

M.A. No. 122/2021 in O.A. St. No. 503/2021
(Ranjana Babasaheb Solat Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2021

O R D E R

1. By this Misc. Application, the applicant is seeking condonation of delay of about 10 years, 11 months and 3 days caused in filing the accompanying Original Application St. No. 503/2021 challenging the impugned order dated 24.06.2009 passed by the respondent No. 2 rejecting the application of the applicant for appointment on compassionate ground.

2. The applicant's husband viz. Babasaheb Dagdu Solat was working as a Peon on permanent post in the office of the respondent No. 3 i.e. the Tahsildar, Paithan, Dist. Aurangabad. He died in harness on 06.07.2007 by committing suicide. The applicant made application on 18.08.2007 in the office of respondent No. 3 along with necessary documents required for compassionate appointment. The respondent No. 3 i.e. the Tahsildar, Paitha, Dist. Aurangabad forwarded her application to the respondent No. 2 i.e. the District Collector, Aurangabad. However, nothing was informed to the applicant about her said application for years. Hence,

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applicant made representations from time to time on 16.01.2012, 29.12.2015 and 20.11.2017 requesting for considering her appointment on compassionate ground. Once again she submitted all the required documents to the respondent No. 2. However, nothing was communicated again to the applicant. In the year 2020, when she visited the office of respondent No. 2, one officer informed her orally that her application was rejected. She therefore, made application under RTI seeking requisite information. The respondent No. 3 vide reply dated 13.01.2021 (Annexure A-6) thereby informed that application of the applicant for appointment on compassionate ground was rejected way back on 24.06.2009.

3. Immediately thereafter, the applicant has filed the present O.A. In fact, there was no delay on the part of the applicant, but the intimation was received by the applicant about her application belatedly. In view of the same, there is technical delay, which is not intentional or voluntary. In view of the same, she seeks condonation of delay.

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4. The affidavit in reply on behalf of the respondent No. 2 is filed by one Shri Shankar Narayanrao Lad, Tahsildar, Collector Office, Aurangabad, thereby he was denied the adverse contentions raised by the applicant in the present Misc. Application. No sufficient cause has been shown for condonation of inordinate delay in filing the accompanying O.A. However, it is admitted that the rejection order of the applicant's claim for appointment on compassionate ground, which was passed way back in the year 2009 was not communicated to the applicant inadvertently. It is also submitted that in the year 2017 the applicant was called upon to produce the requisite documents in respect of subsequent representations and the documents were submitted by the applicant and the name of the applicant is entered at Sr. No. 30 in the waiting list of the candidates to be appointed on compassionate ground.

5. I have heard the arguments advanced by Dr. Swapnil Tawshikar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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6. After having considered the affidavit in reply, it is evident that the impugned rejection order dated 24.06.2009 was never served upon the applicant and in fact, the applicant procured it by making application under RTI. The applicant received it from the respondent No. 3 on 13.01.2021 (Annexure-A of M.A.). Moreover, it appears that in response to the representations made by the applicant in the year 2012, 2015 and 2017, the name of the applicant was taken on the waiting list of the candidates to be appointed on compassionate ground at Sr. No. 30 in the year 2017. In view of the same, prima-facie, it appears that the applicant has a good case on merit and the same is viable. In the circumstances, the delay caused in filing the accompanying Original Applicant is required to be condoned. By condoning the delay what can happen is that the matter will be decided on merits. In the circumstances, this is a fit case to condone the delay. Hence, I proceed to pass the following order :-

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O.A. St. No. 503/2021

ORDER

1. The Misc. Application No. 122/2021 is allowed.
2. The delay of 10 years, 11 months and 3 days caused in filing the accompanying Original Application is hereby condoned, as the applicant is seeking relief of appointment on compassionate ground.
3. Accordingly, the M.A. stands disposed of. The Registry is directed to register and number the accompanying O.A. in accordance with law by taking into account other office objection/s, if any.
4. No order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1027 OF 2019
(Arjun D. Sonwane Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1, 2, 4 & 5. Shri A.D. Pawar, learned Advocate for respondent No. 3, **absent**.

2. At the request of learned Presenting Officer, one more last chance is granted for filing affidavit in reply on behalf of respondent Nos. 2 & 5.

3. As per the Circular No. MAT/MUM/ESTT/732/ 2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The present matter is pertaining to time bound promotion/benefit of G.R.

4. In view of the same, the present matter be placed before the Division Bench for further hearing.

5. S.O. to 10.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 102 OF 2021
(Sangram U. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

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

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

3. As per the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The present matter is pertaining to time bound promotion/benefit of G.R.

4. In view of the same, the present matter be placed before the Division Bench for further hearing.

5. S.O. to 10.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1070 OF 2019
(Suryabhan B. Nagre Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

Shri V.G. Salgare/P.B. Salunke, learned Advocate for the applicant (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 & 2. Shri U.S. Mote, learned Advocate for respondent No. 3, **absent**.

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

3. S.O. to 27.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1049 OF 2019
(Pralhad L. Bhalerao Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

Shri A.D. Kawre, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3 & 6 and Shri S.D. Dhongde, learned Advocate for respondent Nos. 4 & 5.

2. Record shows that separate affidavit in reply is filed on behalf of respondent No. 2 and jointly on behalf of respondent Nos. 2 & 3 to 6.

3. Affidavit in rejoinder is also filed on behalf of the applicant.

4. As none present for the applicant, S.O. to 27.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1093 OF 2019
(Bhanudas B. Putwad Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

Shri R.B. Ade, learned Advocate for the applicant (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Record shows that affidavit in reply is filed only on behalf of respondent No. 1.
3. At the request of learned Chief Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent No. 2.
4. S.O. to 28.01.2022.

MEMBER (J)

**Review St. No. 1217/2019 in O.A. No. 63/2015
(The Superintending Engineer and Administrator Command
Area Development Authority Vs. Saylu P. Nawod & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

Heard Shri S.B. Mene, learned Advocate for the applicant in Review Application/ respondent No. 4 in O.A. and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 2 to 6 in the present Review Application / respondent Nos. 1 to 3 & 5 & 6 in O.A. Shri S.D. Joshi, learned Advocate for respondent No. 1 / applicant in O.A., **absent**.

2. Learned Presenting Officer submits that the respondent Nos. 1 to 3 and 5 & 6 adopt their affidavit in reply filed in the Original Application.

3. S.O. to 27.01.2022 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 17 OF 2021
(Parashram S. Khetre Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate holding for Smt. Vidya Taksal, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 27.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 49 OF 2021
(Vandana P. Sarode Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

Shri D.K. Dagadkhair, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 3. Same is taken on record.

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

4. S.O. to 28.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 178 OF 2021
(Nandkishor C. Ramdin Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, time is granted for filing affidavit in reply.
3. S.O. to 24.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 201 OF 2021
(Vasant G. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

Shri S.S. Jadhavar, learned Advocate for the applicant (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Record shows that affidavit in reply is already filed on behalf of respondent Nos. 1 and 2.
3. S.O. to 25.01.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

**ORIGINAL APPLICATION NO. 226 OF 2021
(Khilesh K. Chaudhari Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

Heard Shri T.R. Daware, learned Advocate holding for Shri P.S. Gaikwad, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, 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. S.O. to 28.01.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

**ORIGINAL APPLICATION NO. 355 OF 2021
(Laxman H. Talekar Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, 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. 1 to 3. Same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent No. 4.

4. S.O. to 27.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 357 OF 2021
(Mirza Jamil Baig Mirza Hayat Baig Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2021

ORAL ORDER :

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

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 3. Same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent No. 4.

4. S.O. to 27.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 384 OF 2021
(Shripatrao B. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

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

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 4. Same is taken on record and copy thereof has been served on the other side.
3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 3.
4. S.O. to 24.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 597 OF 2021
(Pradnya D. Medhe & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2021

ORAL ORDER :

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

2. Record shows that the affidavit in reply is filed on behalf of respondent No. 2.

3. Learned Advocate for the applicants submits that the applicants have relied upon the judgment and order dated 27.09.2019 passed in O.A. No. 293/2017 (Annexure A-9). However, inadvertently it is not produced on record along with the O.A. Therefore, he seeks permission to present it now.

4. Permission is granted to the applicants to produce it on record and make part of the paper book O.A. Copy of it be supplied to the learned Presenting Officer.

5. S.O. to 24.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 599 OF 2021
(Bhima D. Chavan & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2021

ORAL ORDER :

Heard Shri Y.H. Jadhav, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, time is granted for filing affidavit in reply.
3. S.O. to 25.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 626 OF 2021
(Rajendra B. Telap Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, time is granted for filing affidavit in reply.
3. S.O. to 25.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 723 OF 2021
(Amol V. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

Heard Shri G.P. Darandale, learned Advocate holding for Shri A.N. Kakade, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that today he is submitting the postal acknowledgments of respondent Nos. 1 to 3.

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

4. S.O. to 25.01.2022.

MEMBER (J)

**M.A. No. 611/2019 in O.A. St. No. 2374/2019
(Rambhau A. Nikam Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, one more last chance is granted for filing affidavit in reply in M.A.

3. As per the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The present matter is pertaining to benefits of ACPS.

4. In view of the same, the present matter be placed before the Division Bench for further hearing.

5. S.O. to 10.01.2022.

MEMBER (J)

**M.A. No. 223/2020 in O.A. St. No. 870/2020
(Vitthal S. Bade Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

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

2. Record shows that learned Advocate for the learned Advocate sought leave of this Tribunal for certain correction in the present M.A. and leave was granted. However, the amendment is not carried out by the applicant.

3. Learned Advocate for the applicant seeks some more time for carrying out the amendment in the M.A.

4. Time is granted to the applicant for carrying out the necessary amendment in the M.A. and to supply the amended copy of the M.A. to the learned Presenting Officer.

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

6. S.O. to 27.01.2022.

MEMBER (J)

M.A. No. 80/2021 in O.A. St. No. 157/2021
(Digambar D. Vedpathak Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2021

ORAL ORDER :

Shri P.D. Dadpe, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Await service of notices on the respondents.
3. S.O. to 28.01.2022 for taking necessary steps.

MEMBER (J)

KPB ORAL ORDERS 14.12.2021

**M.A. No. 193/2021 in O.A. St. No. 346/2021
(Suryakant S. Bhalerao Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

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

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

3. S.O. to 25.01.2022.

MEMBER (J)

KPB ORAL ORDERS 14.12.2021

**M.A. No. 250/2021 in O.A. St. No. 999/2021
(Prmod P. Narkhede Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

Heard Shri P.D. Bodade, learned Advocate holding for Shri J.B. Choudhary, 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 for the respondents, time is granted for filing affidavit in reply in M.A.

3. S.O. to 27.01.2022.

MEMBER (J)

**M.A. No. 371/2021 in O.A. No. 415/2021
(Rajendra S. Jagdale Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. As per the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The present matter is pertaining to time bound promotion/benefit of G.R.

3. In view of the same, the present matter be placed before the Division Bench for further hearing.

4. S.O. to 10.01.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 729 OF 2021
(Ramdas L. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

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

2. On 18.11.2021, learned Advocate for the applicant seeks liberty to amend the Original Application raising the pleadings that there is recurring cause of action. At that point of time, liberty remained to be granted.

3. Now, liberty to amend the O.A. is granted. The applicant shall carry out the necessary amendment forthwith and amended copy of the O.A. be supplied to the learned Chief Presenting Officer.

4. S.O. to 27.01.2022.

MEMBER (J)

**M.A. No. 323/2021 in O.A. No. 381/2021
(Swapnil S. Shimpi Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

Heard Shri T.R. Daware, learned Advocate holding for Shri P.S. Gaikwad, 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 28.01.2022.

MEMBER (J)

**M.A. No. 351/2021 in O.A. St. No. 1391/2021
(Dr. Surekha S. Totala Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, issue fresh notices to the respondents in M.A., returnable on 27.01.2022.

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

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(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. S.O. to 27.01.2022.

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

MEMBER (J)

**M.A. No. 184/2021 in O.A. No. 88/2020
(Sanjay Sakharam Kute Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

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

2. The present Misc. Application is filed by the applicant seeking restoration of O.A. No. 88/2020 by setting aside the order of dismissal dated 17.12.2020 by condoning the delay of 166 days.

3. Notices in the O.A. No. 88/2020 were issued on 17.02.2020, making it returnable on 08.04.2020. Those notices were duly served on the respondent Nos. 1, 2 & 3 by hand on 12.03.2020, 24.02.2020 and 24.02.2020 respectively. It is the contention of the applicant that on returnable date i.e. on 08.04.2020 the national lockdown of Covid-19 pandemic was declared. In view of the same, the applicant was busy in urgent duty during the said period and therefore, he could not file service affidavit within time. In the circumstances, subsequently the O.A. No. 88/2020 came to be dismissed by the learned Registrar by order dated 17.12.2020 in view of prevailing circular of

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O.A. 88/2020

not submitting proof of service before 3 days of returnable date.

4. Learned Advocate for the applicant submits that the cause of action for filing of the present M.A. arose during the Covid-19 pandemic situation. The Hon'ble Apex Court in the matter of cognizance for extension of limitation was pleased to exempt the period of limitation, when the cause of action arose during the Covid-19 pandemic situation. Learned Advocate for the applicant has placed on record a copy of order dated 23.09.2021 thereby and subsequent copy of the order where the time was extended.

5. Affidavit in reply opposing the Misc. Application is filed on behalf of respondent No. 1 to 3 by one Shri Sanjay Murlidhar Vyas, Home Deputy Superintendent of Police, Jalna, Dist. Jalna, stating that no sufficient cause has been shown for condonation of inordinate delay and the applicant was negligent in not following the office circular.

6. After having considered the facts on record, it is evident that the cause of action for restoration of the Original Application arose during the Covid-19

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O.A. 88/2020

pandemic situation. In view of the same, the limitation period is required to be exempted. Consequently, this is a fit case to condone the delay and to restore the O.A. by setting aside the order of dismissal dated 17.12.2020. Hence, I proceed to pass following order :-

ORDER

1. The Misc. Application is allowed.
2. The order of dismissal of O.A. No. 88/2020 dated 17.12.2020 is hereby set aside by condoning the delay of 166 days.
3. The Original Application No. 88/2020 is restored to file under it's original number.
4. There shall be no order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION NO. 88 OF 2020
(Sanjay S. Kute Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2021

ORAL ORDER :

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

2. S.O. to 25.01.2022.

MEMBER (J)

DATE : 14.12.2021

ORIGINAL APPLICATION NO. 732 OF 2021

(Dashrath D. Jadhav Vs. The State of Maharashtra & Ors.)

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

1. Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 12.01.2022. The case be listed for admission hearing on **12.01.2022**.
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

DATE : 14.12.2021

M.A. No. 399/2021 in O.A. St. No. 1725/2021
(Sunanda B. Maske & Anr. Vs. The State of Maharashtra & Ors.)

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

1. Shri H.P. Jadhav, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A., returnable on 11.01.2022. The case be listed for admission hearing on **11.01.2022**.
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.85 OF 2020
(Satwa N. Sangle Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2021

ORAL ORDER :

Heard Shri Satish P. Dhobale, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The present matter is closed for order.

MEMBER (J)

ORAL ORDERS 14.12.2021-SAS

ORIGINAL APPLICATION NO.89 OF 2020
(Madhukar G. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate holding for Shri V.G. Pingle, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Record shows that the pleadings upto affidavit-in-rejoinder are complete.

3. The matter is pertaining to seeking benefit of higher pay scale. It is admitted and fixed for final hearing on 28.01.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.437 OF 2020
(Arjun D. Kharat Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2021

ORAL ORDER :

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

2. Record shows that the affidavit-in-reply is filed only on behalf of respondent No.5.
3. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of respondent Nos.1 to 4.
4. S.O. to 28.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.479 OF 2020
(Nitin R. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2021

ORAL ORDER :

Heard Shri S.P. Dhobale, learned Advocate holding for Shri Vinod P. Patil, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Record shows that the affidavit-in-reply is filed only on behalf of respondent No.4.
3. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of other respondents.
4. S.O. to 28.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-SAS

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

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

DATE : 14.12.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, 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 affidavit-in-rejoinder, if any.

3. S.O. to 27.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-SAS

ORIGINAL APPLICATION NO.555 OF 2018
(Nirmala S. Bhandari Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2021

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. The present matter is pertaining to Assured Career Progression Scheme.

3. Hence, as per the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the present matter be placed before the Division Bench for further hearing.

4. S.O. to 10.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.656 OF 2018
(Dr. Sunil D. Dhumal Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2021

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, S.O. to 24.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-SAS

ORIGINAL APPLICATION NO.561 OF 2019
(Ramesh P. Barhe Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2021

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent Nos.1 & 2 and Shri Subhash S. Chillarge, learned Advocate for the respondent No.3.

2. The present matter is pertaining to time bound promotion/A.C.P.S.

3. Hence, as per the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the present matter be placed before the Division Bench for further hearing.

4. S.O. to 20.01.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.878 OF 2019
(Yuvraj G. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2021

ORAL ORDER :

Heard Shri Avinsh S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos.1 & 2 and Shri Sunil B. Jadhav, learned Advocate for the respondent No.3.

2. Learned Advocate for the applicant submits that the applicant has retired on superannuation w.e.f. 31.01.2021 as the date of birth of the applicant is 22.01.1963 as reflected in para no.6(iii) of the O.A.

3. In view of same, nothing remains to be decided in the matter. Hence, the Original Application is disposed of being infructuous. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO.1062 OF 2019
(Bhau M. Khade Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2021

ORAL ORDER :

Heard Smt. Priya R. Bharaswadkar, learned Advocate holding for Shri R.N. Bharaswadkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 17.12.2021.

MEMBER (J)

ORAL ORDERS 14.12.2021-SAS

M.A.NO. 157/2020 IN O.A.NO. 850/2019
(Shrikant K. Madilwar Vs. State of Maha. & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri D.G. Kamble, learned Advocate for the applicant
(**absent**). Mrs. Deepali S. Deshpande, learned Presenting
Officer for the respondents, present.

2. Since nobody present for the applicant, S.O. to
21.1.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**M.A.NO. 107/2020 IN O.A.NO. 616/2019
(Waman N. Bondar Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri D.T. Devane, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. When the present application is taken up for hearing, learned Advocate for the applicant informed that the applicant has expired during pendency of this application. He submits that he is awaiting instructions from the legal heirs of the present applicant, whether to prosecute the present application further or otherwise? Time granted.

3. S.O. to 14.2.2022

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**M.A. 31/20 WITH M.A. 15/20 IN T.A. 10/18
(W.P. 1439/2018)
(Nirmal T. Rakh & Ors. Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri R.D. Khadap, 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. Learned Chief Presenting Officer sought time for filing affidavit in reply to the interim relief application. Granted.
3. S.O. to 18.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**M.A. 499/19 WITH M.A.500/19 IN O.A. 667/19
(Sanjay Rajaram Patil Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri S.G. Kulkarni, learned Advocate holding for Shri Sudhir Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply to the M.A. No. 499/2019. Granted.

3. S.O. to 17.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

M.A. 295/2019 IN O.A. ST. 993/2019
(Miss Vaishali S. Sanap Vs. State of Maha. & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Chief Presenting Officer sought time for filing affidavit in reply to the M.A. No. 295/2019. Granted.
3. S.O. to 14.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**ORIGINAL APPLICATION NO. 702 OF 2021
(Vivekanand P. Dhongade Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

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

2. Learned Chief Presenting Officer sought time for filing affidavit in reply. Granted.
3. S.O. to 27.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**ORIGINAL APPLICATION NO. 419 OF 2021
(Deepak P. Dungahu Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri Amol B. Chalak, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply of respondent Nos. 1 to 4. Granted.
3. S.O. to 21.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**ORIGINAL APPLICATION NO. 653 OF 2021
(Soni Ashok Mulange Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri Bhargav B. Kulkarni, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. Learned Advocate for the applicant prayed for reissuance of notices to the respondents. Hence, reissue notices to the respondents, returnable on 24.1.2022.

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 24.1.2022.

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

MEMBER (J)

**ORIGINAL APPLICATION NO. 405 OF 2021
(Dinesh N. Karande Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : 14.12.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant prayed for reissuance of notices to the respondents. Hence, reissue notices to the respondents, returnable on 24.1.2022.

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 24.1.2022.

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

MEMBER (J)

**ORIGINAL APPLICATION NO. 418 OF 2021
(Dr. Shubhangi S. Gite Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri M.R. Kulkarni, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Granted.
3. S.O. to 25.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**ORIGINAL APPLICATION NO. 266 OF 2021
(Smt. Laxmi N. Dhotre Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

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

2. Learned Presenting Officer sought time for filing affidavit in reply. Granted.
3. S.O. to 25.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**ORIGINAL APPLICATION NO. 208 OF 2021
(Dnyaneshwar B. Biradar & Ors. Vs. State of
Maharashtra & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri S.B. Solanke, learned Advocate for the applicant
(**absent**). Mrs. Deepali S. Deshpande, learned Presenting
Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing
affidavit in reply stating that the draft is already forwarded
to the respondents for approval. Granted.
3. S.O. to 24.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**ORIGINAL APPLICATION NO. 145 OF 2021
(Jagdish N. Saindane Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : **14.12.2021**

ORAL ORDER :

Smt. Archana Bhange, learned Advocate holding for Shri A.S. Bayas, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Granted.
3. S.O. to 24.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**ORIGINAL APPLICATION NO. 78 OF 2021
(Shubhangi Y. Pawale Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent No. 1, are present. None appears for respondent No. 2.

2. S.O. to 21.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**ORIGINAL APPLICATION NO. 1035 OF 2019
(Dr. Sonali B. Sayamber Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

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

2. Learned Chief Presenting Officer sought time for filing affidavit in reply. Granted by way of last chance.
3. S.O. to 20.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**O.A.NOS. 179, 180, 279 & 280 ALL OF 2019
(Dr. Suryakant D. Sonkhedkar & Ors. Vs. State of
Maharashtra & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicants in all these cases and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in all these cases, are present.

2. Learned Advocate for the applicants sought time for filing rejoinder affidavit. Granted.
3. S.O. to 19.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**C.P.NO. 10/2021 IN O.A.NO. 763/2019
(Gangadhar A. Kakade Vs. State of Maharashtra & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

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

2. It is brought to my notice that the respondent Nos. 1 & 2 have taken a decision on the proposal dated 27.6.2019 forwarded by the Assistant Superintending Engineer, Nashik, as was directed by this Tribunal by the order passed on 16.12.2020. In view of the fact that the order passed by this Tribunal has been complied with, the present contempt petition deserves to be disposed of. It is accordingly disposed of.

3. It is needless to state that if the applicant is aggrieved by the decision taken by the respondent Nos. 1 & 2, it would be open for him to challenge the same.

There shall be no order as to costs.

MEMBER (J)

**O.A.NOS. 649, 650 & 865 ALL OF 2019
(Mahendra D. Koli & Ors. Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri J.B. Choudhary, learned Advocate for the applicants in all these cases and Shri S.K. Shirse, learned Presenting Officer for the respondents in all these cases, are present.

2. Learned Advocate for the applicants sought time for filing rejoinder affidavit. Granted.
3. S.O. to 18.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**C.P.NO. 23/2020 IN O.A.NO. 769/2018
(Pralhad C. Shelke Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri Kiran G. Salunke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar sur-rejonder and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant.
3. List the present matter for hearing on 17.1.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**M.A.NO. 194/2021 IN O.A.NO. 497/2021
(Ravendra N. Turukmane Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri Hemant Surve, learned Advocate for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondents, present.

2. Since nobody appeared for the applicant, S.O. to 18.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**M.A.NO. 118/2021 IN O.A.ST.NO. 395/2021
(Mira Bhausaheb Avhad Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri P.G. Tambade, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply to the M.A. No. 118/2021. Granted.

3. S.O. to 17.01.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**M.A.NO. 105/2021 IN O.A.NO. 545/2019
(Rahul Girdhar Deore Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : 14.12.2021

ORAL ORDER :

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

2. The applicant has filed the present M.A. seeking amendment on the ground that during the pendency of the O.A. No. 545/2019 though he has been promoted, the issue survives as about the date of the said promotion. In the circumstances, the applicant intends to seek relief of deemed date of promotion and to amend the O.A. to that effect

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

4. By the amendment nature of the O.A. is not likely to change. Subsequent event is sought to be brought on record and additional relief is sought based on the said subsequent development. I am, therefore, inclined to allow the M.A. Hence, the following order: -

**:: - 2- :: M.A.NO. 105/2021 IN
O.A.NO. 545/2019**

ORDER

- (i) The M.A. No. 105/2021 is allowed and disposed of.
- (ii) The necessary amendment be carried out within a week.
- (iii) There shall be no order as to costs.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**M.A.NO. 158/2020 IN O.A.NO. 545/2019
(Rahul Girdhar Deore Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that the applicant does not wish to press this M.A. and, therefore, he prayed to dispose of the same.

3. In view of the above, this M.A. is disposed of since not pressed by the applicant. There shall be no order as to costs.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

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

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant prayed for reissuance of notices to the respondents in M.A. No. 67/2021. Hence, reissue notices to the respondents in M.A. No. 67/2021, returnable on 25.1.2022.

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)

:: - 2 - ::

**M.A.NO. 67/2021 IN
O.A.ST.NO. 268/2021**

Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. S.O. to 25.1.2022.

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

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

M.A.NO. 62/2021 IN O.A.NO. 461/2020
(The Chief Engineer Water Resources Department,
Aurangabad & Ors. Vs. Shaikh Rahim Ameeroddin &
Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri Sham Patil , learned Advocate for the applicants
in M.A. No. 62/2021, Shri M.S. Mahajan, learned Chief
Presenting Officer for the respondent Nos. 2 & 3 in M.A./
respondent Nos. 1 & 5 in O.A. and Shri Pratik Pangal,
learned Advocate holding for Shri R.P. Bhumkar, learned
Advocate for respondent No. 1 / applicant in O.A.

2. S.O. to 19.1.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**M.A.NO. 351/2020 IN O.A.NO. 470/2018
(Mahadabai G. Dhulekar Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri V.P. Kadam, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply to the M.A. No. 351/2020. Granted.
3. S.O. to 17.1.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**ORIGINAL APPLICATION NO. 249 OF 2019
(Ashok R. Khandagale Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri Sandeep R. Sapkal, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. Learned Advocate for the applicant sought time. Time granted.
3. S.O. to 21.1.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**ORIGINAL APPLICATION NO. 204 OF 2021
(Ganesh G. Jaybhaye & Ors. Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. At the request of learned Advocate for the applicant, S.O. to 17.12.2021.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**M.A.NO. 17/2020 IN O.A.NO. 1072/2019
(Ajit Sudas Solanke & Ors. Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicants in M.A. No. 17/2020, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 2, Shri Sushil Patil, learned Advocate holding for Shri D.R. Irale Patil, learned Advocate for respondent No. 1 in M.A. / applicant in O.A. and Shri S.D. Dhongde, learned Advocate for respondent No. 3 in M.A., are present.

2. Affidavit in reply filed on behalf of respondent Nos. 1 & 2 in O.A. No. 1072/2019 is taken on record. The copy of the same has been served on the other side.

3. S.O. to 20.1.2022.

MEMBER (J)

**O.A.NOS. 212 TO 214 ALL OF 2019
(Sunder S. Waghmare & Ors. Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri Sushil Patil, learned Advocate holding for Shri D.R. Irale Patil, learned Advocate for the applicants in all these cases, Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. At the request of learned Advocate for the applicants, S.O. to 20.1.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**ORIGINAL APPLICATION NO. 355 OF 2019
(Nagesh N. Unche & Ors. Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri Sushil Patil, learned Advocate holding for Shri D.R. Irale Patil, learned Advocate for the applicants, Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for respondent Nos. 3 to 5, are present.

2. At the request of learned Advocate for the applicants, S.O. to 20.1.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**ORIGINAL APPLICATION NO. 439 OF 2019
(Prakash M. Ishware Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri Sushil Patil, learned Advocate holding for Shri D.R. Irale Patil, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 & 3, Shri S.B. Mene, learned Advocate for respondent No. 2 and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for respondent Nos. 4 to 7, are present.

2. At the request of learned Advocate for the applicant, S.O. to 20.1.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**ORIGINAL APPLICATION NO. 304 OF 2014
(Popat K. Bachkar & Ors. Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri B.R. Borkar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Since Division Bench is not available, S.O. to 17.1.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

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

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Amit S. Savale, learned Advocate for respondent No. 4, are present.

2. Since Division Bench is not available, S.O. to 4.1.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**ORIGINAL APPLICATION NO. 57 OF 2018
(Uttam T. Dabhade & Ors. Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

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

2. Since Division Bench is not available, S.O. to 5.1.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

**ORIGINAL APPLICATION NO. 562/2020
(Amol N. Bari Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : **14.12.2021**

ORAL ORDER :

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

2. The Division Bench is not available today. With the consent of both the sides, S.O. to 22.12.2021 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 634/2021
(Shankar S. Waghmare Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : **14.12.2021**

ORAL ORDER :

Heard I.D. Maniyar, learned Advocate holding for Shri V.S. Panpatte, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 20.1.2022.

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 20.1.2022.

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

MEMBER (J)

M.A. 67/2020 IN O.A. ST. 90/2020
(Bismillabee J. Shaikh Vs. State of Maha. & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : **14.12.2021**

ORAL ORDER :

Shri G.S. Shembole, learned Advocate holding for Shri Girish N. Kulkarni, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. At the request of learned Advocate for the applicant, S.O. to 18.1.2022.

MEMBER (J)

ARJ ORAL ORDERS 14.12.2021

**ORIGINAL APPLICATION NO. 793/2021
(Amit R. Gaikwad Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : **14.12.2021**

ORAL ORDER :

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

2. The learned C.P.O. submits that he will seek instructions from the respondents in the present matter. He, therefore, seeks time. Time granted.

3. S.O. to 20.12.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 794/2021
(Yuvraj S. Pawar Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : **14.12.2021**

ORAL ORDER :

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

2. The learned C.P.O. submits that he will seek instructions from the respondents in the present matter. He, therefore, seeks time. Time granted.

3. S.O. to 20.12.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 421/2018
(Manoj S. Thakur Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : **14.12.2021**

ORAL ORDER :

Shri M.L. Pithane, learned Advocate holding for Shri A.S. Golegaonkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. On instructions, the learned Advocate seeks permission to withdraw the present O.A. stating that the purpose of filing the same has been fulfilled. Hence, the following order :-

ORDER

The Original Application No. 421/2018 stands disposed of as withdrawn. There shall be no order as to costs.

MEMBER (J)

**C.P. 19/2019 IN O.A. 226/2016
(Shivram N. Dhapate Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 14.12.2021

ORAL ORDER :

Shri P.M. Shinde, learned Advocate for the applicant
(**absent**). Smt. Sanjivani Deshmukh Ghate, learned
Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned
Counsel, S.O. to 21.1.2022.

MEMBER (J)

ARJ ORAL ORDERS 14.12.2021

**ORIGINAL APPLICATION NO. 53/2018
(Sopan E. Patil Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : **14.12.2021**

ORAL ORDER :

Shri H.V. Tungar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, list the matter for final disposal at the stage of admission itself on 17.1.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 959/2019
(Rahul D. Sathe Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : **14.12.2021**

ORAL ORDER :

Shri R.D. Khadap, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. The D.B. is not available today.
3. At the request of learned Counsel for the applicant, S.O. to 17.12.2021, for hearing at the stage of admission itself.

MEMBER (J)

**ORIGINAL APPLICATION NO. 183/2021
(Satyajee M. Ambhore Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : **14.12.2021**

ORAL ORDER :

Shri Vishal P. Bakal, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. List the matter for final disposal at the stage of admission itself on 24.1.2022.

MEMBER (J)

**M.A. 389/2021 IN O.A. 684/2021
(Dr. Rekha G. Gaikwad Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : **14.12.2021**

ORAL ORDER :

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

2. When the present matter is taken up for consideration the learned Counsel for the applicant submits that the O.A. has been filed by the applicant claiming seniority and promotion considering her compulsory waiting period as duty period and qualification. It is further contended that notices are not yet issued to the respondents in the O.A.

3. By the present M.A. the applicant intends to bring on record the subsequent facts / event and certain documents. He further submits that the applicant lost sight while filing the O.A. to bring on record the said facts / event and certain documents, which goes to the root of the case. Hence, it is necessary to amend the O.A.

4. In view of the fact that notices are not yet issued in O.A. and amendment is in consonance with the prayers made in the O.A. and as it does not change the nature of

::-2-:: **M.A. 389/2021 IN O.A. 684/2021**

O.A., I am inclined to grant the M.A. Hence, the following order :-

ORDER

- (i) M.A. No. 389/2021 stands allowed with no order as to costs.
- (ii) The applicant shall amend the O.A. within a week.

MEMBER (J)

O.A. 684/2021

(Dr. Rekha G. Gaikwad Vs. State of Maha. & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)

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

DATE : 14.12.2021

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 24.1.2022.

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 24.1.2022.

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

MEMBER (J)

M.A. 383/2021 IN O.A. ST. 873/2021

(Parmeshwar D. Bellale & Ors. Vs. State of Maha. & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)

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

DATE : 14.12.2021

ORAL ORDER :

Heard Shri M.L. Paithane, learned Counsel holding for Shri A.S. Golegaonkar, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Perused the present M.A. & the O.A. On going through the same, it is revealed that the present applicants are having one and the same grievance.

3. In the circumstances, I am inclined to allow the M.A. and the same is allowed and the applicants are allowed to sue the respondents jointly in the O.A.

4. The Registry to register the O.A. according to law.

MEMBER (J)

O.A. ST. 873/2021

(Parmeshwar D. Bellale & Ors. Vs. State of Maha. & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)

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

DATE : 14.12.2021

ORAL ORDER :

Heard Shri M.L. Paithane, learned Counsel holding for Shri A.S. Golegaonkar, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 21.1.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
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. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 21.1.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

M.A. 384/2021 IN O.A. ST. 874/2021
(Vilas S. Rokade & Ors. Vs. State of Maha. & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : **14.12.2021**

ORAL ORDER :

Heard Shri M.L. Paithane, learned Counsel holding for Shri A.S. Golegaonkar, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Perused the present M.A. & the O.A. On going through the same, it is revealed that the present applicants are having one and the same grievance.

3. In the circumstances, I am inclined to allow the M.A. and the same is allowed and the applicants are allowed to sue the respondents jointly in the O.A.

4. The Registry to register the O.A. according to law.

MEMBER (J)

O.A. ST. 874/2021

(Vilas S. Rokade & Ors. Vs. State of Maha. & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)

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

DATE : 14.12.2021

ORAL ORDER :

Heard Shri M.L. Paithane, learned Counsel holding for Shri A.S. Golegaonkar, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 21.1.2022.

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

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

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. Applicants are directed to file affidavit of compliance and notice.

7. S.O. to 21.1.2022.

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

MEMBER (J)

M.A. 247/2021 IN O.A. ST. 881/2021
(Ashwini S. Jadhav & Ors. Vs. State of Maha. & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 14.12.2021

ORAL ORDER :

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

2. Learned Counsel for the applicants submits that inadvertently in the present M.A. the designation of the respondent no. 3 has wrongly been mentioned as 'Commissioner of Police, Nanded'. In fact, there is no such post at Nanded and it should be 'Special Inspector General of Police, Nanded'. Therefore, he has sought permission to carry out amendment to that effect in the M.A. Permission as sought for is granted. The necessary amendment be carried out in the M.A. forthwith.

3. After the amendment is carried out, issue notice to the respondent no. 3 in the corrected name, returnable on 18.1.2021.

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

::-2-::

M.A. 247/2021 IN O.A. ST. 881/2021

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

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

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

8. S.O. to 18.1.2022.

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

MEMBER (J)

**M.A. 396/2021 WITH M.A. 397/2021 IN O.A. ST. 139/2021
(Sunil R. Barse Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : **14.12.2021**

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. It is brought to my notice that affidavit in reply is not filed by the respondents in the O.A., though the notices are served on them prior to 10 months. Hence, the respondents shall file affidavit in reply to the O.A. and the present M.As., by the next date.

3. Issue notices to the respondents in M.A. Nos. 396/2021 and 397/2021, returnable on 25.1.2021.

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

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

**::-2-:: M.A. 396/21 WITH M.A. 397/21
IN O.A. ST. 139/2021**

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

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

8. S.O. to 25.1.2022.

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

MEMBER (J)

M.A. 601/2019 IN O.A. ST. 2211/2019
(Maharashtra Rajya Rekhachitra Shaksha Karmachari
Sanghatana through its President Zaki Ahmed Jafri Vs.
State of Maha. & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : **14.12.2021**

ORAL ORDER :

Shri R.K. Khadap, learned Counsel holding for Shri
A.S. Khedkar, learned Counsel for the applicant and Shri
N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant,
S.O. to 21.1.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 795/2021
(Keshav B. Shirole Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This case is placed before the Single Bench
due to non-availability of Division Bench)

DATE : **14.12.2021**

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 27.1.2022.

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. The learned Counsel for the applicant submitted that the D.E. has been initiated against the applicant and the final show cause notice has also been issued on 1.12.2021, the learned Counsel submitted that the punishment of removal from service is proposed against the applicant. The applicant has, therefore, sought Stay by way of Interim Relief to the impugned show cause notice issued by the respondent no. 2 and to restrain the respondent no. 2 from taking any adverse action against the applicant.

8. The learned Counsel pointed out that the Hon'ble High Court in Criminal Application No. 3693/2018 filed by the applicant has passed an Interim order and thereby granted Stay to the execution and operation of clause No. 6 of the operative part of the order passed by the learned J.M.F.C., Shevgaon, Dist. Ahmednagar in R.C.C. No. 71/2016 dated 17.10.2018. Clause 6 reads as under :-

“६. अभियोग पक्षास आदेशीत करण्यात येते की, त्यांनी नियमानुसार वरील साक्षीदार क्रं. २ श्री. केशव बाळु शिरोळे व साक्षीदार क्रं. ५ श्री. रामनाथ मारुती ढाणके यांच्या विरुद्ध फौजदारी खटला दाखल करावा.”

9. Learned Counsel submitted that despite the Stay granted by the Hon'ble High Court, on the basis of the judgment delivered by the learned J.M.F.C., Shevgaon in R.C.C. No. 71/2016 the respondents initiated D.E. and are now in a hurry to award the punishment of removal from service to the applicant. The learned Counsel submitted that, in view of the order passed by the Hon'ble High Court, the respondents are estopped from initiating any action based on the order passed by the learned J.M.F.C., Shevgaonin in R.C.C. No. 74/2016. The learned Counsel, therefore, prayed for Interim Relief thereby restraining the respondents from taking any adverse action against the applicant.

10. The learned P.O. has opposed the request of Interim Relief. He pointed out that the Hon'ble High Court has not restricted the respondents from initiating any departmental action. He further submitted that the Hon'ble High Court has granted the Stay to the execution and operation of only clause no. 06 of the order passed in R.C.C. No. 74/2016. The learned P.O. submitted that, no Interim Relief is liable to be granted in the present matter. He, therefore, prayed for rejecting the prayer for of the applicant for grant of Interim Relief.

11. After having considered the submissions advanced by the learned Counsel for the applicant and the learned P.O.

and on perusal of the documents on record, more particularly the order passed by the Hon'ble High Court in Criminal Application No. 3693/2018 dated 11.2.2019, apparently there appears no case for granting any I.R. in favour of the applicant. In the writ petition filed by the applicant he had made 02 prayers and thereby has sought directions from the Hon'ble High Court restraining the respondents from implementing Clause 5 and 6 of the directions given by the learned J.M.F.C., Shevgaon in R.C.C. No. 74/2016. Vide clause 5 of the said order the learned J.M.F.C., Shevgaon had directed the District Collector, Ahmednagar to initiate departmental action against the applicant, whereas vide order clause no. 6 has directed to launch the criminal case against the applicant.

12. It is significant to note that the Hon'ble High Court has stayed the action as proposed in clause no. 6, referred hereinabove and has thus impliedly rejected the request to Stay the effect and operation of order clause No. 5 of the said order. Since there is no order restraining the respondents from taking any departmental action, no fault can be found in the acts of the respondents, whereby the departmental proceedings are initiated against the applicant.

13. Though it was argued by the learned Counsel for the applicant that, since the action initiated by the respondents

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O.A. NO. 795/2021

is based on the directions given by the learned J.M.F.C., Shevgaon in its order passed in R.C.C. No. 74/2016 and when the same has been stayed by the Hon'ble High Court, even the departmental action was not liable to be commenced by the respondents, I am not convinced with his said submission. Perusal of order passed by the learned J.M.F.C., Shevgaon it becomes clear that he has directed 2 types of actions against the applicant; one, to take departmental action and the other to file criminal case against the applicant. As I noted hereinabove, the Hon'ble High Court has granted Stay only to the implementation of order clause no. 6 of the judgment of learned J.M.F.C., Shevgaon and has refused to grant Stay to the implementation of order clause no. 5 thereof. In the circumstances, there appears no case for granting any interim Relief in favour of the applicant. The prayer for Interim Relief is, therefore, rejected.

14. S.O. to 27.1.2022.

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

MEMBER (J)

**ORIGINAL APPLICATION NO. 531 OF 2019
(Nagnath V. Hatkar & Anr. Vs. State of Maha. & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

Shri Shamsundar B. Patil, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. Since Division Bench is not available, S.O. to 4.1.2022.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD

Date :14.12.2021

**M.A.NO.91 OF 2021 IN O.A.ST.NO.327 OF 2021
(Bhaginath C. Malakar V/s The State of Maharashtra & Ors.)**

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

1. Shri G.R. Jadhav, ld. Advocate for the applicant and Smt. M.S. Patni, ld. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A.No.91 of 2021, returnable on 13.01.2022. The case be listed for admission hearing on 13.01.2022.
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

Date :14.12.2021

**ORIGINAL APPLICATION NO.731 OF 2021
(Sunil Laxman Mali V/s The State of Maharashtra & Ors.)**

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

1. Shri K.B. Jadhav, ld. Advocate for the applicant and Shri S.K. Shirse, ld. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 12.01.2022. The case be listed for admission hearing on 12.01.2022.
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

M.A.NO. 8/2020 IN O.A.ST.NO. 1396/2019
(Dr. Sudam K. Desai Vs. State of Maha. & Ors.)
WITH
M.A.NO. 9/2020 IN O.A.ST.NO. 1397/2019
(Dr. Suhas J. Parsewar Vs. State of Maha. & Ors.)
WITH
M.A.NO. 10/2020 IN O.A.ST.NO. 1398/2019
(Dr. Dattatray M. Kamble Vs. State of Maha. & Ors.)
WITH
M.A.NO. 11/2020 IN O.A.ST.NO. 1399/2019
(Dr. Ratnakar L. Kalegaonkar Vs. State of Maha. & Ors.)
WITH
M.A.NO. 12/2020 IN O.A.ST.NO. 1400/2019
(Dr. Krishna V. Yerawar Vs. State of Maha. & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench.)

DATE : 14.12.2021

ORAL ORDER :

All these applications are taken up for consideration with consent of both the parties for final disposal.

Heard Shri J.S. Deshmukh, learned Advocate for the applicants in all these cases and S/Shri M.S. Mahajan, V.R. Bhumkar and Smt. M.S. Patni learned Chief Presenting Officer and learned Presenting Officers for the respective respondents in respective cases.

2. M.A.No. 8/2020 In O.A.ST.NO. 1396/2019, M.A.No. 10/2020 In O.A.ST.No. 1398/2019 and M.A.No. 11/2020 In O.A.ST. No. 1399/2019 are not on today's board. At the

request of learned Advocate for the applicants they are taken on board.

3. Learned Advocate for the applicants submits that these OAs have been filed seeking the benefit of the GRs dated 30.5.2015, 3.9.2015 and 29.8.2018, whereby the age of superannuation of the District Health Officers, Civil Surgeons and Superior Officers working in the Public Health Department was increased from 58 years to 60 years. He submits that the applicants in the present applications were superannuated at the age of 58 years and hence, on the strength of the aforesaid GRs the applicants had claimed the monetary benefits in terms of the aforesaid GRs for the purpose of pensionary benefits. He further submitted that in the meanwhile in view of the judgment and order passed by the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad in W.P. No. 5402/2018, the age of retirement was again brought to 58 years. He submitted that in view of subsequent decision, the present applications have become infructuous. He, therefore, prayed for disposing of the present OAs on stamp number and MAs filed in all the aforesaid matters.

4. Learned Chief Presenting Officer and learned Presenting Officers have submitted for passing appropriate order.

**:: - 3 - :: M.A.NO. 8/2020 IN O.A.ST.NO.
1396/2019 AND GROUP**

5. I have perused the GRs referred in the applications. I have also perused the judgment and order delivered by the Hon'ble High Court Bench at Aurangabad in W.P. No. 5402/2018. After having gone through the aforesaid documents, I am convinced that the present applications have become infructuous. In the result, the following order is passed :-

ORDER

All the OAs on stamp numbers and the MAs referred in the title stand disposed of being infructuous without any order as to costs.

MEMBER (J)

ORAL ORDERS 14.12.2021-HDD