OA161/22 | O'bad | Adv.Kakasaheb B Jadhav (Bharat A Sawant) | Departmental Enquiry | For Hearing Reply Filed by R-2 to R-4 | 13.03.24 |
| 25 | OA368/22 | O'bad | Adv.Sandeep Kulkarni/ Adv.A.S. Mirajgaonkar (Ankita D Chunge) | Examination | For Hearing Reply Filed by R-4 | 02.04.24 |
| 26 | OA519/22 | A'bad | Adv.C.V. Dharurkar/ Adv.Ajinkya Mirajgaonkar (Dnyaneshwar B Wadile) | Departmental Enquiry | For Hearing Reply Filed by R-1 & R-2 | 23.02.24 |
| 27 | OA605/22 | Nanded | Adv.G.N. Kulkarni(Mardikar) (Pandhari M Mundhe) | Condonation of Technical Breaks/ Recovery/ Refund of Recovered Amount | For Hearing Reply Filed by R-1 to R-5 | 04.04.24 |
| 28 | OA606/22 | A'nagar | Adv.Prateek Sabde/ Adv.Krishna Rodge (Rajesh S Parhe & Ors.) | Departmental Examination/ Promotion | For Hearing Reply Filed by R-1 & R-2 | 04.04.24 |

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| 29 | OA614/22 with | Beed | Adv.V P Golewar/ Adv.A D Sugdare (Dr.Deepak N Kawale) <u>Adv.M B Kolpe for R.No.3</u> | Recruitment Process/ Interview | For Hearing Reply Filed by R-3 | 28.02.24 |
| 30 | OA666/22 with | A'bad | Adv.A D Sugdare (Dr.Archana B Dhavale) <u>Adv.M B Kolpe for R.No.3</u> | Appointment | For Hearing Reply Filed by R-1 & R-2 | |
| 31 | OA693/22 with | Nanded | Adv.A D Sugdare (Dr.Aayesha Munwar Mohammed Ayub) <u>Adv.M B Kolpe for R.No.3</u> | Interview | For Hearing Reply Filed by R-1 & R-2 | |
| 32 | OA737/22 with | A'bad | Adv.A D Sugdare (Dr.Monali T Bhorge) <u>Adv.M B Kolpe for R.No.3</u> | Interview | For Hearing Reply Filed by R-1 & R-2 | |
| 33 | OA780/22 with | A'bad | Adv.A D Sugdare/ Adv.V P Golewar (Dr.Kailash P Kagne) <u>Adv.M B Kolpe for R.No.3</u> | Interview | For Hearing | |
| 34 | OA747/22 with | A'bad | Adv.Jayant S Deshmukh (Dr. Sanjyot G Giri) <u>Adv.M B Kolpe for R.No.3</u> | Eligibility/ Interview | For Hearing | |
| 35 | OA748/22 with | Latur | Adv.J S Deshmukh (Drf.Abhijeet M Yadav) <u>Adv.M B Kolpe for R.No.3</u> | Eligibility/ Interview | For Hearing | |
| 36 | OA769/22 with | Nanded | Adv.J S Deshmukh (Dr.Omprasad B Damkondwar) <u>Adv.M B Kolpe for R.No.3</u> | Interview | For Hearing Reply Filed by R-1 & R-2 | |
| 37 | OA749/22 with | A'bad | Adv.V S Kadam (Dr.Sphoorti P Bende) <u>Adv.M B Kolpe for R.No.3</u> | Eligibility/ Interview | For Hearing | |
| 38 | OA750/22 with | A'bad | Adv.V S Kadam (Dr.Pragati S Kadam) <u>Adv.M B Kolpe for R.No.3</u> | Eligibility/ Interview | For Hearing | |

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| 39 | OA751/22 with | A'bad | Adv.V S Kadam (Dr.Dipti K Bhagat) <u>Adv.M B Kolpe for R.No.3</u> | Eligibility/ Interview | For Hearing |
| 40 | OA777/22 with | J'gaon | Adv.V S Kadam (Dr.Shital S Patil) <u>Adv.M B Kolpe for R.No.3</u> | Interview | For Hearing |
| 41 | OA778/22 with | Latur | Adv.V S Kadam (Dr.Sharada U Sonkhedkar) <u>Adv.M B Kolpe for R.No.3</u> | Interview | For Hearing |
| 41 | OA787/22 with | Nanded | Adv.V S Kadam (Dr.Krishna T Pawar) <u>Adv.M B Kolpe for R.No.3</u> | Interview (M.P.S.C.) | For Hearing |
| 42 | OA788/22 with | Beed | Adv.V S Kadam (Dr.Vaibhav V Deshmukh) <u>Adv.M B Kolpe for R.No.3</u> | Interview | For Hearing |
| 43 | OA796/22 with | O'bad | Adv.V S Kadam (Dr.Amol A Kapse) <u>Adv.M B Kolpe for R.No.3</u> | Interview (M.P.S.C.) | For Hearing |
| 44 | OA803/22 with | A'bad | Adv.A D Sugdare (Dr.Syeda Muneza Nasusheen Mohammad Ali) <u>Adv.M B Kolpe for R.No.3</u> | Interview | For Hearing |
| 45 | OA790/22 with | A'bad | Adv.A S Deshmukh (Dr.Pravin G Ranvir) <u>Adv.M B Kolpe for R.Nos.2 & 4</u> | Selection Process | For Hearing Reply Filed by R-1 |
| 46 | OA791/22 with | Latur | Adv.Vikrant S Valse (Rajshekhar L Mengule) <u>Adv.M B Kolpe for R.Nos.2 to 4</u> | Selection Process/ Interview | For Hearing |

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| 47 | OA832/222 | Jgaon | Adv.S N Pagare (Dr. Harshal M Mahajan) <u>Adv.M B Kolpe For R.No.3</u> | Interview | For Filing Affidavit in Reply | |
| 48 | OA839/22 | A'bad | Adv.A.D. Sugdare (Dr. Gorakh V Suramwad) <u>Adv.M.B. Kolpe for R.No.2</u> | Interview | For Hearing | 28.02.24 |
| 49 | OA877/22 | Dhule | Adv.K.B. Jadhav (Deelip R Sonar) | Departmental Enquiry | Reply Filed by R-1 to R-4 | 26.03.24 |
| 50 | OA899/22 | Latur | Adv.R K Ashtekar (Hansraj R Jadhav) | Seniority/ Promotion | For Admission Reply Filed by R-2 & R-3 | |
| 51 | OA900/22 | Latur | Adv.R K Ashtekar (Navneet C Jamnik) | Seniority/ Promotion | For Admission Reply Filed by R-2 & R-3 | |
| 52 | OA901/22 | Latur | Adv.R K Ashtekar (Madhav V Joshi) | Seniority/ Promotion | For Admission Reply Filed by R-2 & R-3 | |
| 53 | OA905/22 | A'bad | Adv.J.S. Deshmukh (Dr. Ansari Shehnaz Begum) <u>Adv Vinod M Vibhute For R-4</u> | Continuity of Service/ Condonation of Technical Break | For Hearing Reply Filed By R-1 to R-3 | |
| 54 | OA906/22 | Latur | Adv J S Deshmukh (Dr. Ratnakar D Tandale) | Continuity of Service/ Condonation of Technical Break | For Hearing | |
| 55 | OA946/22 | A'bad | Adv.Avinash S Deshmukh (Madhukar V Kshirsagar) | Departmental Enquiry | For Admission Reply Filed by R-1 to R-4 | 29.02.24 |
| 56 | OA962/22 | Nanded | Adv.P.P. Uttarwar (Raju U Hanuvate & Ors.) | Seniority/ Promotion | For Hearing Respondents will be at liberty to file Affidavit in Reply & Applicants will be at liberty to file rejoinder affidavit Ref.Order dtd. 27.03.2023 | 13.03.24 |

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| 57 | OA1030/22 | Dhule | Adv.K B Jadhav (Ashok B Pawar & Ors.) | Promotion | For Hearing | 22.02.24 |
| 58 | OA1083/22 | N'bar | Adv.Talekar & Associates (Santosh R Shirsat & Ors.) | Challenging G.R. | For Further Consideration Reply Filed by R-1 to R-4 For Filing Affidavit in Rejoinder | 26.02.24 |
| 59 | OA1129/22 | Nanded | Adv. Y R Barhate (Madhukar L Rathod) | Dismissal (Major Punishment) | For Hearing Reply Filed by R-1 to R-3 | 27.02.24 |
| 60 | OA962/23 | Beed | Adv.S.S. Jadhavar (Snehal M Dhakne & Ors.) | M.A. For Amendment | For Hearing Reply Filed By Respondents | 11.03.24 |
| Final Hearing Matters | | | | | | |
| 61 | OA759/22 | O'bad | Adv.O D Mane/ Adv.A O Mane (Manisha A Rashinkar) | Departmental Enquiry | For Further Consideration & Passing Order - Reply Filed by R-1 to R-3 | 14.02.24 |
| 62 | OA250/14 | A'bad | Adv.Avinash S Deshmukh (The Karyakari Adhikari Sanghatna (R.T.O.) Through its Joint Secretary Rameshchandra L Kharade) | Revised Pay Scale | <u>Pending Before High Court</u> Reply Filed by R-2 & R-3 | 23.02.24 |
| 63 | OA583/14 | A'bad | Adv.S S Thombre (Bhausahab S Gaikwad) <u>Adv.Abhishek C Deshpande for R.Nos.5 & 6</u> | Promotion | Reply Filed by R-1 to R-3 & R-5 & R-6 | 23.02.24 |
| 64 | OA124/17 | Nanded | Adv.A D Gadekar (Govind B Rathod) | Appointment | Reply Filed by R-1 & R-2 | 26.02.24 |
| 65 | OA251/17 | Latur | Adv.J.G. Toshniwal (Dr.Sham P Toshniwal) | Selection/ Appointment | Reply filed by R-1 & R-2 | 26.02.24 |

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| 66 | OA268/17 With | Beed | Adv.Talekar & Associates (Vishal W Machave) | Promotion | Reply Filed by R-1 to R-4 | 26.02.24 |
| 67 | OA269/17 With | Beed | Adv.S.B. Talekar & Associates (Sachin B Kamble) | Promotion | Reply Filed by R-1 to R-4 | 26.02.24 |
| 68 | OA270/17 With | Beed | Adv.S.B. Talekar & Associates (Prashant B Pathak) | Promotion | Reply Filed by R-1 to R-4 | 26.02.24 |
| 69 | OA271/17 | Beed | Adv.Talekar & Associates (Govind B Shelke) | Promotion | Reply Filed by R-1 to R-4 | 26.02.24 |
| 70 | OA39/18 | J'gaon | Adv.Sandesh R Patil (Ravi S Wankhade) | Seniority | Reply Filed by R- 2 | 28.02.24 |
| 71 | OA631/18 | N'bar | Adv.Shrikant Patil (Chudaman D Pawar) | Departmental Enquiry | Reply filed by R-1 to R-6 | 28.02.24 |
| 72 | OA874/18 | O'bad | Adv.Shrikant G Kawade/ Adv.A.M. Nagarkar (Shashikant S Yadav) | Seniority/ Promotion | Reply filed by R-3 | 28.02.24 |
| 73 | OA927/18 | Beed | Adv.Vilas P Savant (Shamrao N Kadam & Ors.) | Seniority/ Promotion | Reply Filed by R- 2 & R-4 | 28.02.24 |
| 74 | OA245/19 | Beed | Adv.Hrishikesh V Tungar (Subhadra J Mahuwale) | Recovery/ Major Punishment | Reply Filed by R- 1 & R-2 | 01.03.24 |
| 75 | OA260/19 | Dhule | Adv.C V Dharurkar/ Adv.Tulja Bondarde (Mukund B Jagtap) | Reversion | Reply Filed by R-1 to R-3 | 23.02.24 |
| 76 | OA755/19 | Beed | Adv.M.R. Kulkarni (Dr.Prashant N Suryawnashi) | Appointment/ Regularisation | Reply Filed by R-1 to R-3 | 01.03.24 |
| 77 | OA1065/19 | A'nagar | Adv.V B Wagh (Dr.Jahagirdar D Nizam) | Condonation of Technical Break/ Count the st Service | Reply Filed by R-1 to R-3 | 12.03.24 |
| 78 | OA303/23 | Mumbai | Adv.A D Sonkawde (Janardhan R Pawar) | Compulsory Retirement | Reply Filed by R- 1 to R-3 | 23.02.24 |

**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

Date:- 13/02/2024

Suplimentary Board

| Sr. No | Case No. | District | Advocate's & Applicant's Name | Subject | Remarks | |
|-----------------------------|----------|----------|---------------------------------|-----------|--|--|
| Due Admission Matter | | | | | | |
| 1 | OA356/23 | A'bad | Adv.V B Wagh (Sharad P Jare) | Promotion | Transfer From Principal Bench Mumbai, | |
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Date: -13/02/2024

D.B. For Reply Board

| Sr. No. | Case No. | District | Advocate's & Applicant's Name | Subject | Remarks | |
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| Due Admission Matters | | | | | | |
| 1 | CP37/23 In Review No 05/22 In OA 981/19 | P'rbn | Adv Ganesh V Mohekar (Dr. Ravindra K Deshmukh) | Contempt Petition | For Filing Affidavit in Reply | |
| 2 | CP43/23 In OA09/22 | Beed | Adv Shamsunder B Pati (Dr. Prithviraj K Chavan) | Contempt Petition | For Filing Affidavit in Reply | 07.03.24 |
| 3 | CP44/23 In OA984/19 | Beed | Adv Shamsunder B Patil (Dr.Prithviraj K Chavan) | Contempt Petition | For Filing Affidavit in Reply | 07.03.24 |
| 4 | OA1007/19 | O'bad | Adv.K.R. Doke/ Adv.S.K. Doke (Mustafa D Khonde) | Promotion/ Declaration | Reply Filed by R-3 For Filing Affidavit in Reply | 01.03.24 |
| 5 | OA1085/19 | Nanded | Adv A S Deshpande (Bhaskar M Taske) | Termination | Affidavit in Reply Filed By R-2 For Filing Affidavit in Rejoinder | 01.03.24 |

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| 6 | OA308/21 | Beed | Adv S S Jadhavar (Nita B Magare) | Seniority List | Await Service R-1 <u>Ref Order Dtd.</u> <u>23.06.2023</u> & For Filing Affidavit in Reply | 11.03.24 |
| 7 | OA106/22 | Nanded | Adv.V.B. Dhage (Munni P Mahmood Shaikh) <u>Adv.S.B. Mene for</u> <u>R.No.3</u> | Challenging Notification | Last Chance For Filing Affidavit in Reply | 05.03.24 |
| 8 | OA169/22 | Dhule | Adv Sanket N Suryawanshi (Nisar Kha Abdullatif Khan Pathan) | Charge Sheet / Departmental Enquiry | As a Last Chance For Filing Affidavit in Rejoinder | 04.03.24 |
| 9 | OA628/22 | O'bad | Adv A G Ambetkar (Sunil C Ahire) <u>Adv Pradeep T</u> <u>Patil For R-5</u> | Interview | Reply Filed by R-1 & R-5 One More Last Chance For Filing Affidavit in Reply | 12.03.24 |
| 10 | OA.842/22 | Latur | Adv.Jayant S. Deshmukh (Dr.Ramdas B. Panchal) <u>Adv J K Kadam For</u> <u>R-4</u> <u>Adv M B Kolpe For</u> <u>R-3</u> | Interview | Reply Filed by R-1 & R-2 As one more last chance For Filing Affidavit in Rejoinder <u>Ref Order</u> <u>Dtd.</u> <u>22.06.2023</u> | 28.02.24 |
| 11 | OA857/22 | Latur | Adv.J.S. Deshmukh (Dr.Chandrajyoti R Dhange) <u>Adv M B Kolpe For</u> <u>R-3</u> | Interview | As one more last chance For Filing Affidavit in Rejoinder <u>Ref Order</u> <u>Dtd.</u> <u>22.06.2023</u> | 28.02.24 |
| 12 | OA863/22 | A'bad | Adv.D.M. Hange (Dr. Vinod G Jogdand) <u>Adv M B Kolpe For</u> <u>R-3</u> | Selection Process/ Intertview | For Filing Affidavit in Rejoinder <u>Ref Order</u> <u>Dtd:-23.03.2023</u> | 28.02.24 |
| 13 | OA902/22 | A'bad | Adv.Rajendra N Chavan (Anil V Mule) | Misconduct | For Filing Affidavit in Rejoinder | 13.03.24 |
| 14 | OA988/22 | Jalna | Adv.J.S. Deshmukh (Dr. Nitinkumar B Shah) | Eligibility/ Appointment | Short Affidavit in Reply R-1& R-4 & Await Service <u>Ref Order Dtd.</u> <u>21.09.2023</u> | 28.02.24 |

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| 15 | OA1130/22 | Nanded | Adv V P Kadam (Shivaji V Kale) | Challenging Govt. Notification | As a Last Chance For Filing Affidavit in Reply | 12.03.24 |
| 16 | OA109/23 | Nanded | Adv.M.P. Tripathi (Maroti V Kadam) | Promotion | For Filing Affidavit in Reply | 21.03.24 |
| 17 | OA208/23 | N'bar | Adv K B Jadhav (Suryabhan E Pawar) | Departmental Enquiry | For Filing Affidavit in Reply R-1 & R-4 | 29.02.24 |
| 18 | OA306/23 | A'bad | Adv.Kakasaheb B Jadhav (Hanuman P Jarare) | Reversion/ Duty Period | For Filing Affidavit in Rejoinder | 26.02.24 |
| 19 | OA346/23 | Hingoli | Adv.Suresh D Dhongde (Digambar B Dahe & Ors.) | Seniority/ Qualifying Service | Reply Filed by R-1 & R-4 | 20.03.24 |
| 20 | OA374/23 | J'gaon | Adv.A.D. Sugdare (Radheshyam B Sonawane) | Seniority/ Promotion | Await Service | 21.03.24 |
| 21 | OA474/23 | N'bar | Adv.V.B. Wagh (Vaishali V Hinge) | Promotion | By way of Last Chance For Filing Affidavit in Reply Costs Rs 10,000/- | 07.03.24 |
| 22 | OA594/23 | Nanded | Adv.Ajinkya Reddy (Sandhya S Shinde) <u>Adv.A.S. Deshmukh</u> <u>For R.No.5</u> | Appointment | Reply Filed by R-1 , R-2 & R-5 By way of Last Chance For Filing Affidavit in Reply | 28.02.24 |
| 23 | OA685/23 | A'bad | Adv Amol B Chalak (Bhagatsing Uttam Singal & Ors.) <u>Adv R A Joshi For R- 5 R-17</u> | Selection Process | By way of Last Chance For Filing Affidavit in Reply | 27.02.24 |
| 24 | OA759/23 | A'nagar Latur | Adv Amol B Chalak/ Adv A S Hazari (Nilesh M Aradle & Ors.) | Selection process | By way of Last Chance For Filing Affidavit in Reply | 27.02.24 |

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| 25 | OA906/23 | O'bad | Adv P B Gapat (Jamuna J Kukade) | Major Punishment | Await Service | 13.03.24 |
| 26 | OA921/23 | O'bad | Adv Sartaj H Pathan (Sakharabai R Shinde) | Dismissal From Service Family Pension | For Filing Affidavit in Reply | 13.03.24 |
| 27 | OA925/23 | A'bad Etc. | Adv J S Deshmukh (Dr. Suhas M Pawar & Ors.) | Challenging G.R | For Filing Affidavit in Reply | 20.03.24 |
| 28 | OA981/23 | Latur | Party in Person (Swati S Mankikar) | Appointment | For Filing Affidavit in Rejoinder | 21.02.24 |
| 29 | OA.4/24 | Nanded | Adv VB.Wagh Adv.Archana Therokar Adv Vijaya Adkine (Savita S.Birge) | Promotion | For Filing Affidavit in Reply | 07.03.24 |
| 30 | OA.35/24 | N'bar | Adv SP.Pandit Adv.SR.Kedar (Asha J.Dewang | Seniority List | For Filing Affidavit in Reply | 18.03.24 |
| Order Matters | | | | | | |
| 31 | MA81/20 In OASSt2435/19 | Beed | Adv.A.D. Gadekar (Dipali N Kulkarni) | M.A. For Condonation of Delay | For Filing Affidavit in Rejoinder | 12.03.24 |
| 32 | MA463/22 In OASSt1779/22 | Nanded | Adv.Suchita Dhongde (Chakardhar P Wadje) Adv SA.Dhongde Has Filed Leave Note From 13/2/24-23/2/24 | M.A. For Condonation of Delay | As a Last Chance For Filing Affidavit in Reply | 20.03.24 |
| 31 | MA551/22 In OASSt3006/22 | Latur | Adv.A.S. Deshmukh (Dharmveer B Shinde) | M.A. For Condonation of Delay | For Filing Affidavit in Reply | 18.03.24 |

**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: -13/02/2024

For Reply Board

| Sr. No. | Case No. | District | Advocate's & Applicant's Name | Subject | Remarks | Next date |
|------------------------------|-----------|----------|--|---|--|-----------|
| Due Admission Matters | | | | | | |
| 1 | OA.487/20 | P,nai | Adv SM.Kamble (Usha R.Bahirat) | Police Patil | For Filing Affidavit Reply | 1.3.2024 |
| 2 | OA330/22 | O'bad | Adv Ganesh J Kore (Datta B Nannaware & Ors.) | Regularization/ Directions | Reply Filed By R-2 & R-3 & For Filing Affidavit in Reply | 20.3.2024 |
| 3 | OA407/23 | O'bad | Adv Nilesh J Patil / Adv K S Patil (Surendra S Pawar) | Transfer | Notice Not Collected | Withdraw |
| 4 | OA417/23 | Dhule | Adv A S Deshmukh (Chandershekar P Nikam) | Recovery/ Refund of Recovered Amount | Last Chance For Filing Affidavit in Reply | 26.3.2024 |
| 5 | OA514/23 | A'bad | Adv Mohit R Deshmukh (Sunil A Malkar) <u>Adv V A Bagal Patil</u> <u>For R-5</u> | Transfer | For Filing Affidavit in Rejoinder | 5.3.2024 |
| 6 | OA642/23 | Hingoli | Adv H V Patil/ Adv S B Patil (Rambhau T Dipake) | Pension & Pensionery Benefits | For Filing Affidavit in Reply | 7.3.2024 |
| 7 | OA754/23 | P'rbn | Adv D T Devane (Ramesh N Swami) | Minor Punishment | For Filing Affidavit in Reply | 20.3.2024 |

| | | | | | | |
|----|------------|---------|---|---|--|-----------|
| 8 | OA692/23 | Nanded | Adv S G Kulkarni (Vijaykumar M Nawale) | Transfer | Await Service Ref Order Dtd. 04.09.2023 For Filing Affidavit in Rejoinder | 20.3.2024 |
| 9 | OA855/23 | A'bad | Adv V B Wagh/ Adv A S Therokar Adv V P Adkine (Ramesh G Pawar) | Pension & Other Benefits | For Filing Affidavit in Reply | 21.2.2024 |
| 10 | Oa.1098/23 | Jalgaon | Adv.SB.Ghate (Manoj A.Dusane) | Carrection in Date of Birth | For Filing Affidavit in Reply | 5.3.2024 |
| 11 | OA.27/24 | Latur | Adv ID.Maniyar (Emam Najir Mirza) | The Pay Protection | For Filing Affidavit in Reply | 20.3.2024 |
| 12 | OA.37/24 | A'nagar | Adv.AD.Aghav (Prajwal R.Sorate) | Compassionate Appointment (Financial Condition) | For Filing Affidavit in Reply | 4.3.2024 |
| 13 | OA107/24 | Jalna | Adv Mohit R Deshmukh (Ashwamedh B Jagtap) | Transfer | Await Service | 5.3.2024 |

Order Matters

| | | | | | | |
|----|--|--------|---|-------------------------------------|--|-----------|
| 14 | MA353/21 In MASt1144/21 In OA1145/21 | Beed | Adv RP Bhumkar (Ramkrushna D Gore & Ors.) Adv D T Dewane For R- 4 | M.A. For Condonation of Delay | For Filing Affidavit in Reply R-4 & For Filing Affidavit in Rejoinder Ref Order Dtd: 01.02.2023 | 14.3.2024 |
| 15 | MA208/22 In OASSt794/21 | A'bad | Adv A V Sakolkar (Vishwash R Nimbalkar) | M.A For Condonation of Delay | Reply Filed By R-2 | 21.3.2024 |
| 16 | MA382/22 In OASSt1465/22 | Nanded | Adv K B Jadhav (Madhukar S Muneshwar) | M.A For Condonation of Delay | For Filing Affidavit in Rejoinder | 20.3.2024 |
| 17 | MA426/23 In OASSt1814/23 | Nanded | Adv Vaibhav B Dhage (Deelip S Karamunge) | M.A For Condonation of Delay | Await Service R-3 | 26.3.2024 |

| | | | | | | |
|-----------|--|---------|--|------------------------------------|-------------------------------------|-----------|
| 18 | MA431/23 In OA845/23 | Nanded | Adv A G Vasmatkar (Vishwanath S Kirtane & Ors.) | M.A For Condonation of Delay | For Filing Affidavit in Reply | 26.3.2024 |
| 19 | MA459/23 In OAS1626/23 | Beed | Adv Abhishek C Deshpande (Suresh N Maske) | M.A For Condonation of Delay | For Filing Affidavit in Reply | 21.3.2024 |
| 20 | MA460/23 In OAS157/23 | Latur | Adv K P Radge (Bapurao M Suryakar) | M.A For Condonation of Delay | For Filing Affidavit in Reply | 27.2.2024 |
| 21 | MA487/23 In TA18/23 In WP8916/23 | O'bad | Adv KR.Doke Adv SR Doke (Ankush V.Sontake) | M.A For Condonation of Delay | Await Service | 1.3.2024 |
| 22 | MA491/23 In OAS1241/23 | Nanded | Adv Vaibhav B Dhage (Smt. Lalita W/o Piraji Mahaka & Ors.) | M.A For Condonation of Delay | Await Service R-2 | 26.3.2024 |
| 23 | MA541/23 In OAS2227/23 | A'nagar | Adv S K Shinde (Aditya B Titme) | M.A For Condonation of Delay | For Filing Affidavit in Reply | 4.3.2024 |

ORIGINAL APPLICATION NO.981/2023
(Swati Shivaji Maknikar Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Smt. Swati Shivaji Maknikar, applicant - party in person and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. Arguments of the applicant are heard. Learned P.O. seeks time to argue the matter finally. Time is granted.

3. S.O. to 21-02-2024.

MEMBER (A)
YUK ORAL ORDER 13.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.356/2023
(S.P.Jare Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. In view of the order passed by the Hon'ble Chairperson on 09-02-2024 in O.A.No.1622/2023, present order is passed:

“To hear and decide the present O.A. on 22-02-2024 at 03:00 pm, Division Bench is constituted comprising of Hon'ble Shri Justice V.K.Jadhav, Member (J) and Hon'ble Medha Gadgil, Member (A), and Member (A) will join on Video Conferencing. Office shall accordingly take the further necessary steps.”

VICE CHAIRMAN

M.A. St. NO. 116/2024 in O.A. St. No. 56/2024
(Maharashtra State Nurses Association Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri A.D. Sonkawade, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. The office has raised an objection in view of Rule 4(5)(b) of the Maharashtra Administrative (Procedure) Rules, 1988, the Misc. Application is not properly filed and copy of the Resolution passed by the Association along with the list of beneficiaries are not annexed with the M.A. and O.A.

3. However, as rightly pointed out by learned counsel for the applicant in terms of rule 4(5)(b) of the Rules, 1988, the Tribunal may permit to an association representing the persons desirous of joining in a single application provided, however, that the application shall disclose the class/grade/categories of the persons on whose behalf it has been filed and the applicants association in para No. 3 of the M.A. has made it clear that the applicants association is seeking relief

//2//

MA St. 116/2024 in
OA St. 56/2024

in respect of Staff Nurse, In-charge Sister, Pediatric Nurse working in the Public Health Department, Tutor and Public Health Nurse instructor. There is sufficient compliance of Rule 4(5)(b) of the Maharashtra Administrative (Procedure) Rules, 1988.

4. The office objection stands overruled.

5. The present Misc. Application is allowed in terms of prayer clause 8(A). The accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

6. Accordingly, M.A. stands disposed of. No order as to costs.

MEMBER (J)

KPB ORAL ORDER 13.02.2024

O.A. St. No. 56/2024

(Maharashtra State Nurses Association Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri A.D. Sonkawade, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 02.04.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 02.04.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION St. NO. 262 OF 2024
(Govind H. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri A.R. Tapse, learned counsel holding for Shri P.D. Suryawanshi, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. The office has raised an objection that the applicant has not filed departmental appeal before the higher authority as provided under Rule 17(i) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.

3. Learned counsel for the applicant on instructions submits that yesterday i.e. on 12.02.2024 the applicant has filed departmental appeal before the departmental appellate authority.

4. In view of above, the present Original Application is disposed of with liberty to the applicant to approach this Tribunal again in case, if any adverse order is passed in the departmental appeal. There shall be no order as to costs.

MEMBER (J)

M.A. No. 43/2024 in O.A. St. No. 240/2024
(Sushila R. Mulay & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. Learned counsel for the applicants submits that the applicant No. 1 is the mother and applicant No. 2 is the son. The applicant No. 1 has filed an application on behalf of the major son i.e. applicant No. 2, however, the respondent authorities have not considered it. This Misc. Application is filed to sue jointly.

3. In view of above and for the reasons stated in the application, the M.A. No. 43/2024 is allowed in terms of prayer clause 3(B), subject to payment of court fee stamps, if not paid. The accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

11. Accordingly, M.A. stands disposed of. No order as to costs.

MEMBER (J)

O.A. St. No. 240/2024

(Sushila R. Mulay & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 27.03.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 27.03.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 903 OF 2023
(Veena A. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. Issue notices to the respondents.

3. Learned Presenting Officer on instructions waives notice for all the respondents.

4. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 to 4. Same is taken on record and copy thereof is given to other side.

5. List the matter for admission hearing on 26.02.2024 and filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 407 OF 2023
(Surendra Sopan Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. Learned counsel for the applicant on instructions in writing submits that the order of transfer has been cancelled by the issuing authority and in view of the same, nothing survives for further consideration in the present Original Application. Learned counsel thus seeks leave to withdraw the present Original Application.

3. Leave granted. The Original Application is disposed of as withdrawn. No order as to costs.

MEMBER (J)

M.A. No. 426/2023 in O.A. St. No. 1814/2023
(Deelip S. Karamunge Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. Learned Presenting Officer appears for respondent No. 3.

3. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 1 in M.A. and submits that the respondent Nos. 2, 3 & 4 are adopting the affidavit in reply filed on behalf of respondent No. 1. Same is taken on record and copy thereof is given to other side.

4. List the matter for hearing on 26.03.2024.

MEMBER (J)

M.A. No. 491/2023 in O.A. St. No. 1241/2023
(Lalita P. Mahaka & ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Shri V.B. Dhage, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer appears for respondent No. 2.

3. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 & 2 in M.A. and submits that the respondent No. 3 is adopting the affidavit in reply filed on behalf of respondent Nos. 1 & 2. Same is taken on record and copy thereof is given to other side.

4. List the matter for hearing on 26.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 499 OF 2023
(Yamunabai M. Choudhari Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Shri Ashish Hazari, learned counsel holding for Shri Datta Amabake, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks leave to file affidavit in reply on behalf of respondent No. 2. Leave granted. The affidavit in reply is accepted and copy thereof is given to learned counsel for the applicant. Learned P.O. on instructions submits that the respondent No. 1 is adopting the affidavit in reply filed on behalf of respondent No. 2.

3. Pleadings completed. S.O. to 20.03.2024 for filing rejoinder affidavit, if any and for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 487 OF 2020
(Usha R. Bahirat Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

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. Learned Presenting Officer submits that the short time may be granted for filing affidavit in reply. Time granted.

3. S.O. to 01.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 642 OF 2023
(Rambhau T. Dipake Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Shri H.V. Patil/S.B. Patil, learned counsel for the applicant (**Absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 2 and seeks time to file affidavit in reply on behalf of rest of the respondents. Same is taken on record along with spare copy for the applicant.

3. S.O. to 07.03.2024 for filing affidavit in reply on behalf of rest of the respondents.

MEMBER (J)

ORIGINAL APPLICATION NO. 608 OF 2022
(Mahendra S. Surwade Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits that the record is yet not received.

3. At the request of learned Presenting Officer, S.O. to 07.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 855 OF 2023
(Ramesh G. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits that affidavit in reply is already filed on behalf of respondent No. 2 and the respondent Nos. 1 and 3 are adopting the same.

3. In view of above, list the matter for admission hearing on 21.02.2024.

MEMBER (J)

**MA 353/2021 in MA St. 1144/2021 in OA 1145/2021
(Ramkrushna D. Gore & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 13.02.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present. Shri D.T. Devane, learned counsel for respondent No. 4, is **absent**.

2. Learned Presenting Officer submits that the respondent Nos. 1 and 2 are adopting the affidavit in reply filed on behalf of respondent No. 3.

3. List the matter for hearing on 14.03.2024.

MEMBER (J)

KPB ORAL ORDER 13.02.2024

ORIGINAL APPLICATION NO. 417 OF 2023
(Chandershekar P. Nikam Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. Even though the last chance is granted, no affidavit in reply has been filed.

3. List the matter for admission hearing on 26.03.2024 with liberty to the other side to file affidavit in reply, if any till then.

MEMBER (J)

M.A. No. 431/2023 in O.A. No. 845/2023
(Vishwanath S. Kirtane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Shri P.G. Tambade, learned counsel holding for Shri A.G. Vasmatkar, learned counsel for the applicants 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. 1 to 4 in M.A. Same is taken on record and copy thereof is given to other side.

3. List the matter for hearing on 26.03.2024.

MEMBER (J)

KPB ORAL ORDER 13.02.2024

ORIGINAL APPLICATION NO. 498 OF 2023
(Ratnakala M. Mohite Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 11.03.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 13.02.2024

ORIGINAL APPLICATION NO. 812 OF 2023
(Dr. Ravindra K. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. By consent, S.O. to 21.02.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 706 OF 2022
(Suhas T. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Shri P.G. Rodge, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present. Shri S.M. Kamble, learned counsel for respondent No. 4, is **absent**.

2. Learned Presenting Officer submits that during the course of the day short affidavit on behalf of respondent No. 2 will be filed as directed by this Tribunal on 10.01.2024.

3. It is a part heard matter. By consent, S.O. to 27.02.2024 for further hearing.

MEMBER (J)

M.A. No. 460/2023 in O.A. St. No. 57/2023
(Bapurao M. Suryakar Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Shri K.P. Rodge, 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 Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents in M.A.

3. S.O. to 27.02.2024.

MEMBER (J)

KPB ORAL ORDER 13.02.2024

M.A. No. 461/2023 in O.A. St. No. 58/2023
(Iqbal Ahmed Jangi Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. By consent, S.O. to 27.02.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 13.02.2024

M.A. No. 50/2024 in O.A. St. No. 99/2024
(Narayan B. Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri S.A. Deshmukh, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents in M.A., returnable on 08.04.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 08.04.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

M.A. St. No. 54/2024 in O.A. St. No. 55/2024
(Arun N. Kadam & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. By consent, S.O. to 21.02.2024.

MEMBER (J)

KPB ORAL ORDER 13.02.2024

M.A. No. 46/2024 in O.A. St. No. 154/2024
(Vasant S. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. Issue notices to the respondents in M.A., returnable on 02.04.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 02.04.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 404 OF 2022
(Manesh D. Nagargoje Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. It is a part heard matter. S.O. to 28.02.2024 for citations.

MEMBER (J)

ORIGINAL APPLICATION NO. 548 OF 2022
(Dilip R. Bari Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Shri Avinash Deshmukh, 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 during the course of the day original record has been received. Learned P.O. thus seeks time to go through the said record and make appropriate submissions on the next date of hearing. Time granted.

3. Learned Presenting Officer submits that he would allow the learned counsel appearing for the applicant to go through the record, if it is so required.

4. It is a part heard matter. S.O. to 27.02.2024 for further hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 329 OF 2023
(Amit K. Pathode & ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri Ajay Deshpande, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Though learned counsel for the applicants has filed short affidavit, however, learned Presenting Officer submits that till this date no instructions have been received from the respondent authorities, despite due communication.

3. The present matter is reserved for orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 760 OF 2023
(Dr. Abdul Moiz Siddiqui Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. Though learned counsel for the applicant has filed short affidavit, however, learned Presenting Officer has not filed any affidavit in reply for want of instructions, despite due communication. Learned Presenting Officer relied upon the communication dated 06.02.2024 received from the Desk Officer, Maharashtra State i.e. respondent No. 1 in this regard.

3. It is a part heard matter. S.O. to 27.02.2024 for citations.

MEMBER (J)

ORIGINAL APPLICATION NO. 512 OF 2023
(Jaykumar R. Koli Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Ms. M.M. Deshpande, learned counsel holding for Shri C.V. Dharurkar, 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 counsel for the applicant, S.O. to 05.03.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 921 OF 2016
(Sanjay T. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri A.D. Sugdare, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. This is old matter of the year 2017. Learned counsel for the applicant and learned Presenting Officer are ready to file written notes of argument within three weeks.

3. Part heard.

4. In view of above, S.O. to 05.03.2024 for further hearing.

MEMBER (J)

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

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

DATE : 13.02.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 12.03.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 297 OF 2023
(Prashant B. Kahhawa Vs. State of Maharashtra & Ors.)
WITH
O.A.No. 44 OF 2023 With Caveat No. 03 of 2023
(Prashant B. Kahhawa Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Shri K.G. Salunke learned counsel for the applicants in both the O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in both the O.As., are present. Shri R.R. Imale, learned counsel for respondent No.4 in O.A. 297/2023, is **absent**.

2. Learned Chief Presenting Officer submits that he has received instructions to appear on behalf of all respondents and learned C.P.O. thus seeks time. Time granted.

3. S.O. to 28.02.2024 for hearing.

MEMBER (J)

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

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

DATE : 13.02.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 12.03.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 330 OF 2022
(Datta B. Nannaware & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Shri G.J. Kore, learned counsel for the applicants and Shri B.S. Deokar, 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 and rest of the respondents will adopt the affidavit in reply filed on behalf of respondent Nos. 2 & 3.

3. List the matter for admission hearing on 05.03.2024 and filing rejoinder affidavit, if any. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 1098 OF 2023
(Manoj A. Dusane Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 4 and seeks time to file affidavit in reply on behalf of rest of the respondents. Same is taken on record along with spare copy for the applicant.

3. S.O. to 20.03.2024 for filing affidavit in reply on behalf of rest of the respondents.

MEMBER (J)

ORIGINAL APPLICATION NO. 502 OF 2018
(Bansilal C. Jaiswal Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Shri A.D. Raut, learned counsel for the applicant and Shri S.B. Talekar, learned counsel for respondent No. 3, are **absent**.

Heard Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri Saket Joshi, learned counsel holding for Shri S.D. Joshi, learned counsel for respondent No. 2.

2. It appears that by order dated 20.03.2019, this Tribunal disposed of the present Original Application with the observation that the selection of respondent No. 3 is quashed and set aside and respondent Nos. 1 & 2 are directed to appoint the candidate whoever may be found in order of merit upon exclusion of respondent No. 3 with the further observations that this order be complied with within 60 days from the date of order. It is further directed that res. no. 2 and the res. no. 3 each shall pay quantified costs of Rs. 25,000/- each to the applicant with further observation that a fraudster needs to be penalized

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O.A. No. 502/2018

than rewarded. It appears that therefore the present Original Application is kept pending to comply with those directions.

3. Meanwhile, it appears that the respondent No. 3 has approached the Hon'ble High Court of Bombay, Bench at Aurangabad by filing W.P. No. 4241/2019, which, as per the instructions taken by the learned Presenting Officer is still pending before the Hon'ble High Court of Bombay, Bench at Aurangabad and it was listed on 07.02.2024 for hearing, however it was adjourned, as the matter was not reached. Likewise respondent No. 2 has also filed W.P. No. 3497/2020, which is also pending before the Ho'ble High Court of Bombay, Bench at Aurangabad.

4. In view of the same and since the interim order passed in W.P. No. 4241/2019, the office is directed to keep this file on dormant status and after the W.Ps. are decided, list the present O.A. for further consideration.

MEMBER (J)

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

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

DATE : 13.02.2024

ORAL ORDER :

Smt. Rutuja Jakhade / Shri S.A. Kulkarni,
learned counsel for the applicant (**Absent**).

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

2. Learned Presenting Office has pointed out para
Nos. 18, 19 & 20 from the affidavit in reply filed on
behalf of respondent No. 3, those are as follows :-

*“18. I say and submit that, during the pendency of the Original Application, the deponent by its order dated 17.11.2023 transferred the applicant in view of the decision taken in Police Establishment Board Meeting dated 09.11.2023 and he is transferred from Pimpaldari to the Motor Transport Department Police Headquarters at Parbhani to his original post of Driver. Hereto annexed and marked as **ANNEXURE R-3** is the copy of order dated 17.11.2023 for kind perusal of this Hon'ble Tribunal.*

19. I say and submit that, as per the transfer order dated 17.11.2023, the applicant has been relieved by the office of Police Station In-charge, Pimpaldari on 02.12.2023. Hereto annexed and marked as ANNEXURE R-4 is the copy of relieving order dated 02.12.2023 for kind perusal of this Hon'ble Tribunal.

//2//

O.A. No. 229/2022

20. I say and submit that, therefore, considering the above facts and circumstances the present Original Application is deserves to be dismissed as the impugned order is cancelled in view of the decision taken by the Police Establishment Board Meeting dated 09.11.2023. Therefore, there is no substance in the present Original Application and it is deserves to be dismissed.”

3. In view of above affidavit in reply filed on behalf of respondent No. 3 and since during pendency of the present Original Application by order dated 17.11.2023 the applicant has been transferred in view of the decision taken in the Police Establishment Board meeting dated 09.11.2023 from Pimpaldari to the Motor Transport Department, Police Headquarters at Parbhani to his original post of Driver, nothing survives for further consideration in the present Original Application. The Original Application thus becomes infructuous and the same is accordingly disposed of. No order as to costs.

MEMBER (J)

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

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

DATE : 13.02.2024

ORAL ORDER :

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

2. By this Original Application, the applicant is seeking quashment of impugned communication dated 17.05.2022 issued by respondent No. 3 in respect of re-fixation of the applicant's pay as per the 7th Pay Commission in terms of the G.R. dated 01.01.2019 issued by the Finance Department, State of Maharashtra.

3. I have heard learned counsel for the applicant for some time.

4. Learned counsel for the applicant has pointed out that the Principal Seat of Tribunal at Mumbai has decided O.A. No. 469/2012 with O.A. No. 682/2013 with O.A. No. 879/2015 of the similarly situated employees working in the Zilla Parishad and

//2//

O.A. No. 1063/2022

by order dated 04.01.2022, allowed the said O.As. and held that all the applicants who are District Technical Service Medical Officers, placed in Group-B by virtue of G.R. dated 17.10.2014 with retrospective effect from 28.05.2001 are eligible and entitled to recruitment to Group-A from the date of the G.R. dated 18.07.2013 when the Rules were amended and they are recruited in Group-A from 18.07.2013 with all consequential benefits.

5. Learned counsel for the applicant has further pointed out that in the light of the aforesaid judgment and order passed by the Principal Seat of this Tribunal at Mumbai, the Government has issued G.R. dated 03.01.2024 to comply with the directions given by the Tribunal.

6. Learned counsel for the applicant submits that without prejudice to the contentions raised in the Original Application, in view of the said order passed in the above O.As. by the Principal Seat of this Tribunal at Mumbai and in terms of the G.R. dated 03.01.2024, the applicant is ready to file exhaustive representation for consideration of his grievance afresh.

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O.A. No. 1063/2022

7. Learned Presenting Officer is hereby directed to take specific instructions from the respondents in this regard as to whether they are ready to consider the representation, if filed by the applicant, in view of the judgment and order passed by the Principal Seat of Tribunal at Mumbai in O.A. No. 469/2012 with O.A. No. 682/2013 with O.A. No. 879/2015, decided on 04.01.2022 and in terms of the G.R. dated 03.01.2024.

8. Part heard.

9. S.O. to 14.03.2024 for further consideration.

MEMBER (J)

KPB ORAL ORDER 13.02.2024

M.A. No. 335/2023 in O.A. St. No. 1123/2023
(Amreen Begum Shaikh Abdul Aziz Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri S.V. Suryawanshi, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that there is a delay of 06 years, 02 months and 02 days caused in the filing the accompanying Original Application as calculated by the office.

3. The applicant is the daughter of deceased Government servant. The mother of the applicant has filed an application on 17.06.2013 for appointment on compassionate ground on account of death of her husband, who died in harness while serving on the post of APSI. Even on 26.02.2016, the mother of the applicant has again filed an application for compassionate appointment. The applicant after attaining the age of majority has filed an application on 23.03.2018 to the respondent authorities for compassionate appointment.

//2//

MA 335/2023 in
OA St. 1123/2023

4. Learned counsel for the applicant submits that though the respondent authorities allegedly rejected the applications submitted by the mother of the applicant and so also by the applicant in the year 2016 and 2018, those orders never communicated to the mother of the applicant and the applicant respectively. Learned counsel submits that only order dated 30.05.2023 was communicated to the applicant, wherein for the first time the reference has been given to the earlier orders dated 20.06.2016 and /12/2018. Learned counsel submits that there is no delay as such, however even if the delay is considered as considered by the office from the year 2016, there is no inaction on part of the applicant, nor the delay caused intentionally and deliberately. Learned counsel submits that the present Misc. Application seeking condonation of delay deserves to be allowed.

5. Learned Presenting Officer has strongly resisted the application. Learned P.O. submits that the mother of the applicant has filed applications for compassionate appointment on 23.03.2018 and 04.06.2018 in the office of Special Inspector General

//3//

MA 335/2023 in
OA St. 1123/2023

of Police Nanded and Hon'ble Chief Minister respectively, which was replied by the respondents by letter/ order dated 30.05.2023. In the said letter dated 30.05.2023, there is reference of earlier two letters dated 20.06.2016 and 06.12.2018. Learned P.O. submits that the respondent authorities have denied that the applicant has never received those letters dated 20.06.2016 and 06.12.2018 in respect of applications dated 23.03.2018 and 04.06.2018. Learned P.O. submits that the applicant is trying to mislead the Tribunal for condonation of delay. There is no substance in the O.A. There is total inaction on part of the applicant. There is no substance in the present Misc. Application seeking condonation of delay and the same is liable to be dismissed.

6. Prima-facie, it appears that the mother of the applicant has filed an application right from the year 2013 onwards, however, she was never communicated any decision taken on her applications. It further appears that in the year 2023 i.e. on 30.05.2023, the respondent authorities have communicated to the applicant about the rejection of the application submitted by her.

//4//

MA 335/2023 in
OA St. 1123/2023

However, the said application came to be submitted by the applicant after attaining the age of majority. In view of the same, in my considered opinion, there is no inaction on part of the applicant nor there is an intentional or deliberate delay caused in filing the accompanying Original Application. In view of the same, I am inclined to condone the delay caused in filing the accompanying O.A. However, the applicant is required to be saddled with certain costs. Hence, the following order :-

ORDER

- (i) The Misc. Application No. 335/2023 is hereby allowed.
- (ii) The delay of 06 years, 02 months and 02 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 500/- (Five Hundred only) to be paid by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

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MA 335/2023 in
OA St. 1123/2023

(iii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

(iv) The M.A. accordingly disposed of.

MEMBER (J)

KPB ORAL ORDER 13.02.2024

O.A. St. No. 1123/2023

(Amreen Begum Shaikh Abdul Aziz Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri S.V. Suryawanshi, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to the respondents, returnable on 04.04.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 04.04.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

M.A.NO. 584/2023 IN O.A.NO. 1042/2023
(Yogesh Sopanrao Dawle Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 13.02.2024

ORAL ORDER :

Heard Shri Ajay Deshpande, learned counsel holding for Shri R.J. Nirmal, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned C.P.O. has handed over two sealed envelopes, one each for the perusal of Members of the Division Bench, containing documents in respect of the experts' opinion. Same are taken on record.

3. Learned counsel appearing for the applicant has tendered across the bar additional rejoinder affidavit and the same is taken on record. List the matter for further consideration on 16.02.2024. In the meanwhile it would be open for the respondents to file short affidavit to counter the additional rejoinder affidavit submitted by the applicant

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 519/2023 IN O.A.NO. 151/2019
(Sachin Ashok Gade & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. S.O. to 06.03.2024. Part heard.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 13.02.2024-HDD

O.A.NOS. 899, 900 & 901 ALL OF 2022
(Hansraj Rajusing Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri R.K. Ashtekar, learned counsel for the applicants and Shri V.R. Bhumkar & Mrs. Deepali S. Deshpande, learned Presenting Officers for the respective respondents in respective matters.

2. Learned counsel for the applicants has tendered across the bar information in the tabular form in respect of the chances availed by the applicants in passing departmental examination. He has also placed on record notification dated 31.03.2022. The same is taken on record.

3. Arguments of both the sides are concluded. Reserved for orders.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 208 OF 2023
(Suryabhan Eknath Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. S.O. to 29.02.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 13.02.2024-HDD

**O.A.NOS. 614, 666, 693, 737, 780, 747, 748, 769,
749, 750, 751, 777, 778, 787, 788, 796, 803, 790,
791 & 832 ALL OF 2022**

(Dr. Deepak N. Kawale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

S/Shri A.D. Sugdare, J.S. Deshmukh, V.S. Kadam, Avinash Deshmukh, V.S. Valse and S.N. Pagare, learned counsel for the respective applicants in respective matters, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters and Shri M.B. Kolpe, learned counsel for respondent No. 2 in O.A. No. 790/2022, for respondent Nos. 2 & 4 in O.A. No. 791/2022 and for respondent No. 3 in other OAs, are present.

2. S.O. to 28.02.2024. Interim relief granted earlier to continue till then.

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 : 13.02.2024

ORAL ORDER :

Heard Shri Ajinkya Reddy, learned counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for respondent no. 5.

2. Learned Presenting Officer submits that within two weeks' affidavit in reply on behalf of the M.P.S.C. will be filed. Learned counsel for the applicant does not have any objection for grant of such time. Two weeks' time is, therefore, granted till 28.2.2024. It is clarified that this is a special chance for filing the reply and if the same is not filed, the matter may be heard without reply of the M.P.S.C.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 38/2023 IN O.A. NO. 861/2022
(Shobha R. Tak Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 13.02.2024

ORAL ORDER :

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

2. List the matter on 12.3.2024 for final disposal.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.02.2024

ORIGINAL APPLICATION NO. 169/2022
(Nisar Kha Abdullatif Khan Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that the applicant is not intended to file any rejoinder affidavit.
3. List the matter for hearing on 4.3.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.02.2024

(1) C.P. NO. 43/2023 IN O.A. NO. 09/2022
(Dr. Prithviraj K. Chavan Vs. State of Maharashtra & Ors.)

(2) C.P. NO. 44/2023 IN O.A. NO. 984/2019
(Dr. Prithviraj K. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Shri Shamsunder B. Patil, learned counsel for the petitioner in both the matters and S/shri M.S. Mahajan & V.R. Bhumkar, learned Chief Presenting Officer & learned Presenting Officer for the respondent authorities in respective matters, are present.

2. Learned Chief Presenting Officer seeks time to file affidavit in reply in these matters. Request is opposed by the learned counsel for the petitioner. In the interest of justice, last chance is granted till 7.3.2024. If the reply is not filed on the next date, the matters may be heard without affidavit in reply of the respondents.

MEMBER (A)

VICE CHAIRMAN

C.P. NO. 04/2024 IN O.A. NO. 49/2015
(Dattatraya G. Zade Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri A.D. Gadekar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondent no. 2, returnable on 2.4.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 2.4.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

C.P. NO. 05/2024 IN O.A. NO. 739/2023
(Prashant N. Kedar Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. Issue notice to respondent nos. 2 & 3, returnable on 6.3.2024.

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

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

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

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

7. S.O. to 6.3.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 108/2024
(Anand S. Thakur Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri G.S. Alchade, learned counsel holding for Shri A.K. Tiwari, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 4.4.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 4.4.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 474/2023
(Vaishali V. Hinge Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered affidavit in reply on behalf of respondent no. 01. Same is taken on record and copy thereof has been supplied to other side. Learned P.O. has also tendered the draft of Rs. 10,000/- (Rs. Ten Thousand only) towards the costs as was directed by the Tribunal. Office to take necessary further process for encashment of the draft.

3. List the matter for hearing on 7.3.2024.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 551/2022 IN O.A. ST. NO. 3006/2022
(Dharmveer B. Shinde Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 13.02.2024

ORAL ORDER :

Heard Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. In the present matter, despite repeated opportunities given to the respondents for filing the affidavit in reply, the same has not been filed. We have heard the learned counsel for the applicant and also have perused the contents of the Misc. Application. For the reasons stated in the Misc. Application for occurrence of the delay, which according to us are sufficient, the delay caused in filing the O.A. is condoned.

3. Misc. Application stands disposed of without any order as to costs.

4. The Original Application be registered according to law.

MEMBER (A)

ARJ ORAL ORDER 13.02.2024

VICE CHAIRMAN

M.A. NO. 551/2022 IN O.A. ST. NO. 3006/2022
(Dharmveer B. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 18.3.2024.

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

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

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

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

7. S.O. to 18.3.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 106/2022
(Munni Parvin Mohmood Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri V.B. Dhage, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent no. 03.

2. On request of learned counsel for the applicant, S.O. to 5.3.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.02.2024

M.A. NO. 35/2024 IN O.A. ST. NO. 153/2024
(Aniket D. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri Y.L. Bidve, learned counsel holding for Shri S.V. Salunke, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the applicant is challenging the order of dismissal passed against him and since some delay has occurred in submitting the O.A., present Misc. Application has been filed seeking condonation of delay, which has occurred in filing the O.A. Delay is stated to be of the period of 01 year, 01 month and 25 days. Learned counsel submits that financial constraint is main reason because of which the applicant could not approach the Tribunal within time.

3. Learned Chief Presenting Officer has fairly submitted for passing appropriate order.

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**M.A. NO. 35/2024 IN
O.A. ST. NO. 153/2024**

3. In view of the fact that the O.A. pertains to the dismissal of the applicant, for the reasons stated in the M.A., which according to us cannot be out rightly rejected, we condone the delay.
4. The Misc. Application stands allowed with no order as to costs.
5. O.A. be registered according to law.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 35/2024 IN O.A. ST. NO. 153/2024
(Aniket D. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri Y.L. Bidve, learned counsel holding for Shri S.V. Salunke, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 2.4.2024.

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

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

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

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

7. S.O. to 2.4.2024.

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

MEMBER (A)

VICE CHAIRMAN

M.A. ST. NO. 2332/2023 IN O.A. ST. 2255/2023
(Vandev Ramdas Mshram & Ors. Vs. State of Maharashtra &
Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Shri Suvidh S. Kulkarni, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Removed from the Board.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.02.2024

ORIGINAL APPLICATION NO. 905/2022
(Dr. Ansari Shenaz Begum Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 906/2022
(Dr. Ratnakar Dnyanoba Tandale Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicants in the present matters and S/shri M.S. Mahajan & M.P. Gude, learned Chief Presenting Officer & learned Presenting Officer for the respondent authorities in respective matters. Shri Vinod M. Vibhute, learned counsel for respondent no. 04 in O.A. NO. 905/2022 (**absent**).

2. Since in both the matters objections raised and reliefs claimed are identical, we have heard both these matters together and we deem it appropriate to decide both these matters by this common order.

3. The applicants have claimed the following reliefs in their Original Applications :-

“a) This Original Application may kindly be allowed.

(b) The respondents may kindly be directed to extend leave benefits as admissible under policy decision dtd. 1.3.97 and annual increments for past ad-hoc service rendered by applicant, in the light of law laid down by this Hon'ble Tribunal, Honorable High Court and Honorable Apex Court.

(c) To direct respondents to condone the technical breaks in adhoc service if any given to applicant and service spent on adhoc basis may counted for grant of Annual increments as well as earned leaves in the light of law laid down by the Honorable Tribunal vide order dtd. 27.7.2022 in O.A. No. 526/18 & Group matters.

(d) To direct the respondents to grant applicant annual increments by condoning technical breaks if any given in her past service and pay arrears thereof.

(e) Any other relief for which applicant is entitled may kindly be granted in the interest of justice.”

4. The learned counsel for the applicants pointed out that the issue, which has been raised in the present O.As., is no more *res integra*, since several judgments are delivered by the Tribunal extending the benefits, which are prayed for in the present O.As. and the Hon'ble High Court has confirmed the orders passed by the Tribunal. Some orders are

placed on record by the learned counsel for the applicants.

5. Respondents have filed their joint affidavit in reply and resisted the contentions raised in the O.As., as well as, the prayers made therein. According to the respondents, the Maharashtra Civil Services Rules do not permit acceptance of such request as has been made by the applicants in the present matters. It is further contended that the appointments being issued to the applicants are temporary appointments and, as such, cannot vest any right with the applicants to seek relief as has been claimed by them. Respondents have not disputed that the applicants are in continuous service of the respondents as Medical Officers.

6. The applicant in O.A. No. 905/2022 entered into the Government service in the year 2004 as Medical Officer. She was at the relevant time selected by the Selection Committee constituted for the said purposes and was issued with a temporary appointment for the period of 01 year. The applicant, however, in the year 2005 has approached

the Tribunal by filing O.A. No. 642/2005 for continuation in service till regularly selected candidate through the M.P.S.C. is appointed on her place. The relief was granted by the Tribunal and on the basis of said relief the services of the applicant were continued even after 2005. In the year 2009, the applicant got selected by the M.P.S.C. and was appointed on the same post on which she was appointed as ad-hoc appointee. The applicant prayed for considering her service on ad-hoc basis for grant of Earned Leave, as well as, yearly increments.

7. The applicant in O.A. No. 906/2022 entered into the Government service in the year 2000 as a Medical Officer selected by the Selection Committee constituted for the said purposes. In the year 2002 he was selected by the M.P.S.C. and was posted on the same post on which he was appointed as ad-hoc appointee.

8. The learned counsel for the applicants submits that the applicants were appointed against the vacant posts and ultimately were selected through

the M.P.S.C. Respondents in their affidavit in reply though have opposed for accepting the request of the applicants, the learned C.P.O. did not bring to our notice that the decision rendered by the Division Bench of the Hon'ble Bombay High Court, Bench at Aurangabad in the case of **the State of Maharashtra & Ors. vs. Siddheshwar Ramrao Mundhe, Writ Petition No. 772/2016 with connected other matters**, whether was challenged before the Hon'ble Supreme Court. On the contrary, learned counsel submits that all these orders have been obeyed by the State Government and necessary orders have been issued in respective matters. We have gone through the order of the Tribunal, as well as, the decision of the Hon'ble High Court in **Writ Petition No. 772/2016** (cited supra). Facts in the present matters are identical with the facts involved in the matter before the Hon'ble High Court. In the circumstances, there seems no impediment in allowing the present applications. Hence, the following order :-

ORDER

- (i) The respondents are directed to consider the period of service rendered by the applicants on ad-

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hoc basis for grant of increments, as well as, Earned Leave and for no other purpose.

(ii) Respondents shall also condone the technical breaks, if any.

(iii) The Original Applications are allowed in the aforesaid terms without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 13.02.2024

ORIGINAL APPLICATION ST. NO. 1138/2020
(Vishnu S. Sanap Vs. State of Maharashtra & Ors.)

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

DATE : 13.02.2024

ORAL ORDER :

Heard Shri A.N. Sabnis, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Office seems to have raised an objection as about jurisdiction. It is, however, noticed that the present O.A. is already entertained by this Tribunal. Since it was dismissed in default in the meanwhile, same has now been restored and placed for hearing. Office objection, therefore, stands set aside.

3. The learned counsel for the applicant fairly submits that in the identical facts and circumstances this Bench of the Tribunal vide common order passed in O.A. Nos. 377 and 378 both of 2019 with connected other matters have dismissed the said O.As. Learned counsel submits that nothing more is to be submitted than as was submitted in the said matters.

4. Learned Presenting Officer also submitted that the issue raised in the present Original Application is dealt with by this Tribunal in the common order passed in the aforesaid matters. The learned counsel for the applicant and the learned Presenting Officer, therefore, prayed for disposal of the present O.A. being covered by the common order passed in O.A. Nos. 377 and 378 of 2019 with connected other O.As.

5. The present applicant undisputedly had secured the appointment being nominee of the freedom fighter. The certificate of the freedom fighter on the basis of which the applicant had secured the appointment has been declared to be bogus and has been cancelled. The fact of falsehood of the freedom fighter has attained the finality. The applicant's appointment in the category of nominee of the freedom fighter presupposes valid and legal freedom fighter's certificate. When the certificate as freedom fighter on the basis of which the applicant has secured the appointment has been found to be untrue, as observed by the Tribunal in the common

order passed in O.A. Nos. 377 and 378 of 2019 with connected other O.As., the condition precedent of appointment remained unfilled.

6. In the present matter the applicant was given an opportunity to show cause why his services shall not be terminated, since the freedom fighter certificate on the basis of which the appointment was given to the applicant is found to be bogus and after having considered the explanation given by the applicant, his services have been terminated. This Tribunal while deciding O.A. Nos. 377 and 378 of 2019 with connected other O.As. having identical facts as are existing in the present matter has rejected the O.As. of such applicants.

7. In the circumstances, for the reasons recorded in common order passed by this Tribunal in O.A. Nos. 377 and 378 of 2019 with connected other matters, the present Original Application also stands dismissed without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

