

ORIGINAL APPLICATION NO. 504/2022
(Shri Kiran S. Pawar Vs. State of Maharashtra & Ors.)

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

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

DATE : **14.6.2022**

ORAL ORDER :

Shri Ajay S. Deshpande, the learned counsel appearing for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer appearing for the respondents.

2. The applicant is working as Jailor Grade-II. He was prosecuted for the offences punishable U/ss 307, 504, 506 of IPC and section 30 of Arms Act vide Sessions Case No. 95/2018. The learned Additional Sessions Judge-13 at Aurangabad acquitted the applicant of all the charges leveled in the said sessions case vide judgment delivered on 20.6.2018. After aforesaid judgment by the learned Sessions Court, respondents initiated departmental enquiry against the applicant. According to the applicant the departmental enquiry was initiated on the same incident and on the same charges, which were there in the Sessions case. The applicant participated in the said enquiry and the learned Enquiry Officer recorded the findings holding the applicant guilty of the

charges leveled against him. Show cause notice thereafter was issued to the applicant on the report so submitted by the Enquiry Officer. Accordingly the applicant submitted the exhaustive reply. On receiving the reply of the applicant an order has been passed by respondent no. 2 to initiate a fresh D.E. against the applicant. The applicant has in the circumstances approached this Tribunal challenging the said order passed by respondent no. 2. The applicant has challenged the D.E. held against him and findings recorded in the said D.E.

3. The learned counsel submitted that in fact the D.E. itself was unwarranted in view of the clear acquittal recorded in favour of the applicant. The learned counsel submitted that the Enquiry Officer has held the applicant guilty on the basis of evidence of Investigating Officer, who has investigated the crime. The learned counsel submitted that except I.O. no other witness was examined in the D.E. and the said witness had refused to face the further cross examination and left the departmental proceedings in the midst of enquiry. In spite of that the Enquiry Officer has held the applicant guilty. The learned counsel submitted that the enquiry so conducted is bad for the reasons elaborated in the O.A. The learned counsel further submitted that the respondents are insisting for fresh D.E. which is wholly impermissible in law. In the

circumstances, by way of interim relief the learned counsel prayed for restricting the respondents from conduction of the D.E. as per the order dated 19.5.2022.

4. The learned C.P.O. has sought time for filing affidavit in reply in the matter. It is the contention of the learned C.P.O. that unless instructions are received, he is unable to make any submission on facts on behalf of the respondents. The learned C.P.O. further submitted that it is within the powers of the disciplinary authority to direct further enquiry if in the opinion of the disciplinary authority some aspects are missed or not considered by the Enquiry Officer. According to him, in the circumstances no mistake can be found on the part of the disciplinary authority. He reiterated that detail reply is necessary in the matter.

5. After having considered the submissions advanced by the learned counsel for the applicant and the learned C.P.O. for the respondents and after going through the documents placed on record, it appears to me that prima-facie case is made by the applicant for grant of interim relief as has been prayed for by the applicant. I have gone through the report of the Enquiry Officer and the order dated 19.5.2022 impugned in the present matter. It prima-facie appears that the course adopted by the respondents

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may not be permissible. In the circumstances I am inclined to accept the request of the applicant for grant of interim relief in the matter. Hence the following order :-

ORDER

1. Issue notice to respondents, returnable on 19.7.2022, till then the respondents shall not implement the order dated 19.5.2022.
2. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
3. 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.
4. 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.
5. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the

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O.A. NO. 504/2022

Registry before due date. Applicant is directed to file affidavit of compliance and notice.

6. S.O. to 19.7.2022.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 14.6.2022

ORIGINAL APPLICATION NO. 33/2022
(Shri Vitthal N. Kokulwar Vs. State of Maharashtra & Ors.)

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

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

DATE : **14.6.2022**

ORAL ORDER :

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

2. Today when the present matter is taken up for consideration the learned counsel submitted that though a submission was made on behalf of the respondents that insofar as order of suspension is concerned some decision will be taken by the respondents in that regard since the order of suspension has been passed way back in the month of January, 2017. However, today no submission has been made for want of instructions.

3. In the circumstances, the matter shall come on board on 7.7.2022 on which date the learned P.O. shall positively make the submission in this regard or else the matter will be heard on merit.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 34/2022
(Shri Sachin D. Shrimanwar Vs. State of Maharashtra & Ors.)

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

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

DATE : **14.6.2022**

ORAL ORDER :

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

2. Today when the present matter is taken up for consideration the learned counsel submitted that though a submission was made on behalf of the respondents that insofar as order of suspension is concerned some decision will be taken by the respondents in that regard since the order of suspension has been passed way back in the month of January, 2017. However, today no submission has been made for want of instructions.

3. In the circumstances, the matter shall come on board on 7.7.2022 on which date the learned P.O. shall positively make the submission in this regard or else the matter will be heard on merit.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 779/2021
(Shri Datta A. Tumram Vs. State of Maharashtra & Ors.)

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

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

DATE : **14.6.2022**

ORAL ORDER :

Smt. Saeed Joshi, learned counsel holding for J.P. Legal Association for the applicant and Shri D.R. Patil, learned Presenting Officer appearing for the respondents, are present.

2. The learned P.O. submits that the affidavit in reply of respondent no. 2 is filed today, which may be treated as the reply also on behalf of respondent nos. 1 & 7 and no separate replies are required to be filed by the said respondents.

3. The matter be listed for hearing and in the mean time it is open for the applicant to file rejoinder affidavit.

VICE CHAIRMAN

M.A. 335/2020 IN O.A. ST. 1475/2020
(Shri Prabhakar S. Jagtap Vs. State of Maharashtra & Ors.)

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

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

DATE : **14.6.2022**

ORAL ORDER :

Heard Shri Ajay S. Deshpande, the learned counsel appearing for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer appearing for the respondents.

2. The applicant has filed the O.A. seeking a relief that the applicant may be paid 100% substance allowance and the benefits in regard to time scale promotion scheme to which the applicant is eligible according to the pleadings in the O.A. Since some delay has occurred in filing the O.A. the applicant has preferred present M.A. seeking condonation of delay, which has so occurred. The learned counsel submitted that against the impugned order the applicant has made representation on 26.12.2018, but the same has not yet been decided. The applicant was under bona-fide belief that his grievance would be redressed by the higher authorities, but that has not been done. In the meantime COVID-19 pandemic started and the applicant was prevented from filing the O.A. within time. The learned

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M.A. 335/2020 IN
O.A. ST. 1475/2020

counsel submitted that the delay is unintentional and for bona-fide reasons. The learned counsel submitted that if the delay is not condoned the applicant will miss the chance to contest the matter on merits. In the circumstances, the applicant has prayed for condonation of delay occurred in filing O.A.

3. The learned P.O. opposed for M.A. It is contended that the cause of action for filing O.A. is arisen before starting of COVID-19 pandemic and in the circumstances very reasoning stated is false and as such prayer as has been made by the applicant shall not be considered.

4. After having considered the submissions made on behalf of the parties it appears to me that having regard to the prayers made in the O.A. the matter needs to be considered on merits. It is true that some delay has occurred in filing O.A., however, the reasons which are assigned are just to condone the said delay. It further does not appear to me that delay is deliberate. In the circumstances, I am inclined to allow Misc. Application. Hence, the following order :-

O R D E R

- (i) Misc. Application is allowed with no order as to costs.

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M.A. 335/2020 IN
O.A. ST. 1475/2020

- (ii) The delay occurred in filing O.A. is condoned.
- (iii) Office to register O.A. on due scrutiny.

VICE CHAIRMAN

ARJ ORAL ORDERS 14.6.2022

O.A. ST. 1475/2020

(Shri Prabhakar S. Jagtap Vs. State of Maharashtra & Ors.)

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

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

DATE : 14.6.2022

ORAL ORDER :

Heard Shri Ajay S. Deshpande, the learned counsel appearing for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer appearing for the respondents.

2. Issue notice to respondents, returnable on 19.7.2022.
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 19.7.2022.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A. 181/2021 IN O.A. ST. 1208/2020
(Groundwater Engineers' Association, M.S. through its
President Shri Balasaheb D. Patil Vs. State of Maharashtra &
Ors.)

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

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

DATE : **14.6.2022**

ORAL ORDER :

Heard Shri Ajay S. Deshpande, the learned counsel appearing for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer appearing for the respondents.

2. The applicant has filed the present M.A. for condonation of delay of about 10 months occurred in filing O.A.

3. Though the learned P.O. opposed for condoning the delay occurred in filing O.A., for the reasons stated in the application which according to me are just and proper the delay condoned deserves to be allowed. Hence, the following order :-

O R D E R

(i) Misc. Application is allowed with no order as to costs.

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M.A. 181/2021 IN
O.A. ST. 1208/2020

- (ii) The delay occurred in filing O.A. is condoned.
- (iii) Office to register O.A. on due scrutiny.

VICE CHAIRMAN

ARJ ORAL ORDERS 14.6.2022

O.A. ST. 1208/2020

**(Groundwater Engineers' Association, M.S. through its
President Shri Balasaheb D. Patil Vs. State of Maharashtra &
Ors.)**

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

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

DATE : 14.6.2022

ORAL ORDER :

Heard Shri Ajay S. Deshpande, the learned counsel
appearing for the applicant and Smt. Sanjivani Deshmukh
Ghate, learned Presenting Officer appearing for the respondents.

2. Issue notice to respondents, returnable on 19.7.2022.
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 19.7.2022.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 112 OF 2022
(Bharat D. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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

3. At the request of learned C.P.O., S.O. to 24.06.2022.

MEMBER (J)

**O.A. Nos. 16, 17, 18 & 19 all of 2020
(Sahebrao S. Kale & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicants in all these O.As. and Shri M.P. Gude, learned Presenting Officer for the respondents in all these O.As.

2. The present matters are closed for orders.

MEMBER (J)

KPB ORAL ORDERS 14.06.2022

**M.A. No. 391/2021 in O.A. No. 450/2021
(Dr. Pratap P. Ege Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

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

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

3. S.O. to 07.07.2022.

MEMBER (J)

KPB ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 29 OF 2017
(Shankar D. Chaudhari Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1, 2 & 4.

2. Record shows that Vakalatnama on behalf of respondent No. 3 is filed by the learned Advocate Shri S.D. Dhongde. Today, he is present and submitted that since last one year he is no more Advocate on panel of respondent No. 3. Record further shows that no other any panel Advocate has filed Vakalatnama or appeared on behalf of respondent No. 3, though the present matter is pending for final hearing since long.

3. In the circumstances as above, in order to give fair opportunity to the respondent No. 3 to defend himself in the matter appropriately, short time is granted to him. On the next occasion, if the respondent No. 3 failed to take necessary steps in the matter for representing himself, the present matter will be proceeded further finally.

4. S.O. to 28.06.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 116 OF 2018
(Sanjay M. Deokate Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Shri S.D. Joshi, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

3. As none present for the applicant, S.O. to 01.07.2022.

MEMBER (J)

KPB ORAL ORDERS 14.06.2022

**O.A. Nos. 611/2018, 679/2018, 387/2019, 388/2019
and 501/2021**
(Premla U. Hanumante & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants in all these O.As. and Shri B.S. Deokar, learned Presenting Officer for the respondents in all these O.As.

2. The present matters are closed for orders.

MEMBER (J)

KPB ORAL ORDERS 14.06.2022

**O.A. Nos. 754/2021, 46/2020, 290/2021 & 443/2021
(Sunil P. Pradhan & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants in all these O.As. and Shri I.S. Thorat, learned Presenting Officer for the respondents in all these O.As.

2. By consent of both the sides, S.O. to 11.07.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 810 OF 2018
(Somnath G. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Shri Y.H. Jadhav, learned Advocate for the applicant (**Absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 04.07.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 190 OF 2019
(Dr. Chandrakant B. Lamture Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. By consent of both the sides,, S.O. to 08.07.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 721 OF 2019
(Bhagwan W. Landge Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 27.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 233 OF 2020
(Arun A. Ghate Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri S.B. Mene, learned Advocate for respondent No. 4.

2. By consent of all the parties, S.O. to 27.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 575 OF 2020
(Kondabai R. Ghadge & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri K.M. Nagarkar, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 01.07.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 190 OF 2019
(Dr. Chandrakant B. Lamture Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. By consent of both the sides,, S.O. to 08.07.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 753 OF 2021
(Shankar P. Dhupe and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

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

3. S.O. to 11.07.2022.

MEMBER (J)

KPB ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 757 OF 2021
(Jayashri S. Bhokre and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

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

3. S.O. to 11.07.2022.

MEMBER (J)

KPB ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 755 OF 2021
(Vishwanath P. Amle and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants submits the applicants do not wish to file rejoinder affidavit.

3. Pleadings are complete. The present matter is pertaining to arrears of wages. Hence, the O.A. is admitted and it be kept for final hearing on 11.07.2022.

MEMBER (J)

KPB ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 756 OF 2021
(Pandurang K. Sarode and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants submits the applicants do not wish to file rejoinder affidavit.

3. Pleadings are complete. The present matter is pertaining to arrears of wages. Hence, the O.A. is admitted and it be kept for final hearing on 11.07.2022.

MEMBER (J)

KPB ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 573 OF 2021
(Ramesh M. Shirsth Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Shri M.V. Thorat, learned Advocate for the applicant, is **absent**. Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Record shows that since 10.03.2022 nobody is appearing on behalf of the applicant.

3. In view of same, it is evident that the applicant is not interested to pursue the matter. Hence, the present Original Application is dismissed in default.

MEMBER (J)

**M.A.NO.83 OF 2022 IN O.A.ST.NO.1621 OF 2021
(Sopan P. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 30.06.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

M.A.NO.254 OF 2022 IN O.A.ST.NO.626 OF 2022
(Dr. Megha D. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned Advocate holding for Smt. Priya R. Bharaswadkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Issue notice to the respondents in M.A., returnable on 11.07.2022.

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

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

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

//2// M.A.254/2022 In
O.A.St.626/2022

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 11.07.2022.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 307 OF 2022
(Chandrabhan V. Veer Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 11.07.2022.

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

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

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

//2// O.A.No.307/2022

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. Issue of jurisdiction and maintainability is kept open.
8. S.O. to 11.07.2022.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 377 OF 2022
(Ratnadip M. Athwale Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri Kiran D. Jadhav, learned Advocate holding for Shri Vijay C. Suradkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 01.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 378 OF 2022
(Kiran K. Waghule Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri Kiran D. Jadhav, learned Advocate holding for Shri Vijay C. Suradkar, learned Advocate for the applicant and N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 01.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 500 OF 2022
(Jaganlal B. Kewat Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 11.07.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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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 11.07.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 501 OF 2022
(Jayvant B. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

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

2. This Original Application is filed basically challenging the impugned order of re-fixation of pay and recovery of excess amount dated 03.02.2022 (Annex. 'A-8') issued by the respondent No.3 i.e. the Executive Engineer, Minor Irrigation Division No.1, Aurangabad from the pensionary benefits of the applicant, who stood retired on superannuation on 30.04.2022 and consequential also challenging the impugned order dated 12.05.2022 (Annex. 'A-10') issued by the respondent No.2 i.e. the Accountant General (A & E) II, Civil Lines, Nagpur. The applicant is also challenging the objection raised by the Pay Verification Unit i.e. the respondent No.4 (page No.40 of P.B.).

3. The applicant was initially appointed as Junior Engineer on 28.10.1983. As per G.R. dated 16.04.1984 (Annex. 'A-2'), the applicant was upgraded as Sectional Engineer on 01.04.1989. At that time his pay was fixed in the pay scale of Rs.600-950/- with next annual increment payable as on 01.04.1990, which ought to have been made payable from 01.10.1989. In that regard the applicant and 28 other similar employees approached the Maharashtra Administrative Tribunal, Bench at Aurangabad by filing the Original Application No.578/2011. That was decided by judgment and order dated 26.08.2022 ((Annex. 'A-3'). Thereby the next annual increment was directed to be considered as per decision of the Maharashtra Administrative Tribunal Bench at Aurangabad dated 17.08.1995 in O.A.No.421/1993 (page No.41 to 50 of P.B.).

4. In view of above, it is the contention of the applicant that the next annual increment of the applicant was on 01.10.1989. Accordingly the pay of the applicant was fixed on 20.09.2012 (Annex. 'A-4') and the applicant was getting salary as per the said pay fixation. The applicant stood retired on 30.04.2022. Before that the respondent No.3 issued

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impugned order dated 03.02.2022 (Annex. 'A-8') postponing the date of annual increment and thereby ordering recovery of excess amount of Rs.3,69,588/-. This pay fixation is done without giving show cause notice to the applicant. In this regard learned Advocate for the applicant placed reliance on a citation reported in **1991 (1) SLR in the matter of Union of Indian Vs. Shyama Pada Sidhanta (S.C.)** wherein it is held that in the revision of pay the employees entitled to their first increment in the new scale on the due date in the old scale and need not wait for twelve months from the date of fixation of their pay in the new scale for earning increments in the revised scale.

5. In view of above, according to the applicant the impugned order of re-fixation of pay and recovery is not in accordance with law and is liable to be stayed.

6. Learned C.P.O. for the respondents resisted the contentions raised on behalf of the applicant and submitted that the respondents would file affidavit-in-reply and clarify the position of re-fixation of pay.

7. After having considered the facts of the case as being reflected in the Original Application and Annexures thereto, it is prima-facie seen that the re-fixation of pay is done within one year of ensued retirement on superannuation of the applicant. In view of the same, the ratio laid down in the decision of the Hon'ble Supreme Court of India in the matter of **State of Punjab and Others Vs. Rafiq Masih (White Washer)** reported in (2015) 4 SCC 334 would be applicable, which is reproduced also in the subsequent decision of the Hon'ble Supreme Court of India dated 02.05.2022 in **Civil Appeal No.7115 of 2010** in the matter of **Thomas Daniel Vs. the State of Kerala & Ors.** is as follows:-

“18. It is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to hereinabove, we may, as a ready reference, summarize the following few situations, wherein recoveries by the employees, would be impermissible in law:

(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from the employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."

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8. Prima-facie it is evident that the case of the applicant would fall under clause -II as stated above. In the circumstances, this is a fit case to grant interim stay to the execution and implementation of impugned order dated 03.02.2022 (Annex. 'A-8') issued by the respondent No.3 and order dated 12.05.2022 (Annex. 'A-10') to the extent of recovery issued by the respondent No.2 till filing of reply of the respondents. It is ordered accordingly.

9. Issue notice to the respondents, returnable on 12.07.2022.

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

11. 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.

12. 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.

13. 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.

14. Learned Advocate for the applicant seeks leave to make correction in prayer clause 'C' as to be recovered instead of recovered. Correction as prayed for is granted.

15. S.O. to 12.07.2022.

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

MEMBER (J)

ORIGINAL APPLICATION ST.NO.97 OF 2022
(Vidya S. Ghorpade Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Shri S.R. Barlinge, learned Advocate for the applicant, is **absent**. Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Record shows that since 10.02.2022 nobody is appearing on behalf of the applicant.

3. In the circumstances it appears that the applicant is not interested to pursue the remedy. Hence, the matter is dismissed in default.

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 : 14.06.2022

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that on the last occasion statement was made that the applicant does not wish to file affidavit-in-rejoinder.
3. However, the affidavit-in-rejoinder is necessary. Hence, she seeks time for filing affidavit-in-rejoinder. Time is granted.
4. S.O. to 15.07.2022.

MEMBER (J)

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

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

DATE : 14.06.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Pleadings upto affidavit-in-rejoinder are complete. The matter is pertaining to recovery. It is admitted and fixed for final hearing.

3. S.O. to 14.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 177 OF 2018
(Gangadhar M. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

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

2. The present matter is closed for order.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

**ORIGINAL APPLICATION NO. 844 OF 2019
(Raviraj R. Darak Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri Vivek Bhavthankar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. By consent of both the sides, S.O. to 27.06.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 163 OF 2022
(Dr. Suhas S. Sonwane Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos.1 to 3 and Shri R.S. Pawar, learned Advocate for the respondent No.4.

2. By impugned order dated 09.09.2021, the applicant has been unilaterally relieved by the respondent No.4.

3. Learned Advocate for the applicant submits that the applicant is not getting salary.

4. In such circumstances, learned P.O. for the respondent Nos.1 to 3 and learned Advocate for the respondent No.4 by seeking appropriate instructions from the respective respondents to make submission as to who is responsible for not paying salary to the applicant since the date of impugned order and to take

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positive steps within two days for payment of salary. This is so because the respondents though granting of various opportunities have failed to file affidavit-in-reply.

5. S.O. to 16.06.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

**M.A.NO.164 OF 2022 IN O.A.ST.NO.2280 OF 2019
(Govardhan H. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri P.H. Patil, learned Advocate holding for Shri P.B. Patil, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 16.06.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 296 OF 2022
(Madhuri U. Choudhari Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri Sarvesh J. Naik, learned Advocate holding for Shri Amar V. Lavte, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 04.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

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

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

DATE : 14.06.2022

ORAL ORDER :

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

2. Affidavits-in-reply filed on behalf of the respondent Nos.3 & 4 separately are taken on record and copies thereof have been served on the other side.
3. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 & 2.
4. S.O. to 24.06.2022.

MEMBER (J)

**M.A.NO.28 OF 2022 IN O.A.ST.NO.57 OF 2022
(Pankaj D. Soundankar Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

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

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 & 3.
3. S.O. to 07.07.2022.

MEMBER (J)

M.A.NO.79 OF 2022 IN O.A.ST.NO.216 OF 2022
(Sahebrao C. Shinde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of the learned C.P.O., time is granted for filing affidavit-in-reply on behalf of the respondents in M.A.
3. S.O. to 07.07.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 259 OF 2022
(Rahulkumar M. Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

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

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

3. S.O. to 13.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 260 OF 2022
(Ravindra V. Tarkas Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

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

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.
3. S.O. to 13.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

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

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

DATE : 14.06.2022

ORAL ORDER :

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

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

3. S.O. to 05.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 232 OF 2022
(Sudhkar Y. Dandge Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri Rahul O. Awasarmol, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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

3. S.O. to 12.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 233 OF 2022
(Sudhakar Y. Dangde Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri Rahul O. Awasarmol, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 12.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

**ORIGINAL APPLICATION NO. 820 OF 2021
(Akash G. Lavate Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri Masood C. Syed, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 12.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 85 OF 2022
(Madhav B. Nilawad Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

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

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

3. S.O. to 11.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 986 OF 2019
(Somnath B. Nivare Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

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

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

3. S.O. to 30.06.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

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

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri G.V. Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent No.1. None present for respondent No.2, though duly served.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent No.1.

3. S.O. to 30.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 638 OF 2021
(Ganesh R. Admankar Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent No.1 and Shri G.N. Patil, learned Advocate for the respondent Nos.2 to 5.

2. Affidavit-in-reply filed on behalf of the respondent No.1 is taken on record and copy thereof has been served on the other side.
3. At learned Advocate for the respondent Nos.2 to 5, time is granted for filing affidavit-in-reply.
4. S.O. to 06.07.2022.

MEMBER (J)

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

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

DATE : 14.06.2022

ORAL ORDER :

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

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

3. S.O. to 14.07.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 563 OF 2020
(Rajendra V. Marale Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Ms. Preeti R. Wankhade, learned Advocate for the applicant, is **absent**. Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 01.07.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 52 OF 2021
(Dr. Rekha G. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri A.S. Mirajgaonkar, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos.1 & 2 and Shri A.V. Thombre, learned Advocate holding for Shri S.B. Solanke, learned Advocate for the respondent Nos.3 & 4. None present on behalf of the respondent No.5, though duly served.

2. Affidavit-in-reply filed on behalf of the respondent No.2 is taken on record and copy thereof has been served on the other side.

3. At the request of the learned P.O. and learned Advocate for the respondent Nos.3 & 4, one more last chance is granted for filing affidavit-in-reply on behalf of the respondent Nos.1, 3 & 4.

4. S.O. to 13.07.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 133 OF 2021
(Balasaheb A. Chivate Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

3. S.O. to 12.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 560 OF 2021
(Motiram D. Dakhore Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Shri S.D. Joshi, learned Advocate for the applicant, is **absent**. Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 04.07.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

**ORIGINAL APPLICATION NO. 691 OF 2021
(Amol V. Padale Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

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

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

3. S.O. to 12.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 772 OF 2021
(Prakash J. Salve & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Smt. Neha B. Kamble, learned Advocate for the applicants, is **absent**. Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. In view of absence of learned Advocate for the applicant, S.O. to 13.07.2022 for taking necessary steps.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 87 OF 2022
(Pandurang A. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

3. S.O. to 13.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

**ORIGINAL APPLICATION NO. 248 OF 2022
(Mogra G. Thakre Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri A.S. Mirajgaonkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent No.1. Shri Amit Savale, learned Advocate for the respondent No.2, is **absent**.

2. Affidavit-in-reply filed on behalf of the respondent No.1 is taken on record and copy thereof has been served on the other side.
3. S.O. to 12.07.2022 for filing affidavit-in-reply on behalf of the respondent No.2.

MEMBER (J)

ORIGINAL APPLICATION NO. 277 OF 2022
(Akhtar Baig Baba Baig Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Shri Azizoddin R. Syed, learned Advocate for the applicant, is **absent**. Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 12.07.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 432 OF 2022
(Ramesh R. Kagne Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.
3. At the request of the learned Advocate for the applicant, time is granted for taking necessary steps.
4. S.O. to 12.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 431 OF 2022
(Baliram B. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

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

2. Issue fresh notice to the respondent Nos.4 & 5, returnable on 12.07.2022.

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

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

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

//2//

O.A.431/2022

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 12.07.2022.

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

MEMBER (J)

**M.A.NO.284 OF 2020 IN O.A.ST.NO.1213 OF 2020
(Sumanbai R. Tayde Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

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

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

3. S.O. to 11.07.2022.

MEMBER (J)

**M.A.NO.288 OF 2020 IN O.A.ST.NO.1063 OF 2020
(Pratap S. Sontakke Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Shri Ganesh J. Kore, learned Advocate for the applicant, is **absent**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents in M.A.
3. S.O. to 14.07.2022.

MEMBER (J)

M.A.NO.49 OF 2022 IN O.A.ST.NO.37 OF 2022
(Dipak S. Sherkhane Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Shri G.J. Kore, learned Advocate for the applicant, is **absent**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 14.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

**M.A.NO.166 OF 2022 IN O.A.ST.NO. 644 OF 2022
(Shaikh Mohseen Shaikh Khadar Vs. State of Maharashtra &
Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.B. Solanke, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 13.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

**M.A.NO.201 OF 2022 IN O.A.ST.NO.828 OF 2022
(Gajanan P. Rohankar Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

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

2. Await service of notice on the respondents.
3. At the request of the learned Advocate for the applicant, time is granted for taking necessary steps.
4. S.O. to 11.07.2022.

MEMBER (J)

SAS ORAL ORDERS 14.06.2022

ORIGINAL APPLICATION NO. 170 OF 2022
(Rajaram R. Zende Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

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

2. Affidavit-in-reply filed on behalf of the respondent Nos.1 & 2 is taken on record and copy thereof has been served on the other side.
3. At the request of the learned Advocate for the applicant, time is granted for filing affidavit-in-rejoinder, if any.
4. S.O. to 04.07.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 120 OF 2020
(Vinit Suesh Pawar Vs. State of Maharashtra & Ors.)**

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

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

2. Learned counsel for the applicant, as well as, learned Presenting Officer have consented for finally deciding this mater by this bench sitting singly.

3. In the O.A. the applicant has made a grievance that he has not been considered for the promotional post. It appears that since departmental enquiry is pending against the applicant his case has not been considered for promotion to the next higher posts. In the circumstances, learned counsel for the applicant has prayed for disposing of the present O.A. by giving directions to the respondents to complete the enquiry within the period, which may be stipulated by this Court with liberty to the applicant, if in the enquiry he is held guilty for the charges leveled against him, to challenge the said order by filing the fresh O.A. in that regard.

4. Learned Presenting Officer does not have any objection for passing such order.

5. From the pleadings it reveals that the charge-sheet has been issued to the present applicant on 12.6.2019. In fact, the departmental enquiry must have been concluded within the reasonable period. However, the same has not been completed till this date. As has been argued on behalf of the applicant, the fate of the applicant so far as his promotion is concerned depends upon the result of the enquiry. In the circumstances, learned counsel has prayed for direction against the respondents to complete the enquiry in all respect within shortest possible time.

6. I find substance in the submission made on behalf of the applicant, there is reason to believe that the applicant has not been considered for the promotional post due to pendency of the departmental enquiry against him. According to the applicant, charges leveled against him in the departmental enquiry are false. It is thus, evident that the promotion of the applicant depends upon the decision of the enquiry. If he is exonerated, his way for promotion will be opened; if he is guilty for the charges leveled in the departmental enquiry, the applicant will have to be first challenge the said findings and to get them set aside. The sum and substance is that the departmental enquiry initiated against the applicant needs to be completed

expeditiously. The charge-sheet is undisputedly issued on 12.6.2019. The period of more than 3 years has already lapsed. In the circumstances, without going into the merits of the contentions raised in the present matter either by the applicant or by the respondents it appears to me that if the following order is passed that would serve the purpose of both the applicant, as well as, the respondents. Hence, the following order: -

ORDER

- (i) Respondent No. 2 is directed to complete the enquiry initiated against the applicant within three months from the date of this order.
- (ii) It would be open for the applicant to challenge the findings of enquiry, if they are adverse to him.
- (iii) The Original Application stands disposed of in the aforesaid terms. No order as to costs.

VICE CHAIRMAN

O.A.NOS. 192 TO 194 ALL OF 2019
(Kashinath T. Soundalkar & Ors. Vs. State of Maharashtra & Ors.)

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 14.6.2022

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants,
Shri B.S. Deokar, learned Presenting Officer for the
respondent authorities in all these cases and Shri S.B.
Mene, learned counsel for respondent Nos. 1 & 2 in all
these cases, are present.

2. By consent of both the parties, S.O. to 6.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

**ORIGINAL APPLICATION NO. 257 OF 2020
(Sambhaji S. Pawar Vs. State of Maharashtra & Ors.)**

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

Shri Ganesh Gadhe, learned counsel for the applicant
(**absent**). Shri M.S. Mahajan, learned Chief Presenting
Officer for the respondent authorities, is present.

2. S.O. to 15.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

**C.P.NO. 14/2022 IN O.A.NO. 367/2019
(Arvind D. Sulakhe Vs. State of Maharashtra & Ors.)**

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

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

2. Issue notice to respondents in C.P. No. 14/2022, returnable on 15.7.2022.

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 15.7.2022.

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

VICE CHAIRMAN

M.A.NO. 253/2022 IN O.A.NO. 6/2021
(State of Maharashtra & Ors. Vs. Dattu Rambhaji Raut)

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 14.6.2022

ORAL ORDER :

Heard Shri B.S. Deokar, learned Presenting Officer for the applicants in M.A. / respondents in O.A. and Shri V.B. Wagh, learned counsel for the respondent in M.A. / applicant in O.A.

2. This is an application filed by the State seeking extension of three months' time from 8.4.2022 for complying the order passed by this Tribunal on 11.1.2022.

3. After having heard learned Presenting Officer and the learned counsel appearing for the applicant in O.A. I deem it appropriate to dispose of this M.A. with the following order: -

ORDER

(i) The time to complete the departmental enquiry is extended by two months from today.

(ii) Accordingly, the present M.A. stands disposed of. There shall be no order as to costs.

VICE CHAIRMAN

**M.A.NO. 255/2022 IN O.A.ST.NO. 965/2022
(Sunil Bhanudas Magre & Ors. Vs. State of Maha. & Ors.)**

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 14.6.2022

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

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

VICE CHAIRMAN

ORIGINAL APPLICATION ST.NO. 965 OF 2022
(Sunil Bhanudas Magre & Ors. Vs. State of Maha. & Ors.)

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant has placed on record the Rules of Procedure followed by the Maharashtra Public Service Commission and the same are taken on record.

3. Issue notice to respondents, returnable on 29.6.2022.

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 29.6.2022.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 479 OF 2022
(Dr. Parvez Abdul Jabbar Mujawar Vs. State of Maha. & Ors.)

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

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

2. Learned counsel for the applicant seeks leave to amend the prayer clause since mistakenly the subject is mentioned Anesthesia when it ought to be surgery. Leave granted as prayed for. The necessary correction be carried out forthwith.

3. The applicant at present is working as ad-hoc Professor in respondent no. 4 college. The learned counsel submits that since year 2017 onwards the applicant is working on ad-hoc basis on the post of Professor. In the present Original Application it is the prayer of the applicant that the respondents shall continue him on the post of Professor till regularly selected candidate is appointed on said post. The learned counsel submitted that the candidates like the applicant, who were also working on ad-hoc basis on the post of Professor in respondent no. 4 college, have been reverted. He, therefore, prayed for a

direction against the respondents to allow the applicant to work on the post of Professor on ad-hoc basis till the regular appointment is made.

4. The learned Presenting Officer has opposed the submissions.

5. After hearing the submissions advanced by the learned counsel for the applicant and after going through the documents we deem it appropriate to pass the following order :-

ORDER

1. **In case the respondents are intending to appoint any other person on the post of Professor (Surgery) on ad-hoc basis, then the present applicant be continued on the said post on ad-hoc basis till regularly selected candidate becomes available in view of the judgment of the Hon'ble Bombay High Court in Writ Petition No. 9877/2010 (Dr. Manisha d/o Govindrao Choudhary Vs. the State of Maharashtra & Ors.), which lays down that an ad-hoc employee cannot be replaced by another ad-hoc employee and in case ad-hoc arrangement is required to be continued, same ad-hoc employee should be continued till regularly selected candidate is available.**

2. Issue notice to respondents, returnable on 29.6.2022.

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 29.6.2022.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 113 OF 2020
(Graduate Part Time Employees Assotiation, Dhule through
its President Vs. State of Maharashtra & Ors.)

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

Shri Ashish B. Rajkar, 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 sought time for filing affidavit in reply. Time granted.

3. S.O. to 21.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

ORIGINAL APPLICATION NO. 123 OF 2020
(Manaji V. Surose & Ors. Vs. State of Maharashtra & Ors.)

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.B. Mene, learned counsel for respondent No. 3, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 21.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

**ORIGINAL APPLICATION NO. 373 OF 2020
(Rohan S. Jadhav Vs. State of Maharashtra & Ors.)**

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

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

2. Learned Presenting Officer has sought time for filing
affidavit in reply. Time granted.

3. S.O. to 22.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

**ORIGINAL APPLICATION NO. 200 OF 2021
(Sudhir L. Borhade Vs. State of Maharashtra & Ors.)**

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

Shri Avinash S. Khedkar, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 3 & 6 and Shri Shamsunder B. Patil, learned counsel for respondent Nos. 4 & 5, are present.

2. Learned Presenting Officer has tendered across the affidavit in reply on behalf of respondent No. 6 and the same is taken on record and copy thereof has been served on the other side.

3. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of respondent Nos. 1 & 2. Time granted.

3. S.O. to 22.7.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 62 OF 2022
(Sanjay N. Hange Vs. State of Maharashtra & Ors.)

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

Shri Avinash S. Khedkar, learned counsel for the applicant and Smt. Sanjeevani Deshmukh-Ghate, 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. 1 to 4 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 15.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

ORIGINAL APPLICATION NO. 78 OF 2022
(Vaishali B. Tote Vs. State of Maharashtra & Ors.)

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

Shri A.D. Gadekar, 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. 1 to 3 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 26.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

ORIGINAL APPLICATION NO. 210 OF 2022
(Mangesh M. Wagholikar & Ors. Vs. State of Maharashtra & Ors.)

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

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Await service.
3. S.O. to 26.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

**ORIGINAL APPLICATION NO. 212 OF 2022
(Shantilal M. More Vs. State of Maharashtra & Ors.)**

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

Shri V.B. Wagh, 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 sought time for
filing affidavit in reply. Time granted.

3. S.O. to 26.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

**ORIGINAL APPLICATION NO. 213 OF 2022
(Pravin G Patil Vs. State of Maharashtra & Ors.)**

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

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

2. Learned Chief Presenting Officer has sought time for
filing affidavit in reply. Time granted.

3. S.O. to 28.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

**ORIGINAL APPLICATION NO. 394 OF 2022
(Heena Chand Patel Vs. State of Maharashtra & Ors.)**

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

Shri S.B. Jadhav, 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 sought time for
filing affidavit in reply. Time granted.

3. S.O. to 28.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

ORIGINAL APPLICATION NO. 407 OF 2022
(Vijaykumar S. Waghmare Vs. State of Maharashtra & Ors.)

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

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

2. Learned Presenting Officer has sought time for filing
affidavit in reply. Time granted.

3. S.O. to 28.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

**M.A.NO. 363/2021 IN O.A.ST.NO. 1149/2021
(Ramling M. Bansode Vs. State of Maharashtra & Ors.)**

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 14.6.2022

ORAL ORDER :

Shri K.M. Nagarkar, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 19.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

M.A.NO. 96/2022 IN O.A.ST.NO. 96/2022
(Panjabrao D. Bhosle & Ors. Vs. State of Maharashtra & Ors.)

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

Shri Vikram Kadam, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 20.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

**M.A.NO. 200/2022 IN O.A.ST.NO. 836/2022
(Kiran S. Giri Vs. State of Maharashtra & Ors.)**

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 14.6.2022

ORAL ORDER :

Shri A.V Thombre, learned counsel for the applicant
and Shri V.R. Bhumkar, learned Presenting Officer for the
respondent authorities, are present.

2. Await service.
3. S.O. to 21.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

**M.A.NO. 136/2019 IN O.A.ST.NO. 346/2019
(Yayati T. Ghorband Vs. State of Maharashtra & Ors.)**

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

DATE : 14.6.2022

ORAL ORDER :

This application is made seeking condonation of delay of about 3 years, 3 months & 18 days caused for filing Original Application under Section 19 of the Administrative Tribunals Act, 1985, challenging the order of re-fixation of pay and recovery of Rs. 1,13,526/- being deducted as excess amount from retiral benefits of the applicant by respondent No. 3 and seeking refund thereof.

2. The applicant superannuated from the Government service w.e.f. 30.9.2014 while holding class-III post. At the verge of retirement, his pay was re-fixed as per re-fixation order dated 30.7.2014 and the amount of alleged excess payment has been deducted / recovered from the gratuity amount payable to the applicant after his retirement in the month of October, 2014.

3. In the month of February, 2019 the applicant got information that some colleagues of the applicant

challenged such recovery order before the Tribunal and they got relief. The applicant was not aware of limitation for seeking relief. The applicant has good case on merits. In view of the same, he seeks condonation of delay.

4. Affidavit in reply has been filed on behalf of respondent No. 3 by one Shri Rustum Laxman Sasane working as Principal, Government Junior College of Education, Hadgaon, District Nanded, thereby he denied adverse contentions raised in the application. It is specifically submitted that re-fixation of pay of the applicant was properly made and the recovery of excess amount is legal and proper. No sufficient cause is shown by the applicant for condonation of delay. In the similar set of facts, this Tribunal by order dated 26.4.2019 (Annexure 'R-1') dismissed the delay condonation application bearing M.A. No. 434/2018 IN O.A.St.No. 1676/2018. In view of the same, the application is liable to be dismissed.

5. I have heard the arguments advanced by Shri A.D. Gadekar, learned counsel for the applicant on one hand and Shri S.K. Shirse, learned Presenting Officer for the respondents on the other hand.

6. The applicant is challenging the order of re-fixation of pay and the recovery order dated 30.7.2014 (Annexure 'A-3' in O.A.). The O.A. along with this delay condonation application is filed on 18.2.2019. In view of the same, there is delay of 3 years, 3 months and 18 days.

7. During the course of the arguments, learned counsel for the applicant has placed reliance on the judgment and order of the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad dated 27.2.2019 passed in W.P. No. 8097/2018, whereby order of dismissal of delay condonation application passed by this Tribunal on 29.11.2017 in M.A. No. 383/2015 in O.A.St.No. 636/2015 was set aside and the delay was condoned observing that the matter is with regard to the retiral benefits of the petitioner and the recovery is made from the retiral benefits and, therefore, liberal approach to be taken.

8. In the case in hand situation is the same. Re-fixation of pay of the applicant is required to be considered in O.A. and consequently recovery order is required to be considered. In these circumstances, refusing to give indulgence in the matter is likely to

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**M.A. 136/2019 IN
O.A.ST. 346/2019**

result into cause of justice being defeated. In view of the same, in my opinion, fair opportunity should be given to the applicant to pursue the remedy. In these circumstances, in my opinion, this is a fit case to condone delay by imposing moderate costs. I compute the costs of Rs. 1,000/-. Hence, I proceed to pass following order: -

ORDER

The M.A. is allowed in following terms.

- (i) The delay of about 3 years, 3 months & 18 days cause for filing O.A. St. No. 346/2019 is hereby condoned, subject of payment of costs of Rs. 1,000/- by the applicant. The amount of costs shall be deposited in the registry of this Tribunal by the applicant within a period of one month from the date of this order.
- (ii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking into account other office objection/s, if any.

MEMBER (J)

**M.A.NO. 255/2019 IN O.A.ST.NO. 931/2019
(Subhash H. Puri Vs. State of Maharashtra & Ors.)**

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

DATE : 14.6.2022

ORAL ORDER :

This application is made seeking condonation of delay of about 5 years, 4 months & 13 days caused for filing Original Application under Section 19 of the Administrative Tribunals Act, 1985, challenging the impugned order thereby ordering recovery of Rs. 1,58,874/-, which is recovered from the retiral benefits of the applicant and seeking refund of it.

2. It is the contention of the applicant that he retired on superannuation from Government service on 31.08.2010. After his retirement as per objection of the respondent No. 4 i.e. the Accounts Officer, Pay Verification Unit, Aurangabad, respondent No. 3 i.e. the Education Officer, Z.P. Beed, District Beed re-fixed the pay reducing earlier pay granted to the applicant and effected recovery as stated above. The said excess amount is recovered from the gratuity payable to the applicant as per letter dated 17.12.2012 (Annexure 'A-5').

3. At that point of time the applicant was not aware about his rights in respect of the excess payment made on account of wrong pay fixation. In view of the same, there is delay in filing the O.A. The delay is not deliberate, willful and intentional. Hence, this Misc. Application.

4. Affidavit in reply is filed on behalf of respondent No. 1 by one Madhukar S/o. Dharmanath Avhad, working as Junior Administrative Officer in the office of Deputy Director of Education, Aurangabad Region, Aurangabad, thereby he denied adverse contentions raised in the O.A. and contended that no sufficient cause has been shown for condonation of delay caused in filing O.A. In fact, the applicant has given an undertaking at the time of pay fixation that he would refund excess amount, if any. In view of the same, there is no merit in the claim of the applicant seeking refund of the excess amount paid to him. Hence, the present Misc. Application is liable to be dismissed.

5. I have heard the arguments advanced by Shri A.D. Gadekar, learned counsel for the applicant on one hand and Shri M.P. Gude, learned Presenting Officer for the respondents on the other hand.

6. During the course of the arguments, learned counsel for the applicant placed reliance on the decision of the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad dated 27.2.2019 passed in W.P. No. 8097/2018, whereby order of dismissal of delay condonation application passed by this Tribunal on 29.11.2017 in M.A. No. 383/2015 in O.A.St.No. 636/2015 was set aside and the delay was condoned observing that the matter is with regard to the retiral benefits of the petitioner and the recovery is made from the retiral benefits and, therefore, liberal approach to be taken.

7. In the case in hand the applicant is seeking relief in respect of his re-fixation of pay withdrawing the earlier benefits granted to him. In view of the same, the Tribunal is required to go into the merit of the case. No doubt considering the dates involved in the matter, there is delay of about 5 years, 4 months & 13 days in filing the O.A. However, the said delay cannot be said to be deliberate one.

8. It is a settled principle of law that the expression 'sufficient cause' is to be construed liberally. By considering the facts involved in the matter, refusing to give indulgence in the matter is likely to defeat the

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**M.A. 255/2019 IN
O.A.ST. 931/2019**

cause of justice at the threshold. Moreover, merit of the case is required to be examined by the Tribunal. In view of the same, in my opinion, this is a fit case to adopt liberal approach and condone the delay by imposing moderate costs. I compute costs of Rs. 2,000/-. Hence, I proceed to pass following order: -

ORDER

The M.A. is allowed in following terms.

- (i) The delay of about 5 years, 4 months & 13 days cause for filing O.A. St. No. 931/2019 is hereby condoned, subject of payment of costs of Rs. 2,000/- by the applicant. The amount of costs shall be deposited in the registry of this Tribunal by the applicant within a period of one month from the date of this order.
- (ii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking into account other office objection/s, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 297 OF 2019
(Balaji M. Shinde & Ors. Vs. State of Maharashtra & Ors.)

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

Shri Deepak S. Manorkar, learned counsel for the applicants, Shri I.S. Thorat, learned Presenting Officer for the respondent No. 1 and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3, are present.

2. S.O. to 26.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

**ORIGINAL APPLICATION NO. 416 OF 2019
(Arjun M. Maskar & Ors. Vs. State of Maharashtra & Ors.)**

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

Shri R.P. Bhumkar, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent No. 1 and Shri S.D. Dhongde, learned counsel for respondent Nos. 2 & 3, are present.

2. S.O. to 26.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

**ORIGINAL APPLICATION NO. 292 OF 2021
(Kashinath H. Devtule Vs. State of Maharashtra & Ors.)**

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

Shri SAndeep D. Munde, learned counsel for the
applicant and Shri I.S. Thorat, learned Presenting Officer
for the respondent authorities, are present.

2. S.O. to 26.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

**ORIGINAL APPLICATION NO. 495 OF 2022
(Datta Sonaji Yelake Vs. State of Maharashtra & Ors.)**

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

Heard Shri Suchita A. Dhongde, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The present case is not on board. It is taken on board at the request of learned counsel for the applicant.

3. It is brought to my notice that in the order dated 10.6.2022 passed in the present O.A. inadvertently in paragraph No. 2 the words "Issue notice to the respondents in delay contonation application" are mentioned, instead of "Issue notice to the respondents in O.A.," Hence, the following order: -

ORDER

Registrar of this Tribunal is directed to correct the order accordingly and issue corrected order to the parties.

VICE CHAIRMAN

**FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI, BENCH AT AURANGABAD.**

OFFICE NOTES

TRIBUNAL'S ORDERS

**ORIGINAL APPLICATION NO. 495 OF 2022
(Datta Sonaji Yelake Vs. State of Maharashtra & Ors.)**

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 10.6.2022

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents in ^{Original} ~~delay~~ condonation application, returnable on 7.7.2022.

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 7.7.2022.

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

*connected.
as per 07-14-22
14/6/2022.*

VICE CHAIRMAN

ORAL ORDERS 10.6.2022-HDD

ORIGINAL APPLICATION NO. 579 OF 2021
(Siddharth Ramrao Pandurnikar Vs. State of Maha. & Ors.)

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

Shri Ajay Deshpande, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri S.S. Kulkarni, learned counsel for respondent No. 4, are present.

2. Learned Chief Presenting Officer submits that last chance may be granted for filing affidavit in reply. Request is accepted.

3. S.O. to 29.6.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

**ORIGINAL APPLICATION NO. 127 OF 2020
(Resha P. Karhale Vs. State of Maharashtra & Ors.)**

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

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : **14.6.2022**

ORAL ORDER :

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

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

3. S.O. to 22.7.2022.

VICE CHAIRMAN

ORAL ORDERS 14.6.2022-HDD

**ORIGINAL APPLICATION NO.797/2016
(Gaurav Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Smt. S.C.Thombre, learned Advocate holding for
Shri C.V.Thombre, learned Advocate for the applicant and
Shri N.U.Yadav, learned Presenting Officer for the
respondents, are present.

2. S.O. to 21-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.78/2019
(Dr. Mamata Chinchalikar Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Shri A.V.Thombre, learned Advocate holding for
Shri S.B.Solanke, learned Advocate for the applicant and
Shri N.U.Yadav, learned Presenting Officer for the
respondents, are present.

2. S.O. to 21-07-2022.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.47/2020, 48/2020,
49/2020, 59/2020
(Damodhar B. Jadhav & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Shri Saket Joshi, learned Advocate holding for
Shri A.S.Deshmukh, learned Advocate for the applicants,
Shri M.P.Gude, learned Presenting Officer for the
respondents and Shri G.N.Patil, learned Advocate for
respondent no.4 in O.A.No.49/2020, for respondent nos.3
& 4 in O.A.No.59/2020, are present.

2. S.O. to 15-07-2022.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.271/2020
(Siddharth Kadam Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

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

2. S.O. to 06-07-2022.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.287/2020
(Shahu S. Jaswantsingh Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

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

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

VICE CHAIRMAN

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

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

DATE : 14.06.2022

ORAL ORDER :

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

2. S.O. to 12-07-2022.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.557/2020
(Savita Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Shri A.A.More, learned Advocate for the applicant and
Smt. Deepali Deshpande, learned Presenting Officer for the
respondents, are present.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.37/2021
(Shriram Jadhav & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

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

2. S.O. to 11-07-2022.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.53/2021
(Yadav Sonkamble Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Shri A.V.Thombre, learned Advocate holding for
Shri S.B.Solanke, learned Advocate for the applicant,
Shri M.P.Gude, learned Presenting Officer for the
respondent authorities and Shri N.U.Yadav, learned
Advocate for respondent no.5, are present.

2. S.O. to 21-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.335/2021
(Dnyaneshwar Bulbule & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Shri K. B. Bhise, learned Advocate for the applicants and Shri S.K.Shirse, learned Presenting Officer for the respondents, are present.

2. S.O. to 13-07-2022.

VICE CHAIRMAN

YUK ORAL ORDERS 14.06.2022

**ORIGINAL APPLICATION NO.463/2021 WITH
M.A.NO.242/2021 IN O.A.NO.299/2019
(Payal Tathe & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Ku. Preeti Wankhade, learned Advocate for the
applicants and Shri N.U.Yadav, learned Presenting Officer
for the respondents, are present.

2. S.O. to 13-07-2022.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.600/2021
(Subhash Dhutare Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

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

2. S.O. to 14-07-2022 for filing affidavit in rejoinder.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.608/2021
(Pawansing Bight Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

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

2. S.O. to 15-07-2022.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.655/2021
(Rahul Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Shri N.U.Telgaonkar, learned Advocate for the
applicant and Shri S.K.Shirse, learned Presenting Officer
for the respondents, are present.

2. S.O. to 18-07-2022.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.735/2021
(Prashant Pol Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

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

2. S.O. to 19-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.786/2021
(Yogesh Misal & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Shri Manoj Dond, learned Advocate for the applicants
and Smt. Sanjivani Ghate, learned Presenting Officer for
the respondents, are present.

2. S.O. to 19-07-2022.

VICE CHAIRMAN

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

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

DATE : 14.06.2022

ORAL ORDER :

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

2. S.O. to 14-07-2022.

VICE CHAIRMAN

M.A.NO.47/2019 IN O.A.NO.387/2016
(Dr. Nomani Mohd. Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Shri Vinaya Mule-Dharurkar, learned Advocate for
the applicant is **absent**. Shri S.K.Shirse, learned
Presenting Officer for the respondents is present.

2. S.O. to 15-07-2022.

VICE CHAIRMAN

YUK ORAL ORDERS 14.06.2022

**M.A.NO.325/2019 IN O.A.ST.NO.1389/2019
(Sukhdeo Solankar Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

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

2. S.O. to 15-07-2022.

VICE CHAIRMAN

M.A.NO.579/2019 IN O.A.NO.871/2018
(State of Maharashtra & Ors. V/s. Dr. Chandrakant Shete)

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

DATE : 14.06.2022

ORAL ORDER :

Shri K.M.Nagarkar, learned Advocate for the
respondent (original applicant) and Shri N.U.Yadav,
learned Presenting Officer for applicants (original
respondents), are present.

2. S.O. to 18-07-2022.

VICE CHAIRMAN

YUK ORAL ORDERS 14.06.2022

M.A.NO.70/2021 IN M.A.NO.112/2020 IN
O.A.NO.1086/2019
(Chintaman Vasave Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Shri S.G.Kulkarni, learned Advocate holding for
Shri Ajay Deshpande, learned Advocate for the applicant,
Shri M.P.Gude, learned Presenting Officer for the
respondent authorities and Shri K.B.Jadhav, learned
Advocate for respondent no.3 (M.A.112/2020), are present.

2. S.O. to 19-07-2022.

VICE CHAIRMAN

M.A.NO.328/2021 IN O.A.NO.42/2013
(Ranapratapsingh Chauhan Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Shri M.S.Deshmukh, learned Advocate for the
applicant is **absent**. Shri D.R.Patil, learned Presenting
Officer for the respondents is present.

2. S.O. to 20-07-2022.

VICE CHAIRMAN

YUK ORAL ORDERS 14.06.2022

**O.A.NO.635/2015, 21/2016, 618/2016 & 619/2016
(Dr. Sachin Phadnis & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Shri R.P.Bhumkar (635/2015) & Shri M.R.Kulkarni
learned Advocates for the applicants and Shri
M.S.Mahajan, learned Chief Presenting Officer for the
respondents, are present.

2. S.O. to 19-07-2022.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.641/2015
(Bhagatsingh Patil (Pawar) Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Shri S.D.Joshi, learned Advocate for the applicant
and Shri S.K.Shirse, learned Presenting Officer for the
respondents, are present.

2. S.O. to 19-07-2022.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.758/2015
(Dr. Tanuja Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Ku. Anagha Pandit, learned Advocate holding for
Shri S.B.Talekar, learned Advocate for the applicant and
Shri V.R.Bhumkar, learned Presenting Officer for the
respondents, are present.

2. S.O. to 20-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.147/2016
(Kiran Pawankar Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Shri V.R.Kulkarni, learned Advocate holding for
Shri S.G.Chapalgaonkar, learned Advocate for the
applicant and Shri M.P.Gude, learned Presenting Officer for
the respondents, are present.

2. S.O. to 20-07-2022.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.159/2016 & 31/2017
(Subhash Gutte Vs. State of Maharashtra & Ors.)**

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

DATE : 14.06.2022

ORAL ORDER :

Shri A.V.Patil (Indrale), learned Advocate for the applicant is **absent**. Shri N.U.Yadav & Smt. Deepali Deshpande learned Presenting Officers for the respondents, are present.

2. S.O. to 21-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.153/2017
(Dr. Ramnath Hemke Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Shri J.S.Deshmukh, learned Advocate for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities and Shri A.D.Aghav, learned Advocate for respondent nos.4 & 5, are present.

2. S.O. to 21-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.887/2018
(Dr. Sumant Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 14.06.2022

ORAL ORDER :

Shri Shamsundar B. Patil, learned Advocate for the
applicant and Smt. Sanjivani Ghate, learned Presenting
Officer for the respondents, are present.

2. S.O. to 15-07-2022.

VICE CHAIRMAN