

ORIGINAL APPLICATION NO. 676 OF 2022
(Balaji Babu Tekale & Ors. Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 14.08.2024

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. The present matter was reserved for orders, however, while dictating the judgment in the matter it was noticed that subsequent events having material impact on the subject matter were not brought on record and in the circumstances it was difficult to decide the said case on the basis of such incomplete information. The matter was, therefore, listed today for further consideration.

3. The learned counsel for the applicants after the Bench has expressed the concern about the subsequent events submitted that he will suitably amend the Original Application and will bring all the subsequent events and will also file necessary documents. Leave granted as prayed for.

4. S.O. to 27.08.2024.

MEMBER (A)

VICE CHAIRMAN

C.P. NO. 73/2023 IN O.A. NO. 620/2023
(Anita Jagdish Bhartilak Vs. The State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

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

2. When the present petition is taken up for consideration, the learned counsel for the applicant has tendered across the bar the copy of the communication dated 29.7.2024 between the Deputy Director of Health Services, Aurangabad and the Joint Director of Health Services, Pune. It is taken on record. The communication reveals that the Joint Director has given certain instructions to the Deputy Director of Health Services, Aurangabad in respect of giving appointment to applicant in the present petition. The another document pertains to vacancy position at Jalna.

3. Learned Presenting Officer has pointed out that despite giving an undertaking before this Tribunal that the applicant is not intending to sit on hunger strike, the applicant has continued the threats and has distributed certain pamphlets threatening to sit on hunger strike.

Said documents are taken on record and copies thereof are given to the learned counsel for the applicant.

4. The conduct as is revealing of the applicant is objectionable. When the proceedings is pending before the Tribunal, the applicant is not in fact expected to indulge in such activities. If the applicant is referring to any Court proceedings for sitting on hunger strike or for any other agitation, it is undesirable. The applicant is not present today before the Tribunal. Learned counsel is directed to communicate the applicant that if during pendency of the present Contempt Petition any such activity is undertaken by her referring to the orders passed by this Tribunal, the Tribunal may not hear the Contempt Petition any further.

5. The learned Presenting Officer shall take instructions and make submissions as about the communication dated 29.7.2024 on the next date.

6. S.O. to 2.9.2024.

7. Steno copy allowed for the use of learned Presenting Officer.

MEMBER (A)

VICE CHAIRMAN

**M.A. NO. 369/2024 IN ORIGINAL APPLICATION NO. 879 OF
2024**

(Omkes U. Jadhav & Ors. Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 14.08.2024

ORAL ORDER :

Shri R.W. Bagul, learned counsel holding for Shri Praveen Kamble, learned counsel for the applicants and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. On request of learned counsel for the applicants, S.O. to 30.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 14.08.2024-ARJ

M.A. NO. 356/2024 IN O.A. NO. 1047/2023
(Dr. Vasuda B. Musale Vs. The State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri Swaraj Tandale, learned counsel holding for Shri B.R. Kedar, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Present application is filed by the applicant to bring on record the events, which had occurred subsequent to filing of the Original Application. Learned counsel for the applicant submitted that all these events are having nexus with the contentions raised in the O.A., as well as, the prayers made therein.

3. Learned Chief Presenting Officer has submitted for passing appropriate orders. Hence, the following order:-

ORDER

- (i) The Misc. Application is allowed.
- (ii) The necessary amendment be carried out within one week and amended copy be given to other side.
- (iii) It would be open for the State authorities to submit their reply to the amended O.A.
- (iv) No order as to costs.

MEMBER (A)

VICE CHAIRMAN

O.A. NO. 1047/2023

(Dr. Vasuda B. Musale Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 14.08.2024

ORAL ORDER :

Shri Swaraj Tandale, learned counsel holding for Shri B.R. Kedar, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Issue notice to added respondent nos. 03 to 05, returnable on 14.10.2024.

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.

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 14.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

O.A.NOS. 28, 01 AND 02 ALL OF 2022
(Girish Bibave & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

S/shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel and K.G. Salunke, learned counsel for the applicants in all these matters and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. Learned Presenting Officer has submitted the entire seniority list of the year 2004. Same is taken on record and copy thereof has been given to other side.

3. List the matters for hearing on 29.08.2024. **Part heard.**

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 14.08.2024-ARJ

O.A. NOS. 445, 446, 447, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 494, 113, 114 ALL OF 2017, MA. NO. 325/2017 IN O.A. ST. 941/2017, M.A. NO. 36/2019 IN MA ST. 82/2019 IN OA ST. 83/2019, M.A. NO. 144/2019 IN O.A. ST. NO. 400/2019 (Marathwada Van Va Samajik Vanikaran Rojandari Va Kayam Kamgar Karmachari Va Sarva Shrami Sanghatana, Beed & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri G.R. Jadhav holding for Shri A.S. Shelke and Shri R.L. Chintalwar, learned counsel, learned counsel for the applicants in respective matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these matters are present. Shri S.S. Shinde, learned counsel for applicants in MA. NO. 325/2017 IN O.A. ST. 941/2017 **(absent)**.

2. S.O. to 23.08.2024. **High on Board.**

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 14.08.2024-ARJ

ORIGINAL APPLICATION NO.803/2024
(Pooja B. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Smt. Supriya Bhilegaonkar, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks time to file affidavit in reply. Time is granted.

3. S.O. to 28-08-2024.

MEMBER (A)

YUK ORAL ORDER 14.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.831/2021
(Anand B. Gayake Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 14.08.2024

ORAL ORDER :

Smt. Supriya Bhilegaonkar, learned Counsel for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities and Shri S.D. Joshi, learned Counsel for respondent no.8, are present.

2. Learned P.O. seeks time to file affidavit in reply. Request is opposed by the learned Counsel appearing for the applicant stating that the matter is of the year 2021 and since then it is pending for filing reply. Learned P.O. submits that no separate reply may be filed of respondent no.1 in view of the reply already filed by other State authorities. Learned Counsel for respondent no.8 seeks time to file affidavit in reply. Time is granted.

3. S.O. to 02-09-2024.

MEMBER (A)
YUK ORAL ORDER 14.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.460/2024
(Yadav S. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri Sayyad Tauseef Yaseen, learned counsel for the applicant has filed **leave note** on record. Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. On request of learned P.O., S.O. to 5-9-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 14.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.293/2024
(Anil Trimbakrao Vangujare Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

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

2. Not on board. Taken on board. Learned Counsel appearing for the applicant has tendered written purshis under the signature of the applicant seeking withdrawal of O.A. The purshis is countersigned by the learned Counsel. In view of the purshis so filed, following order is passed:

ORDER

O.A. stands disposed of since withdrawn without any order as to costs.

MEMBER (A)
YUK ORAL ORDER 14.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.556/2024
(Sanjay P. Patange Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri S.G.Kulkarni, learned Counsel holding for Shri Ajay Deshpande, learned counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submitted a short affidavit on behalf of respondent nos.2 and 3. Same is taken on record. He undertakes to serve copy of the same to the learned Counsel appearing for the applicant.

3. S.O. to 13-09-2024.

MEMBER (A)
YUK ORAL ORDER 14.08.2024

VICE CHAIRMAN

M.A.NO.277/2019 IN O.A.ST.NO.09/2019
(Kishan E. Vibhute & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri A.D.Kaware, learned counsel for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities and Shri R.D. Kulkarni, learned Counsel for respondent no.7, are present.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted as a last chance. If reply is not filed till next date, matter will be heard without reply of the respondents.

3. S.O. to 19-09-2024.

MEMBER (A)
YUK ORAL ORDER 14.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.312/2015
(Dr. Shiwani V. Sachdeva Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri P.G.Suryawanshi, learned Counsel holding for Shri S.B.Talekar, learned counsel for the applicant, Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri Avinash S. Deshmukh, learned Counsel for respondent no.4, Shri V.B.Wagh, learned Counsel for respondent no.5 and Shri R.P.Adgaonkar, learned Counsel for respondent no.6, are present.

2. On request of learned C.P.O., S.O.22-8-2024. Since the matter is of the year 2015, no adjournment will be granted on the said date.

MEMBER (A)
YUK ORAL ORDER 14.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.489/2022
(Dattatraya D. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri R.N.Bharaswadkar, learned counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. When the present matter is taken up for consideration, learned Counsel for the applicant submits that purpose of filing the present application is fulfilled and the applicant has been promoted. In view of the fact that the applicant is promoted, the purpose of filing O.A. is served. Hence, the following order:

ORDER

O.A. stands disposed of as purpose of filing O.A. is served. No order as to costs.

MEMBER (A)
YUK ORAL ORDER 14.08.2024

VICE CHAIRMAN

C.P.NO.61/2024 IN O.A.NO.944/2022
(Suresh D. Machal Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri Vishal P. Bakal, learned counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel has prayed for leave to correct the nomenclature of respondent nos.1 and 2. Leave granted. Necessary amendment be carried within a week.

3. After amendment is carried out, issue notice to the respondent no.2, returnable on 09-10-2024.

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 09-10-2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1010/2023
(Shubham B. Hingmire Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri Gajanan B. Kangne, learned Counsel holding for Shri P.S.Anerao, learned counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel appearing for the applicant seeks further time to carry out amendment. Granted. Necessary amendment be carried out during the course of day.

3. S.O. to 03-09-2024.

MEMBER (A)
YUK ORAL ORDER 14.08.2024

VICE CHAIRMAN

**M.A.NO.352/2024 IN O.A.NO.842/2024 WITH
CAVEAT NO.43/2024**
(Anand B. Rupnar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri S.D.Joshi, learned counsel for the applicants, Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri Avinash S. Deshmukh, learned Counsel for respondent nos.9 & 12 (Caveators), are present.

2. Present application is filed by around 25 applicants seeking permission to sue jointly. Applicant nos.1 to 10 are from this region whereas applicant nos.11 to 25 are the residents outside the jurisdiction of this Tribunal.

3. Hence, M.A. for sue jointly is allowed in so far as the applicant nos.1 to 10 are concerned. In so far as the applicant nos.11 to 25 are concerned, they are not precluded from approaching the appropriate bench. Sue jointly application is partly allowed. M.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 14.08.2024

O.A.NO.842/2024 WITH CAVEAT NO.43/2024
(Anand B. Rupnar & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 14.08.2024

ORAL ORDER :

Shri S.D.Joshi, learned counsel for the applicants, Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri Avinash S. Deshmukh, learned Counsel for respondent nos.9 & 12 (Caveators), are present.

2. Learned Counsel for applicants prays for leave to substitute appropriate G.R. in place of the G.R. wrongly placed on record. He also prays for leave to add and correct prayer clauses also. Leave as prayer for granted. Necessary corrections/ amendment be carried out before the next date.

3. S.O. to 19-08-2024.

MEMBER (A)

YUK ORAL ORDER 14.08.2024

VICE CHAIRMAN

M.A.NO.357/2024 IN O.A.NO.850/2024
(Shubham J. Hake & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri R.W.Bagul, learned Counsel holding for Shri Praveen B. Kamble, learned counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

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

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

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

MEMBER (A)
YUK ORAL ORDER 14.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.850/2024
(Shubham J. Hake & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri R.W.Bagul, learned Counsel holding for Shri Praveen B. Kamble, learned counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Issue notice to the respondents, returnable on 30-08-2024. **Appointments, if any, made in the meanwhile period shall be subject to outcome of this O.A.**

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 30-08-2024.

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

MEMBER (A)

VICE CHAIRMAN

M.A.NO.360/2024 IN O.A.NO.855/2024
(Krushna R. Chemte & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Smt. Poonam Bodke Patil, learned Counsel holding for Shri Pratik A. Bhosale, learned counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

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

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

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

MEMBER (A)
YUK ORAL ORDER 14.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.855/2024
(Krushna R. Chemte & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Smt. Poonam Bodke Patil, learned Counsel holding for Shri Pratik A. Bhosale, learned counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Issue notice to the respondents, returnable on 30-08-2024. **Appointments, if any, made in the meanwhile period shall be subject to outcome of this O.A.**

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 30-08-2024.

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

MEMBER (A)

VICE CHAIRMAN

M.A.NO.361/2024 IN O.A.NO.812/2024
(Yogesh B. Katkule & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri Amol B. Chalak, learned counsel for the applicants and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Present M.A. is filed by the applicants seeking their impleadment as party co-applicants in O.A.No.812/2024. Learned Counsel submits that, present applicants are seeking identical reliefs and raised identical issues. In the circumstances, to avoid multiplicity of litigation M.A. is allowed. Applicants in M.A. be impleaded as co-applicants in O.A.No.812/2024. Necessary amendment be carried out within a week.

3. S.O. to 30-08-2024.

MEMBER (A)
YUK ORAL ORDER 14.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.798/2024
(Shubhangi Tambade & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri Amol B. Chalak, learned counsel for the applicants and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 30-08-2024.

MEMBER (A)
YUK ORAL ORDER 14.08.2024

VICE CHAIRMAN

M.A.NO.362/2024 IN O.A.NO.860/2024
(Shankar D. Nilpatrewar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

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

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

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

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

MEMBER (A)
YUK ORAL ORDER 14.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.860/2024

(Shankar D. Nilpatrewar & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 14.08.2024

ORAL ORDER :

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

2. Registry has raised objection as about limitation. After having heard the learned Counsel and after having gone through the pleadings objection to that effect does not appear to be sustainable.

3. Hence, issue notice to the respondents, returnable on 09-10-2024.

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 09-10-2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.862/2024
(Dattatray C. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri Paresh B. Patil (Borse), learned counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Issue notice to the respondents, returnable on 09-10-2024.

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.

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 09-10-2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.864/2024
(Datta J. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri Mahesh Deshmukh, learned Counsel holding for Shri Ketan D. Pote, learned counsel for the applicant and Shri M.B.Bharaswadkar, learned Presenting Officer for the respondent authorities, are present.

2. Issue notice to the respondents, returnable on 09-10-2024.

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.

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 09-10-2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.727/2023
(Minatai A. Khillare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri S.G.Kulkarni, learned Counsel holding for Shri Ajay Deshpande, learned counsel for the applicants, Shri M.B.Bharaswadkar, learned Presenting Officer for the respondent authorities and Shri D.R.Irale Patil, learned Counsel for respondent no.5, are present.

2. On request of learned Counsel for the applicants, S.O. to 23-08-2024.

MEMBER (A)
YUK ORAL ORDER 14.08.2024

VICE CHAIRMAN

M.A.NO. 338/2024 IN O.A.ST.NO. 1249/2024
(Ramakant H. Nagargoje Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Heard Shri G.J. Pahilwan, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents in M.A., returnable on 14.10.2024.

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// M.A. 338/2024 in
O.A.St. 1249/2024

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 14.10.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 859 OF 2024
(Shaikh Abrar Abdul Khaudoos Gani Vs. State of
Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

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

2. The office has raised the objection that the Original Application is barred by limitation.

3. Learned counsel for the applicant seeks time to file an application seeking condonation of delay. Time granted.

4. S.O. to 28.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 869 OF 2024
(Asha D. Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant has pointed out that the applicant after completion of his tenure as Naib Tahasildar by order dated 31.07.2024 came to be transferred from Naib Tahasildar (Revenue-II), Tahasil Office, Kej, Dist. Beed to Naib Tahasildar (Revenue -I), Tahasil Office, Kej, Dist. Beed in the place likely to be vacated on account of transfer of one Mr. Dhas.

3. Learned counsel for the applicant submits that by order dated 09.08.2024 the respondent No.1 has stayed the said transfer order. Meanwhile, the said Mr. Dhas has joined the place of his transfer and the applicant has also joined the post vacated by Mr. Dhas.

//2//

O.A. 869/2024

4. Learned counsel for the applicant submits that in terms of this stay order, the applicant is yet not relieved. **In view of same, the respondents are directed to maintain the status quo as on today till the next date of hearing.**

5. Issue notice to respondents, returnable on 29.08.2024.

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

7. 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.

8. 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.

9. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of

//3// O.A. 869/2024

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

10. S.O. to 29.08.2024.

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

MEMBER (J)

SAS ORAL ORDER 14.08.2024

ORIGINAL APPLICATION NO. 399 OF 2024
(Vijay L. Chavan Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 436 OF 2024
(Ashok R. Kashid Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned counsel for the applicants in both the O.As. and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities in both the O.As.

2. At the request of learned counsel for the applicants, S.O. to 26.08.2024 for hearing **in urgent admission category**.

3. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 435 OF 2024
(Ganesh P. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 26.08.2024 for hearing **in urgent admission category**.

3. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 626 OF 2018
(Dilip S. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri Sanket N. Suryawanshi, 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. Learned P.O. seeks short adjournment to comply with the directives issued in the order dated 29.07.2024. Adjournment granted.
4. S.O. to 27.08.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 781 OF 2018
(Suryakant M. Garude & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

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

2. This is a part heard matter.

3. Learned P.O. has placed before this Tribunal a copy of communication dated 08.08.2024. The same is taken on record and marked as document 'X' for the purpose of identification.

4. On perusal of the same it appears that though the Hon'ble Supreme Court has finally decided the matter in favour of the applicants O.A.Nos. 704/2017 and 749/2017, however at present the State has preferred the Review Petition bearing Nos. 30407/2024 and 30409/2024 and said Review Petitions are still pending before the Hon'ble Supreme Court.

5. In view of same, list the matter for further hearing on 09.10.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 795 OF 2022
(Dr. Vishwanath S. Biradar Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

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

2. This is a part heard matter.
3. Learned P.O. seeks time to file reply to the amended O.A. Time granted.
4. S.O. to 29.08.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 422 OF 2021
(Satish A. Trimukhe Vs. State of Maharashtra & Ors.)**

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

DATE : 14.08.2024

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 27.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 425 OF 2023
(Dinesh R. Choudhary Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

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.

2. At the request of learned counsel for the applicant, S.O. to 10.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 674 OF 2023
(Vithal H. Awale Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri D.S. Bhapkar, learned counsel holding for Shri S.L. Bhapkar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicant, S.O. to 10.10.2024 for hearing.
3. Interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 593 OF 2024
(Rama C. Hawaka Vs. State of Maharashtra & Ors.)**

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

DATE : 14.08.2024

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.

2. At the request of learned counsel for the applicant, S.O. to 21.08.2024 for hearing.

MEMBER (J)

**M.A.NO. 529/2019 IN O.A.ST.NO. 1650/2019
(Gurunath S. Purohit Vs. State of Maharashtra & Ors.)**

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

DATE : 14.08.2024

ORAL ORDER :

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

2. None present for the applicant.

3. S.O. to 16.10.2024 as a last chance for hearing.

MEMBER (J)

SAS ORAL ORDER 14.08.2024

M.A.NO. 394/2023 IN O.A.ST.NO. 1553/2023
(Gajanan S. Khade Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Heard Shri A.D. Gadekar, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. There is a delay of 6 years and 7 months caused for filing the Original Application.

3. Learned counsel for the applicant submits that the applicant came to be appointed as a Junior Engineer in Public Works Department in the year 1978 and lastly he was promoted on the post of Executive Engineer. In the year 2013, one Anti-Corruption raid was conducted and the applicant was trapped in the said Anti-Corruption raid. The applicant was also arrested in the said crime and released on bail. In consequence of that the Crime No. 3040/2014 came to be registered against the applicant so also another crime is also registered against the applicant.

4. However, due to registration of two crimes, the applicant came to be suspended by order dated

//2// M.A. No. 394/2023 in
O.A. St. No. 1553/2023

24.09.2013. However, on 31.12.2014 the applicant came to be retired. The applicant has also made representation for revocation of his suspension before his retirement, however, no decision was taken on the said representation. The applicant has made the representation to respondent No.1 on 26.12.2022 stating therein that 8 years period is over after his retirement but the departmental enquiry is not concluded and finalized so also the suspension period is not decided and the increment which was due in July, 2014 is not released. Learned counsel for the applicant submits that as per the registration of the said two crimes, the criminal cases are pending against the applicant. Further two departmental enquiries came to be initiated against the applicant out of which one departmental enquiry came to be concluded in the year 2024. However, the second enquiry even after 8 years of retirement is still going on. The second enquiry is common enquiry against 20 persons and so far, the said enquiry has been concluded against the 13 delinquents.

//3// M.A. No. 394/2023 in
O.A. St. No. 1553/2023

5. Learned counsel for the applicant submits that though the delay is counted from the date of his retirement, however, no order has been passed in connection with the retirement benefits of the applicant and his suspension period and the applicant has approached this Tribunal for the said relief. Learned counsel for the applicant submits that thus the cause of action is continuous one and there is no intentional or deliberate delay as such.

6. Learned Presenting officer has strongly resisted the application on the ground that there is an inordinate delay for which no satisfactory explanation has been tendered by the applicant. Learned P.O. submits that there is no substance in the Misc. Application seeking condonation of delay and the same is liable to be rejected.

7. Though the delay appears to have been counted from the date of retirement of the applicant, however, till this date neither one of the departmental enquiry is concluded nor criminal cases pending against the applicant have been disposed of. Though the applicant came to be retired 8 years back, however, no decision has been

//4// M.A. No. 394/2023 in
O.A. St. No. 1553/2023

taken about his suspension period and increment which was due in the month of July, 2014. The applicant has approached this Tribunal challenging the said departmental enquiry which is still not concluded for the reason that the same cannot be concluded after the period of 8 years of retirement of the applicant.

8. In view of above, I agree with the submissions made on behalf of applicant by his learned counsel that there is a continuous cause of action. Thus considering the prayer made in the Original Application, there is no intentional or deliberate delay as such in approaching this Tribunal.

9. Thus, considering the entire aspect of the case, I am inclined to condone the delay caused in filing the accompanying Original Application subject to payment of costs of Rs. 1,000/- by the applicant. Hence, the following order:-

ORDER

- (i) The Misc. Application No. 394/2023 is hereby allowed.

//5// M.A. No. 394/2023 in
O.A. St. No. 1553/2023

- (ii) The delay of 6 years and 7 months caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 1,000/- (One Thousand Only) to be paid by applicant. The amount of costs shall be paid to the M.A.T. Bar Association within a period of one month from the date of this order.
- (iii) 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.
- (iv) The M.A. No. 394/2023 is accordingly disposed of.

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 1553/2023
(Gajanan S. Khade Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Heard Shri A.D. Gadekar, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 11.11.2024.

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.St. 1553/2024

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 11.11.2024.

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

MEMBER (J)

SAS ORAL ORDER 12.08.2024

M.A.NO. 39/2024 IN O.A.ST.NO. 221/2024
(Ravindra V. Pathak Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri A.R. Jadhav, learned counsel holding for Shri A.B. Rajkar, 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 09.10.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 14.08.2024

M.A.NO. 49/2024 IN O.A.ST.NO. 1148/2021
(Manoranjan M. Gatkal Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri Sunil Nimbalkar, learned counsel holding for Shri Amol S. Gandhi, 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 seeks time to file affidavit in rejoinder. Time granted.
3. S.O. to 14.10.2024 for filing rejoinder, if any/for hearing.

MEMBER (J)

SAS ORAL ORDER 14.08.2024

M.A.NO. 144/2024 IN O.A.NO. 412/2024
(Sumedh D. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri D.S. Bhapkar, learned counsel holding for Shri Pratap B. Vikhe, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri K.S. Solanke, learned counsel for respondent Nos. 4 to 6, are present.

2. By consent of parties, S.O. to 28.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 14.08.2024

**M.A.NO. 323/2024 IN M.A.NO. 280/2022 IN
O.A.ST.NO. 435/2022
(Vedant V. Joshi Vs. State of Maharashtra & Ors.)**

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

DATE : 14.08.2024

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. Learned P.O. seeks time to file reply in M.A.No. 323/2024 seeking amendment in O.A. Time granted.

3. S.O. to 04.09.2024.

MEMBER (J)

SAS ORAL ORDER 14.08.2024

M.A.NO. 368/2024 IN O.A.NO. 199/2021
(Ravindra N. Kshirsagar Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Heard Shri G.J. Pahilwan, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. By order dated 05.12.2023 this Tribunal has dismissed the O.A.No. 199/2021 in default as the matter is of the year 2021 challenging the minor punishment.

3. By filing this Misc. Application the applicant is seeking condonation of delay caused in filing the restoration application and also seeking restoration of O.A.No. 199 of 2021, which came to be dismissed in default on 05.12.2023.

4. Learned counsel for the applicant submits that though the O.A.No. 199/2021 was on the board dated 05.12.2023, however on that day the counsel representing the applicant was out of station. Though the learned counsel on record was instructed to his junior to attend the matter, however, his junior failed to attend the same.

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Learned counsel for the applicant submits that the applicant came to be retired from service in the month of February, 2024. Learned counsel for the applicant submits that he is ready to work out the matter on the next date.

5. Learned counsel for the applicant submits that though there is a delay in filing the restoration application, however, in the interest of justice, the same may be condoned and the Original Application may be restored to its original position.

6. Learned Presenting Officer for the respondents submits that the appropriate order may be passed.

7. This Original Application is of the year 2021. On 05.12.2023 the learned counsel representing the applicant remained absent and therefore, the matter came to be dismissed in default. However, the applicant is now retired person and he has challenged the minor punishment imposed upon him by filing the Original Application. Though there is a delay of 4 months and 5 days caused in filing the restoration application, however, in the interest of justice, the same is condoned and matter is restored with the sole condition that the learned

//3//

counsel for the applicant shall work out the matter on the next date so also subject to costs. Hence, the following order:-

ORDER

The Misc. Application No. 368/2024 is allowed in following terms:-

- (A) The delay of 4 months and 5 days caused in filing the restoration application is hereby condoned and the order dated 05.12.2023 passed by this Tribunal in O.A.No. 199/2021 is hereby re-called 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.
- (C) Upon satisfaction of the costs as above, the O.A.No. 199/2021 be restored to its file.
- (D) The Misc. Application No. 368/2024 is accordingly disposed of.
- (E) The Original Application to come up on board on 15.10.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 721 OF 2017
(Subhash K. Parlikar Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Smt. S.A. Dhongde (Upadhyay), 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 28.08.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 158 OF 2018
(Dr. Yogesh U. Sathe Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri D.S. Mutalik, learned counsel holding for Shri A.S. Deshpande, 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 28.08.2024 for final hearing.

MEMBER (J)

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

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

DATE : 14.08.2024

ORAL ORDER :

Shri A.R. Jadhav, learned counsel holding for Shri A.B. Rajkar, 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 09.10.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 14.08.2024

ORIGINAL APPLICATION NO. 514 OF 2023
(Sunil A. Malkar Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri M.J. Sharma, learned counsel holding for Shri Mohit R. Deshmukh, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

Shri V.A. Bagal Patil, learned counsel for respondent No.5, is **absent**.

2. Learned counsel for the applicant submits that the applicant is not willing to file any rejoinder.

3. Pleadings completed. List the matter for admission hearing on 20.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 580 OF 2023
(Nilkant P. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

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. Even though the last chance is granted, no reply has been filed on behalf of respondents.

3. In view of above, list the matter for admission hearing on 08.10.2024 with liberty to other side to file reply, if any, till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 552 OF 2024
(Gajanan N. Swami Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

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. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 2 to 4. The same is taken on record and copy thereof is given to other side.

3. Learned P.O. submits that the respondent No.1 is going to adopt the affidavit in reply filed by respondent Nos. 2 to 4.

4. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 30.09.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 654 OF 2024
(Vaishnavi Wd/o V. Dhauskar & Anr. Vs. State of
Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned P.O. appears for all the respondents and seeks time.

3. Learned counsel for the applicants submits that the applicants are willing to place this matter before the ensuing **Lok Adalat**.

4. Learned P.O. submits that this matter may be listed in the group of matters with the similar issue of substitution in compassionate appointment.

5. In view of above, list this matter before the ensuing **Lok Adalat**.

6. Learned counsel for the applicants shall submit the consent under his signature and file the consent of the applicant at the appropriate time.

MEMBER (J)

M.A.NO. 83/2024 IN O.A.ST.NO. 288/2024
(Rama C. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, 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 for filing affidavit in reply on behalf of respondents.
3. S.O. to 04.09.2024.

MEMBER (J)

SAS ORAL ORDER 14.08.2024

M.A.NO. 113/2024 IN T.A. 07/2024 (W.P.No. 687/2024)
(Yusufkhan B. Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

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

2. Learned P.O. submits affidavit in reply on behalf of respondent No.4 along with spare copy for the applicant. The same is taken on record.

3. Learned P.O. submits that the other respondents are adopting the affidavit in reply filed by respondent No.4.

4. List the matter for filing affidavit in rejoinder, if any and for hearing on 08.10.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 164 OF 2021
(Balu A. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 14.08.2024

ORAL ORDER :

Ms. Preeti R. Wankhade, 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 22.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 14.08.2024

**1. M.A.NO. 168 OF 2024 IN O.A.NO. 23 OF 2024
(Sachin V. Ingalkar & Ors. Vs. State of Maharashtra & Ors.)**

**2. M.A.NO. 169 OF 2024 IN O.A.NO. 1021 OF 2023
(Priyanka S. Sanap Vs. State of Maharashtra & Ors.)**

**3. M.A.NO. 170 OF 2024 IN O.A.NO. 24 OF 2024
(Vasundhara N. Wahtule & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 14.08.2024

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned counsel for the applicants in all these matters and Shri D.M. Hange, learned Presenting Officers for the respondent authorities in all these matters.

None present for respondent No.4 in M.A. 168/2024 in O.A.No. 23/2024.

2. Not on board. Taken on board.

3. Learned counsel for the applicants submits that the applicants are willing to place these matters before the ensuing **Lok Adalat**. Learned counsel for the applicants submits that the applicants are ready to submit the consent form.

4. Learned P.O. submits that all these three matters may be listed in the group of matters having raised with the similar issue.

5. In view of above, list all these three matters before the ensuing **Lok Adalat**.

MEMBER (J)

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

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

DATE : 14.08.2024

ORAL ORDER :

Heard Shri I.D. Maniyar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Part heard.
3. S.O. to 28.08.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 247 OF 2023
(Samadhan B. Shirsath Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, 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 14.10.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 499 OF 2023
(Yamunabai M. Choudhari Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri Ashish Hazari, learned counsel holding for Shri Datta Amadake, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks short adjournment to comply with the directions issued in the order dated 05.07.2024. Adjournment granted.

3. S.O. to 26.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 607 OF 2023
(Gajanan B. Borse Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash 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, S.O. to 18.09.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 736 OF 2023
(Ushabai P. Tupe Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Heard Shri Akshay S. Tilve, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. The Original Application is hereby allowed. The reasons would follow.

MEMBER (J)

ORIGINAL APPLICATION NO. 737 OF 2023
(Devidas S. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri S.B. Ghatol Patil, 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 16.10.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 907 OF 2023
(Satish S. More Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri V.P. Savant, 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 16.10.2024 for hearing.

MEMBER (J)

**O.A. Nos. 939, 940, 941, 942, 943 & 944 all of 2023
(Dr. Yogesh M. Borse & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 14.08.2024

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicants in all these O.As. and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. At the request of learned Presenting Officer, S.O. to 04.09.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 14.08.2024

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 : 14.08.2024

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. Learned Presenting Officer has placed on record a copy of communication dated 13.08.2024 received from respondent No. 1. Same is taken on record and marked as document 'X' for identification. On perusal of the same, it appears that in terms of the order dated 02.07.2024 passed by this Tribunal, the proposal has been submitted to the competent authority for revocation of suspension of the applicant and two weeks' time is required to pass appropriate orders. Learned Presenting Officer thus seeks time.

3. Learned counsel for the applicant has no objection for the same.

4. Time granted. S.O. to 30.08.2024 for hearing.

MEMBER (J)

T.A. No. 08/2024 (W.P. No. 693/2024)
(Bhimrao K. More Vs. State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Shri V.H. Patil, 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 17.10.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 14.08.2024

ORIGINAL APPLICATION NO. 1094 OF 2023
(Pradip Madhavrao Chandanshive Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 14.08.2024

ORAL ORDER :

Heard Shri A.P. Yenegure, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel appearing for the applicant, issue fresh notice to the respondents, returnable on 11.10.2024.

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.

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 11.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 523 OF 2022
(Gajanan S/o Yadav Bansode Vs. The State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

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

2. When the present matter is taken up for consideration, learned counsel for the applicant has tendered across the bar copy of the representation submitted by the applicant to respondent No. 3, on 28.02.2024. Learned counsel for the applicant submits that in view of the averment taken by the respondents in paragraph No. 11 of their affidavit in reply the applicant has now decided to pursue the matter with the authorities. Learned counsel, on instructions, therefore has submitted for disposing of the O.A. by giving liberty to the applicant to pursue his representation dated 28.02.2024 and direct the respondents to consider the said representation on its own merits.

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

4. In the circumstances without going into the merits of the O.A. we deem it appropriate to dispose of the present Original Application with the following order: -

ORDER

(i) Respondent No. 3 may consider the representation dated 28.02.2024 submitted by the applicant on its own merits and communicate the decision to the applicant.

(ii) The Original Application stands disposed of in the above term. There shall be no order as to costs.

MEMBER (A)

ORAL ORDER 14.08.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 867 OF 2024
(Tanvir Haroon Shaikh Vs. The State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. The applicant had applied for the post of Police Constable claiming reservation meant for EWS category. The applicant claims to be falling in the said category. Total 111 posts were advertised, out of which 11 posts were reserved for EWS category. In addition to the EWS reservation the applicant was also seeking benefit of being Home Guard. Among those posts 01 post was reserved for Home Guard candidate. It is the grievance of the applicant that though he secured 111 marks in the written + physical test, he has not been selected against the post reserved for EWS Home Guard and instead respondent No. 3 who has secured less marks i.e. 106 marks has been recommended and selected for the said post.

3. Shri R.A. Joshi, learned counsel for the applicant submitted that the applicant was surprised to read the list of the recommended candidates when he did not find his name in the said list. The applicant was unaware of the reasons why he has not considered and hence he made an application to respondent No. 2 on 29.07.2024. On making such application respondent No. 3 orally informed the applicant that since in the copy of the School Leaving Certificate filed on record by the applicant his caste was shown as 'Chhapparband', he was not considered for EWS reservation.

4. It is the contention of the applicant that he tried to convince the respondents that his caste shown in the School Leaving Certificate as 'Chhapparband' is mistake on the part of the School authorities and he never claimed his caste to be 'Chhapparband'. In spite of that when respondents refused to consider the request of the applicant, he first approached the School authorities but did not get any positive response by them. The applicant thereafter filed W.P. No. 8146/2024 before the

Hon'ble High Court. The Hon'ble High Court directed respondent No. 1 in the Writ Petition i.e. Zilla Parishad, Primary School, Kausadi Taluka Jintur to forward the application of the applicant to the Educational Officer, Zilla Parishad, Parbhani for his decision. Accordingly it was forwarded and the Educational Officer has directed to make appropriate correction in the School Leaving Certificate of the applicant. Learned counsel pointed out that the latest School Leaving certificate issued by the School authority is filed on record, wherein caste of the applicant is now shown as 'Musalman'.

5. Learned counsel for the applicant submitted that the respondent Nos. 1 & 2 have already selected respondent No. 3 and he is called for the document verification. Learned counsel submitted that hereinafter any point of time appointment order is likely to be issued. Learned counsel, in the circumstances, prayed that respondent No. 2 be restrained from issuing order of appointment in favour of respondent No. 3 until decision of the present Original Application.

6. Learned Presenting Officer has sought time to take instructions and then to file affidavit in reply to the present Original Application. Learned P.O. however, opposed to grant any interim relief stating that apparently no fault can be found on the part of respondent No. 2 or respondent No. 1 in rejecting the candidature of the applicant. Learned Presenting Office submitted that in the circumstances, no case is made out for grant of any interim relief.

7. After having considered the submissions made by the learned counsel appearing for the applicant and learned Presenting Officer appearing for the respondent authorities and after having gone through the documents placed on record, we are convinced that the applicant has made out a *prima facie* case. Respondent Nos. 1 & 2 have not considered the candidature of the applicant only on the ground that in his School Leaving Certificate his caste is shown as 'Chhapparband' and, as such, he may not fall within the EWS category. As has come on record now in the School Leaving Certificate caste of the applicant is corrected and is shown as

‘Musalman’. The corrected School Leaving Certificate is placed on record by the applicant. *Prima facie*, therefore, there seems no difficulty in considering the candidature of the applicant from EWS category. Respondent No. 3 from the said EWS Home Guard category is already selected, however, as has been submitted by the learned counsel appearing for the applicant appointment order has not yet been issued in favour of respondent No. 3. In the facts and circumstances as above, we deem it appropriate to pass the following order: -

ORDER

(i) Issue notice to the respondents, returnable on 10.09.2024. **Till then respondent No. 2 shall not issue order of appointment in favour of respondent No. 3. Learned P.O. shall communicate this order to the concerned respondents by fastest mode of communication.**

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

(iii) 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.

(iv) 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.

(v) 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.

(vi) S.O. to 10.09.2024.

(vii) Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 40 OF 2019
(Manisha R. Jadhav Vs. The State of Maharashtra & Ors.)

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

DATE : 14.08.2024

ORAL ORDER :

Heard Shri A.S Deshmukh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the applicant is willing to place this matter before the ensuing **Lok Adalat**.

3. Learned P.O. submits that this matter pertains to study leave and it be listed in the group of matters with the similar issue of study leave.

4. In view of above, list the matter before the ensuing **Lok Adalat**.

5. Learned counsel for the applicant shall submit the consent under his signature and file the consent of the applicant at the appropriate time.

MEMBER (A)
ORAL ORDER 14.08.2024-HDD

VICE CHAIRMAN