

**ORIGINAL APPLICATION NO.923/2022  
(Subhash Shinde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 14-03-2023**

**ORAL ORDER :**

Shri D.R.Jayabhar, learned Counsel for the applicant is **absent**. Smt. M.S.Patni, learned Presenting Officer for the respondent authorities is present.

2. Today, when the present matter is called out no one has caused appearance for the applicant. The record shows that the matter has not been properly attended by the learned Counsel appearing for the applicant. On the previous date the order was dictated in the open court thereby dismissing the O.A. for want of prosecution. However, since the learned Counsel appeared before the order was transcribed, the order of dismissal was not made final. On that date, the learned Counsel was made aware that from the contents of the application it is apparent that without availing the alternate efficacious remedy, the applicant has directly

approached this Tribunal and applicant was called upon to clarify the said aspect.

3. Today also as noted above no one has caused appearance. After having gone through the contents of the application and documents filed on record, it is explicit that alternate efficacious remedy was available to the applicant and without availing the same, the applicant has approached this Tribunal. In the circumstances, having regard to the provisions under section 19 and 20 of the Administrative Tribunals Act, the present O.A. cannot be entertained. Hence, the O.A. stands rejected. No costs.

**VICE CHAIRMAN**

**M.A.ST.395/2023 IN O.A.ST.NO.396/2023  
(Ankush Bodade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 14-03-2023**

**ORAL ORDER :**

Heard Smt. Suchita Dhongde, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. Office has raised objection about territorial jurisdiction of this Tribunal. Learned Counsel referring to certain documents pointed out that Thane Division was also under the control of Superintending Engineer, Jalgaon.

3. Keeping the point of objection open, issue notices to the respondents in M.A., returnable on 06-06-2023.

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

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

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M.A.ST.395/2023 IN O.A.ST.NO.396/2023

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

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

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

8. S.O. to 06.06.2023.

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

**VICE CHAIRMAN**

YUK ORAL ORDER 14.03.2023

**ORIGINAL APPLICATION NO.04/2023**  
**(Sunil Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 14-03-2023**

**ORAL ORDER :**

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned Counsel for the applicant, issue fresh notices to the respondents, returnable on 21.04.2023.

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

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

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

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

7. S.O. to 21.04.2023.

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

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.139/2023  
(Atmaram Pradhan Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 14-03-2023**

**ORAL ORDER :**

Shri Kakasaheb B. Jadhav, learned Counsel holding for Shri Yogesh Bolkar, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned P.O. appearing for the respondents, last chance is granted for filing affidavit in reply.
3. S.O. to 24-03-2023.

**VICE CHAIRMAN**

**M.A.NO.413/2022 IN O.A.NO.686/2022**  
**(Shaikh Musa Shaikh Mohioddin Vs. State of Maharashtra**  
**& Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 14-03-2023**

**ORAL ORDER :**

Heard Shri H.M.Shaikh, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Applicant is seeking to add some portion which remained to be incorporated in the O.A. so as to explain the efforts made by the applicant of sending reminders to the respondents for considering his request. Since the amendment is in consonance with the prayer made, amendment is allowed. Amendment be carried out within a week. M.A.No.413/2022 is disposed of. No costs.

**VICE CHAIRMAN**

YUK ORAL ORDER 14.03.2023

**ORIGINAL APPLICATION NO.686/2022  
(Shaikh Musa Shaikh Mohioddin Vs. State of Maharashtra  
& Ors.)**

**CORAM :** Hon'ble Shri Justice P.R. Bora,  
Vice Chairman

**DATE :** 14-03-2023

**ORAL ORDER :**

Heard Shri H.M.Shaikh, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 05.06.2023.

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

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

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

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

7. S.O. to 05.06.2023.

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

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO.1150/2022**  
**(Shubham Thavare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 14-03-2023**

**ORAL ORDER :**

Shri V.V.Ingle, learned Counsel for the applicant is **absent**. Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities is present.

2. On previous date i.e. on 12-01-2023 the following order was passed:

*“V.V. Ingale, learned counsel for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.*

*2. None appears for the applicant. In the interest of justice, S.O. to 16.2.2023. It is made clear that if the matter is not worked out on the given date the same shall stand dismissed for want of prosecution.”*

3. Today also no one has caused appearance for the applicant. It appears that the applicant has lost interest in prosecuting the matter further. Hence, the following order:

ORDER

O.A. is dismissed for want of prosecution.

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.195/2023  
(Sharmila Shinde Vs. State of Maharashtra & Ors.)**

**CORAM :** Hon'ble Shri Justice P.R. Bora,  
Vice Chairman

**DATE :** 14-03-2023

**ORAL ORDER :**

Shri S.S.Kulkarni, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities, are present.

2. Issue notices to the respondents, returnable on 18.04.2023.

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

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

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

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

7. S.O. to 18.04.2023.

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

**VICE CHAIRMAN**

**ORIGINAL APPLICATION ST. NO.243/2023  
(Annasaheb Pagare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 14-03-2023**

**ORAL ORDER :**

Heard Shri M.M.Kadtu, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities.

2. Office has raised objection as about limitation. Learned Counsel tried to justify how the application is filed within the period of limitation. However, it is apparent that actions which ought to have been initiated within the stipulated period have not been initiated.

3. In the circumstances, learned Counsel submits that he will file proper application for condonation of delay.

4. Matter be removed from the board.

**VICE CHAIRMAN**

**C.P.NO. 19 OF 2022 IN O.A.NO. 647 OF 2021**  
(Vinod V. Gundamwar Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Shri P.S. Anerao, learned Advocate for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. It is revealed that neither the applicant nor counsel for the applicant has attended the present matter since last two occasions. It appears that the applicant has lost interest in prosecuting the matter further. Today also no one has caused appearance for the applicant. In the circumstances, the following order is passed.

**ORDER**

The Contempt Petition stands dismissed in default.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 24 OF 2023 IN O.A.NO. 766 OF 2022**  
(Keshav M. Jambutkar Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant placed on record written pursis of the applicant stating that he does not want to prosecute the O.A. and wants to withdraw the said Original Application. It is taken on record.

3. In view of the same, we have no reason to refuse permission to withdraw the present O.A. when the withdrawal is sought unconditionally.

4. In view of the same, the present O.A. as well as M.A. stand disposed of as withdrawn. No order as to costs.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 62/2023 IN O.A.ST.NO. 3088/2022**  
(Bharat P. Tiruke & Ors. Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Shri K.G. Salunke, learned Advocate holding for Shri Ranjeet Kumthekar, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the application seeks liberty to withdraw the present proceedings with liberty to file fresh O.A. in accordance with law.

3. Liberty as prayed for is granted.

4. In view of the same, the present Original Application along with Misc. Application stand disposed of as withdrawn with liberty to file proceedings afresh in accordance with law. No order as to costs.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 109/ 2023 IN O.A.ST.NO. 217 /2023**  
(Pranita G. Sonawane Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

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

2. The Misc. Application is closed for order.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 14.03.2023.

**ORIGINAL APPLICATION NO. 142 OF 2023**  
(Deelipkumar B. Khedkar Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 19.04.2023.

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

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

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

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

7. S.O. to 19.04.2023.

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

**MEMBER (A)**

**MEMBER (J)**



**M.A.NO. 97 OF 2021 IN O.A.ST.NO. 329 OF 2021**  
**(Baban R. Zagade Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023**

**ORAL ORDER :**

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

2. The present Misc. Application is closed for order.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 14.03.2023.

**M.A.NO. 111 OF 2021 IN O.A.ST.NO.439 OF 2021**  
**(Shivaji T. Kote & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Shri Saket Joshi, learned Advocate holding for Ms. Preeti R. Wankhade, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities. Shri J.M. Murkute, learned Advocate for the respondent Nos. 35, 50, 58 & 59, is **absent.**

2. S.O. to 18.04.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 14.03.2023.

**M.A.NO. 96 OF 2022 IN O.A.ST.NO. 96 OF 2022**  
**(Panjabrao D. Bhosale & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Shri V.B. Sarse, learned Advocate holding for Shri V.S. Kadam, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. At the request of the learned Advocate for the applicants, S.O. to 04.05.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 14.03.2023.

**M.A.NO. 367 /2022 IN O.A.ST.NO. 1301/2022**  
**(Digambar B. Dahe & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023**

**ORAL ORDER :**

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

2. The present Misc. Application is reserved for order.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 14.03.2023.

**M.A.NO. 393 OF 2022 IN O.A.NO. 1044 OF 2019**  
(**Tukaram S. Katare Vs. State of Maharashtra & Ors.**)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Shri D.A. Bide, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Record shows that pleadings are already completed. This Misc. Application No. 393/2022 is taken out for seeking some directions. When the pleadings in O.A. are completed, we are of the opinion that it would be just and proper to decide the said Original Application on merit.

3. Hearing of this Original Application is expedited.

4. In view of the same, the Misc. Application stands disposed of with no order as to costs.

5. The Original Application to come up on board 25.04.2023. **High on board.**

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 58 OF 2023 IN O.A.NO. 963 OF 2022**  
(Sanjaykumar P. Deshpande Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Record shows that the applicant No.5 i.e. Syed Matin Syed Hamid Nalgire is working at Wardha which place is not within the jurisdiction of this Tribunal.

3. Learned Advocate for the applicant submits that she will process the matter for seeking requisite permission for continuation of applicant No.5 in this Original Application itself under provision of Section 25 of Administrative Tribunals Act.

4. S.O. 27.04.2023.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 104 OF 2023 IN O.A.NO. 716 OF 2022**  
(Dr. Milind V. Patil Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Shri Saket Joshi, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities. Shri A.D. Sugdare, learned Advocate for the applicant in O.A.No. 716/2022, is **absent**.

2. This application is made seeking to intervene in Original Application No. 716/2022 filed by the respondent No.1/applicant in O.A. and seeking direction against the respondent No.1 to add him as party respondent No.4 in the said Original Application.

3. The respondent No.1 filed Original Application No. 716/2022 seeking his posting as Associate Professor (Surgery), Government Medical College, Nandurbar on the basis of 63 marks obtained by him in the interview held on the same date of 05.07.2022, which was conducted for

//2// M.A.104/2023 in  
O.A.716/2022

Sindhudurg District. For Nandurbar district however the marks in interview held on 05.07.2022 are shown as 61.

4. The applicant/intervener who was also interviewed for the said post for Sindhudurg as well as Nandurbar, his marks are shown as 61 and 62 respectively. In view of the same, if relief in favour of respondent No.1/applicant in O.A. is granted, the intervener is likely to be effected. In view of the same, in our considered opinion, this is a fit case to allow the applicant in M.A./intervener to intervene in O.A. and to direct the respondent No.1 in M.A./applicant in O.A. to add the intervener as party respondent No.4 in O.A.

5. Perusal of the cause title of Original Application No. 716/2022 would show that respondent No.3 is shown as Selection Committee constituted by the Secretary, Maharashtra Public Service Commission. Nothing is shown by the applicant in O.A. that it is legal entity. In view of the same, the name of the respondent No.3 is liable to be deleted. Today, however, learned Advocate for the applicant is absent. Hence, this point is kept open.



//3// M.A.104/2023 in  
O.A.716/2022

In the result, we proceed to pass the following order:-

**ORDER**

- i) The Misc. Application No. 104/2023 is allowed.
- ii) The respondent No.1 in M.A./applicant in O.A. is directed to join intervener as party respondent No.4 in O.A. within the period of one week from the date of this order.
- iii) Issue notice to the respondent No.4, returnable on 20.04.2023.
- iv) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- v) 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.
- vi) 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.

//4// M.A.104/2023 in  
O.A.716/2022

vii) 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.

viii) Record further shows that in spite of grant of opportunities, affidavit in reply is not filed on behalf of the respondent Nos. 1 to 3. Last chance is granted for them for filing affidavit in reply or else they have to file original record for perusal so that the matter kept adjudicated upon effectively.

ix) S.O. to 20.04.2023.

x) Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 37 OF 2017**  
(Balasaheb N. Raut & Ors. Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Shri S.S. Dambe, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. S.O. to 27.03.2023 for re-hearing. **High on board.**

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 14.03.2023.

**ORIGINAL APPLICATION NO. 248 OF 2019**  
(Vikram B. Mate & Ors. Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the applicants, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri S.D. Dhongde, learned Advocate for the respondent Nos. 3 & 4.

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

3. S.O. to 31.03.2023. **High on board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 420 OF 2020**  
(Anish S. Patel Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

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

2. The present matter has already been treated as part heard.
3. S.O. to 20.03.2023. **High on board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 252 OF 2022**  
(Dr. Sudhir V. Bhise Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. The present matter has already been treated as part heard.
3. S.O. to 21.03.2023. **High on board.**

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 14.03.2023.

**ORIGINAL APPLICATION NO. 147 OF 2018**  
(Dashrath G. Shinde Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Shri N.G. Talekar/ P.B. Bharat, learned Advocate for the applicant (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. S.O. to 06.04.2023. **High on board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 148 OF 2018**  
(Uttam E. Mudiraj Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Shri N.G. Talekar/ P.B. Bharat, learned Advocate for the applicant (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. S.O. to 06.04.2023. **High on board.**

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 69-A OF 2023**  
(Afroj Jabbar Shekh & Ors. Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

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

2. At the request of the learned C.P.O., last chance is granted for filing affidavit in reply on behalf of the respondents.

3. S.O. to 20.03.2023. **High on board.**

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 14.03.2023.

**C.P.NO. 03 OF 2023 IN O.A.NO. 658 OF 2018**  
(Raosaheb S. Bangar Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Shri R.R. Bangar, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri S.D. Dhongde, learned Advocate for the respondent Nos. 2 & 3.

2. At the request made on behalf of the respondents, time is granted for filing affidavit in reply on behalf of the respondents in C.P.

3. S.O. to 19.04.2023.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 14.03.2023.

**C.P.NO. 25 OF 2022 IN O.A.NO. 600 OF 2022**  
(Dr. Rahimoddin Rasulsab Shaikh Vs. State of Maharashtra &  
Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Shri J.B. Choudhary, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities. Shri P.R. Tandale, learned Advocate for the respondent No.4, is **absent**.

2. Record shows that in spite of grant of opportunities, affidavit in reply is not filed on behalf of the respondent Nos. 1 to 3 in C.P. Hence, the Contempt Petition will proceed further without affidavit in reply of the respondent Nos. 1 to 3.

3. In view of the same, fix the C.P. for hearing on 24.04.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1036 OF 2019**  
(Dr. Naresh S. Shinde Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities. Shri Rakesh Jain, learned for the respondent No.4, is **absent**.

2. At the request of the learned P.O., one more last chance is granted for filing affidavit in reply on behalf of the respondent No. 1 to 3.

3. S.O. to 24.04.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 472 OF 2022**  
(Pandhari G. Devershe Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Shri Sanjay Kolhare, learned Advocate for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. Affidavit in reply filed on behalf of the respondent No.1 is taken on record along with extra copy for the applicant.

3. At the request of the learned P.O., time is granted for filing affidavit in reply on behalf of the respondent No. 2.

4. S.O. to 25.04.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 582 OF 2022**  
(Dr. Shrikant B. Balwande Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

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

Shri B.B. Bhise, learned Advocate for the respondent No.4, is **absent**. None present on behalf of the respondent No.5, though duly served.

2. Record shows that affidavit in reply is only filed on behalf of the respondent Nos. 1 to 3.

3. In spite of grant of opportunities, affidavit in reply is not filed on behalf of respondent Nos. 4 & 5.

4. At the request of the learned Advocate for the applicant, time is granted for filing affidavit in rejoinder to the affidavit in reply filed on behalf of the respondent Nos. 1 to 3.

5. S.O. to 02.05.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 981 OF 2022**  
(Dr. Imran Haroon Mohammad Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Shri Zahed Ali Syed, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. At the request of the learned P.O., last chance is granted for filing affidavit in reply on behalf of the respondents.

3. S.O. to 24.04.2023.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 14.03.2023.

**ORIGINAL APPLICATION NO. 21 OF 2023**  
(Mohan K. Kulkarni Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Shri Kishor G. Gaikwad, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Await service upon the respondents.

3. At the request of the learned Advocate for the applicant, S.O. to 25.04.2023 for taking necessary steps.

**MEMBER (A)**

**MEMBER (J)**



**C.P.NO. 22 OF 2021 IN O.A.NO. 947 OF 2018**  
(Bhagwat T. Chaudhari Vs. State of Maharashtra & Ors.)

**With**

**C.P.NO. 23 OF 2021 IN O.A.NO. 432 OF 2018**  
(Ajabrao R. Patil Vs. State of Maharashtra & Ors.)

**with**

**C.P.NO. 24 OF 2021 IN O.A.NO. 169 OF 2018**  
(Shankar D. Chaudhari Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Shri A.D. Sugdare, learned Advocate for the applicants in all these matters and Shri V.R. Bhumkar, learned Presenting Officers for the respondent authorities in all these matters.

Smt. Sunita D. Shelke, learned Advocate for the respondent No.3 in C.P.No.22/2021 and C.P.No. 23/2021 and Shri Yogesh M. Patil, learned Advocate for the respondent No.3 in C.P.No. 24/2021, are **Absent.**

2. In spite of grant of last chance, affidavit in reply is not filed. Record shows that the order dated 04.11.2019 passed in O.A. No. 947/2018, the breach of which is alleged is confirmed by the Hon'ble High Court while dismissing the Writ Petition Nos. 1042/2021, 1068/2021 and 1071/2021.

//2// C.P.22/2021 In  
O.A.947/2018 & Ors.

3. Learned Advocate for the applicants submitted that the standing counsel of the respondents appearing in the Hon'ble Apex Court has communicated to the respondents stating that it is not fit case for filing S.L.P. Learned Advocate for the applicant submits that he will place the copy of the said communication on record.

4. In view of the same, fix all the Contempt Petitions for hearing on S.O. to 21.04.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 819 OF 2022**  
(Dr. Dharmaraj A. Dudde & Ors. Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Affidavit in reply filed on behalf of the respondent Nos. 1,2 & 4 is taken on record and copy thereof has been served on the other side.

3. S.O. to 21.04.2023 for filing affidavit in rejoinder if any. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 736 OF 2022**  
(Dr. Pradeep A. Shendge Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

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

2. Affidavit in reply filed on behalf of the respondent Nos. 1,2 & 4 is taken on record and copy thereof has been served on the other side.

3. S.O. to 21.04.2023 for filing affidavit in rejoinder, if any. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 828 OF 2022**  
(Shailendra G. Sasane Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Smt. Vijaya Adkine, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 26.04.2023. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**MEMBER (J)**

**O.A.NO. 892/2018 WITH O.A.NO. 901/2018**  
(Dhananjay D. Chandodkar & Ors. Vs. State of Maharashtra &  
Ors.)

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

**DATE : 14.03.2023**

**ORAL ORDER :**

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicants in both the O.As. and Shri M.S. Mahajan, learned Chief Presenting Officers for the respondents in both the O.As.

2. At the request of the learned Advocate for the applicants, one more last chance is granted for filing affidavit in rejoinder in both the O.As.

3. S.O. to 10.04.2023. Interim relief granted earlier in O.A.No. 892/2018 to continue till then.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 629 OF 2016**  
**(Shankar S. Waghmare Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

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

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

3. Learned Presenting Officer placed on record a copy of minutes of DPC dated 17.03.2016 received by the office of CPO in compliance of the direction given by this Tribunal in farad sheet order dated 30.08.2016. Perusal of the said DPC minutes would show that the name of the applicant does not appear in the select list. Copy of the said D.P.C. minutes is taken on record.

4. During the course of arguments, learned Advocate for the applicant invited our attention to letter dated 29.04.2016 (Annexure A-1) addressed by the office of Commissioner of Education, Maharashtra State, Pune to the Education Officer, Zilla Parishad, Nanded wherein

//2//

O.A. No. 629/2016

there is reference of Sr. No. 1 of Government letter dated 24.04.2016, in which it is mentioned that the applicant's name is there in the select list. In view of the same, in order to have proper adjudication of the matter, the production of said letter dated 24.04.2016 is necessary.

5. In view of the same, learned Presenting Officer is directed to produce on record the copy of the said letter dated 24.04.2016 by next date of hearing.

6. S.O. to 28.03.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 810 OF 2017**  
**(Shaligram M. Sonawane Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. The present matter is closed for orders.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 946 OF 2017  
(Namdeo L. More Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

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

2. The present Original Application is filed challenging the punishment order faced by the applicant. From the facts on record, it appears that role of Class Teacher and Superintendent in respect of alleged incident of missing of student/s from the Ashram School is one of the important factors.

3. In view of the same, learned Presenting Officer to place on record clear position as regards D.E. if being initiated against the Class-Teacher and superintendent and it's status/outcome.

4. Moreover, the applicant said to have filed revision against the punishment order before the respondent No. 1. Learned Presenting Officer to place on record status report as regards pendency of said revision by the next date of hearing.

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

6. S.O. to 29.03.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**O.A. No. 89/2016 with O.A. No. 150/2016**  
**(Shaikh Asraf Sk. Sardar & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate holding for Shri A.D. Gadekar, learned Advocate for the applicants in both the O.As., Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in both the O.As.

Shri S.B. Patil, learned Advocate for respondent Nos. 2 to 4 in O.A. No. 89/2016 and for respondent No. 2 in O.A. No. 150/2016, **absent**.

2. S.O. to 12.04.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1387 OF 2000  
(Prayagbai G. Ghule Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. The present Original Application is filed seeking relief of pay and allowances to the post of Peon w.e.f. 05.02.1998, though the appointment order issued to him and three others by the Public Works Department is dated 26.06.1997. The other three candidates mentioned therein were allowed to join. The applicant was not allowed to join.

3. In view of the same, learned P.O. is directed to place on record information as to when the vacancy of the post of Peon occurred by the next date of hearing.

4. The present matter is to be treated as part heard.

5. S.O. to 31.03.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 633 OF 2012**  
**(Sachin S. Unawane & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

Heard Shri H.A. Joshi, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. S.O. to 03.04.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 146 OF 2016**  
**(Rakesh A. Thakre Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

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

2. S.O. to 31.03.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 07 OF 2017**  
**(Shishirbaba K. Ghonmode Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

Heard Smt. Naina Patil, learned Advocate holding for Smt. Surekha Mahajan, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. S.O. to 3.04.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 45 OF 2017  
(Sunita R. Thite Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 06.04.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 78 OF 2017  
(Shivaji S. Dahale Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. S.O. to 05.04.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 82 OF 2017**  
(Shaikh Rabbani Shaikh Dadubhai Vs. State of Maharashtra & Ors.)

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. S.O. to 05.04.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 321 OF 2017  
(Manisha P. Jagtap Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

Shri P.A. Kulkarni, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. S.O. to 10.04.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 408 OF 2017  
(Shiram S. Kamble Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

Shri U.P. Urgunde / Shri S.S. Dambe, learned Advocate for the applicant (**Absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 10.04.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 743 OF 2017  
(Subhash A. Dhokane Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. S.O. to 05.04.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 776 OF 2017  
(Moni V. Varghese Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

Heard Shri M.R. Kulkarni, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. S.O. to 15.04.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**O.A. Nos. 829, 830 & 831 all of 2017**  
**(Dattatraya D. Jaybhay & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

Shri V.D. Godbharle, learned Advocate for the applicants in all these O.As. (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these O.As., is present.

2. S.O. to 06.04.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

KPB ORAL ORDERS 14.03.2023

**ORIGINAL APPLICATION NO. 291 OF 2018**  
**(Sahebrao G. Tawade Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

Shri Y.P. Deshmukh, learned Advocate for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 06.04.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 476 OF 2018**  
**(Aasha S. Khairnar Vs. State of Maharashtra & Ors.)**

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

**DATE : 14.03.2023.**

**ORAL ORDER :**

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

2. S.O. to 06.04.2023 for final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 689 OF 2022**  
**(Madhav Balaji Marde & Ors. Vs. State of Mah. & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 14.3.2023**

**ORAL ORDER :**

Heard Shri K.G. Salunke, learned counsel for the applicants, Shri S.K. Shirshe, learned Presenting Officer for the respondent authorities and Shri G.N. Patil, learned counsel for respondent Nos. 5 & 6.

2. All these 4 applicants were granted two advance increments prior to implementation of the recommendations of 6<sup>th</sup> Pay Commission. It is not in dispute that the recommendations of 6<sup>th</sup> Pay Commission were brought into effect from 1.1.2006 retrospectively, though the G.R. was issued on 27.2.2009. Two advance increments were granted in favour of all these applicants in the year 2008, however, in view of the Government Resolution dated 24.8.2017 the pay fixation was done according to the recommendations of 6<sup>th</sup> Pay Commission without taking into account the advance increments already granted in favour of the applicants. The said issue was pending for consideration before the Hon'ble High Court. It was the stand of the Government that when the employees concerned is getting higher

salary because of the implementation of the 6<sup>th</sup> Pay Commission, he cannot be given double benefit by considering the advance increment granted in favour of the applicant in the year 2008 i.e. subsequent to the date of implementation of the 6<sup>th</sup> Pay Commission. However, though issue was before the Hon'ble Division Bench of the Bombay High Court Bench at Aurangabad, Hon'ble Division Bench held that "the Government Resolution dated 24.8.2017 will have prospective effect and not retrospective and in that case the benefit accorded to petitioner for excellent work in the year 2006, 2007 and 2008 shall not be withdrawn and if any recovery is made pertaining to the same, the same shall be refunded to the petitioner."

3. In view of the decision rendered by the Division Bench, eventually the State Government issued GR dated 15.12.2022 thereby clarifying the decision and giving directions to all the Government Departments for considering the advance increments granted to the employees while doing their pay fixation according to the recommendations of 6<sup>th</sup> Pay Commission.

3. In view of the aforesaid Government decision, as well as, in view of the law laid down by the Hon'ble Bombay High Court the applicants are entitled for grant

**:: - 3 - ::**

**O.A. NO. 689/2022**

of 2 advance increments, which were already decided to be granted in their favour vide order dated 7.2.2009. Similar issue has been decided by this Tribunal also in T.A. No. 14/2022 with T.A. No. 15/2022 on 14.11.2022. In the circumstances, the Original Application deserves to be allowed and accordingly it is allowed in terms of prayer clause (B) and (C). There shall be no order as to costs.

**VICE CHAIRMAN**

ORAL ORDER 14.3.2023-HDD

**ORIGINAL APPLICATION NO. 669 OF 2022  
(Vivek T. Bade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 14.3.2023**

**ORAL ORDER :**

Shri A.S. Deshmukh, learned counsel for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri J.B. Choudhary, learned counsel for respondent No. 3, are present.

2. S.O. to 15.3.2023 for orders.

**VICE CHAIRMAN**

ORAL ORDER 14.3.2023-HDD

**ORIGINAL APPLICATION NO. 1143 OF 2022**  
**(Uttam Prabhu Tumbewad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 14.3.2023**

**ORAL ORDER :**

Heard Shri V.D. Godbharle, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. The applicant has filed the present Original Application seeking the following relief:-

*“A. Direct the respondents to pay the pensionary benefits to the applicant forthwith along with 8% p.a. interest within stipulated period and for that purpose issue necessary orders.”*

3. Along with affidavit in reply filed by the respondents they have annexed the order dated 9.2.2023 which demonstrate that the respondents have principally resolved to grant pension and the pensionary benefits to the present applicant. Learned counsel appearing for the applicant was fair in submitting that now the principal relief which has been claimed by the applicant is substantially complied with and prayed for orders to stipulate some time limit for bringing into account the decision so taken by the respondents. In the

**:: - 2 - ::**

**O.A. NO. 1143/2022**

circumstances, without going into the merits of other aspects raised in the O.A., I deem it appropriate to dispose of the present O.A. by giving direction to respondent No. 2. Hence, the following order:-

**ORDER**

Respondent No. 2, in consonance with the averments taken in their affidavit in reply dated 9.2.2023 shall complete the exercise of preparing pension papers pertaining to the applicant and forward it to the office of Accountant General for necessary further orders as expeditiously as possible and preferably within the period of 4 months from the date of this order. In the meanwhile there may not be any difficulty to start giving provisional pension to the applicant.

**VICE CHAIRMAN**

ORAL ORDER 14.3.2023-HDD

**M.A.NO. 199/2022 IN O.A.ST.NO. 837/2022  
(Arjun Bhimrao Koli Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 14.3.2023**

**ORAL ORDER :**

Heard Smt. Suchita Amit Dhongde, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Having regard to the contentions raised in the O.A., it would be appropriate to consider the request of the applicant for condonation of delay along with O.A.

3. Issue notice to the respondents in O.A., returnable on 6.6.2023.

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

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

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

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

8. S.O. to 6.6.2023.

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

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO. 386 OF 2021  
(Chandrashekhar R. Chopdar Vs. State of Maharashtra &  
Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 14.3.2023**

**ORAL ORDER :**

Shri Harish S. Bali, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. In the present matter Government Resolution dated 2.6.2003 is relevant. However, neither the applicant nor the respondents have filed the copy of the said resolution. Either of them may file it on or before the next date.

3. S.O. to 23.3.2023.

**VICE CHAIRMAN**

ORAL ORDER 14.3.2023-HDD

**M.A.NO. 345/2022 IN O.A.NO. 125/2019**  
**(Uttam Gopalrao Shinde (Died) Lrs. Lilawati W/o Uttam**  
**Shinde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 14.3.2023**

**ORAL ORDER :**

Shri D.K. Dagadkhair, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The present M.A. is filed with prayer that the names of legal heirs of the deceased Government servant be taken on record. The Government servant i.e. the applicant in the O.A. died during the pendency of the present O.A. His legal heirs are intending to prosecute the O.A. further. Having regard to the subject matter, the right to sue survives. In the circumstances application deserves to be allowed. It is accordingly allowed. Delay if any caused in filing M.A. is condoned. Abatement if any is set aside. The names of legal heirs be taken on record.

3. The necessary amendment be carried out within a week. The matter thereafter be placed for further consideration on 6.6.2023.

**VICE CHAIRMAN**

**M.A.NO. 346/2022 IN O.A.NO. 127/2019**  
**(Uttam Shakar Kshirsagar (Died) Lrs. Sumanbai Uttam**  
**Kshirsagar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 14.3.2023**

**ORAL ORDER :**

Shri D.K. Dagadkhair, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The present M.A. is filed with prayer that the names of legal heirs of the deceased Government servant be taken on record. The Government servant i.e. the applicant in the O.A. died during the pendency of the present O.A. His legal heirs are intending to prosecute the O.A. further. Having regard to the subject matter, the right to sue survives. In the circumstances application deserves to be allowed. It is accordingly allowed. Delay if any caused in filing M.A. is condoned. Abatement if any is set aside. The names of legal heirs be taken on record.

3. The necessary amendment be carried out within a week. The matter thereafter be placed for further consideration on 6.6.2023.

**VICE CHAIRMAN**

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

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 14.3.2023**

**ORAL ORDER :**

Shri A.S. Deshmukh, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities, Shri N.N. Desale, learned counsel for respondent No. 3, are present.

2. S.O. to 11.4.2023. Interim relief granted earlier to continue till then.

**VICE CHAIRMAN**

ORAL ORDER 14.3.2023-HDD

**ORIGINAL APPLICATION NO. 61 OF 2023**  
**(Madhav Deorao Shinde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 14.3.2023**

**ORAL ORDER :**

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

2. S.O. to 12.4.2023. Interim relief granted earlier to continue till then.

**VICE CHAIRMAN**

ORAL ORDER 14.3.2023-HDD

**M.A.NO. 289/2022 IN O.A.ST.NO. 1064/2022  
(Vijay Gopalrao Palaskar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 14.3.2023**

**ORAL ORDER :**

Shri A.B. Rajkar, learned counsel holding for Shri P.V. Ambade, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 6 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. S.O. to 26.4.2023 for hearing.

**VICE CHAIRMAN**

ORAL ORDER 14.3.2023-HDD

**ORIGINAL APPLICATION NO. 1079 OF 2022**  
**(Vaishali Nemgonda Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 14.3.2023**

**ORAL ORDER :**

Shri K.B. Jadhav, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Parag V. Barde, learned counsel for respondent No. 4, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 & 2 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. S.O. to 30.3.2023 for hearing.

**VICE CHAIRMAN**

ORAL ORDER 14.3.2023-HDD

**ORIGINAL APPLICATION NO. 853 OF 2022**  
**(Premsing Poma Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 14.3.2023**

**ORAL ORDER :**

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

2. Learned counsel for the applicant has tendered across the bar rejoinder affidavit and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 21.4.2023 for hearing.

**VICE CHAIRMAN**

ORAL ORDER 14.3.2023-HDD



**ORIGINAL APPLICATION NO. 852 OF 2022**  
**(Babusing Dipala Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 14.3.2023**

**ORAL ORDER :**

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

2. Learned counsel for the applicant has tendered across the bar rejoinder affidavit and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 21.4.2023 for hearing.

**VICE CHAIRMAN**

ORAL ORDER 14.3.2023-HDD

**ORIGINAL APPLICATION NO. 936 OF 2022**  
**(Ajay Mohan Bhonge Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 14.3.2023**

**ORAL ORDER :**

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

2. Learned Chief Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 & 2 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. At the request of learned counsel for the applicant, S.O. to 24.4.2023 for filing rejoinder affidavit, if any.

**VICE CHAIRMAN**

ORAL ORDER 14.3.2023-HDD

**ORIGINAL APPLICATION NO. 989 OF 2022**  
**(Leelavati Paulas Kamble Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 14.3.2023**

**ORAL ORDER :**

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

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 4 & 5 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. S.O. to 11.4.2023 for hearing.

**VICE CHAIRMAN**

ORAL ORDER 14.3.2023-HDD