

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

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

Before: - THE HON'BLE SHRI. V.D. DONGRE, MEMBER (J)

And

THE HON'BLE SHRI. BIJAY KUMAR, MEMBER (A)

Date: -13/06/2023

Order Matters						
8	MA456/18 In OAST1919/18	A'bad	Adv.Ajay S Deshpande (Lakshman K Nirmal) <u>Adv.S.R. Kedar for R.No.3</u>	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R- 2	26.7.2023
9	MA69/22 In OAST43/22	Nanded	Adv.SuchitaDhongde (Bhausahab P Tidke&Ors)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R- 4	26.7.2023
10	MA348/22 In OAST1262/22	A'bad	Adv.SuchitaDhongde (Deorao S Aher)	M.A. For Condonation of Delay	For Hearing For Filing Affidavit in Rejoinder	26.7.2023
11	MA419/22 In OAST1536/22	A'bad	Adv.A.D. Gadekar (Haribhau L Ghodke)	M.A. For Condonation of Delay	For Hearing	23.6.2023
12	MA194/23 With OA326/16	A'nagar	Adv.V.B. Wagh (Changdeo G Sawant)	M.A. For Amendment With Removal from Service	Reply Filed by R-1 to R- 3	28.7.2023
13	MA211/23 In OA595/20	A'bad	Adv.V.B. Wagh (Dr. Datta M Dhanve)	M.A. For I.R.		26.6.2023
14	MA223/23 With MA12/22 In OAST1746/21	Nanded	Adv.S.B. Patil (Keshawrao W Pawar)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-2 to R- 5	28.7.2023

High On Board Matters						
15	MA542/22 with MA261/22 With MA257/22 In OA447/22	A'bad	Adv.S.S. Thombre MA542/22 (Dr.Shivshakti D Pawar) Adv.R.R. Kale/Adv.S.B. Bhosale MA261/22 & MA257/22 (Dr.Pratap M Shinde&Ors.) <u>Adv.MohitDeshmukh in OA447/22</u> (Dr. Sanjay K Muley&Ors.)	M.A. For Intervention in MA542/22 M.A. For Vacating I.R. in MA261/22 M.A. For Intervention in MA257/22	<u>Re Hearing</u> Reply Filed by R-1 to R-9 In MA257/22	20.6.2023
16	CP36/18 In OA846/11 With	N'bar	Adv.Jayant B Choudhary/ Adv.P.D. Bodade (Vilas S Patil)	Contempt Petition	Part heard For Hearing Reply Filed by R-3	17.7.2023
17	CP37/18 In OA843/11 With	Jalgaon	Adv.Jayant B Choudhary (Ganesh G Patil)	Contempt Petition	Part heard For Hearing Reply Filed by R-3	
18	CP38/18 In OA842/11 With	Jalgaon	Adv.Jayant B Choudhary (Uttam K Patil)	Contempt Petition	Part heard For Hearing Reply Filed by R-3	
19	CP39/18 In OA278/12 With	Dhule	Adv.Jayant B Choudhary (Prakash D Bhadane)	Contempt Petition	Part heard	
20	CP40/18 In OA634/11 With	A'bad	Adv.Jayant B Choudhary (Prakash D. Bharambe)	Contempt Petition	Part heard For Hearing Reply Filed by R-2 & R-3	
21	CP41/18 In OA277/12	Nanded	Adv.Jayant B Choudhary (Sanjeev R Kadam)	Contempt Petition	Part heard For Hearing Reply Filed by R-3	

22	OA153/17	Jalna	Adv.J.S. Deshmukh (Dr.Ramnath B Hemke) <u>Adv.Avinash D Aghavfro</u> <u>R.Nos.4 & 5</u>	Suspension Period Minor Penalty	<u>Part Heard</u> Reply Filed by R-4 to R-6	18.7.2023
23	OA423/18	Dhule	Adv.Suresh S Pidgewar/ Adv.N.L. Choudhari (Rameshwar S. Gopal) <u>Adv. N.R. Survawanshi for</u> <u>R.No.4</u>	Selection/ Appointment	<u>Part Heard</u> Reply Filed by R-1 to R-3	22.6.2023
24	OA370/20	A'bad	Adv.Avinash S Deshmukh (Shrimant M Ture)	Modification In G.R./ Revised Pay Scale	<u>Part Heard</u> Hearing	18.7.2023
25	OA811/22	A'bad	Adv.A.S. Shelke (The Association of the Ministerial Services of department of Agriculture, Maharashtra State, Pune Through its General Secretary Shri Ashok Kale &Ors.)	Challenging Recruitment Rules/ Advertisement	<u>Part Heard</u> For Expedited Hearing Reply Filed by R-1 to R-3	18.7.2023
26	OA165/21 With	A'nagar	Adv.R.A. Joshi (Anil Y Rokade) <u>Adv.Sham B Patil for</u> <u>R.Nos.2 & 3</u>	Direction/ Removal From Service	<u>For Expedited</u> <u>Hearing</u> Reply Filed by R-1 to R-3	19.7.2023
27	OA680/21	A'nagar	Adv.R.A. Joshi (Anil Y Rokade) <u>Adv.Sham B Patil for</u> <u>R.Nos.2 & 3</u>	Major Punishment	Reply Filed by R-2 & R-3	19.7.2023
28	OA809/21	J'gaon	Adv.V.B. Wagh (Dr.ImranNizamPathan) <u>Adv.AshishRajkar for</u> <u>R.No.4</u>	Continuation of Service	<u>For Expedited</u> <u>Hearing</u> Reply Filed by R-1 to R-4	19.7.2023

29	OA851/09	A'bad	Adv.AjayDeshpande (Sunita S Sabu @ Sunita S Pophale)	Departmental Enquiry	High On Board Reply Filed by R-1 & R-2	20.7.2023
30	MA173/23 In OA773/22	A'bad	Adv.V.B. Wagh (Mangala V Pawar)	M.A. For I.R.	High On Board	20.7.2023
Due Admission Matters						
31	CP42/22 In OA801/12	Hingoli	Adv.S.D. Dhongde (Baliram B Rathod)	Contempt Petition	For Hearing Reply Filed by R-2 & R-3	12.7.2023
32	OA387/18	Beed	Adv.Avinash S Deshmukh (Prمود V Gite) Adv.R.D. Khadap for R.No.5	Selection/ Appointment (AMVI) Assessment of Answer Sheet	For Hearing Reply Filed by R-1 to R-5	20.7.2023
33	OA596/18 With	Nanded	Adv.Gajanan S Shembole (Dr.Sunil P Bhandare)	Termination	For Hearing Reply Filed by R-2 to R-7	20.7.2023
34	OA597/18	Nanded	Adv.Gajanan S Shembole (Dr.Jotsana A Reddy)	Termination	For Hearing Reply Filed by R-2 to R-7	20.7.2023
35	OA56/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Balaji M Mirkute) Adv.Yogita S Thorat for R.Nos.4 & 5	Recovery	For Admission Reply Filed by R-1 to R-5	13.7.2023
36	OA57/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Ashok N Khandare) Adv.Yogita S Thorat for R.Nos.4 & 5	Recovery	For Admission Reply Filed by R-1 to R-5	13.7.2023
37	OA58/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Pratap D Chavan) Adv.Yogita S Thorat for R.Nos.4 & 5	Recovery	For Admission Reply Filed by R-1 to R-5	13.7.2023

38	OA59/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Amrit K Chavan) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	For Admission Reply Filed by R-1 to R-5	13.7.2023
39	OA60/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Pravin K Munde) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	For Admission Reply Filed by R-1 to R-5	13.7.2023
40	OA61/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Rajabhau S Butte) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	For Admission Reply Filed by R-1 to R-5	13.7.2023
41	OA62/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Vasant D Pawar) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	For Admission Reply Filed by R-1 to R-5	
42	OA63/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Vijay D Kasbe) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	For Admission Reply Filed by R-1 to R-5	
43	OA64/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Md. Amjadullah Md. Lutfullah) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	For Admission Reply Filed by R-1 to R-5	
44	OA65/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Sheshrao B Chavan) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	For Admission Reply Filed by R-1 to R-5	
45	OA66/19 With	Nanded	Adv.M.R. Kulkarni (Dr.FarhatAnjumZikreMohd. Ayyub) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	For Admission Reply Filed by R-1 to R-5	

46	OA67/19	Nanded	Adv.M.R. Kulkarni (Dr.Rajendra S Pawar) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	For Admission Reply Filed by R-1 to R-5	13.7.2023
47	OA151/19	J'gaon N'bar	Adv.V.B. Wagh (Sachin A Gade&Ors.)	Promotion	For Hearing Reply Filed by R-1	21.7.2023
48	OA246/19	Latur	Adv.S.B. Solanke (Shriniwas S Kulkarni&Ors.)	Appointment	For Hearing Reply Filed by R-1 to R-4	21.7.2023
49	OA445/19 with	Latur	Adv.VishnuDhoble (Mangal P Musande&Ors.) <u>Adv.SachinDeshmukh for R.Nos.3 & 4</u>	Advertisement	For Hearing Reply Filed by R-3 & R-4	24.7.2023
50	OA446/19	Latur	Adv.VishnuDhoble (Smt.Shridevi G. Dama) <u>Adv.SachinDeshmukh for R.Nos.4 & 5</u>	Advertisement/ Appointment	For Hearing Reply Filed by R-4 & R-5	
51	OA774/19	A'nagar	Adv.Arvind G Ambetkar (Chandrakant S Shinde&Ors.)	Promotion	For Hearing Reply Filed by R-1	24.7.2023
52	OA857/19	Beed	Adv.S.S. Thombre (Bibhishan R Chole)	Selection/ Appointment	For Hearing/ Dismissal Reply Filed by R-1 to R-3	25.7.2023
53	OA148/21	A'nagar	Adv.V.B. Wagh (Dattaram U Rathod)	Departmental Enquiry (Vishakha Committee)	For Hearing Reply Filed by R-1 & R-2	25.7.2023
54	OA747/21	N'bar	Adv.J.S. Deshmukh (Dr.Deepak V Vasave)	Challenging Clause (H) of Order	For Hearing Reply Filed by R-1 to R-4	25.7.2023
55	OA760/21	O'bad	Adv.Shamsundar B Patil (Malikarjun D Deshmane)	Major Punishment	For Hearing Reply Filed by R-2 & R-3	26.7.2023

56	OA767/21	Hingoli	Adv.SuchitaDhongde (Baliram B Rathod)	Seniority List	For Hearing Reply Filed by R-2 & R-3	26.7.2023
57	OA403/22	Latur	Adv.Dhananjay Mane (Pandit S. Tiparse)	Major Punishment/ Reversion	For Hearing Reply Filed by R- 1to4	26.7.2023
Final Hearing Matters						
58	OA575/16	Latur	Adv.V.B. Wagh (Aniket N Mundhe) <u>Adv.Amit S Savale for R.No.4</u>	Selection	Reply Filed by R-3 & R-4	21.7.2023
59	OA588/16	P'bhani	Adv.R.B. NarwadePatil (Dnyaneshwari M Barse)	Selection/ Appointment	Reply Filed by R-4	21.7.2023
60	OA869/16	Nanded	Adv.A.K. Tiwari/ Adv.H.P. Jadhav (Dhanraj T Lazade)	Selection/ Appointment	Reply Filed by R-1 & R-2	24.7.2023
61	OA8/17	Beed	Adv.P.P. Dama (Dr.Aruna G Dahiphale)	NPA		24.7.2023
62	OA279/17	Jalna	Adv.V. G. Pingle (Rekha A. Bonalwar) <u>Adv.A.D. Aghav for R.Nos.4 & 5</u>	<i>Family Pension</i>	Reply Filed by R-1 to R-5 in OA	24.7.2023
63	OA291/18	Nanded	Adv.Y.P. Deshmukh (Sahebrao G Tawade)	Promotion	Reply filed by R-1 & R-2	25.7.2023
64	OA519/18 With	Dhule	Adv.AvishkarShelke (Vishwanath U Choudhary)	Challenging Advertisement	Reply filed by R-2	25.7.2023
65	OA534/18	O'bad	Adv.Avishkar S Shelke (Manoj S Gavhane&Ors)	Challenging Advertisement	Reply filed by R-2	25.7.2023

66	OA903/18	A'bad	Adv.Abhishek C Deshpande (Dr.Jalindar S Ambhore)	Selection Process	For Final Hearing Reply Filed by R-1 & R-2	26.7.2023
67	OA12/19	Dhule	Adv.Shamsunder B Patil (DR. Deepak K Shejwal) <u>Adv.Talekar and Associates</u> <u>for R.No.4</u>	Appointment	Reply Filed by R-1 to R-4	26.7.2023
68	OA281/19	Pbn	Adv.D.T. Devane (Prasad B. Deshmukh)	Reveision Pay Scale	Reply filed By R.1	26.7.2023
69	OA792/19	Beed	Adv.Prashant D Suryawanshi (Datta Prasad HiramanGalphade) <u>Adv.V.B. Wagh for R.No.3</u>	Selection	Reply Filed by R-3	27.7.2023

Date: -13/06/2023

D.B. For Reply Board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	CP24/22 In OA902/19	P'bhani	AdvKakasaheb B Jadhav (Shivaji M Thorat)	Contempt Petition	For Filing Affidavit in Reply R-1 to R-3	10.7.2023
2	CP37/22 In OA138/19	P'bhani	Adv.D.T.Devane (Dnyanoba K Ovhal)	Contempt Petition	For Filing Affidavit in Reply	10.7.2023
3	CP20/23 In OA295/21	P'bhani	Adv.J.S. Deshmukh (Dr. Zohra Sultana Ataullah Khan)	Contempt Petition	Await Service	11.7.2023
4	CP21/23 In OA293/21	Nanded	Adv.J.S. Deshmukh (Dr. Khan Bushra Sultana)	Contempt Petition	Await Service	11.7.2023
5	CP22/23 In OA294/21	P'bhani	Adv.J.S. Deshmukh (Dr. ShaikhKaleem Mustafa)	Contempt Petition	Await Service	11.7.2023

6	CP23/23 In OA526/18	Latur	Adv.J.S. Deshmukh (Dr. Prachi K Haridas)	Contempt Petition	Await Service	11.7.2023
7	CP24/23 In OA780/19	Jalna	Adv.J.S. Deshmukh (Dr.ShaikhHeenaNavbahar)	Contempt Petition	Await Service	20.7.2023
8	TA11/22 WP7659/22	Latur	Adv.A.N. Sabnis (Dr.ShaikhAizazIqbal Ahmed)	Challenging G.R.	Await Service of Notice for R-1 & For Filing Affidavit in Reply For R-2 & R-3	20.7.2023
9	TA17/22 WP5627/22	A'bad	Adv S B Patil (Yadav S Sonkamble&Ors.) <u>AdvJayshreeGite For R- 5</u>	Extention of Age	Await Service R- 2 & For Filing Affidavit in Reply	21.7.2023
10	OA111/22 With	A'bad	Adv.S.K. Mathpati (Pandurang V Hande)	Challenging Clause of G.R.	Last Chance For Filing Affidavit in Reply R-2	24.7.2023
11	OA151/22 With	A'bad	Adv.S.K. Mathpati (Chhaban V Kulkarni)	Challenging Clause of G.R.	Last Chance For Filing Affidavit in Reply R-2	
12	OA152/22	A'bad	Adv.S.K. Mathpati (Duryodhan S Wankhede)	Challenging Clause of G.R	Last Chance For Filing Affidavit in Reply R-2	
13	OA241/22 With	Hingoli	Adv.G.K. Kshirsagar (Dr.Ravi K Tale)	Age Relaxation/ Selection Process	Await Serice for R-2 Reply Filed by R- 2 to R-4	24.7.2023
14	OA242/22 With	Hingoli	Adv.G.K. Kshirsagar/ Adv.AartiBhagwat (Dr.FaisalkhanSalimkhanP athan)	Age Relaxation/ Selection Process	Reply Filed by R- 2 to R-4	

15	OA250/22 With	A'bad	Adv.G.K. Kshirsagar (Dr.Satish K Mundhe)	Advertisement (Selection)	Await Serice for R-2 Reply Filed by R- 4	24.7.2023
16	OA257/22 With	Nanded	Adv.Nitin K Chaudhari (Dr.Rajaram D Kolekar&Ors.	Advertisement (Selection)	Reply Filed by R- 4	
17	OA258/22 With	P'bhani	Adv.C.V. Dharurkar (Dr.Mohd. FerozIqbal Md. Gause&Ors.)	Advertisement (Selection)	Reply Filed by R- 2 to R-4	
18	OA271/22 With	A'bad	Adv.C.V. Dharurkar (Dr.Atul A Deshmukh&Ors.)	Age Relaxation/ Selection Process	Reply Filed by R- 4	
19	OA272/22 With	A'bad	Adv.A.A. Yadkikar (Dr.Shubhendra S Khandewale)	Age Relaxation	Reply Filed by R- 4	24.7.2023
20	TA3/22 WP3432/22	A'bad	Adv.A.A. Yadkikar (Dr.Amar V Kingaonkar)	Advertisement MPSC	For Issue Notice	
21	OA515/22	Jalna	Adv.J.S. Deshmukh (Sachin V Hingole&Ors.)	Examination	For Filing Affidavit in Rejoinder	21.7.2023
22	OA520/22	A'nagar	Adv.A.G. Ambetkar (Satish B Jadhav)	Compulsory Retirement on Medical Ground	For Filing Affidavit in Rejonder	24.7.2023
23	OA619/22	A'bad	Adv.S.B. Patil (Archana T Tribhuvan)	Seniority/ Promotion	One More Last Chance For Filing Afffidavit in Reply	21.7.2023

24	OA623/22	A'bad	Adv.S.S. Ware (Dr. Deepak B Kharat)	Promotion	For Filing Affidavit in Rejoinder	21.7.2023
25	OA628/22	O'bad	Adv.A.G. Ambetkar (Sunil C Ahire) <u>Adv.PradeepTapsePatil</u> <u>for R.No.5</u>	Interview	As a Last Chance For Filing Affidavit in Reply For R.Nos. 2 to 4	24.7.2023
26	OA736/22	Beed	Adv.P.R. Wankhade (Dr.Pradeep A Shendge)	Advertisement	For Filing Affidavit in Rejoinder	6.7.2023
27	OA818/22	Latur	Adv.P.R. Wankhade (Dr. Pranita P Patil&Ors.)	Advertisement	For Filing Affidavit in Rejoinder	6.7.2023
28	OA819/22	Latur	Adv.P.R. Wankhade (Dr. Dharmaraj A Dudde&Ors.)	Advertisement	For Filing Affidavit in Rejoinder	6.7.2023
29	OA874/22	Latur	Adv.Suhas P Urgunde (Dr. Vinod B Khedkar&Ors.)	Challenging Advertisement/ Benefit of Permanancy	Await Service & For Filing Affidavit in Rejoinder	6.7.2023
30	OA1102/22	J'gaon	Adv.R.P. Bhumkar (Meheub Noor MahammadRangarej) <u>Adv.Amol B Chalak For R.No.6</u>	Appointment	For Filing Affidavit in Rejoinder	4.7.2023
31	OA1163/22	Latur	Adv.Ajay S Deshpande (Dr. SalimGulabShaikh&Ors.)	Final Seniority List/ Promotion	For Reply	4.7.2023
32	OA12/23	N'bar	Adv.S.D. Joshi <u>Leave Note Filed by Adv S D Joshi From 13.06.2023 to 15.06.2023</u> (Vinayak M Gavit&Ors.) <u>Adv.AmitSavale for R.Nos. 3 to 5</u>	Seniority List/ Promotion	For Filing Affidavit in Reply For R-1 & R-2	7.8.2023

33	OA101/23	A'nagar	Adv.A.M. Hajare (Anant A Kokate)	Charge Sheet/ Departmental Enquiry	For Filing Affidavit in Reply	7.8.2023
34	OA142/23	Beed	Adv A N Nagargoje (Deelipkumar B Khedkar)	Reversion	For Filing Affidavit in Reply	21.7.2023
35	OA270/23	N'bar	Adv.Swaraj S Tandale (Mohanrao K Suryawanshi)	Departmental Enquiry	Await Service	25.7.2023
36	OA355/23	A'bad	Adv A R Gaikwad (Vishwanath B Gite)	Departmental Emquiry	Await Service	10.7.2023
37	OA354/23	A'bad	A R Gaikwad (Bhanudas D Shrirao)	Departmental Emquiry	Await Service	10.7.2023
Order Matters						
38	MA430/22 In MA431/22 In OAS1463/22	N'bar	Adv.Y.H. Jadhav (Kana S Pawara&Ors.)	M.A. For Condonation of Delay	For Filing Affidavit in Reply	19.7.2023
39	MA443/22 In OAS1705/22	N'bar	Adv.Y.H. Jadhav (Chimlya T Bhil(Chudhary&Ors.)	M.A. For Sue Jointly	For Filing Affidavit in Reply	19.7.2023
40	MA558/22 In MASt2056/22 In OAS12057/22	N'bar	Adv.Y.H. Jadhav (Janya M Patale)	M.A. For Condonation of Delay	For Filing Affidavit in Reply	19.7.2023
41	MA564/22 In OAS1951/22	A'bad	Adv.S.B. Solanke (Pramod G Ramdasi)	M.A. For Condonation of Delay	For Reply	20.7.2023
42	MA83/23 In OAS12011/22	A'bad	Adv.V.C. Suradkar/ Adv.A.B. Rajkar (Amol S Tupe)	M.A. For Condonation of Delay	For Reply	20.7.2023

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

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

Before: -Court On Leave

Date: -13/06/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Regular Admission Matters						
Order Matter						
7	MA206/21 In OAS608/21	J'gaon	Adv.V.B. Wagh (Nitin M Baviskar)	M.A. For Condonation of Delay	Part Heard For Further Consideration Reply Filed by R-1 to R- 4	24.7.2023
8	MA276/19 In OAS871/19	Dhule	Adv.S.N. Suryawanshi (Rakesh T Patil)	M.A. For Condonation of Delay	Reply Filed by R-3	1.8.2023
9	MA4/21 In OAS1401/20	N'bar	Adv.R.S. Wani/ Adv.S.G. Kulkarni (Sampat B Jadhav) <u>Adv.S.P. Pandit for Spl. Counsel for R.Nos.1 to 4</u>	M.A. For Condonation of Delay	Reply Filed by R-5	1.8.2023
10	MA131/22 In OAS528/22	P'bhani	Adv.V.B. Wagh (Sitaram V Inkare)	M.A. For Condonation of Delay	For Hearing	4.8.2023
11	MA250/21 In OAS999/21	A'nagar	Adv.J.B. Choudhary (Prmod P Narkhede)	M.A. For Condonation of Delay	Reply Filed by R-1 to R- 4	24.7.2023
12	MA251/21 In OAS1001/21	Dhule	Adv.J.B. Choudhary (Manohar J Patil)	M.A. For Condonation of Delay	Reply Filed by R-1 to R- 4	24.7.2023
13	MA284/21	Latur	Adv.R.A. Joshi (Sandipan G Kale)	M.A. For Condonation of		24.7.2023

	In OAS823/21			Delay		
14	MA89/22 In OAS340/22	A'nagar	Adv.Ajay S Deshpande (Prakash N Thorat)	M.A. For Condonation of Delay	For Hearing	10.7.2023
15	MA235/23 In OA125/23	A'bad	Adv.A.S. Deshmukh (Milind D Shah, Since dead through his L.R- Dr.Kanchan M Shah)	M.A. To Bring LRS on record with Prayer of abatement		10.7.2023
Due Admission Matters						
16	OA27/19	Dhule	Adv.Sanket N Suryawanshi (Raosaheb D Patil)	Recovery/ Pension	Reply Filed by R-1 to R- 6	1.8.2023
17	OA521/20	A'bad	Adv.Ajay S Deshpande (Laxman B Jadhav)	Benefit of G.R./ Revise Pay/ Modified Assured career Advancement Scheme	For Hearing Reply Filed by R-1 & R- 2	1.8.2023
18	OA504/21	Nanded	Adv.M.D. Godhamgaonkar (Dilip B Rathod)	Direction/ Count Earlier Duty Period	Reply filed by R-1 to R- 3	28.6.2023
19	OA219/22	A'bad	Adv.S.N. Lute (Datta G Tarate)	Pension & Pensionery Benefits	For Further Cosideration Reply Filed by R-2 to R- 5	31.7.2023
20	OA449/22	A'bad	Adv.Talekar & Associates (Sachin R Gupta)	Suspension	Reply Filed by R-1 & R- 2	31.7.2023
21	OA645/22	Dhule	Adv.A.M. Hajare (Jayprakash A Patil) <u>Adv.SushilPandit & Adv. S.D. Joshi for R.Nos. 2, 3, 5 & 6</u>	Recovery/ Refund of Recovered Amount	Reply Filed by R-1 to R- 3 & R-5, R-6	1.8.2023

22	OA856/22	A'nagar	Adv.N.B. Narwade (Chandrakant V Sadakal)	Minor Punishment	For Hearing Reply Filed by R-1 to R-4	3.8.2023
23	OA54/23	Hingoli	Adv.P.V. Suryawanshi (SayyedShafiSayyadLal& Ors.)	Wages & Arrears	For Hearing Reply Filed by R-3 & R- 4	1.8.2023
Final Hearing Matters						
24	OA255/19	A'bad	Adv.V.G. Salgare (Subhash D Thale)	Recovery	Reply Filed by R-1 to R-4	4.8.2023
25	OA405/19	A'bad	Adv.V.G. Salgare (Shishupal S Raut)	Refund of Recovered Amount	Reply Filed R-2	4.8.2023
26	OA691/19	Dhule	Adv.A.N. Gaddime (Rajendra B Potdar)	Posting	Reply Filed by R-1 to R- 6	3.8.2023
27	OA835/19	Nanded	Adv.A.S. Deshmukh (Sanjay M Churmurkar) <u>Adv.S.B. Mene for R.Nos.2 & 3</u>	Interest on Delayed Payment	Reply Filed by R-1	7.8.2023
28	OA1012/19	Latur	Adv.A.D. Sugdare (Satish N Badade)	Pay Scale/ Recovery	Reply Filed by R-1 to R- 3	4.8.2023
29	OA97/20	A'bad	Adv.M.R. Andhale (Tukaram V Sanap)	Regularisation of Suspension Period/ Pensionary Benefits	Reply Filed by R-2 & R- 3	3.8.2023
30	OA98/20 With Caveat78/19	J'gaon	Adv.A.S. Deshmukh (Bhavana R Patil) <u>Adv.ManishBhambre for R.No.2(Caveator)</u>	Police Patil	Reply Filed by R-1 & R- 2	19.7.2023
31	OA07/21	A'nagar	Adv.V.B. Wagh (Arun W Thakur)	Arrears of Pay	Reply Filed by Respondent	4.8.2023

32	MA94/21 In OA1060/19	J'gaon	Adv.S.V. Suryawanshi MA94/21 (Devidas D Patil) <u>Adv.D.B. Thoke in</u> <u>OA1060/19</u> (Bhagwan N Patil) <u>Adv.S.V. Suryawanshi</u> <u>for R.No.8 in</u> <u>OA1060/19</u>	M.A. For I.R.	Reply Filed by R-5 & R-7	7.8.2023
33	OA107/21	A'bad	Adv.J.B. Choudhary (Sukhdeo T Shinde)	Time Bound Pormotion/ ACPS	Reply Filed by R-2 to R-4	3.8.2023
34	OA373/21	O'bad	Adv.S.S. Jadhavar (Ramesh N Wagh) <u>Adv.M.S. Mahajan for</u> <u>R.Nos. 2 & 3</u>	Continuity in Service	Reply filed by R-1 to R- 3	4.8.2023

Before: - Court On Leave

Date: -13/06/2023

S.B. For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	OA909/18	N'bar	Adv.ManojShelke/ Adv.S.M. Mundik (Atamaram N Mahide)	Kotwal	For Filing Affidavit in Rejoinder	31.7.2023
2	OA11/21	A'bad	AdvAshish B Rajkar (Ravikant R Hadoltikar) <u>Adv G N Patil For R- 4</u>	Directions/ Benefit of G.R./ Pension &Pensionery Benefits	Reply filed By R-1&R- 5	31.7.2023
3	OA291/21	Dhule	AdvSanket N Suryawanshi (Dattatraya M More)	Recovery	For Filing Affidavit in Rejoinder	31.7.2023
4	OA612/21	Beed	Adv Suresh P Salgar (Dr.Arun B Morale)	Transfer	For Filing Affidavit in	31.7.2023

			<u>AdvPromodPisal For R- 3</u>		Reply R-1 & R-2	
5	OA83/22	Dhule	Adv S N Suryawanshi (Jitendra D Gurav)	Minor Punishment/ Recovery	For Filing Affidavit in Rejoinder	31.7.2023
6	OA326/22	Nanded	Adv K B Jadhav (Ulhas S Pawar&Ors.)	Pension &Pensionery Benefits	For Filing Affidavit in Rejoinder	1.8.2023
7	OA370/22	O'bad	AdvNilesh J Patil (Raosaheb S Kshirsagar)	Increment/ Back Wages & Other Benefits	For Filing Affidavit in Reply	3.8.2023
8	OA713/22	A'bad	Adv P R Wankhade (Gorakh D Pathade)	Recovery/ Refund of Reovered Amount	Last Chance For Filing Affidavit in Reply	26.6.2023
9	OA209/23	A'bad	Adv.D.R. IralePatil/ Adv.SushilIralePatil (SabirabiHarunShaikh)	Family Pension	For Reply	10.7.2023
10	OA254/23	A'nagar	Adv Manoj R Khutwad (Kailas A Kalke)	PensioneryBenf tits	For Reply	10.7.2023
11	OA293/23	Beed	Adv A S Deshmukh (Syed Saleem Syed Yakub)	Deputation	For Filing Affidavit in Reply	3.7.2023
12	OA330/23	A'bad	Adv V B Wagh (Sanjay P Satale)	Leave	Await Service	7.8.2023
13	OA334/23	Jalgaon	Adv D B Thoke (Ramsing H Sulane)	Suspension	Await Service	3.8.2023
14	OA349/23	Latur	Adv P R Wankhade	Suspension/ Reinstatement	For Reply	26.6.2023

			(Suresh M Hakke)			
15	OA359/23	O'bad	Adv S B Solanke (Pravin B Gaikwad)	Benefit of Old Penson Scheme	Await Serivce	1.8.2023
Order Matters						
16	MA82/20 In OAS172/20	A'bad	AdvVivek G Pingle (Arshad Khan Gulab Khan)	M.A For Condonation of Delay	For Filing Affidavit in Reply	26.7.2023
17	MA164/22 In OAS12280/19	J'gaon	Adv.P.B. Patil (Govardhan H Chavan)	M.A. For Condonation of Delay	For Filing Affidavit in Reply	4.8.2023
18	MA167/22 In OAS1553/22	O'bad	Adv.R.V. Naiknavare/ Adv.H.P. Jadhav (Agatrao N Kolekar)	M.A. For Condonation of Delay	For Filing Affidavit in Reply R-1 to R-4	4.8.2023
19	MA50/23 In OAS13100/22	A'nagar	Adv.A.G. Ambetkar (Dattatray G Shelke)	M.A. For Condonation of Delay	For Reply	4.8.2023
20	MA51/23 In OAS13101/22	A'nagar	Adv.A.G. Ambetkar (Arun D Landge)	M.A. For Condonation of Delay	For Reply	3.8.2023
21	MA57/23 OAS197/23	A'nagar	AdvArvind G Ambetkar (Markas U Magar)	M.A. For Condonation of Delay	For Reply	3.8.2023
22	MA101/23 In OAS195/23	A'nagar	Adv A G Ambetkar (Shridhar L Lawande)	M.A. For Delay Condonation	For Reply	3.8.2023
323	MA102/23 In OAS1358/23	A'nagar	Adv A G Ambetkar (Vilas S Makasare)	MA For Delay Condonation	For Reply	3.8.2023

C.P.NO. 37/2023 IN R.A. 5/2022 IN O.A. 981/2019
(Dr. Ravindra Kishanrao Deshmukh Vs. State of Maharashtra &
Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate holding for Shri Ganesh V. Mohekar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondent Nos. 1 to 3 in C.P., returnable on 25.07.2023.
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 25.07.2023.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

C.P.NO. 28/2023 IN O.A.NO. 582/2017
(Sanjay B. Kokate Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri G.R. Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. At the request of the learned Advocate for the applicant, S.O. to 21.06.2023.

MEMBER (A)

MEMBER (J)

**M.A.NO. 236/2023 WITH M.A.ST.NO. 954/2023 IN
O.A.NO. 44/2023**

(Dr. Rashmi Prabhakar Dhale Vs. State of Maharashtra & Ors.)

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

and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate holding for Shri Abasaheb D. Shinde, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notices to the respondents in M.A.No. 236/2023, returnable on 27.07.2023.

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 27.07.2023.

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

MEMBER (A)

MEMBER (J)

**M.A.NO. 419 OF 2022 IN O.A.ST.NO. 1536 OF 2022
(Haribhau L. Ghodke Vs. State of Maharashtra & Ors.)**

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

DATE : 13.06.2023

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant placed on record covering letter of seniority list. It is taken on record. Pagination be done accordingly.

3. S.O. to 23.06.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 13.06.2023.

ORIGINAL APPLICATION NO. 365 OF 2023
(Trupti V. Andhare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Sachin Deshmukh, learned Advocate for the respondent Nos. 3 to 7.

2. Learned Advocate for the respondent Nos. 3 to 7 invited our attention to affidavit in reply filed on behalf of the respondent Nos. 3 to 7 which only confines to some preliminary objection.

3. According to learned Advocate for the respondent Nos. 3 to 7, rejoinder is also filed on behalf of the applicant to the said affidavit in reply of the respondent Nos. 3 to 7.

4. In view of the same, the matter is now fixed for hearing on preliminary objection.

5. S.O. to 06.07.2023. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

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

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri Amit S. Savale, learned Advocate for the respondent No.4.

2. Learned Advocate for the respondent No.4 placed on record pursis showing that he is withdrawing his appearance. It is taken on record and marked as document 'X' for the purpose of identification.

3. S.O. to 21.07.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1102 OF 2022
(Meheub Noor Mahammad Rangarej Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities. Shri Amol B. Chalak, learned Advocate for the respondent No.6, is **absent**.

2. Affidavit in reply filed on behalf of the respondent Nos. 2,3 & 4 is taken on record and copy thereof has been served on the other side.

3. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit in rejoinder.

4. S.O. to 04.08.2023 for admission.

MEMBER (A)

MEMBER (J)

C.P.ST.NO. 983/2023 IN O.A.NO. 1005/2022
(Ganpat Harichandra Darade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri Prashant M. Nagargoje, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant seeks permission to delete the name of the respondent No.1 which was not party in the O.A. Liberty as prayed for is granted. Deletion be carried out forthwith.

3. Issue notices to the respondent Nos. 2 to 5 in C.P., returnable on 03.07.2023.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to

//2// C.P.St.983/2023 In
O.A. 1005/2022

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

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

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

8. S.O. to 03.07.2023.

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

MEMBER (A)

MEMBER (J)

M.A.NO. 239/2023 IN M.A.NO. 359/2022 IN O.A.NO. 729/2022

(Dnyaneshwar B. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 13.06.2023

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant in M.A.No. 239/2023 & O.A. and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

Shri Amol B. Chalak, learned Advocate for the applicants/intervenors in M.A.No. 359/2022, is **absent**.

2. S.O. to 21.06.2023. Interim relief granted earlier in O.A. to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 105 OF 2021
(Smita K. Suryawanshi & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned C.P.O. to seek instructions as regards two senior most persons in the cadre of Staff Nurse who are likely to be affected due to favourable order in this litigation and to place the same on record by the next date.

3. S.O. to 19.06.2023 for final hearing. **High on board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 619 OF 2022
(Archana T. Tribhuvan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri S.B. Patil, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Record shows that in spite of grant of opportunities, affidavit in reply is not filed on behalf of the respondents. Hence, the matter will proceed further without affidavit in reply of the respondents.

3. In view of above, fix the matter for hearing on 21.07.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 623 OF 2022
(Dr. Deepak B. Kharat Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri S.S. Ware, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. At the request of the learned Advocate for the applicant, time is granted as a last chance for filing affidavit in rejoinder.

3. S.O. to 21.07.2023.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 13.06.2023.

ORIGINAL APPLICATION NO. 628 OF 2022
(Sunil C. Ahire Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri K.D. Pote, learned Advocate holding for Shri A.G. Ambetkar, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri Pradeep Tapse Patil, learned Advocate for the respondent No.5.

2. At the request of the learned P.O., one more last chance is granted for filing affidavit in reply on behalf of the respondent Nos. 2 to 4.

3. S.O. to 24.07.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 515 OF 2022
(Sachin V. Hingole & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri J.S. Deshmukh learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. At the request of the learned Advocate for the applicants, time is granted as a last chance for filing affidavit in rejoinder.

3. S.O. to 21.07.2023.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 13.06.2023.

ORIGINAL APPLICATION NO. 520 OF 2022
(Satish B. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri K.D. Pote, learned Advocate holding for Shri A.G. Ambetkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. At the request of the learned Advocate for the applicant, time is granted as a last chance for filing affidavit in rejoinder.

3. S.O. to 24.07.2023.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 13.06.2023.

**O.A.NOS. 56, 57, 58, 59, 60, 61, 62, 63, 64, 65,
66 & 67 ALL OF 2019**

(Dr. Balaji M. Mirkute & Ors. Vs. State of Maharashtra & Ors.)

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

and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate for the applicants in all these O.As. and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 3 in all these O.As. Smt. Yogita S. Thorat, learned Advocate for the respondent Nos. 4 & 5 in all these O.As., is **absent**.

2. Pleadings are complete. The matters are admitted and fixed for final hearing on 13.07.2023. Status quo granted earlier in all these O.As. to continue till then.

MEMBER (A)

MEMBER (J)

**M.A.NO. 542/2022 WITH M.A.NO. 261/2022 WITH
M.A.NO. 257/2022 IN O.A.NO. 447/2022**

(Dr. Shivshakti D. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 13.06.2023

ORAL ORDER :

Shri S.S. Thombre, learned Advocate for the applicant in M.A. 542 of 2022/ intervenor and Shri R.R. Kale/Shri S.B. Bhosale, learned Advocate for the applicants in M.A.Nos. 261/2022 & M.A.Nos. 257/2022, are **absent**

Shri Mohit Deshmukh, learned Advocate for the applicants in O.A.No. 447/2022 and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Shri Satyajeet S. Dixit/ V. Sajith Kumar, learned Advocates filed **VAKALATNAMA** on behalf of newly added respondent No. 3 in O.A. It is taken on record.

3. S.O. to 20.06.2023 for rehearing. **High on board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 403 OF 2022
(Pandit S. Tiparse Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri Dhananjay Mane, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Affidavit in sur rejoinder filed on behalf of the respondent Nos. 1 to 4 is taken on record.
3. S.O. to 26.07.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 13.06.2023.

O.A. Nos. 111, 151 & 152 all of 2022
(Pandurang V. Hande & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Ms. Megha Mali, learned Advocate holding for Shri S.K. Mathpati, learned Advocate for the applicants in all these O.As. and Shri V.R. Bhumkar, Shri S.K. Shirse and Shri D.R. Patil, respective learned Presenting Officers for the respondent authorities in respective O.As..

2. At the request of learned P.O.s, one more last chance is granted for filing affidavit in reply on behalf of respondent No. 2 in all these O.As.

3. S.O. to 21.07.2023.

MEMBER (A)

KPB ORAL ORDERS 13.06.2023.

MEMBER (J)

M.A.NO. 173/2023 IN O.A.NO. 773/2022
(Mangala V. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. This Misc. Application is made seeking following reliefs:-

- "A. This Misc. application may kindly be allowed.
- B. To direct the respondent authorities to open the sealed cover procedure and to issue the promotion order to the applicant to the post of Maharashtra Educational Services, Group-A, Class-I, forthwith pursuant to the Departmental Promotion Committee dated 26.05.2022 by taking an undertaking from the applicant in respect of the departmental enquiry.
- C. To grant any other relief as the applicant may deem it.

//2// M.A.173/2023 In
O.A. 773/2022

3. Learned Advocate for the applicant in this regard invited our attention to G.R. dated 30.08.2018 (part of Annexure 'A-8' collectively) and more particularly para No. 2 of the said G.R. which is as follows:-

“2- okLrfod T;k vf/kdkjh@deZpkÚ;kaP;kfo:/n f'kLrHkax fo”k;d dk;ZokghP;k vuq”kaxkus nks”kkjksi ctkowu f'kLrHkax fo”k;d dk;Zokgh lq: >kysyh vkgs o ;k dk;Zokghuqlkj f'k{k tjh >kyh vlsy o v'kh f'k{k foHkkxh; inksUurh lferhaP;k cSBdhP;k fnukadkyk pkyw vlsy rjh R;kaps izdj.k eksgksjcan ikdhVkr Bsowu f'k{k iw.kZ >kY;kuarj R;kauk inksUurh ns.ks vfHkizsr vkgs- Jh- tkudhjkeu fo:/n dsanz 'kklu izdj.kkr ek- loksZPp U;k;ky;kus] foHkkxh; inksUurh lferhus ,[kk+]k deZpkÚ;koj f'k{k yknyh vIY;kl v'kk deZpkÚ;kaph inksUurh ukdkjY;kl csdk;ns'khj o vU;k;dkjd Bjr ukgh vls vkns'k fnysys vkgsr-”

4. In our considered opinion, this Misc. Application can be disposed of by giving direction to the respondents to follow the provision contained in paragraph No.2 of G.R. dated 30.08.2018. Accordingly, with this direction, the Misc. Application is disposed of. No order as to costs.

5. Original Application to come up on board on 20.07.2023. Interim relief granted earlier to continue till then. **High on board.**

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 13.06.2023.

ORIGINAL APPLICATION NO. 874 OF 2022

(Dr. Vinod B. Khedkar & Ors.Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri Subhas P. Urgunde, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant submitted that the applicants herein are similarly situated persons as that of applicants in O.A.St.No. 1480/2022. In the said Original Application St.No. 1480/2022 interim relief is granted in terms of column No.6 as follows:-

“(vi) **The respondents are directed not to discontinue the services of the applicants until further orders of this Tribunal.**”

3. He submitted that in this Original Application O.A.No. 874/2022 interim relief is granted in terms of clause No. 6 as follows:-

“6. **In view of the fact that the applicants have been working as Medical Officers since last few years on temporary basis, the Respondents shall continue their services on**

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O.A.874/2022

temporary basis till the subject posts are regularly filled up.”

4. Learned Advocate for the applicant further submitted that now the MPSC has issued advertisement dated 22.07.2022 for filling up posts of Assistant Professors, Group-A, Class-II. In view of the same, he seeks enlargement of interim relief in O.A.No. 874/2022 likewise i.e. passed in O.A.St/No. 1480/2022.

5. In the facts and circumstances, we hereby modifying interim relief in O.A.No. 874/2022 till next date of hearing.

6. Accordingly, issue fresh notices to the respondents, returnable on 06.07.2023.

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

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

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O.A.874/2022

9. 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.

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

11. S.O. to 06.07.2023.

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

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 13.06.2023.

DATE : 13.06.2023

ORIGINAL APPLICATION NO. 459 OF 2023

(Dr. Pradnya Y. Ohol Vs. The State of Maha. & Ors.)

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

1. Shri D.S. Pawar, learned Advocate for the applicant and Shri N.U. Yadav, learned P.O. for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on **17.07.2023**. The case be listed for admission hearing on **17.07.2023**.

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

Kpb/ Registrar notice

ORIGINAL APPLICATION NO. 394 OF 2023
(Dilip Vithoba Gangurde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri P.M. Nagargoje, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant placed on record communication dated 12.06.2023 received from the applicant stating that the respondents have orally assured for giving alternative posting to the applicant and therefore, he seeks permission to withdraw the present Original Application.

3. Learned C.P.O. confirms based on the telephonic instruction he has received from the office of the Commissioner of Police, Aurangabad that the applicant will be given alternative posting.

4. Learned Advocate for the applicant, on being asked confirms, that even if oral assurance of alternative posting does not get through to the satisfaction of the applicant, the applicant shall not have grievance in respect of whatever posting is given by the respondent No. 2.

5. In view of above, the Original Application stands disposed of as withdrawn with no order as to costs.

MEMBER (A)

ORIGINAL APPLICATION NO. 418 OF 2023
(Dr. Shrimant C. Harkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate holding for Shri Mohit Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 20.07.2023.

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 20.07.2023.

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

MEMBER (A)

**ORIGINAL APPLICATION NO. 426 OF 2023
(Ginyandeo M. Bagul Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 21.07.2023.

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 21.07.2023.

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

MEMBER (A)

ORIGINAL APPLICATION NO. 431 OF 2023
(Dr. Mohammad Ashfaque Tinmaswala Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri S.B. Patil, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 14.06.2023.

MEMBER (A)

KPB ORAL ORDERS 13.06.2023.

**ORIGINAL APPLICATION NO. 435 OF 2023
(Vikas K. Salve Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. **All the points of disputes are being kept open clarification on instruction of learned Advocate for the applicant.**

3. Issue notices to the respondents, returnable on 19.06.2023.

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

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

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

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

8. S.O. to 19.06.2023.

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

MEMBER (A)

ORIGINAL APPLICATION NO. 437 OF 2023
(Prakash G. Kamble Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Ms. Poonam Bodke Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 14.06.2023.

MEMBER (A)

ORIGINAL APPLICATION NO. 439 OF 2023
(Vidyasagar R. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Ms. Poonam Bodke Patil, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 14.06.2023.

MEMBER (A)

ORIGINAL APPLICATION NO. 440 OF 2023
(Natharao N. Phad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Ms. Poonam Bodke Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 14.06.2023.

MEMBER (A)

ORIGINAL APPLICATION NO. 441 OF 2023
(Kishan P. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Ms. Poonam Bodke Patil, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 14.06.2023.

MEMBER (A)

ORIGINAL APPLICATION NO. 442 OF 2023
(Sudhakar G. Latpate Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Ms. Poonam Bodke Patil, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 14.06.2023.

MEMBER (A)

ORIGINAL APPLICATION NO. 443 OF 2023
(Sanjay K. Kasralikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Ms. Poonam Bodke Patil, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 14.06.2023.

MEMBER (A)

ORIGINAL APPLICATION NO. 450 OF 2023
(Dr. Keshav A. Munde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri S.B. Patil, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 14.06.2023.

MEMBER (A)

**ORIGINAL APPLICATION ST. NO. 828 OF 2023
(Dr. Subhash G. Kadade Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri S.B. Patil, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 24.07.2023 **subject to objection No. 1 i.e. "1. In view of prayer clause 'B' Original Application appears to be barred by limitation." Hearing on the said objection.**

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 24.07.2023.

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

MEMBER (A)

ORIGINAL APPLICATION NO. 451 OF 2023
(Dr. Vidya B. Sarpe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri S.B. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 14.06.2023.

MEMBER (A)

ORIGINAL APPLICATION NO. 452 OF 2023
(Dr. Swati V. Phad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023

ORAL ORDER :

Heard Shri S.B. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 14.06.2023.

MEMBER (A)

ORIGINAL APPLICATION NO. 83 OF 2020
(Devendra I. Sonar Vs. State of Maharashtra & Ors.)

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

DATE : 13.06.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities. Shri Yogesh Patil, learned Advocate for respondent No. 3, **absent**.

2. The present matter is to be treated as depart heard.
3. In view of above, the present matter be placed before the regular Single Bench.
4. S.O. to 04.07.2023.

MEMBER (J)

ORIGINAL APPLICATION NO. 423 OF 2018
(Rameshwar S. Gopal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.06.2023.

ORAL ORDER :

Heard Shri S.P. Dhobale, learned Advocate holding for Shri N.L. Choudhary, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities. Shri N.R. Suryawanshi, learned Advocate for respondent No. 4, **absent.**

2. Concerned Officers of the Department are present.

3. In presence of all above, concerned handheld camera videos in respect of the applicant and respondent No. 4 for games viz. short put and long jump have been watched and it is seen that so far as respondent No. 4 is concerned as alleged by the applicant, starting point of both the games is captured, but end point is not captured. It is further seen that in respect of applicant, starting point and end point both are being visible in the said handheld camera video recording.

4. However, the applicant is claiming that the respondent No. 4 threw short put only up to 7.40 meters and not 8.34 meters. On what basis the applicant is claiming 7.40 meters is not explained in the present

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Original Application. In view of the same, CCTV footage, if available is also required to be watched.

5. The present matter has already been treated as part heard.

6. By consent of both the sides, S.O. to 22.06.2023 at **03.00 p.m.**

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 13.06.2023

O.A. ST. NO. 1033/2023

(Maharashtra Vikas Seva Rajpatrit Adhikari Sanghatana through the Secretary – Vasudeo Pandurang Solanke & Ors. Vs. the State of Maharashtra & Union Public Service Commission)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.6.2023

ORAL ORDER :

Hear S/shri Ajay Deshpande and Shri C.V. Dharurkar, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. This Original Application is filed seeking following main and interim relief :-

“10. RELIEF (S) SOUGHT:

- A) This Original Application may kindly be allowed.
- B] By passing appropriate order or direction the R.1 State Government may kindly be directed to withdraw the requisition sent by it to the R.2 for selection and appointments by way of promotions to the vacant posts of I.A.S and not to process the same until a suitable decision is taken, in pursuance to the Judgment and order dated 28.04.2022 [Annexure-A.6] passed by the Hon'ble Single Judge of the Madras High Court in Writ Petition No. 17643/2012, in response to the representations [Annexure-A.4] filed by the Applicant/s.

11. INTERIM RELIEFS, IF ANY PRAYED FOR:

- C) During hearing and final disposal of the present Original Application, the R.2 Commission may kindly be directed to refrain from making

//2// O.A. ST. NO. 1033/2023

recommendations for appointments to vacant posts of I.A.S. by promotion.

D) **Ad - interim relief** in terms of **Prayer Clause [C]** may kindly be granted.

E1 Any other appropriate order or relief in the interest of justice may kindly be passed.”

3. The applicant no. 1 is an Association, which is registered Organization working for espousing the cause of employees working under the State Development Service. The applicant nos. 2 to 5 are the Officers under Development Services as contemplated in Maharashtra Development Service (Constitution, Classification and Recruitment)(Amendment) Rules, 1973 (Annex. A-3).

4. As per Indian Administrative Service (Recruitment) Rules, 1954 laid down by the Central Government in tune with section 3 of the All India Service Act, 1951, 33% posts of the I.A.S. posts are reserved to be filled in from the State Civil Service by promotion and out of these 33 %, 15% posts are reserved for Services other than the State Civil Service, such as M.D.S. and others in terms of rule 9(1) read with rule 8(2) of the Indian Administrative Service (Recruitment) Rules, 1954.

5. It is contended that despite being eligible to be considered for I.A.S. post by promotion, the applicant organization members are made to remain complacent with the limited 15% quota out of 33% posts that are open for promotion. The Members of the State Services other than

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Revenue Department are made to undergo examination for being considered for promotion, whereas the members from the Revenue Department are considered for promotion directly based on their performance in service and their ACRs. No examination is prescribed for the Members from Revenue Department, who stake their claims for IAS promotion.

6. The applicant 1 Association has made representations on 3.3.2020, 10.2.2020 and 3.3.2023 (Annex. A-4 collectively) to the Hon'ble chief Minister praying to treat them at par with Revenue Department employees and give them liberty to compete for promotion for IAS for 33% quota, but in vain.

7. Applicants have placed reliance on the decision dated 28.4.2022 passed by the Single Judge of Hon'ble Madras High Court in W.P. No. 17643/2012 (Annex. A-5), wherein in similar situation following order is passed :-

“24. Considering the totality of the circumstances, the following directions are issued to the State Government:-

(i) The Government shall consider forming of Tamil Nadu Administrative Service including all the Departments connected to the Revenue and General Administration, Implementation of State policies for development in General as has been done by the Kerala Government.

(ii) The Government shall consider taking steps

to treat all the State Level Officers alike and provide equal opportunity to them by making appropriate recommendation to the Central

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Government to bring them into Administrative Service for effective Administration.

(iii) The State Government shall constitute a Committee for the purpose of identifying the posts, which can be brought under the definition of Deputy Collector as done in G.O.(4D) No.12, Public (Special-A) Department, dated 26.08.2005.

We hope that the process will be initiated by the State Government within a period of six months.”

8. The said judgment and order is confirmed by the Division Bench of Madras High Court in Letters Patent Appeal No. WA No. 1583, 1584, 1600 and 1972/2022 and CMP No. 10522, 10532, 10643 and 14438/2022 by order dated 15.9.2022 (Annex. A-6).

9. In view of above, it is contended that if the impugned requisition sent by the State Government i.e. respondent no. 1 to respondent no. 2 is considered, irreparable loss and great prejudice is likely to be caused to the applicants' interest. The learned counsel for the applicants submitted that requisition of the State Government is likely to be considered in the meeting of the Committee headed by learned Chairman of UPSC i.e. respondent no. 2 tomorrow i.e. on 14.6.2023. Hence the applicants prayed for grant of interim relief.

10. The learned Chief Presenting Officer opposed the submissions raised on behalf of the applicants. According to him, the issue of jurisdiction is serious as direction is sought against respondent no. 2 – UPSC, which is connected with the

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Government of India and not the State Government. He seeks time to file affidavit in reply of the respondents, if notices are issued to them.

11. After having considered the O.A. together with the documents on record and rival submissions, it is seen that the applicants are seeking directions against the respondent no. 2 UPSC to refrain from making recommendations for appointment to the vacant posts of IAS by promotion by considering the requisition made by respondent no. 1 in that regard. The applicants are agitating the reliefs on the basis of unequal treatment for Revenue Department Officers on one hand and other officers of State Services including MDS officers on the other hand. Admittedly, whole process of promotion to the posts of IAS cadre is governed by the provisions of rule 8 and 9 of the Indian Administrative Service (Recruitment) Rules, 1954.

12. It is true that the applicants stated to have made representations in this regard twice in the year 2020 and one representation in 2023 to the Hon'ble Chief Minister. There is mention of the decision dated 15.9.2022 in Writ Appeal No. 1600/2022 of Hon'ble Madras High Court in the representation made by the applicants on 3.3.2023 (Annex. A-4 collectively).

13. The matter pertains to policy decision. Rules are already on record in respect of promotion to the post of IAS from State Civil Services and other than State Civil Services such as Maharashtra Development Services. The rules are not

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under challenge. Contravention of rules is not alleged. Unequal treatment as regards promotion to the post of IAS and unequal distribution of quota is challenged. Moreover, subject matter of litigation is based on All India Administrative Service (Recruitment) Rules, 1954 and moreover specific directions are sought against respondent no. 2 i.e. UPSC by way of interim relief. The applicants are stating that up to recommendation part subject matter belongs to and within the jurisdiction of the State Government. Prima-facie reading of rules 8 & 9 of Indian Administrative Service (Recruitment) Rules, 1954 would show that ultimately decision is to be taken by the Central Government.

14. In view of that the issue of jurisdiction is required to be considered by taking into consideration the contentions to be raised by the respondents. Moreover, the applicants are seeking relief on the basis of judgment of Hon'ble Madras High Court as mentioned above. The said aspect is required to be considered, which can be considered at the time of hearing after taking into consideration the affidavit in reply of the respondents.

15. In view of above in our considered opinion, no prima-facie case is made out and the balance of convenience also does not lie in favour of the applicant for interim relief. Hence this is not a fit case to grant the interim relief. Hence the prayer for interim relief is rejected.

16. Issue notice to respondents, returnable on 27.6.2023.
The issue of jurisdiction is kept open.

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

18. 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.

19. 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.

20. 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.

21. S.O. to 27.6.2023.

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

MEMBER (A)

MEMBER (J)

M.A. ST. NO. 1032/2023 IN O.A. ST. NO. 1033/2023
(Maharashtra Vikas Seva Rajpatrit Adhikari Sanghatana through
the Secretary – Vasudeo Pandurang Solanke & Ors. Vs. the State
of Maharashtra & Union Public Service Commission)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
And
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 13.6.2023

ORAL ORDER :

Hear S/shri Ajay Deshpande and Shri C.V. Dharurkar, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. This Misc. Application seeking the relief to sue jointly is allowed, subject to payment of court fee stamps, if not paid., for the reasons stated in the application as the applicants belong to same cadre of Maharashtra Development Services (for short M.D.S.) and are agitating one and the same grievance. However, the office objection of jurisdiction is kept open as the applicants are seeking relief against respondent no. 2 – the Union Public Service Commission, New Delhi – which authority is concerned with the Government of India and said aspect of jurisdiction can be considered in detailed only at the time of hearing of the O.A.

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

MEMBER (A)
ARJ ORAL ORDER 13.6..2023

MEMBER (J)