

O.A.NO.664/2021 WITH M.A.NO.77/2022
(Sanjay Gangawane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14-07-2022

ORAL ORDER :

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

2. Learned Counsel for the applicant has filed copy of G.R. dated 27-05-2022 depicting names of 76 employees who are promoted to the post of Deputy Superintendent, Land Record, State of Maharashtra. He has contended that out of these 76 employees promoted, number of them have already availed benefit of reservation in promotion as per G.R. dated 25-05-2004 and as per the Government policy their names should not have been considered.

3. In view of averments so made by the learned Counsel for the applicant, the learned P.O. is required to file a short

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affidavit clarifying the position whether anybody who has availed benefit of reservation in promotion has been promoted in violation of the Government order. Learned P.O. has offered to present the minutes of the DPC on next date of hearing in support of clarification which will be made on behalf of respondent authorities.

4. Learned Advocate for the applicant may also file a short affidavit mentioning the particulars of the employees who have availed benefit of reservation in promotion and despite the same who have been given promotion.

5. S.O. to 26-07-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.658/2018
(Raosaheb S. Bangar Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Heard Shri I.D.Maniyar, learned Advocate holding for Shri Ravi R. Bangar, learned Advocate for the applicant, Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities and Shri S.D.Dhongde, learned Advocate for respondent nos.2 and 3.

2. Arguments are heard of the parties at length. Learned P.O. is directed to place on record the following information on or before the next date:

How long the documents i.e. acknowledgement of any communication sent by office to the employee is preserved, particularly, in respect of communication of adverse remarks in Confidential Report of an employee is preserved.

3. S.O. to 22-07-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.716/2018, 634/2018,
635/2018 AND 636/2018
(Atul Shirke & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Shri S.D.Joshi, learned Advocate for the applicants
and Shri M.S.Mahajan, learned Chief Presenting Officer for
the respondents, are present.

2. Arguments are heard. Reserved for order.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.532/2020
(Hemant Kinhikar Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

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

2. S.O. to 26-07-2022.

MEMBER (A)

VICE CHAIRMAN

**C.P.NO.36/2018 IN O.A.NO.846/2011
C.P.NO.37/2018 IN O.A.NO.843/2011
C.P.NO.38/2018 IN O.A.NO.842/2011
C.P.NO.39/2018 IN O.A.NO.278/2011
C.P.NO.40/2018 IN O.A.NO.634/2011
C.P.NO.41/2018 IN O.A.NO.277/2012**

(Vilas Patil & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14-07-2022

ORAL ORDER :

Shri J.B.Choudhary, learned Advocate for applicants has filed **leave note** on record. Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents is present.

2. S.O. to 24-08-2022.

MEMBER (A)

VICE CHAIRMAN

C.P.NO.20/2019 IN M.A.NO.97/2012 IN
O.A.NO.817/2011
(Shivaji Patil Vs. State of Maharashtra & Ors.)

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

DATE : 14-07-2022

ORAL ORDER :

Shri Ashish B. Rajkar, learned Advocate for the applicant, Shri N.U.Yadav, learned Presenting Officer for the respondent authorities and Shri S.B.Mene, learned Advocate for respondent no.3, are present.

2. S.O. to 23-08-2022.

MEMBER (A)

VICE CHAIRMAN

**C.P.NO.35/2019 IN O.A.NO.59/2017 WITH
O.A.NO.273/2017
(V.B.Baswante & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Shri V.P.Golewar, learned Advocate for the applicants and Shri V.R.Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 23-08-2022.

MEMBER (A)

VICE CHAIRMAN

**C.P.NO.17/2021 IN O.A.NO.127/2017
(Trimbak Tompe Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Shri V.P.Golewar, learned Advocate for the applicants and Shri V.R.Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 23-08-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 14-07-2022

ORIGINAL APPLICATION NO.149/2018
(Dhananjay Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 14-07-2022

ORAL ORDER :

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

2. S.O. to 25-08-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 14-07-2022

**ORIGINAL APPLICATION NO.474/2018
(Prashant Vaidya Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Heard Shri S.G.Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents.

2. Arguments are heard. Reserved for order.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.895/2018
(Murlidhar Sakhare & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Shri R.P.Bhumkar, learned Advocate for the applicants, Smt. M.S.Patni, learned Presenting Officer for the respondent authorities and Shri A.D.Gadekar, learned Advocate for respondent nos.2 to 4, are present.

2. S.O. to 25-08-2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.182/2019
(Dr. Devidas Lavhate Vs. State of Maharashtra & Ors.)

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

DATE : 14-07-2022

ORAL ORDER :

Shri V.B.Wagh, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents, are present.

2. S.O. to 25-08-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 14-07-2022

**ORIGINAL APPLICATION NO.734/2019
(Shamsundar Pande Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Shri Saket Joshi, learned Advocate holding for Shri A.S.Deshmukh, learned Advocate for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 26-08-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 14-07-2022

**ORIGINAL APPLICATION NO.1013/2019
(Sandeep More & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Shri A.V.Thombre, learned Advocate holding for
Shri S.S.Thombre, learned Advocate for the applicants and
Shri M.S.Mahajan, learned Chief Presenting Officer for the
respondents, are present.

2. S.O. to 26-08-2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1065/2019
(Dr. Jahagirdar Nizam Vs. State of Maharashtra & Ors.)

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

DATE : 14-07-2022

ORAL ORDER :

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

2. S.O. to 26-08-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.133/2020
(Alka Mundhe Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

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

2. S.O. to 05-08-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.195/2021
(Gopal Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Shri V.B.Wagh, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents, are present.

2. S.O. to 29-08-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 14-07-2022

**ORIGINAL APPLICATION NO.679/2021
(Mahesh Satkar Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 29-08-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 14-07-2022

**ORIGINAL APPLICATION NO.731/2021
(Sunil Mali Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 29-08-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 14-07-2022

**ORIGINAL APPLICATION NO.245/2022
(Mahendra Wadgaonkar Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Shri Mahendra Wadgaonkar applicant in person and
Shri M.S.Mahajan, learned Chief Presenting Officer for the
respondents, are present.

2. S.O. to 29-08-2022.

MEMBER (A)

VICE CHAIRMAN

**M.A.NO.162/2017 WITH M.A.NO.139/2017 IN
O.A.NO.136/2017
(Madhuri Banait Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Shri Saket Joshi, learned Advocate holding for
Shri A.S.Deshmukh, learned Advocate for the applicant
and Shri M.S, learned Presenting Officer for the
respondents, are present.

2. S.O. to 19-09-2022.

MEMBER (A)

VICE CHAIRMAN

**M.A.NO.412/2019 IN O.A.NO.705/2019
(Suresh Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Shri A.M.Hajare, learned Advocate for the applicant
and Shri D.M.Patil, learned Presenting Officer for the
respondents, are present.

2. S.O. to 12-08-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 14-07-2022

**M.A.NO.48/2021 IN O.A.ST.NO.175/2021
(Chandu Waghmare Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

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

2. S.O. to 17-08-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 14-07-2022

**M.A.NO.212/2022 IN O.A.NO.187/2020
(Basanti Padvi Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Shri S.A.Kulkarni, learned Advocate for the applicant has filed **leave note** on record. Shri D.R.Patil, learned Presenting Officer for the respondents is present.

2. S.O. to 29-07-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 14-07-2022

**ORIGINAL APPLICATION NO.350/2016
(Sanjay Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

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

2. S.O. to 01-08-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.319/2016
(Shivaji Kokate Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

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

2. S.O. to 01-08-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.103/2017 & 104/2017
(Navnath Matsagar & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

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

2. S.O. to 02-08-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 14-07-2022

**ORIGINAL APPLICATION NO.845/2017
(Rambhau Kuskar Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 03-08-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 14-07-2022

ORIGINAL APPLICATION NO.292/2018
(Bhavana Thakare Vs. State of Maharashtra & Ors.)

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

DATE : 14-07-2022

ORAL ORDER :

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

2. S.O. to 03-08-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 14-07-2022

ORIGINAL APPLICATION NO.776/2018
(Nana Salunke Vs. State of Maharashtra & Ors.)

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

DATE : 14-07-2022

ORAL ORDER :

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

2. S.O. to 03-08-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 14-07-2022

**ORIGINAL APPLICATION NO.900/2018
(Bhika Pathare Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

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

2. S.O. to 04-08-2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.907/2018
(Prabhakar Satdive Vs. State of Maharashtra & Ors.)

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

DATE : 14-07-2022

ORAL ORDER :

Shri J.S.Deshmukh, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents, are present.

2. S.O. to 04-08-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 14-07-2022

**ORIGINAL APPLICATION NO.11/2019, 30/2019 &
81/2019
(Bapurao Dongar & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Shri S.B.Solanke, learned Advocate for the applicants
and Shri V.R.Bhumkar, learned Presenting Officer for the
respondents, are present.

2. S.O. to 05-08-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 14-07-2022

**ORIGINAL APPLICATION NO.478/2019
(Dr. Anand Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 14-07-2022

ORAL ORDER :

Shri Saket Joshi, learned Advocate holding for Shri A.S.Deshmukh, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents, are present.

2. S.O. to 08-08-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 14-07-2022

ORIGINAL APPLICATION NO.537/2019
(Narendra Thakur Vs. State of Maharashtra & Ors.)

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

DATE : 14-07-2022

ORAL ORDER :

Ku. Anagha Pandit, learned Advocate holding for Shri S.B.Talekar, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 08-08-2022.

MEMBER (A)

VICE CHAIRMAN

Date : 14.7.2022

O.A. 641/2022

(Shri Amarsing S. Kamthekar V/s State of Maharashtra & Ors.)

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

1. Shri Harishikesh V. Tungar, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on **17.8.2022**. The case be listed for admission hearing on **17.8.2022**.
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

ORIGINAL APPLICATION NO. 426/2020
(Shri Sunil S. Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2022

ORAL ORDER :

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

2. The learned counsel has sought time for filing rejoinder affidavit of the applicant. Time granted.
3. S.O. to 19.8.2022.
4. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

**C.P. 43/2019 IN M.A. 97/2012 IN O.A. 817/2011
(Shri Dharampal U. Dethe Vs. State of Maharashtra & Ors.)**

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

DATE : 14.7.2022

ORAL ORDER :

Shri Ashish B. Rajkar, learned counsel for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent no. 3, are present.

2. The learned counsel has sought time for filing rejoinder affidavit of the applicant. Time granted.

3. S.O. to 18.8.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 308/2020
(Shri Ranjeet T. Bhorje Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2022

ORAL ORDER :

Shri A.N. Sabnis, learned counsel for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri M.B. Ubale, learned counsel for respondent no. 3, are present.

2. The learned counsel has sought time for filing rejoinder affidavit of the applicant. Time granted.

3. S.O. to 18.8.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 427/2020
(Shri Rahul B. Chaudhari Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2022

ORAL ORDER :

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

2. The learned counsel has sought time for filing rejoinder affidavit of the applicant. Time granted.
3. S.O. to 19.8.2022.
4. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 398/2021
(Shri Vasant R. Medhe Vs. State of Maharashtra & Ors.)**

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

DATE : 14.7.2022

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri S.D. Dhongde, learned counsel for respondent no. 2, are present.

2. The learned has tendered across the bar the rejoinder affidavit of the applicant. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 22.8.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

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

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

DATE : 14.7.2022

ORAL ORDER :

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

2. The learned counsel has sought time for filing rejoinder affidavit of the applicant. Time granted.

3. S.O. to 22.8.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 688/2021

(Shri Eknath B. Parmeshwar Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2022

ORAL ORDER :

Shri Santosh S. Dambe, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 22.8.2022.

MEMBER (A)

VICE CHAIRMAN

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

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

DATE : 14.7.2022

ORAL ORDER :

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

2. The learned C.P.O. has sought time for filing affidavit in reply of the respondents. Time granted.
3. S.O. to 22.8.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 196/2022
(Smt. Alka T. Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2022

ORAL ORDER :

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

2. The affidavit in reply of respondent nos. 2 & 3 has already been filed on record.

3. S.O. to 23.8.2022 for filing rejoinder affidavit, if any, by the applicant.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 244/2022
(M.S. Gazetted Medical Officer Association through its
President Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2022

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. The learned C.P.O. has sought time for filing affidavit in reply of the respondents. Time granted.
3. S.O. to 23.8.2022.

MEMBER (A)

VICE CHAIRMAN

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

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

DATE : 14.7.2022

ORAL ORDER :

Shri V.P. Golewar, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. The learned C.P.O. has sought time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 23.8.2022.

MEMBER (A)

VICE CHAIRMAN

M.A. 521/2019 IN O.A. ST. 930/2019
(Shri Prashant P. Sonagraa Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2022

ORAL ORDER :

Shri A.D. Kaware, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Await service of notice for respondent no. 3.
3. The learned P.O. has sought time for filing affidavit in reply of the respondents. Time granted.
4. S.O. to 1.8.2022.

MEMBER (A)

VICE CHAIRMAN

M.A. 609/2019 IN O.A. ST. 2372/2019
(Smt. Radhabai K. Kedare Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2022

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Smt. Sanjivani Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Ind set not filed
3. The learned counsel has sought time for filing rejoinder affidavit of the applicant. Time granted.
4. S.O. to 1.8.2022.

MEMBER (A)

VICE CHAIRMAN

M.A. 90/2020 IN O.A. 1067/2019
(Shri Prakash J. Pawara Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2022

ORAL ORDER :

Shri Dhananjay Mane, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. The learned P.O. has sought time for filing affidavit in reply of the respondents. Time granted.
3. S.O. to 2.8.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 14.7.2022

M.A. 109/2020 IN O.A. 927/2019
(Shri Sunil S. Kuvar Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2022

ORAL ORDER :

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

2. Await service of notice upon the respondents.
3. S.O. to 2.8.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 14.7.2022

M.A. 97/2021 IN O.A. ST. 329/2021
(Shri Baban R. Zagade Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2022

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel has sought time for filing rejoinder affidavit of the applicant. Time granted.

3. S.O. to 4.8.2022.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 14.7.2022

**M.A. ST. 1599/2021 IN O.A. ST. 1553/2021
(Shri Sham G. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 14.7.2022

ORAL ORDER :

Smt. G.N. Sayyed, learned counsel holding for Shri A.D. Aghav, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. The applicant to remove the office objections by the next date.
3. The learned counsel has sought time for filing rejoinder affidavit of the applicant. Time granted.
4. S.O. to 5.8.2022.

MEMBER (A)

VICE CHAIRMAN

M.A. 415/2021 IN O.A. 717/2021
(Smt. Meena V. Shinde Vs. State of Maharashtra & Ors.)
WITH
M.A. 416/2021 IN O.A. 716/2021
(Shri Navin J. Sharma Vs. State of Maharashtra & Ors.)
WITH
M.A. 417/2021 IN O.A. 718/2021
(Shri Gajanan B. Aundhekar Vs. State of Maharashtra & Ors.)
WITH
O.A. 719/2021
(Shri Khanderao N. Pote Vs. State of Maharashtra & Ors.)

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

DATE : **14.7.2022**

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicants in all these matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. The Misc. Applications not pressed by the learned counsel for the applicants, so disposed of.

3. With the consent of both the sides, S.O. to 27.7.2022 for hearing of Original Applications.

4. It is open for the learned counsel to file rejoinder affidavit, if any, of the applicant in O.A. No. 719/2021.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 299/2022
(Smt. Varsha P. Mandale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **14.7.2022**

ORAL ORDER :

Shri Vivek U. Rathod, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Arguments are heard. The matter is closed for orders.

MEMBER (A)

VICE CHAIRMAN

M.A. 244/2022 IN O.A. 215/2022

(Shri Santosh R. Bhosale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2022

ORAL ORDER :

Shri U.L. Momale along with Shri M.S. Deshmukh, learned counsel for the applicant in M.A. 244/2022 and respondent nos. 22 to 24 in O.A., Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Avinash S. Deshmukh, learned counsel for the applicant in O.A., are present.

2. S.O. to 15.7.2022 for haring. **High on Board.**

MEMBER (A)

VICE CHAIRMAN

M.A. No. 10/2021 in O.A. St. No. 03/2021
(Motiram Deoram Nahide Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

O R D E R

1. The present Misc. Application is filed seeking condonation of delay of about 10 years caused in filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985 challenging the impugned order dated 31.08.2004 (Annexure A-4 in O.A.) issued by the respondent No. 1 i.e. the Additional Commissioner, Tribal Development, Nashik imposing minor punishment as per the Rule 5(1)(iv) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 withholding one annual increment permanently and further impugned order dated 21.02.2005 (Annexure A-5 in O.A.) issued by the respondent No. 2 i.e. the Project Officer, Integrated Tribal Development Project, Taloda, Dist. Nandurbar regularizing the suspension period of 20.09.2003 to 08.09.2004 and by treating it only as leave period.
2. The applicant has retired on superannuation on 31.05.2017 rendering 31 years and 5 months' service. Due to withholding of one annual increment permanently as stated above, the applicant is

//2// M.A. 10/2021 in
O.A. St. 03/2021

adversely affected in getting the pension and arrears as per the 5th, 6th and 7th Pay Commissioner. The applicant preferred departmental appeal on 26.05.2017 (Annexure A-6 in O.A.) against the order of imposition of punishment of withholding one annual increment. However, the said appeal was not decided till retirement of the applicant on superannuation on 31.05.2017. Thereafter, the applicant filed the Original Application along with the present Misc. Application on or about 04.01.2020. According to the applicant, there is delay of about 10 years caused in filing the accompanying O.A. However, the same is not deliberate or intentional. Due to lack of legal knowledge, the applicant could not approach this Tribunal immediately. After retirement of the applicant, he was not keeping good health and was having several medical ailments. Hence, the present Misc. Application.

3. Record shows that in spite of grant of opportunities, the respondents have failed to file affidavit in reply. Hence, hearing of the present M.A. proceeded without affidavit in reply.

//3// M.A. 10/2021 in
O.A. St. 03/2021

4. I have heard the arguments advanced by Shri V.B. Wagh, learned Advocate for the applicant on one hand and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents on the other hand.

5. Learned Presenting Officer in the arguments apposed the present Misc. Application and contended that no sufficient cause has been shown by the applicant for condonation of inordinate delay. Hence, the present Misc. Application is liable to be dismissed.

6. Considering the dates involved in the matter, it can be seen that two orders are impugned in the O.A. namely order dated 31.08.2004 (Annexure A-4 in O.A.) and order dated 21.02.2005 (Annexure A-5 in O.A.). Thereafter, during the prescribed limitation period of one year, it seems that the applicant did not even file the requisite departmental appeal or the Original Application under Section 19 of the Administrative Tribunals Act, 1985. The applicant had to exhaust all the available remedies. Both the impugned orders are appealable. The applicant said to have filed the said departmental appeal only on 26.05.2017. Thereafter, the Original Application is filed only on 04.01.2020. At

//4// M.A. 10/2021 in
O.A. St. 03/2021

every stage there is inordinate delay committed by the applicant. The only reason said to be of lack of legal knowledge. Lack of legal knowledge cannot be a plausible reason for condonation of inordinate delay. The delay is not marginal, but huge, because the applicant said to have slept over his rights provided under Rules challenging the said orders. By passage of time, the impugned orders have attained the finality. From the facts on record, there is reason to draw irresistible inference that the applicant was contended with the action taken against him. In these circumstances, in my considered opinion, this is not a fit case to condone the delay even by adopting the most liberal approach. In fact, the delay is in vicinity of about 14 years and not the 10 years. Hence, I proceed to pass following order :-

ORDER

1. The M.A. No. 10/2021 stands dismissed.
2. Consequently the registration of the O.A. stands refused.
3. There shall be no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 630 OF 2022
(Shravankumar P. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 08.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

**ORIGINAL APPLICATION NO. 634 OF 2022
(Somnath R. Baviskar Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 10.08.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 10.08.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 635 OF 2022
(Sanjay Kumar S. Kokane Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri J.M. Murkute, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 28.07.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 28.07.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 858 OF 2019
(Annarao L. Bhosle & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Shri S.B. Kakde, learned Advocate for the applicants (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 12.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 954 OF 2019
(Rameshwar R. Chandak Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Pleadings are complete. The present matter is pertaining to provisional pension. Hence, the O.A. is admitted and it be fixed for final hearing on 12.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 388 OF 2020
(Rajendra V. Marale Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Pleadings are complete. The present matter is pertaining to arrears of salary / duty period. Hence, the O.A. is admitted and it be fixed for final hearing on 12.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 306 OF 2021
(Suwarna S. Bedre Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

2. Learned Presenting Officer submits that during the course of the day amount of costs would be deposited.

3. Pleadings are complete. The present matter is pertaining to posting. Hence, the O.A. is admitted and it be fixed for hearing at the stage of admission on 10.08.2022.

MEMBER (J)

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

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

DATE : 14.07.2022

ORAL ORDER :

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

2. Pleadings are complete. The present matter is pertaining to interest on delayed payment. Hence, the O.A. is admitted and it be fixed for final hearing on 08.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

**M.A. No. 454/2018 in O.A. St. No. 1906/2018
(Kiran S. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The present matter is closed for order.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

**M.A. No. 174/2021 in O.A. St. No. 722/2021
(Avinash V. Solanke Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

Shri J.B. Choudhary, learned Advocate for the applicant (**Leave Note**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 11.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

**M.A. No. 427/2021 in O.A. St. No. 1816/2021
(Gajanan B. Dandge & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

Smt. Vidya Taksal, learned Advocate for the applicants (**Leave Note**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. In view of leave note filed by the learned Advocate for the applicants, S.O. to 04.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 75 OF 2020
(Jitendra V. Sarde Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent No. 1.

3. S.O. to 04.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

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

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

DATE : 14.07.2022

ORAL ORDER :

Shri U.P. Giri, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 and 2. Shri Y.P. Jadhav, learned Advocate for respondent No. 3, absent. None present on behalf of respondent No. 4.

2. As none present for the applicant, S.O. to 03.08.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 862 OF 2018
(Kiran S. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submitted that the copy of affidavit in reply filed on behalf of respondent Nos. 1 to 3 in this matter is not received by the applicant.

3. Learned Presenting Officer to take necessary steps to provide the copy of affidavit in reply on or before the next date of hearing by taking photocopy of the affidavit in reply, which is already on record.

4. S.O. to 12.08.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 358 OF 2022
(Kiran V. Jagdale Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri G.D. Darandale, learned Advocate holding for Shri A.N. Kakade, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Record shows that affidavit in reply is filed only on behalf of respondent Nos. 3 and 4.
3. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 & 2.
4. S.O. to 11.08.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 262 OF 2021
(Kamalakar P. Mahale Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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

3. S.O. to 11.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 656 OF 2021
(Shrikisan M. Choure Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

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

3. S.O. to 11.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 138 OF 2022
(Rajaram C. Savalika vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 11.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 298 OF 2022
(Baban G. Tadvi Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri Swaraj Tandale, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 and 2. Shri N.R. Dayama, learned Advocate for respondent No. 3, **absent.**

2. At the request of learned Chief Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondent Nos. 1 and 2.

3. S.O. to 22.07.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 115 OF 2021
(Kadubai S. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri R.K. Khandelwal, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

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

3. S.O. to 12.08.2022 for admission.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

**M.A. No. 164/2022 in O.A. St. No. 2280/2019
(Govardhan H. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that during the course of the day he would file service affidavit on behalf of respondent No. 2.

3. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 5 in M.A. Same is taken on record and copy thereof has been served on the other side.

4. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 4 in M.A.

5. S.O. to 12.08.2022.

MEMBER (J)

**M.A. No. 567/2019 in O.A. St. No. 2091/2019
(Baburao K. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.
3. S.O. to 12.08.2022.

MEMBER (J)

**M.A. No. 183/2022 in O.A. St. No. 2093/2019
(Rameshwar N. Gupta Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

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

2. Learned Presenting Officer filed separate affidavits in reply on behalf of respondent Nos. 2, 3 & 7 and 4, 5 & 7 respectively in M.A. Same are taken on record and copies thereof have been served on the other side.
3. S.O. to 12.08.2022 for filing rejoinder affidavit in M.A., if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 103 OF 2021
(Dr. Harishchandra T. Kokani Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 and 2. Shri Rakesh Jain, learned Advocate for respondent No. 3, absent.

2. At the request of learned Advocate for the applicant, S.O. to 04.08.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 395 OF 2017
(Shobha R. Pathak Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent No. 1 and Shri S.B. Mene, learned Advocate for respondent Nos. 2 & 3.

2. At the request of learned Advocate for the applicant, S.O. to 12.08.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

**ORIGINAL APPLICATION NO. 584 OF 2021
(Malti A. Khairkar Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

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

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 2 to 4 and the matter was placed for filing affidavit in rejoinder.

3. The present matter is pertaining to family pension and it is stated that the proposal is pending before the respondent No. 1. In view of the same, the affidavit in reply of respondent No. 1 would be necessary.

4. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent No. 1. Time granted.

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

6. S.O. to 04.08.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 222 OF 2021
(Bhausahab A. Wighve Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri Avinash Khedkar, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent No. 1 and Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 2 and 3.

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

3. S.O. to 24.08.2022 for admission.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 223 OF 2021
(Babasaheb R. Warpe Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri Avinash Khedkar, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent No. 1 and Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 2 and 3.

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

3. S.O. to 24.08.2022 for admission.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 37 OF 2022
(Vasundhara V. Borgaonkar Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 4. None present on behalf of respondent No. 5, though duly served.

2. Record shows that after amendment in the present O.A., fresh notice was issued to the respondent No. 5. However, nobody is present on behalf of respondent No. 5, though notice is duly served upon him. The affidavit in reply is already filed on behalf of respondent No. 3. The rejoinder affidavit is also filed on behalf of the applicant.

3. Learned Presenting Officer submits that the respondent Nos. 1, 2 & 4 adopt the affidavit in reply filed on behalf of respondent No. 3 and they do not wish to file additional affidavit in reply after amendment.

4. Pleadings are complete. The present matter is pertaining to transfer. Hence, the O.A. is admitted and it be fixed for hearing at the stage of admission on 08.08.2022.

MEMBER (J)

M.A. No. 49/2022 in O.A. St. No. 37/2022
(Dipak S. Sherkhane Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri S.U. Shaikh, learned Advocate holding for Shri G.J. Kore, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 11.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

**M.A. No. 288/2020 in O.A. St. No. 1063/2020
(Pratap S. Sontakke Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri S.U. Shaikh, learned Advocate holding for Shri G.J. Kore, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 11.08.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 51 OF 2021
(Devidas F. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Shri Amit Savale, learned Advocate for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 4. Same is taken on record. He has also deposited one additional copy of the said affidavit in reply of respondent Nos. 1 to 4 for the applicant.

3. As none present for the applicant, S.O. to 11.08.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

**ORIGINAL APPLICATION NO. 449 OF 2021
(Dr. Arun S. Shrirkar Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri P.R. Tandale, learned Advocate for respondent No. 5.

2. Record shows that after service of notice on the respondents in the present matter in September 2021, several opportunities were granted to the respondents for filing affidavit in reply on behalf of respondent Nos. 1 to 4. Last chance was already granted. The present matter is pertaining to transfer. Interim relief is not granted in the present matter.

3. In view of above, the request made on behalf of respondent Nos. 1 to 4 is rejected considering the above-said record. Hence, the present matter will proceed further without affidavit in reply of respondent Nos. 1 to 4 in accordance with law.

4. S.O. to 04.08.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 366 OF 2022
(Rahul I. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

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

3. S.O. to 08.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 433 OF 2022
(Prakash B. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

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

3. S.O. to 11.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 486 OF 2022
(Mukesh H. Mahajan Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri A.M. Hajare, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

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

3. S.O. to 28.07.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 502 OF 2022

(Mohammad Siddiq Mohammad Sarwar Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri G.N. Kulkarni, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

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

3. S.O. to 04.08.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 611 OF 2021

(Sayed Salim Sayyed Yaqub Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Shri Indranil Godse, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 18.08.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 643 OF 2021
(Tanaji M. Narale Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

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

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

3. S.O. to 17.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 687 OF 2021
(Vipul R. Bhagwat Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri I.D. Maniyar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

3. S.O. to 11.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 764 OF 2021
(Rajendra R. Pal Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Shri S.A. Kulkarni, learned Advocate for the applicant (**Leave Note**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 12.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

**ORIGINAL APPLICATION NO. 765 OF 2021
(Shivaji R. Wayal Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

Shri S.A. Kulkarni, learned Advocate for the applicant (**Leave Note**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 12.08.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 801 OF 2021
(Shaikh Shoaib Abdul Khadir Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri Sunil Jadhav, learned Advocate holding for Shri B.G. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 28.07.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 17 OF 2022
(Baburao M. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

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

3. S.O. to 04.08.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 74 OF 2022

(Siddiqui Mohd. Mainhaiuddin Mohd. Sardauddin Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent No. 1.

3. S.O. to 11.08.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 102 OF 2022
(Sumitrabai V. Adke & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, issue fresh notice to the respondent No. 1, returnable on 18.08.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 18.08.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 278 OF 2022
(Anwar Khan Aziz Khan Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

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

3. S.O. to 12.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 327 OF 2022
(Mazaffar Abdul Sayyed Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

2. Learned Chief Presenting Officer filed affidavit in reply on behalf of respondent Nos. 2 to 4. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 10.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 68 OF 2021
(Sarjerao S. Jagdhane Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit.
3. S.O. to 10.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

**ORIGINAL APPLICATION NO. 248 OF 2021
(Sunil S. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

Shri V.G. Salgare, learned Advocate for the applicant (**Absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1, 5 & 6 and Shri Alkesh Jadhav, learned Advocate holding for Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 2 to 4.

2. Record shows that in spite of grant of opportunities, the affidavit in reply is not filed on behalf of respondent Nos. 1, 5 & 6. Hence, the present matter will proceed further in accordance with law.

3. S.O. to 04.08.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 291 OF 2021
(Dattatrya M. More Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri S.N. Suryawanshi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 10.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 382 OF 2021

(Shaikh Hafijoddin Hanifoddin Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri J.M. Murkute, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 & 2. Shri A.C. Deshpande, learned Advocate for respondent Nos. 3 & 4, **absent**.

2. Await service of notice on the respondents.

3. At the request of learned Advocate for the applicant, S.O. to 11.08.2022 for taking necessary steps.

MEMBER (J)

ORIGINAL APPLICATION NO. 433 OF 2021
(Chabutai R. Dubhe Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 2 to 4. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 12.08.2022 for filing rejoinder affidavit if any.

MEMBER (J)

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

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri G.L. Awale, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. At the request of learned Presenting Office, S.O. to 11.08.2022 for filing affidavit in reply on behalf of respondent Nos. 1, 3 & 4.

MEMBER (J)

ORIGINAL APPLICATION NO. 451 OF 2021
(Dr. Suresh M. Betkar Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri P.R. Tandale, learned Advocate for respondent No. 5.

2. Record shows that after service of notice on the respondents in the present matter in September 2021, several opportunities were granted to the respondents for filing affidavit in reply on behalf of respondent Nos. 1 to 4. Last chance was already granted. The present matter is pertaining to transfer. Interim relief is not granted in the present matter.

3. In view of above, the request made on behalf of respondent Nos. 1 to 4 is rejected considering the above-said record. Hence, the present matter will proceed further without affidavit in reply of respondent Nos. 1 to 4 in accordance with law.

4. S.O. to 04.08.2022 for admission.

MEMBER (J)

**M.A. No. 588/2019 in O.A. St. No. 2291/2019
(Vyankat L. Nilawar Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, time is granted as a last chance for filing rejoinder affidavit in M.A.
3. S.O. to 10.08.2022.

MEMBER (J)

**M.A. No. 306/2020 in O.A. St. No. 1336/2020
(Sanjeev R. Kadam Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

Shri J.B. Choudhary, learned Advocate for the applicant (**Leave Note**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 12.08.2022 for filing rejoinder affidavit in M.A., if any.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

M.A. No. 419/2022 in O.A. St. No. 1799/2021
(Nilabai P. Mamulwar & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Shri H.P. Jadhav, learned Advocate for the applicants (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Record shows that in spite of grant of opportunities, the affidavit in reply is not filed by the respondents in M.A. Hence, the present matter will proceed further without affidavit in reply of the respondents in accordance with law.

3. S.O. to 02.08.2022 for hearing.

MEMBER (J)

**M.A. No. 422/2021 in O.A. St. No. 1760/2021
(Abhijeet G. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1, 4 & 5 and Shri S.B. Mene, learned Advocate for respondent Nos. 2 & 3.

2. At the request made on behalf of the respondents, time is granted as a last chance for filing affidavit in reply in M.A.

3. S.O. to 04.08.2022.

MEMBER (J)

KPB ORAL ORDERS 14.07.2022

**M.A. No. 34/2022 in O.A. St. No. 861/2021
(Ankush B. Bedke Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

Shri D.H. Jadhavar, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.
3. S.O. to 17.08.2022.

MEMBER (J)

**M.A. No. 202/2022 in O.A. St. No. 781/2022
(Dr. Yogesh M. Borse Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Chief Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.
3. S.O. to 12.08.2022.

MEMBER (J)

**M.A. No. 203/2022 in O.A. St. No. 783/2022
(Dr. Smita A. Bora Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.
3. S.O. to 12.08.2022.

MEMBER (J)

M.A. No. 204/2022 in O.A. St. No. 792/2022
(Dr. Bharati M. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.
3. S.O. to 12.08.2022.

MEMBER (J)

M.A. No. 205/2022 in O.A. St. No. 794/2022
(Dr. Deepak K. Shejwal Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.
3. S.O. to 12.08.2022.

MEMBER (J)

M.A. No. 206/2022 in O.A. St. No. 796/2022
(Dr. Amol P. Khairnar Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.
3. S.O. to 12.08.2022.

MEMBER (J)

M.A. No. 207/2022 in O.A. St. No. 798/2022
(Dr. Manjusha P. Tambse Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.
3. S.O. to 12.08.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 373 OF 2019
(Gajendra R. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

2. The present matter is closed for order.

MEMBER (J)

SAS ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO.162 OF 2018

(Baliram B. Patil Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO.163 OF 2018

(Prmod R. Kachare Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicants both the O.As, Shri D.R. Patil, learned Presenting Officer for the respondent Nos.1 & 2 in both the O.As and Smt. Sunita D. Shelke, learned Advocate for the respondent Nos.3 & 4 in both the O.As.

2. By consent of all the parties, S.O. to 15.07.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 431 OF 2019
(Ashabai M. Suradkar Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent Nos.1 to 5. Shri P.B. Paithankar, learned Advocate for the respondent No.6, is **absent**.

2. At the request of the learned P.O., S.O. to 29.07.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 867 OF 2019
(Rajkumar S. Padvi Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

2. The present matter is closed for order.

MEMBER (J)

SAS ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO.898 OF 2019
(Babu K. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 17.08.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 141 OF 2020
(Anil D. Sanap Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 28.07.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 542 OF 2020
(Rajaram S. Shendge Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 17.08.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 7 OF 2021
(Arun W. Thakur Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 18.08.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 14.07.2022

**ORIGINAL APPLICATION NO.216 OF 2021
(Keshav B. Bhalerao (Died) LRs. Rekha K. Bhalerao) Vs. State
of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri D.K. Dagadkhair, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 17.08.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 314 OF 2021
(Govind A. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Shri S.B. Talekar, learned Advocate for the applicants, is **absent**. Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicants, S.O. to 18.08.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 467 OF 2021
(Dr. Mohan P. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K.Deshmukh-Ghate, learned Presenting Officer for the respondent Nos.1 to 4. Shri Vinayak P. Narwade, learned Advocate for the respondent No.5, is **absent**.

2. The present matter be treated as part heard.

3. By consent of both the sides, S.O. to 18.08.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO. 537 OF 2021
(Balasaheb S. Khairnar Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 12.08.2022 for final hearing.
3. Interim relief granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDERS 14.07.2022

ORIGINAL APPLICATION NO.752 OF 2021
(Ramesh N. Swami Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 28.07.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 14.07.2022

**ORIGINAL APPLICATION NO.761 OF 2021
(Pradeep B. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos.1 & 2 and Shri N. N. Desale, learned Advocate for the respondent No.3.

2. By consent of all the parties, S.O. to 18.08.2022 for final hearing.
3. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO.394 OF 2021
(Rekha R. Mohite & Ors.Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO.597 OF 2021
(Pradnya D. Medhe Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicants in both these O.As. and Smt. M.S. Patni, learned Presenting Officer for the respondents in both these O.As.

2. The present matters have already been treated as part heard.
3. By consent of both the sides, S.O. to 01.08.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.502 OF 2017
(Public Prosecutors Association Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 10.08.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 14.07.2022

**M.A.NO. 67/2021 IN O.A.ST.NO. 268/2021
(Chikkahayakanahalli D. Krishnaiah Setty Vs. State of
Maharashtra & Ors.)**

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

DATE : **14.7.2022**

ORAL ORDER :

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 respondents, are present.

2. Learned counsel for the applicant submits that in spite of availing due opportunities, the respondents have not yet filed the affidavit in reply.

3. Learned Presenting Officer by way of last chance seeks two weeks' time to file affidavit in reply. Time granted as prayed for.

4. It is clarified that if affidavit in reply is not filed on or before the next date, the respondents may not be permitted to file the affidavit in reply thereafter and the matter will be heard without their affidavit in reply.

5. S.O. to 28.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 361 OF 2022
(Bhauasaheb Dagadu Aghav Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)
DATE : **14.7.2022**
ORAL ORDER :

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

2. In the present matter in spite of availing due opportunities the respondents have not yet filed affidavit in reply.

3. Learned counsel appearing for the applicant submits that the enquiry proceedings are on the verge of completion. Now the matter is posted for recording defense statement. Learned counsel submits that if in the meanwhile the enquiry is concluded by the respondents the very purpose of filing of present matter will be infructuous.

4. Learned C.P.O. asked two weeks' time for submitting affidavit in reply. Time granted as prayed for by way of last chance. In the meanwhile if the proceedings are completed the disciplinary authority shall not take any decision on the said enquiry report till filing of the affidavit in reply by the respondents.

5. It is clarified that if affidavit in reply is not filed on or before the next date, the respondents will not be permitted to file affidavit in reply thereafter and the matter will be decided without affidavit in reply of the respondents.

6. S.O. to 28.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 14.7.2022-HDD

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

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

DATE : 14.7.2022

ORAL ORDER :

Shri Ketan D. Pote, learned counsel holding for Shri A.G. Ambetkar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. We have heard the arguments advanced by learned counsel appearing for the applicant and learned Chief Presenting Officer appearing for the respondent authorities for some time. Learned C.P.O. submits that he will take necessary instructions and will keep the Deputy Director present before this Tribunal on the next date.

3. S.O. to 19.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 14.7.2022-HDD

C.P.NO. 13/2021 IN O.A.NO. 797/2019
(Maharashtra Rajya Rekhachitra Shakha Karmachari
Sanghatana Maharashtra Rajya Vs. State of Maharashtra &
Ors.)

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

DATE : **14.7.2022**

ORAL ORDER :

Heard Shri Avinash S. Khedkar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is jointly submitted by the learned counsel appearing for the applicant and learned Chief Presenting Officer appearing for the respondents that the order passed by this Tribunal has been complied with. The contempt petition, therefore, does not survive and is disposed of without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 14.7.2022-HDD

**ORIGINAL APPLICATION ST.NO. 1052 OF 2022
(Uttam Tukaram Padme Vs. State of Maharashtra & Ors.)**

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

DATE : 14.7.2022

ORAL ORDER :

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

2. Learned counsel appearing for the applicant submits that he will file an appropriate application for seeking condonation of delay, which is occasioned in filing the present Original Application.

3. In the circumstances, the present case be removed from the board.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 14.7.2022-HDD

**ORIGINAL APPLICATION ST.NO. 1053 OF 2022
(Punjaji Mahadji Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 14.7.2022

ORAL ORDER :

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

2. Learned counsel appearing for the applicant submits that he will file an appropriate application for seeking condonation of delay, which is occasioned in filing the present Original Application.

3. In the circumstances, the present case be removed from the board.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 14.7.2022-HDD

ORIGINAL APPLICATION NO. 632 OF 2022
(Kapil Tulshiram Salve & Another Vs. State of Maharashtra & Ors.)

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

DATE : **14.7.2022**

ORAL ORDER :

Heard Shri Amol B. Chalak, learned counsel appearing for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer appearing for the respondent authorities.

2. The present Original Application has been filed seeking the following reliefs: -

“A) The Hon'ble Court may kindly quash and set aside the impugned Government Resolution No. SRV-2021/Case no.61/DEPT12, dated 17.12.2021 issued by the General Administration Department, Government of Maharashtra.

A) The Hon'ble Court may kindly quash and set aside the impugned Government Resolution no. SRV-2021/Case no. 61/DEPT 12, dated 17.12.2021 issued by the General Administration Department, Government of Maharashtra.

B) The Hon'ble Court may kindly quash and set aside the clauses no. 7.2, 7.3 and 7.4 of the advertisement no. 53 of 2022 for the post of

Maharashtra Subordinate Services, Non-gazetted, Group B Combined-2022 published on 23.06.2022 by the respondent no. 2.

C) The Hon'ble Court may kindly direct respondents to extend the benefits as one time measure special chance which has extended up to 31st December, 2022 as per Government Resolution no. SRV-2021/ Case no. 61/DEPT12, dated 17.12.2021 of General Administration Department, Government of Maharashtra to the candidates like Applicants, who have become age-barred after the cutoff date i.e. 17.12.2021 and has lost 2 years due to the onset of Covid-19 pandemic, in the interest of justice and oblige.

D) To direct the respondent No. 2 MPSC to grant age relaxation and allow the Applicants to participate in the selection process by accepting their online application in pursuant to the Advertisement No.53, published on 23.06.2022 for the Maharashtra Subordinate Services, Non-gazetted, Group B Combined-2022, by issuing a necessary directions and orders as the case may be;

E) Pass such other further orders as this Hon'ble Tribunal may deem, fit and proper in peculiar facts and circumstances of this case.”

3. It is the grievance of the applicants that the condition incorporated in the advertisement issued by the Maharashtra Public Service Commission (for short the Commission) more particularly the advertisement No. 53/22 debarring the candidates crossing the upper age limit provided in the said advertisement as on 1.10.2022 is

illegal, unjust and against the constitutional provisions under Articles 14 & 16. It is the contention of the applicants that ordinarily the eligibility insofar as the criteria of age is concerned, is always on the date of making an application and not as on any prospective date. It is the contention of the applicants that the applications are to be filled in on or before 15.7.2022 and even if the applicants submit their application on the last date provided for submitting such application they would still be within the upper age limit prescribed in the advertisement. However, since the age bar is provided considering the age of candidates as on 1.10.2022 both the applicants will be crossing upper age limit and thus are deprived from offering their candidature for the post so advertised vide the said advertisement.

4. Learned counsel for the applicants further contended that because of the COVID-19 situation in last two years the recruitment was not made and the applicants therefore could not appear for any such examination and could not secure any government job. Learned counsel inviting our attention to the Government Resolution dated 17.12.2021 pointed out that the candidate who will take benefit of the said G.R. will be perhaps of more age than the applicants and in spite of that they will be permitted to appear for the examination and to compete for the advertised post. According to the learned counsel, clause/term incorporated

in the advertisement is thus violating the principles under Article 16 of the Constitution of India. Learned counsel, therefore, has prayed for interim relief thereby directing M.P.S.C. to provisionally permit the applicants to fill the application forms subject to outcome of the present application.

5. The learned Chief Presenting Officer has resisted the submissions made on behalf of the applicants. Learned C.P.O. has relied upon two judgments : first in the case of **Sandhya Manohar Waghchoure Vs. State of Maharashtra (W.P. No. 1117/2022)** decided by the Hon'ble Division Bench of the Bombay High Court on 4.2.2022 and other in the case of **Rajwardhan Keshav Patil Vs. State of Maharashtra and others (O.A. No. 217/2022)** decided by the Principal Seat of this Tribunal at Mumbai, on 15.3.2022. According to the learned C.P.O. the similar contentions as are raised in the present O.A. were raised in the aforesaid matters by the respective petitioners therein and have been rejected by the judgments delivered in the said matters.

6. We have carefully considered the submissions advanced by the learned counsel appearing for the applicants and the learned Chief Presenting Officer appearing for the respondent authorities.

7. The very first prayer made in the O.A. is in regard to the quashment of the G.R. dated 17.12.2021 issued by the General Administration Department of the Government of Maharashtra. In W.P. No. 1117/2022 (cited supra) similar challenge was raised and the Hon'ble Division Bench has turned down the said challenge observing that the fixation of the date for operation of a particular G.R. is a matter of Government policy and the writ court will not substitute its own view for that of the Government in the matter of policy. The observations made by the Hon'ble High Court in paragraph Nos. 17 & 18 in the said judgment are material in the context which read thus,

“17. It is not shown to us how any part of the G.R. is so manifestly arbitrary that it cannot possibly allowed to stand. A certain view may be preferable. Even if Mr. Pai's submission may be better than the one that the State Government has chosen, it is not the remit of the constitutional Court to let the best become the enemy of the good. A writ court will not substitute its own view for that of the government in a matter of policy. Unless a particular government action is found to be ultra vires the Constitution or a statute on settled tests, a writ court will not interfere merely because it is preferable to do so.

18. Indeed looking to the circular we find that the Government has been careful to exclude from all age-bar disqualification for almost the entire period of the lockdown starting from 1st March 2020 and going on to the date of GR in mid-December 2022. Indeed, the GR goes further. For it says that those who have crossed the prescribed age limit during that period can avail

benefits of this GR all the way until 31st December, 2022, i.e. in further and future advertisement that may be issued even after the date of the GR.”

8. In view of the decision as aforesaid rendered by the Hon'ble High Court the very principle request made in the present O.A. deserves to be rejected and it is accordingly rejected.

9. As mentioned hereinabove it is the grievance of the applicants that the applicants who may be entitled for the benefit of the G.R. dated 17.12.2021 are in fact elder in age than the applicants and in the circumstances the directions are sought against the MPSC to permit the applicants to offer their candidature to fill their application forms. Similar issue was involved in the case of Rajwardhan Keshav Patil (cited supra). The Principal Seat of this Tribunal at Mumbai has turned down the request so made relying on the judgment in the case of Sandhya Manohar Waghchoure (cited supra). We may not take any contrary view than taken by the coordinate Bench.

10. In the above circumstances, we are unable to accept the prayer of the applicants to grant an interim relief in their favour thereby directing the MPSC to provisionally permit the applicants to fill the application forms for the subject post. As has been submitted by the applicants last date for filling application forms is 15.7.2022. It is evident

:: - 7- :: O.A. NO. 632/2022

that on rejection of the interim relief in the present matter nothing would survive to be considered and the matter will practicably become infructuous.

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

ORDER

The Original Application is rejected without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 14.7.2022-HDD