

ORIGINAL APPLICATION NO.147/2024
(Amit Shivanand Swami Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri Ajay Deshpande, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 09-07-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 14.06.2024

VICE CHAIRMAN

M.A.NO.239/2023 IN M.A.NO.359/2022 IN
O.A.NO.729/2022
(Dnyaneshwar B. Jadhav & Ors. Vs. State of Maharashtra & Ors.)
WITH
M.A.NO.257/2023 IN M.A.NO.563/2022 IN
O.A.NO.730/2022
(Gajanan P. Chaudhari & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicants in M.A.239/23, O.A.729/22, M.A.257/23 & O.A.730/22, and Shri V.G.Pingle, Shri V.R.Bhumkar, learned Presenting Officers for the respondent authorities, Shri Amol B. Chalak, learned Counsel for intervenors in M.A.359/2022 and Shri R.A.Joshi, learned Counsel for intervenors, are present, are present.

2. S.O. to 09-07-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 14.06.2024

VICE CHAIRMAN

M.A.NO.357/2023 IN O.A.NO.06/2023
(State of Maharashtra & Ors. V/S. Pandurang G. Lomole)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri M.B.Bharaswadkar, learned Chief Presenting Officer for applicants in M.A./respondent authorities in O.A. and Shri V.B.Wagh, learned Counsel for respondent in M.A./applicant in O.A., are present.

2. S.O. to 05-07-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 14.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.208/2023
(Suryabhan Eknath Pawar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

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

2. S.O. to 09-07-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 14.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.704/2023
(Ramdas H. Lohakare Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

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

2. S.O. to 09-07-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 14.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 393 OF 2024
(Dr. Shaikh Wahab S/o Ayub Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri K.B. Bhise, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted till 27.06.2024.
3. S.O. to 27.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 458 OF 2023
(Chandrakant D. Patil Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Reserved for orders.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 14.06.2024-HDD

ORIGINAL APPLICATION NO. 386 OF 2022
(Lata d/o Damodhar Dehade Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 01.07.2024. High on board.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 374 OF 2022
(Vijay Damodhar Dehade Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 01.07.2024. High on board.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 877 OF 2023
(Rahul Arjun Khemde Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri Mahendra Gandle, learned counsel for the applicant (**absent**). Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, is present.

2. Learned Chief Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 2 and the same is taken on record.

3. Since nobody appears for the applicant, S.O. to 05.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 474 OF 2024
(Devsing Ambarsing Jarwal Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Though the present matter is shown in await service category, learned counsel for the applicant submits that respondents are duly served and today he will file service affidavit in the registry. Learned Presenting Officer submitted that he will take instructions and has sought time to file affidavit in reply. Granted.

3. S.O. to 09.07.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 548 OF 2024
(Varsha Bhojraj Samudre & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Though the present matter is shown in await service category, learned counsel for the applicants submits that respondents are duly served and today he will file service affidavit in the registry. Learned Presenting Officer submitted that he will take instructions and has sought time to file affidavit in reply. Granted.

3. S.O. to 09.07.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 503 OF 2024
(Emam Najir Mirza Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri B.P. Gonare, learned counsel holding for Shri I.D. Maniyar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that all the respondents are duly served. Await service remark, therefore, shall be removed.

3. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 4 and same is taken on record and copy thereof has been served on the other side. Learned P.O. has sought time for filing affidavit in reply on behalf of remaining respondents. Granted.

3. S.O. to 05.07.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 901 OF 2023
(Aitwar Vaijanath Sambayya Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri P.V. Baarde, learned counsel for the applicant (**absent**). Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 1 and the same is taken on record.

3. S.O.to 16.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 12 OF 2024
(Latika Kaduba Banait & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri Y.H. Jadhav, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel appearing for the applicants has filed rejoinder affidavit and the same is taken on record and copy thereof has been served on the learned Presenting Officer.

3. List the present matter for hearing on 23.07.2024.

MEMBER (A)

VICE CHAIRMAN

T.A.NO. 20/2023 (W.P. NO. 13026/2023)
(Machindra B. Najanb & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Smt. Suchita Amit Dhongde, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer seeks time to file affidavit in reply. The request is opposed by the learned counsel for the applicant stating that due opportunities have already availed been availed by the respondents. However, in the interest of justice time till 10.07.2024 is granted by way of last chance.

3. S.O. to 10.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 385 OF 2024
(Pranita d/o. Shivaji Randive Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri B.N. Magar, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer seeks leave of this Tribunal to file affidavit in reply on behalf of respondent Nos. 1 to 5. Learned counsel for the applicant is not present. In the interest of justice, leave granted. Affidavit in reply be taken on record. Copy of the same be supplied to the learned counsel for the applicant.

3. S.O. to 21.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 386 OF 2024
(Shital Diliprao Kadam Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri B.N. Magar, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer seeks leave of this Tribunal to file affidavit in reply on behalf of respondent Nos. 1 to 4. Learned counsel for the applicant is not present. In the interest of justice, leave granted. Affidavit in reply be taken on record. Copy of the same be supplied to the learned counsel for the applicant.

3. S.O. to 21.06.2024.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 12/2024 IN O.A.NO. 651/2021
(Dr. Shivaji Dadarao Birare Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that though the matter is shown in await service category, the respondents are already served. The applicant shall file affidavit service.

3. List the matter for filing affidavit in reply on 20.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 14.06.2024-HDD

M.A.ST.NO. 266/2024 IN O.A.NO. 805/2023
(Shaikh Rafeek Gabru Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri P.G. Suryawanshi, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri V.R. Bhumkar, 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 03.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 14.06.2024-HDD

ORIGINAL APPLICATION NO. 426 OF 2024
(Abhijeet Anil Mhaske & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri Ajay S. Deshpande, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. It is reported that identical matter is before the Principal Seat of this Tribunal on 24.06.2024. The present matter, therefore, stands adjourned to 02.07.2024.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 18/2024 IN O.A.NO. 06/2022
(Ramesh Narayanrao Shahane Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 04.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 14.06.2024-HDD

T.A.NO. 15/2024 (W.P.NO. 1674/2024)
(Vijaykumar Anantrao Naik Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri A.L. Lavte, learned counsel for the applicant (**absent**). Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 05.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 14.06.2024-HDD

M.A.NO. 150/2024 IN O.A.ST.NO. 920/2024
(Magar Kavita Balaji and Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Ms. Amita D. Chate, learned counsel for the applicant (**absent**). Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 05.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 14.06.2024-HDD

**M.A.ST.NO. 1287/2024 IN O.A.ST.NO. 1288/2024
(Namdeo Bhausahab Sarowar and Anr. Vs. State of Mah. & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 14.06.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicants and Shri V.G. Pingle, learned 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.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION ST.NO. 1288 OF 2024
(Namdeo Bhausahab Sarowar and Anr. Vs. State of Mah. & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 22.07.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant are directed to file affidavit of compliance and notice.
7. S.O. to 22.07.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 13 OF 2019
(Tufansing S/o Laxmansing Shele Vs. State of Mah. & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned counsel appearing for the applicant seeks leave of this Tribunal to place on record the Bombay State Reserve Police Force Rules, 1959. The same are taken on record. Copy of the same be supplied to the learned Chief Presenting Officer.

3. S.O. to 03.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1037 OF 2022
(Vijaysing Karansing Wagh Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri Prateek R. Talwar, learned counsel holding for Shri A.M. Hajare, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply. Granted by way of last chance.

3. S.O. to 05.07.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 108 OF 2024
(Anand Shaligram Thakur Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri A.K. Tiwari, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 & 2 and the same is taken on record.

3. S.O. to 02.08.2024.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 195/2024 IN O.A.NO. 489/2024
(Shalini R. Raut & Ors. Vs. State of Maharashtra & Ors.)

M.A.NO. 196/2024 IN O.A.NO. 362/2024
(Shalini R. Raut & Ors. Vs. State of Maharashtra & Ors.)

M.A.NO. 197/2024 IN O.A.NO. 363/2024
(Shalini R. Raut & Ors. Vs. State of Maharashtra & Ors.)

M.A.NO. 198/2024 IN O.A.NO. 365/2024
(Shalini R. Raut & Ors. Vs. State of Maharashtra & Ors.)

M.A.NO. 199/2024 IN O.A.NO. 368/2024
(Shalini R. Raut & Ors. Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 14.06.2024

ORAL ORDER :

Shri Avinash Khedkar, learned counsel for the applicants in all these Mas/Intervenors and S/Shri Mahesh B. Bharaswadkar, V.R. Bhumkar & V.G. Pingle, learned Chief Presenting Officer and learned Presenting Officers for the respective respondents in respective matters, are present.

S/Shri Ashish Hajari, learned counsel holding for Shri Amol Chalak, Ajay Deshpande, learned counsel for the respective applicants in respective OAs, are present.

S/Shri G.V. Mohekar & Vijay Dhakane, learned counsel for the applicants in O.A. Nos. 365/2024 & 368/2024 respectively, **are absent.**

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2. Time is sought for filing affidavit in reply. Time granted.
3. S.O. to 21.06.2024. Interim relief granted earlier, if any shall remain in force till next date.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 14.06.2024-HDD

**M.A. NO. 151/2024 IN O.A. NO. 614/2024 AND
CONNECTED MATTERS**

**(The Maharashtra Public Service Commission through its
Secretary Vs. Dr. Deepak N. Kawale)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 14.06.2024

ORAL ORDER :

Shri M.B. Kolpe, learned counsel for applicant in the present M.A./respondent no. 2 in O.A. No. 614/2022 & connected matters, is present.

2. This is the motion moved for speaking to minutes. Shri Kolpe, learned counsel pointed out that when the present M.A. was in respect of extension of time, inadvertently in the heading of the order dated 04.04.2024 it has been mentioned as 'Motion for speaking to minutes'.

3. Necessary corrections be therefore carried out in the heading of the order, which shall be mentioned as 'Misc. Application for Extension of Time'.

4. Accordingly motion for speaking to minutes disposed of.

MEMBER (A)

VICE CHAIRMAN

T.A.NO.05/2023 (W.P.NO.4762/2020)
(Vinayak Ware & Ors. Vs. State of Maharashtra & Ors.)
T.A.NO.06/2023 (W.P.NO.4765/2020)
(Sunil Suresh Ubale & Ors. Vs. State of Maharashtra & Ors.)
T.A.NO.07/2023 (W.P.NO.5233/2020)
(Pralhad K. Ugale Vs. State of Maharashtra & Ors.)
T.A.NO.08/2023 (W.P.NO.5591/2020)
(Pravin Hadade & Ors. Vs. State of Maharashtra & Ors.)
T.A.NO.09/2023 (W.P.NO.5588/2020)
(Sonali Bhosale Vs. State of Maharashtra & Ors.)
T.A.NO.10/2023 (W.P.NO.5592/2020)
(Surekha Wani Vs. State of Maharashtra & Ors.)
T.A.NO.11/2023 (W.P.NO.7243/2020)
(Maharashtra State Contractual Employees Federation, Through its
working President Sachin S. Jadhav Vs. State of Maha.& Ors.)
T.A.NO.16/2023 (W.P.NO. 5776/2021)
(Gajanan N. Tehare & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri Sachin S. Deshmukh, learned counsel for the applicants in TA.05/23, Shri Sayyed Tauseef Yaseen, learned counsel for the applicants in T.A. 06/23 & 16/23, Shri S.A. Nagar Soge, learned counsel for applicant in T.A. No. 07/2023 and Shri S.S. Jadhavar, learned counsel for applicant in T.A. No. 09/2023 (**absent**). Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre in T.A. 8/23 & 10/23, Shri Krishna Rodge in T.A. 11/23, Shri Mahesh B. Bharaswadkar, learned Chief Presenting

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Officer for the respondent authorities and Shri Umesh Mote, learned counsel for respondent for respondent nos. 2 & 3 in T.A. No. 8/2023, respondent no. 2 in T.A. Nos. 9 & 10 of 2023 and Shri R.R. Bangar, learned counsel for respondent no. 01 in T.A. No. 07 & 16 of 2023 are present.

2. S.O. to 26.06.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 486/2024
(Amol S. Rathod & Ors. Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned counsel for the applicants and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants has tendered across the bar the rejoinder affidavit. It is taken on record and copy thereof has been supplied to other side. During the course of hearing the learned counsel has also submitted the report in O.A. No. 725/2019 in a sealed cover. Same is taken on record in the sealed cover itself. Present sealed cover be kept with In-charge Registrar of this Bench.

3. S.O. to 19.06.2024 for further consideration.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 861/2023
(Rajendra J. Pawar Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri U.T. Sonawane, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant has tendered written notes of arguments. Same is taken on record and copy thereof has been supplied to other side.

3. Matter is now kept for argument on behalf of the learned P.O. on 04.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 80/2024
(Vishal Ashok Dhole Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri Vishal Ashok Dhole – party in person and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 24.06.2024 for further consideration.

MEMBER (A)

VICE CHAIRMAN

O.A. NO. 1022/2023 WITH M.A. NO. 145/2024
(Dr. Yogendra G. Yeotikar vs. Dr. Chandrakant S. Avhad & The
State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri B.R. Kedar, learned counsel for applicant in O.A.,
Shri M.B. Bharaswadkar, learned Chief Presenting Officer for
the respondent authorities and Shri H.P. Jadhav, learned
counsel for respondent no. 3 in O.A. /applicant in M.A.

2. Learned Chief Presenting Officer has filed affidavit in
reply on behalf of respondent no. 2 in O.A. Learned counsel
for respondent no. 3 has also tendered affidavit in reply on
behalf of said respondent.

3. List the matter for hearing. In the meantime it will be
open for the applicant to file affidavit in rejoinder, if he so
desires.

4. S.O. to 04.07.2024. The interim relief granted earlier in
the O.A. to continue till then.

5. O.A. No. 20/2024 be kept along with this matter.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 216/2024
(Sphoorti P. Bende Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 14.06.2024

ORAL ORDER :

Shri S.K. Chavan, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. In spite of sufficient opportunities the affidavit in reply is not filed by the respondents.
3. List the matter for hearing on 26.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 157 OF 2024
(Swapnil P. Kale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri Swaraj Tandale, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 24.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 89 OF 2018
(Sayeda Khalida Md. Naeem Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present. Shri S.R. Pande, learned counsel for respondent No. 3, is **absent**.

2. This is old matter of the year 2018. At the request of both the sides, S.O. to 26.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 921 OF 2018
(Shriram B. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri P.B. Salunke, learned counsel holding for Shri V.G. Salgare, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 26.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 922 OF 2018
(Hanshraj M. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri P.B. Salunke, learned counsel holding for Shri V.G. Salgare, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 26.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 923 OF 2018
(Shivaji M. Shelke Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri P.B. Salunke, learned counsel holding for Shri V.G. Salgare, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present. Shri Anuradha Mantri, learned counsel for respondent No. 4, is **absent**.

2. At the request of learned Presenting Officer, S.O. to 26.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 924 OF 2018
(Dhananjay P. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri P.B. Salunke, learned counsel holding for Shri V.G. Salgare, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 26.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 103 OF 2019
(Balkrishna R. Chhallare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri S.N. Suryawanshi, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, as a last chance, S.O. to 01.08.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 104 OF 2019
(Shaikh R. Shaifoddin Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri S.N. Suryawanshi, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, as a last chance, S.O. to 01.08.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 691 OF 2019
(Rajendra B. Potdar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Heard Shri S.P. Dhobale, learned counsel holding for Shri A.N. Gaddime, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Part heard.

3. At the request of learned Presenting Officer, S.O. to 03.07.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 939 OF 2019
(Dr. Yashwant S. Chavan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, as a last chance, S.O. to 01.08.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1026 OF 2019
(Keshav M. Soundarmal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Part heard.
3. S.O. to 03.07.2024 for further hearing.

MEMBER (J)

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

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri A.D. Gadekar, learned counsel holding for Shri A.D. Kawre, learned counsel for the applicant, Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri M.S. Mahajan, learned counsel for respondent No. 4, are present.

2. S.O. to 04.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1073 OF 2019
(Abdul Jabbar Abdul Rahim Shaikh & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22.08.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 210 OF 2020
(Suresh B. Hallikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri D.V. Khillare, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 19.08.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 369 OF 2020
(Uttam G. Salve Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

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

2. S.O. to 31.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 411 OF 2020
(Ashfaq Shahnoor Quraishi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 31.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 517 OF 2020
(Nandkishor K. Gupta Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Smt. Vidya Taksal, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present. Shri U.B. Bondar, learned counsel for respondent No. 3 and Shri R.V. Naiknaware, learned counsel for respondent No. 5, are **absent**.

2. As none present for the applicant, S.O. to 31.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 567 OF 2020
(Rajendra V. Marale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri P.M. Nagargoje, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 22.08.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 03 OF 2021
(Sudhir S. Pathak Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri D.K. Rajput, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 19.08.2024 for final hearing.

MEMBER (J)

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

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri D.K. Dagadkhair, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 24.06.2024.

MEMBER (J)

**O.A. Nos. 189, 214, 336, 365, 222 and 223 all of 2021
(Sakharam C. Kashid & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri Avinash Khedkar, learned counsel for the applicants in all these O.As., Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned counsel for respondent Nos. 2 and 3, are present.

2. S.O. to 29.07.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 14.06.2024

ORIGINAL APPLICATION NO. 20 OF 2020
(Shankar N. Kamble Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri J.M. Murkute, learned counsel for the applicant (**Absent**).

Heard Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer submits that the purpose of filing of the present Original Application is now served and nothing remains for further consideration in the same. This is old matter of the year 2020. Learned P.O. submits that the impugned order has been cancelled.

3. In view of above submissions, S.O. to 27.06.2024 as a last chance.

MEMBER (J)

ORIGINAL APPLICATION NO. 580 OF 2020
(Dr. Sunita Namdeo Pawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. The present Original Application is disposed of finally with the consent of both the sides.

3. By filing the present Original Application, the applicant is seeking direction to respondent No. 1 to decide the application of the applicant for grant of study leave from 07.09.2016 to 06.09.2018 and also seeking declaration that the applicant has resumed her duties on return from study leave on 07.09.2018 and he is entitled for all the service benefits like continuity in service, seniority, annual increment and arrears of salary along with the further declaration that the aforesaid period shall be declared as duty period for all the purposes.

4. Learned counsel for the applicant submits that by G.R. dated 03.01.2024, which is now placed before this Tribunal marked as document 'X' for identification, the case of similarly situated Medical Officers including the applicant has been considered and the period, which has been treated as break in service pertaining to the period of study leave has been cancelled. Learned counsel submits that however in para No. 2 of the said G.R. dated 03.01.2024 it is stated that so far as the said period of study leave availed unauthorizedly whether to be considered or not, the Commissioner, Health Services is directed to submit the appropriate proposal to the Government. However, till today no proposal has been submitted.

5. Learned counsel for the applicant submits that if the directions are given to the respondent No. 2 to submit the proposal in time bound manner with the further direction to the State Government to decide the said proposal as expeditiously as possible, the purpose of filing of the present Original Application will be served.

//3//

O.A. No. 580/2020

6. Learned Presenting Officer submits that in case such directions are given, the Government would be at liberty to decide the same on its own merits.

7. In view of above submissions, in terms of the G.R. dated 03.01.2024 particularly para No. 2, the respondent No. 2 i.e. the Commissioner, Public Health, Maharashtra State, Mumbai shall submit the appropriate proposal to the Government within a period of two months from the date of this order and upon submission of the proposal, the Government shall decide the same as expeditiously as possible and preferably within a period of further two months.

8. The Original Application is accordingly disposed of. No order as to costs.

MEMBER (J)

**Suo Moto Rev. 01 OF 2024 IN O.A. 584 OF 2022
(Balaji T. Kedare Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. The Review Application is closed for order.

MEMBER (J)

SAS ORAL ORDER 14.06.2024

ORIGINAL APPLICATION NO. 580 OF 2024
(Purushottam C. Dhawle Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Heard Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 09.08.2024.

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. 580/2024

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 09.08.2024.

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

MEMBER (J)

SAS ORAL ORDER 14.06.2024

M.A.NO. 334/2023 IN O.A.ST.NO. 744/2023
(Bansi S. Shejwal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri S.V. Salve, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 05.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 14.06.2024

**ORIGINAL APPLICATION NO. 398 OF 2022
(Yuvraj B. Dhamik Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 12.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 595 OF 2022
(Dr. Dinesh S. Ravtale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, Shri R.N. Jain, learned counsel for respondent Nos. 4, 5 & 6 and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 15.07.2024 for filing rejoinder/for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 22 OF 2023
(Sudhakar O. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 12.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 14.06.2024

ORIGINAL APPLICATION NO. 413 OF 2023
(Raosaheb S. Shirsath Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 12.08.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 698 OF 2017
(Jalmsing D. Valvi Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the respondent No.4 is shown in await service category. However, the respondent No.4 has filed separate reply.

3. Learned counsel for the applicant seeks time to file affidavit in rejoinder, if any. Time granted.

4. S.O. to 31.07.2024 for final hearing.

MEMBER (J)

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

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel holding for Shri S.D. Dhongde, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 02.08.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 333 OF 2023
(Bhagwan S. Gitte Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 23.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 78 OF 2023
(Mahesh B. Kavthale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Smt. R.L. Jakhade/Shri S.A. Kulkarni, learned counsel for the applicant, **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits that the affidavit in reply on behalf of respondents will be filed during course of the day.

3. S.O. to 31.07.2024 for filing affidavit in rejoinder, if any.

MEMBER (J)

SAS ORAL ORDER 14.06.2024

**ORIGINAL APPLICATION NO. 291 OF 2024
(Pramod K. Gode Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Ms. Megha Mali, learned counsel holding for Shri A.P. Avhad, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 3 to 5. The same is taken on record and copy thereof is given to other side.

3. Learned counsel for the applicant seeks time to file affidavit in rejoinder, if any. Time granted.

4. S.O. to 29.07.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 574 OF 2024
(Bajrang P. Bhosale Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Heard Shri O.D. Mane, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 09.08.2024.

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. 574/2024

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 09.08.2024.

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

MEMBER (J)

SAS ORAL ORDER 14.06.2024

ORIGINAL APPLICATION NO. 586 OF 2024
(Dr. Mahananda M. Jaybhaye-Munde Vs. State of
Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Heard Shri S.B. Patil, learned counsel for the applicant and Shri V.G. Pingle learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 12.08.2024.

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. 586/2024

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 12.08.2024.

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

MEMBER (J)

SAS ORAL ORDER 14.06.2024

ORIGINAL APPLICATION NO. 587 OF 2024
(Laxmi S. Bhadarge Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Heard Shri V.P. Kadam, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 26.07.2024.

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. 587/2024

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 26.07.2024.

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

MEMBER (J)

SAS ORAL ORDER 14.06.2024

ORIGINAL APPLICATION NO. 589 OF 2024
(Gangadhar N. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri A.A. Kokad, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Even though the circulation is taken, none present for the applicant.

3. S.O. to 23.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 592 OF 2024
(Arjun M. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Heard Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 26.07.2024.

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. 592/2024

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 26.07.2024.

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

MEMBER (J)

SAS ORAL ORDER 14.06.2024

ORIGINAL APPLICATION ST.NO. 1318 OF 2024
(Smt. Kalpana B. Pardeshi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. The office has raised the objection that the applicant has not filed the departmental appeal before the higher authority under Rule 17 (i) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979.

3. I have carefully perused the suspension order dated 06.06.2024. On the basis of report submitted by the Sub-Divisional Officer, Chalisgaon dated 15.02.2024, the suspension order seems to have been passed. Apparently there are no malafide in the suspension order.

4. In view of same, the applicant may approach the departmental appellate authority to seek his grievances as the alternate remedy is open to the applicant.

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5. In case of any adverse order in the departmental appeal, it is always open for the applicant to approach this Tribunal again.

6. In view of above, the Original Application is disposed of. No order as to costs.

MEMBER (J)

SAS ORAL ORDER 14.06.2024

ORIGINAL APPLICATION NO. 110 OF 2021
(Dr. Namdeo R. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Smt. Vijay Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. At the request of learned P.O., S.O. to 10.07.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 147 OF 2022
(Bhaskar D. Nelte Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. At the request of learned P.O., S.O. to 26.06.2024 for filing short affidavit as directed.

MEMBER (J)

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

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.
3. Leave to carry out amendment forthwith.
4. S.O. to 08.07.2024 for further hearing.

MEMBER (J)

**M.A.NO. 306/2021 IN O.A.ST.NO. 1305/2021
(Kiransingh A. Pal Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 3 & 4, are present.

2. At the request of learned counsel for respondent Nos. 3 & 4, S.O. to 06.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 14.06.2024

**M.A.NO. 307/2021 IN O.A.ST.NO. 1307/2021
(Trymbak V. Chaudhari Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel holding for Smt. Sunita D. Shelke, learned counsel for respondent Nos. 2 to 4., are present.

2. At the request of learned counsel for respondent Nos. 2 to 4, S.O. to 06.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 14.06.2024

ORIGINAL APPLICATION NO. 116 OF 2024
(Madhav A. Lokulwar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri J.M. Murkute, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. In the order dated 21.02.2024 it is observed by this Tribunal that the respondent No.2 is at liberty to decide the representation dated 11.01.2024 (Annexure 'A-9') submitted by the applicant about his transfer.

3. Learned Presenting Officer submits that by order dated 05.03.2024, the respondent No.3 has decided the said representation submitted by the applicant. The learned P.O. submits that the said order is placed on record and marked as Exh. 'R-2'.

4. On perusal of the said order it appears that in view of observations made in the order dated 21.02.2024, the respondent authorities have given the applicant his original posting at Parbhani. Therefore, it seems that the applicant has lost his interest in pursuing this matter.

5. S.O. to 15.07.2024 as a last chance for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 33 OF 2024
(Mayuresh M. Kendre Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri B.R. Kedar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. By order dated 23.06.2023 (Annexure 'A-1') the applicant came to be suspended and the applicant is still under suspension. Admittedly, no memorandum of charges/charge-sheet has been submitted against the applicant.

3. Learned Presenting Officer submits that the Review Committee has decided to continue with the suspension order.

4. Learned counsel for the applicant submits that, however, the Review Committee has taken the said decision on 29.02.2024 by violating the mandate of the ratio laid down by the Hon'ble Apex Court in a case of **Ajay Kumar Choudhary Vs. Union of India & Anr.**, reported AIR 2015 Supreme Court 2389.

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5. In view of above and since till date no departmental charge-sheet has been submitted against the applicant, learned P.O. is directed to take specific instructions in this regard and to see as to whether the applicant can be reinstated by revoking the suspension order forthwith.

6. S.O. to 24.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1031 OF 2023
(Dr. Pradeep M. Thakkarwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri S.S. Dambe, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. By impugned order dated 05.06.2023, the applicant came to be suspended. However, admittedly, till date no memorandum of charges/charge-sheet has been served on the applicant. The applicant is still under suspension.

3. Learned Presenting Officer submits that on 24.04.2024, the respondent No.3 has forwarded the proposal to respondent No.2 requesting therein for placing it before the Review Committee. However, it is still not placed before the Review Committee.

4. In terms of oral submissions made in this regard, *prima-facie* it appears that the mandate of the ratio laid down by the Hon'ble Apex Court in a case of **Ajay Kumar Choudhary Vs. Union of India**

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& Anr., reported AIR 2015 Supreme Court 2389, has not been considered by the respondent authorities.

5. In view of above and since till date no departmental charge-sheet has been submitted against the applicant, learned P.O. is directed to take specific instructions in this regard and to see as to whether the applicant can be reinstated by revoking the suspension order forthwith.

6. S.O. to 24.06.2024 for hearing.

MEMBER (J)

M.A.NO.409/2023 IN O.A.NO.551/2022
M.A.NO.410/2023 IN O.A.NO.552/2022
M.A.NO.411/2023 IN O.A.NO.554/2022
M.A.NO.412/2023 IN O.A.NO.555/2022
M.A.NO.413/2023 IN O.A.NO.556/2022
M.A.NO.414/2023 IN O.A.NO.557/2022
M.A.NO.415/2023 IN O.A.NO.559/2022
M.A.NO.416/2023 IN O.A.NO.561/2022
M.A.NO.417/2023 IN O.A.NO.562/2022
M.A.NO.418/2023 IN O.A.NO.563/2022
M.A.NO.419/2023 IN O.A.NO.564/2022
M.A.NO.420/2023 IN O.A.NO.565/2022
M.A.NO.421/2023 IN O.A.NO.566/2022
M.A.NO.446/2023 IN O.A.NO.550/2022
M.A.NO.447/2023 IN O.A.NO.553/2022
M.A.NO.448/2023 IN O.A.NO.560/2022
M.A.NO.449/2023 IN O.A.NO. 558/2022
M.A.NO. 486/2023 IN O.A.NO. 44/2021
Original Application No. 25 OF 2024

(State of Maharashtra & Ors. V/s. Raghoji Bele & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri A.P. Basarkar, learned Presenting Officer for the applicants in M.A. (original respondents), Shri R.L. Chintalwar, learned counsel for the respondents (Original Applicants) in M.A.No. 409/2023 to M.A.No. 417 of 2023, M.A. 446/2023, M.A. 447/2023, M.A. 448/2023, M.A. 449/2023, M.A. 486/2023 & O.A.25/2024 and Shri P.M. Shinde, learned counsel for the respondents (Original Applicants) in M.A.Nos. 418/2023 to M.A. 421/2023, are present.

2. At the request of learned P.O., time granted as a last chance for filing affidavit in reply to the Original Applications.

3. S.O. to 01.08.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 343 OF 2024
(Sitaram V. Inkare Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 to 3. The same is taken on record and copy thereof is given to other side.

3. S.O. to 26.07.2024 for filing affidavit in rejoinder, if any and for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 630 OF 2023
(Dr. Govind K. Reddy Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

J.S. Deshmukh, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel Shri U.B. Bondar submits that he has instructions to appear on behalf of respondent No.4 and submits that **VAKALATNAMA** on behalf of said respondent will be filed in the office during the course of the day.

3. Learned counsel for respondent No.4 submits that the reply of respondent No.4 i.e. the Chief Executive Officer, Zilla Parishad, Latur is not necessary.

4. Learned P.O. seeks time to file affidavit in reply on behalf of other respondents. Time granted.

5. S.O. to 31.07.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 339 OF 2022
(Shaharao A. Kakde Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, time granted for filing affidavit in rejoinder.

3. S.O. to 02.07.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 406 OF 2021
(Sajed M. Siddiqui Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.06.2024 for filing affidavit in rejoinder, if any.

MEMBER (J)

SAS ORAL ORDER 14.06.2024

ORIGINAL APPLICATION NO. 706 OF 2022
(Sahas T. Waghmare Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION ST.NO. 870 OF 2024
(Shila T. Waghmare @ Shila S. Shirse Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri P.G. Rodge, learned counsel for the applicant in O.A.No. 706/2022, Shri Sandip A. Wakle, learned counsel holding for Shri S.M. Kamble, learned counsel for the applicant in O.A.St.No. 870/2024/respondent No.4 in O.A.No. 706/2022 and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in both the O.As., are present.

2. Original Application No. 706/2022 is a part heard matter.

3. At the request of learned counsel for respondent No.4 in O.A.No. 706/2022 and for applicant in O.A.St.No. 870/2024, S.O. to 18.06.2024 as a last chance for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 568 OF 2020
(Shankar S. Waghmare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 19.08.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1061 OF 2019
(Kerba N. Jetewad Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri Vishal Rathod, learned counsel holding
Shri S.B. Patil, learned counsel for the applicant and
Shri A.P. Basarkar, learned Presenting Officer for
the respondent authorities, are present.

2. At the request of learned counsel for the
applicant, S.O. to 09.08.2024 for hearing.

MEMBER (J)

**M.A.NO. 379 OF 2023 IN O.A.NO. 97 OF 2020
(Tukaram V. Sanap Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri M.R. Andhale, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks time to file synopsis of events. Time granted.

3. S.O. to 31.07.2024.

MEMBER (J)

SAS ORAL ORDER 14.06.2024

**M.A.NO. 472 OF 2023 IN O.A.ST.NO. 1915 OF 2023
(Dr. Jyoti S. Deshmukh Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

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

2. Learned counsel for the applicant seeks time to file synopsis of events. Time granted.

3. S.O. to 30.07.2024.

MEMBER (J)

SAS ORAL ORDER 14.06.2024

ORIGINAL APPLICATION NO. 704 OF 2022
(Prakash S. Aghav Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 30.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 14.06.2024

**ORIGINAL APPLICATION NO. 473 OF 2022
(Satish V. Mote Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 09.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 14.06.2024

**ORIGINAL APPLICATION NO. 421 OF 2022
(Nandkishor V. Joshi Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri M.P. Gude, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 12.08.2024 for hearing.

MEMBER (J)

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

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding Shri G.J. Kore, learned counsel for the applicants and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicants seeks time to file affidavit in rejoinder. Time granted.

3. S.O. to 23.08.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

**O.A.NOS. 990, 991, 992 & 993 ALL OF 2023
(Rakesh M. Shirsath & Ors. Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant in all these matters and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. Learned P.O. submits that though he is ready to make oral submissions in all these matters, today he has received the communication from the department requesting therein time to file sur-rejoinder. Learned P.O. thus seeks time.

3. Learned counsel for the applicants submits that all the applicants had worked in the Tribal area for more than 3 years and due to interim order passed by this Tribunal, the applicants are still working in the Tribal area as their transfer orders not of place of their choice, have been stayed. Learned counsel for the applicants submits that the applicants have already exercised their right of

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choice transfers and if these places of transfer are filled-up in the general transfers of the year 2024, the very purpose of filing of this Original Application would be frustrated.

4. In view of above submissions, learned P.O. is directed to take specific instructions in this regard and file sur-rejoinder on the next date positively. The matters will be heard on the next date.

5. S.O. to 21.06.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 265 OF 2024
(Rajendra P. Sampate Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Shri Mahendra Gandle, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits the affidavit in reply on behalf of respondent No.2. The same is taken on record and copy thereof is given to other side.

3. Learned counsel for the applicant submits that though the respondent No.5 is duly served, inadvertently shown in await service category.

4. Learned P.O. submits that during course of the day the affidavit in reply on behalf of respondent Nos. 3 to 5 will be filed.

5. S.O. to 05.08.2024 for filing affidavit in rejoinder, if any and for hearing.

MEMBER (J)

**M.A.NO. 278/2023 IN O.A.ST.NO. 877 /2023
(Sunita S. Pophale Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that there is a delay of 5 years, if construed to have occurred in filing the Original Application, the same deserves to be condoned for the reason that the cause of action is recurring and the matter is still under consideration.

3. Learned counsel for the applicant submits that the applicant has filed the accompanying Original Application since he has not been extended the 7th Pay Commission pay scale. Learned counsel for the applicant pointed out that on 05.01.2022, the applicant has submitted the representation to the respondents seeking the benefit of 7th Pay Commission and in turn, the respondent No.4 has forwarded the said representation to the respondent No.3 on 15.06.2022.

//2// M.A.278/2023 In
O.A.St/ 877/2023

4. Learned counsel for the applicant submits that although the respondent No.2 undertook pay fixation of the applicant and has forwarded the proposal to Sub-Treasury Office, Kaij, Dist. Beed. However, nothing has been done thereafter in pursuance of said pay fixation proposal forwarded by respondent No.2.

5. Learned counsel for the applicant submits that though technically there is a delay in approaching this Tribunal by filing the Original Application, however, the applicant was placed under suspension and she has been reinstated in service by order dated 06.01.2020. The applicant was thus expected pay fixation thereafter within reasonable time, however, it was extended.

6. Learned counsel for the applicant submits that the delay, if any, is not intentional and deliberate. The applicant was prevented from sufficient cause including the outbreak of Covid-19 to approach this Tribunal after she has been reinstated by revoking the suspension order. Learned counsel for the applicant submits that thus the Misc. Application deserves to be allowed.

//3// M.A.278/2023 In
O.A.St/ 877/2023

7. Learned P.O. has strongly resisted the application on the ground that there is an inordinate delay in filing the Original Application for which no satisfactory explanation has been tendered by the applicant. There is no substance in the Misc. Application and the same is liable to be rejected.

8. It appears that the applicant has not been extended the 7th Pay Commission pay scale and therefore, the applicant has approached to this Tribunal belatedly. However, though the applicant has filed the representation in the year 2022, the said representation has been positively considered by the respondent No.4 and respondent No.3 in turn, however, nothing has been done in pursuance of the said pay fixation proposal thereafter. There is no deliberate or intentional delay as such. However, the applicant remained under suspension and by order dated 06.01.2020, he came to be reinstated in service. Thereafter the applicant was expecting the pay fixation within a reasonable time. However, the applicant could not approach this Tribunal immediately and thereafter due to outbreak of Covid-19 pandemic. Thus considering the entire aspect of

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the case, I am inclined to condone the delay subject to some costs. I compute the costs of Rs. 500/- (Five Hundred only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 278/2023 is allowed in following terms:-

- (A) The delay of 5 years caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 500/- (Five Hundred only). The amount of costs to be paid to the Bar Association of this Tribunal and after depositing the said amount, the applicant shall produce the receipt before the office of this Tribunal.
- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 877 /2023
(Sunita S. Pophale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 14.06.2024

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 14.08.2024.

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 14.08.2024.

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

MEMBER (J)

SAS ORAL ORDER 14.06.2024